

AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION
Monday, September 19, 2016
7:00 p.m.
Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **SPECIAL ORDERS OF BUSINESS**

a. Swearing In – Keizer Police Officer Roland (RJ) Farrens

b. Recognition of 2015-2016 Youth Councilor Siri Scales

5. **COMMITTEE REPORTS**

6. **PUBLIC TESTIMONY**

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

7. **PUBLIC HEARINGS**

8. **ADMINISTRATIVE ACTION**

a. Remand of Comp Plan/Zone Change/Lot Line Adjustment 2014-11 (Herber)

9. **CONSENT CALENDAR**

a. RESOLUTION – Authorizing City Manager to Sign Contract with Aramark

- b. RESOLUTION – Authorizing the City Manager to Enter Into Lease Agreement with Neopost USA Inc. for City Postage Machine
- c. Approval of September 6, 2016 Regular Session Minutes

10. COUNCIL LIAISON REPORTS

11. OTHER BUSINESS

This time is provided to allow the Mayor, City Council members, or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.

12. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

13. AGENDA INPUT

September 26, 2016 - 5:45 p.m. – City Council Work Session

- Storm Water Permit Update

October 3, 2016 - 7:00 p.m. – City Council Regular Session

October 10, 2016 - 5:45 p.m. – City Council Work Session

October 12, 2016 - 6:00 p.m. – City Council Special Session with City of Salem, Marion County, and Polk County

- Urban Growth Boundary Issue Pertaining to Willamette River Crossing

October 19, 2016 - 7:00 p.m. – City Council Regular Session

14. ADJOURNMENT

Upon request, auxiliary aids and/or special services will be provided. To request services, please contact us at (503)390-3700 or through Oregon Relay at 1-800-735-2900 at least two working days (48 hours) in advance.

COUNCIL MEETING: September 19, 2016

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: CHIEF JOHN TEAGUE
KEIZER POLICE DEPARTMENT

SUBJECT: INTRODUCTION OF OFFICER ROLAND (RJ) FARRENS

ISSUE:

As the result of a recruitment process concluded earlier this year, RJ Farrens was hired as a full time police officer. Officer Farrens earned his JD at Willamette Law School and clerked at the Marion County DA's office. Prior to being hired at Keizer PD, he was a civil attorney. He graduated from the 16 week basic police academy earlier this month. RJ lives in Keizer with his family.

Please join us in congratulating and welcoming Officer Farrens to the Keizer Police Department.

wjb

COUNCIL MEETING: September 19, 2016

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS
THROUGH: CHRIS EPPLEY, CITY MANAGER
THRU: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR
FROM: SHANE WITHAM, ASSOCIATE PLANNER

SUBJECT: REMAND OF CP/ZC/LLA 2014-11

ATTACHMENTS:

- Staff report for June 20, 2016 Council Meeting
- Exhibit 112-117: Exhibits submitted at June 20, 2016 Council meeting.
- Exhibit 118-123: Exhibits submitted after June 20, 2016 and before August 1, 2016.
- Exhibit 124-130: Exhibits submitted between August 1, 2106 and August 29, 2016.
- Exhibit 131: Applicant's final rebuttal submitted September 6, 2016.
- Staff's recommended Conditions of Approval.

BACKGROUND:

On June 20, 2016 the City Council closed the public hearing of the Remand of Comprehensive Plan/Zone Change/ Lot Line Adjustment case (planning file number 2014-11) on a 7.5 acres property located in the 4800 block of Verda Lane owned by the Herber family. While the public hearing was closed, the record was left open until Aug 1, 2016 for anyone wishing to provide additional evidence, arguments or testimony. Additionally, Council established a rebuttal period until August 29. The applicant was then allowed to submit final comments, but not evidence on September 6. Staff has attached to this recommendation, organized by these time periods, all exhibits submitted for Council's consideration.

It is important to point out the public hearing was a de novo (new) public hearing which allowed any issue regarding the application to be raised, as opposed to only the issues in which the Council previously determined the applicant had not met their burden of proof. The Council's previous decision to deny the original application was based on the factors of *need, impact, and traffic*. These issues were addressed in the staff report of the June 20 Council hearing which addressed these issues, and recommended approval based on the revisions made by the applicant.

While most of the concerns and opposition raised at the June 20, 2016 hearing, and those subsequently submitted, correlate directly or indirectly to those factors, it should be noted that some additional issues were raised regarding the proposal. These concerns are found within the exhibits attached to this recommendation. Some of the new areas of concern raised in the hearing and submittals are related to flooding, schools, the desire to use the property as a park, and the historic nature of the existing home on the property. Staff would offer the following information to council:

- The School District is independent of the City of Keizer and is able to adjust their boundaries as needed. The information they have provided is based on their information and is not provided by the applicant.

- Recent court decisions will affect the administration of the Flood Plain Management program in the future, however this will not change the boundaries of the flood zones and the proposed development is outside of the floodplain boundary.
- The applicant is offering, and staff is recommending conditioning the proposal to include deeding or dedicating the significant area below the developed area to the city for public use.
- The Historic nature of the home is significant and staff is recommending the issue be addressed as discussed below.

The applicant's final summary submitted September 6, 2016 attempts to address these issues and the testimony received during the extended comment period. The applicant's final summary also proposes conditions to help offset and/or mitigate the concerns raised by those through the public process. Staff feels the applicant's proposed conditions have tried to address the concerns raised regarding the impact this development may have on the surrounding neighborhood. However, staff is recommending modifications to the applicant's proposed conditions, as outlined in the attachment provided, that are more stringent and specific to address impacts.

Additionally, staff is recommending a condition to allow efforts to be made for the preservation of the historic house. The applicant accurately points out the house has not formally been designated a historic structure and ascertains, "... *the status of the "house" is not a criteria included in the City of Keizer Development Code relative to the comprehensive plan/zone change process.*" Staff feels however, this is an over-simplification of the criteria outlined in the KDC and believes it would be irresponsible and inconsistent with the goals and policies of the Comprehensive Plan to simply dismiss the fact there is evidence of historic significance of the existing home that may be worthy of preservation. KDC Section 3.109.04.B (Criteria for Approval) states the application must show: "*Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.*"

Historic and Cultural Resource Policies are contained within the Comprehensive Plan. The first policy listed is: to "*Protect and encourage the preservation of cultural and historic resources that may be identified in the future.*" Since the issue of the historic nature of the structure has been brought before Council, and taking into consideration the State Historic Preservation Office (SHPO) letter of August 5, 2014 referred to by the applicant, staff feels there is clearly evidence of the historic nature of the home, and that it is prudent to at least encourage and allow for the possible preservation of such a structure. The Comprehensive Plan also lists as a policy: "*Ensure the preservation of officially listed historical sites and structures by criteria contained in Historical Landmark Overlay Zone chapter of the Keizer Development Code.*" Staff agrees with the applicant that it is not a direct requirement for the house to be preserved because the structure has not been listed or designated.

The applicant points out the fact (Exhibit 122) that historic structures are often moved to public lands, and that this structure is potentially eligible for listing on the National Historic registry, as well as the fact this structure is currently not on any such list officially. In the applicant's opinion, due to modifications and dilapidation, the structure has lessened historic value and it is not practical to salvage the building for preservation. Staff is recommending the structure be required to remain upon the site for a time certain in order to allow any interested party the opportunity to make

arrangements to move the home to a new location for historic preservation. Staff is recommending the applicant make the structure available for preservation for a period of time and that they be required as part of the conditions of approval to document the structure and provide to the public an information display for the education of the public.

RECOMMENDATION: That the City Council: deliberate over the additional information submitted and direct staff to prepare an appropriate ordinance, with revised conditions approving the proposed revised application.

COUNCIL MEETING: June 20, 2014

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS
THROUGH: CHRIS EPPLEY, CITY MANAGER
THRU: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR
FROM: SAM LITKE, SENIOR PLANNER

SUBJECT: REMAND OF CP/ZC/LLA 2014-11

ATTACHMENTS:

- Exhibit 101- Notice of Intent to Appeal, dated October 24, 2014
- Exhibit 102-Stipulated Motion for Remand, dated June 1, 2015
- Exhibit 103- Final Opinion and Order, dated June 8, 2015
- Exhibit 104-Applicant's written statement, dated April 20, 2016
- Exhibit 105-Written testimony from Wallace Lien attorney for applicants, dated June 7, 2016
- Exhibit 106-Site plans
- Exhibit 107- Color renderings
- Exhibit 108-Traffic Impact Analysis, ATEP, dated March 17, 2016
- Exhibit 109-Public Works comments
- Exhibit 110-School District comments
- Exhibit 111-Received written testimony – Marylin Prothero; Allan & Susan Kendall; Brittany & Matthew Garza; Daniel Irwin; Bob Jones; Dee Sloan; Robert Thompson; Paul & Many Elder)

BACKGROUND:

Mark Grenz of Multi-tech Engineering on behalf of Tyrene Denlinger and the Herber Farm, LLC submitted an application to re-designate approximately 7.5 acres on the Comprehensive Plan map from Low Density Residential to Medium and High Density Residential; rezone the property from Single Family Residential (RS) to Medium Density Residential (RM); and, for a Lot Line Adjustment to consolidate the existing 14 lots into one large parcel for property located in the 4800 and 4900 block of Verda Lane. On October 6, 2014 the City Council denied the requested Comprehensive Plan change and the Zone change but approved the proposed Lot Line Adjustment. The Council's decision was then appealed to the Land Use Board of Appeals (LUBA). While LUBA did not issue a decision the city and the applicant entered into a Stipulated Motion for Remand allowing the proposal to be brought back to the city for reconsideration (attached as Exhibit 101 thru 103).

It is important to point out that this is not a new application but is rather a continuation of the existing record associated with the previously submitted land use applications. While the existing record is carried over into this hearing it will also be a de novo (new) public hearing which will

permit any issue being raised, whether or not it was raised in the original hearings unless the City Council wishes to limit discussion specifically to only the issues in which the Council had determined the applicant had not met their burden of proof.

The property was approved in the mid-1950s for a single family subdivision that was platted and created the 14 existing lots, but was never built on. While there are members of the community who have indicated a preference to see the property continued to be used as a pasture for cows, this is not supported by its location, availability of all public services, zoning which does not permit commercial farming, or the fact that it has always been planned and in fact approved to be developed with residential uses.

The following chart outlines changes between the original submittal and the current proposal:

Comparison between the original site plan and the revised site plan

Original site plan	Revised site plan
120 apartment units	112 apartment units
244 parking spaces	226 parking spaces
No landscape berm along Verda Lane	Landscaped berm along frontage with Verda Lane
Curb-side sidewalk	Separated sidewalk along Verda Lane
10 apartment buildings - all 3 stories	13 apartment buildings 3 buildings near Verda Lane are 2 stories
4 buildings closest to Verda are oriented such that 3 have their rear façade to the street and 1 building has its side façade to the street. Approximately 270 feet of façade to the street.	5 buildings closest to Verda are oriented such that 3 buildings have their rear façade facing the street, 1 building has its side facing the street and 1 building is non-residential - the office which will have a staggered building off-set. Overall reduced amount of building façade facing the street is approximately 225 feet.
1 building shown close to Chemawa/Verda intersection; some building off-sets; unknown building material or variation; mostly 3 story buildings.	Building moved further away from Chemawa /Verda intersection; Greater use of building off-sets; building materials identified and greater use of varying material varying building heights
6 building along the ridgeline	8 buildings along the ridgeline
3 driveways	3 driveways – 1 full turning; 1 right in right out only; 1 only for emergency access

Written comments:

Newly received written comments (attached as Exhibit 111) discuss the impact that the development would have on the street system and nearby intersections as a result of the increased traffic from the proposed development; impacts on schools; impacts on the surrounding area; increased crime; the size of the proposed development; flooding of Claggett Creek onto the site; and concerns that there isn't a need for this type of development. The comments generally mirror

the comments that were received as part of the previous public hearing before both the Hearings Officer and the City Council. Previously a number of comments were received regarding the property's open space attributes and that it should be left undeveloped or developed as a park.

Staff response: Issues relating to traffic and impacts on nearby streets is discussed in detail below. In addition, Public Works provided comments (Exhibit 109) regarding public improvements that will be required by the developer. Salem-Keizer School District provided comments (Exhibit 110) regarding the impacts to the affected schools from the proposed development. It is estimated that as a result of the proposed development that Kennedy Elementary School would increase by 23 students, Claggett Creek Middle School by 9 students, and McNary High School by 9 students. The development of the subject property is proposed to be confined to the upper portion and not on the lower portion along the creek, so issues associated with creek flooding will not affect the proposed development. Also, the development of the site will be required to comply with all Public Works requirements regarding storm water which will minimize any potential discharge into the creek. The lower portion of the Herber property is not part of this application and is also not designated in the comprehensive plan as an open space resource. The Parks and Recreation Master Plan indicates that while there are opportunities to expand the park by acquiring a portion of the property on the east side of the Claggett Creek Park, the city has not pursued that option. The applicant has indicated a willingness to donate the lower portion of the property (Tax Lot 2900) to the City for public open space. The potential for it to be developed for park/open space, or for any riparian and water quality enhancements will require a separate discussion between the city and the property owner.

ISSUE:

Whether the revised proposal addresses the issues raised by the City Council in its original decision.

DISCUSSION:

In the City Council's decision to deny the original application was based on several factors. These include:

1. Need.

The original City Council decision determined that while there is a projected land need for medium density residential is 9.9 gross acres; high density residential is 37.9 acres; and single family residential is 136.8 acres that a need for residential lands of all densities is shown there is a greater need is shown for single family residential and so the proposal did not meet Comprehensive plan criteria Section 3.109.04.D and Zone change criteria Section 3.110.04.F.2.

The applicant indicates that that city's adopted Housing Needs Analysis (HNA) documents a need for 362 units for RM zoned lands to meet the city's 20 year needs and that by providing 112 units they will be helping the city to realize some of it residential land needs.

Staff response: The Hearings Officer's recommendation to the City Council dated July 8, 2014 noted that the proposal will provide land to allow the city to be able to meet a portion of its projected residential needs as was documented in the HNA, which was adopted by the City Council and acknowledged by DLCD. The result of this analysis established that there is a lack

of land to meet the projected residential needs of Keizer for the next 20 year period. The HNA documented a deficit of 267 acres to meet the needs of the residential needs category. It further documented that only 5.7 acres of land designated for multi-family are currently available to meet this type of need and that this is insufficient to meet the projected need for multi-family housing. Specifically, Figure 14 of the HNA documented a need of 362 units of RM zoned land needed to meet future needs. This proposal will result in the city being able to meet almost 1/3 of the identified residential land need that is forecast. In response to comments that recent multi-family developments appear to meet this projected need it is important to keep in mind that the new apartments in Hawkes Point Phase 2 (120 units) and the current multi-family development in Area C of Keizer Station (180 units) are each zoned Mixed Use and were specifically identified as distinct separate categories that each have their own projected need in units and so the development within these areas does not satisfy the projected land needs in the RM zoned category. Also, while the actual number of apartment units in Area C is slightly more than what was projected the additional units can be carried over into the general Mixed Use land needs with no adverse impact. Finally, while the property was originally approved for 14 lots, as part of the inventory of buildable lands for the HNA it was assumed that the property had the potential to be developed at a higher density and 6.6 dwelling units per acre was used. Which means that the category of single family units is reduced by 49 units and the actual density not from 14 units to 112 but as far as the HNA and the City's Comprehensive Plan is concerned from 49 units to 112 units or a net increase of only 63 units.

2. *Impact.*

The City Council determined that the applicant had not carried the burden of showing that the proposed apartments would not adversely affect adjacent properties and the request did not meet Comprehensive plan criteria Section 3.109.04.F and Zone change criteria Section 3.110.04.F.3.

The applicants indicate that the revised plan address the concerns raised by both adjacent property owners and the City Council in its previous decision. As indicated in the table above the revised plans contain numerous revisions from what was originally submitted.

Staff response: The submitted revised plans indicate that the impact to the surrounding neighborhood can be mitigated by increased landscaping, increased building setbacks, varying building planes, varying or limiting building heights, varying building materials; and by having the buildings have a residential character in their design. Appropriate conditions of approval are proposed to ensure that the appropriate landscaping and design elements are provided.

3. *Traffic.*

The City Council determined that the applicant did not meet their burden of proof with regard to the specific local impacts that the proposed development might cause.

The applicants provided an updated Traffic Impact Analysis from ATEP dated March 17, 2016 (Exhibit 108) which indicates the proposed development of the site with a 112 unit apartment complex will not impact the immediate streets beyond the street design capacity or the round-about that is scheduled to be constructed at the Verda Lane / Chemawa Road intersection. The applicant had submitted a Transportation Planning Rule Analysis with the original application that was performed by DKS, dated January 28, 2014 that studied the impact the proposed development would have on the nearby intersections. The analysis determined that slightly more of this new traffic will use the Chemawa Road / Verda Lane intersection than the Verda Lane / Dearborn Avenue intersection and that each intersection would operate within the city's adopted Level of Service for these intersections so no additional intersection improvements would be needed as a result of the proposed development. The applicant will be responsible for providing additional right of way dedication and some street improvements along the streets fronting the site.

Staff response: Public Works staff and the City Engineer have reviewed the submittal and indicated they agree with the methodology or supporting language. Public Works has also submitted comments regarding the public improvements that will be required as part of the development of the site. These outline street improvements along Verda Lane and Dearborn Ave, sanitary sewer, water, and storm drainage requirements. If this proposal is approved these improvements will be made conditions of approval.

RECOMMENDATION: That the City Council open the public hearing to accept public testimony related to the remand, and if no questions are presented that might warrant additional time for deliberation, then close the public hearing and direct staff to prepare an appropriate ordinance with findings and conditions approving the proposed revised application.

Litke, Sam

From: desertlotus@bardenterprises.com
Sent: Friday, June 17, 2016 2:02 AM
To: Litke, Sam
Subject: COMMENTS FOR MONDAY JUNE 20, 2016 COW PASTURE HEARING

TO:
Sam Litke
Senior Planner
Keizer City Hall
930 Chemawa Road NE
Keizer, OR 97303

SUBMITTING: Comments re: Keizer hearing, Monday, June 20, 2016 regarding property use at Chemawa, Verda & Dearborn -- pasture land right next to Claggett Park, Keizer. Specifically, to reconsider an application for a Comprehensive Plan map change

Permission to build 3-story [3 level high] apartment complex [revised plan includes a reduction in the number of dwelling units from 120 to 112} where the cow pasture now is.

Following the hearing, the Keizer City Council will approve, approve with modified conditions, deny, or remand [send] back to the Hearings Officer for further review.

MY CITIZEN POSITION:
That the Keizer City Council:

1. DENY map change, and, subsequently, DENY revised building plan for the (now) 112-unit, 3 story apartment complex.
2. That any future use of this property be according to zoning for this space that does not permit buildings of this type and size.
3. That there ought to be no changing of zoning for said "cow pasture" space without absolutely clear-cut evidence of benefit, not solely to sellers but to the COMMUNITY.
4. With understanding of the rights of individuals to dispose of private property, but also singling out the responsibility of the officers of the city to its inhabitants, not just to render no harm by their actions -- in this case a zoning change and resultant permission to build a structure not shown to be suitable to the proposed area -- but also, to protect their happiness, safety, and general welfare and by doing so now, that of future residents as well. For, once something of this magnitude has been approved and set into motion, it can never be undone. As Les Zaitz (brother of Lyndon Zaitz, publisher of the Keizer Times) wrote: "As society gets more hemmed in, such open space will become increasingly precious. Once it's gone, there is no getting it back." [Keizer Times, "PRESERVE INSTEAD OF DEVELOP?" Opinions Jun 20, 2014]

FINAL COMMENTS:

Following citizen input where the overwhelming majority of hearing attendees spoke AGAINST this proposal (at one meeting NO ONE spoke in favor), the proposal was soundly **REJECTED** two years ago by the Keizer City Council -- unanimously, in a 7-0 vote -- and is now being resubmitted with mere minor changes.

This appears to be an attempt to make come true the saying, if at first -- or second or third -- you don't succeed, try and try again. That commercial projects will eventually be carried out with enough persistence, in complete disregard of the wishes of the citizenry if need be, and that to "grow" the cityspace at any and ALL costs, it is the job of officials, as practical purveyors of progress and business-minded visionaries, to hold to the doctrine of development first, last, and always... even at the dear cost of the people coming last.

There are many issues of interest and concern regarding re-zoning for sale of this property, issues that have not been sufficiently addressed (if at all) including such things as air quality, noise, space intrusion, aesthetics, historical significance, alternate use possibilities, natural preservation, park enhancement, etc.

Yet, I conclude with these words of the previous long-time mayor of Keizer, which sum up just a single but MAJOR **irreconcilable** issue (caps, underline, and bold for emphases). Contained within the statement (in paragraph three) is a possibility ripe for unwrapping and serious consideration:

"MAYOR LORE CHRISTOPHER was among those believing [developer Mark] Grenz greatly downplayed the potential impact the proposed apartments would have on traffic. A roundabout is **already** planned at the current four-way stop at Verda and Chemawa due to high traffic volume.

"The reason why we're doing the roundabout is it's a major thoroughfare," Christopher said. 'The impact will be significant. Any three-level building is significant. They (Herber family members) are entitled to their inheritance. But the decision is my fiduciary responsibility. I knew Rosalie Herber well. This would not be what Rosalie wants. I think **those impacts aren't minor**. You can't mitigate 120 apartments, you can't mitigate 240 cars.

"I would wish you well," the mayor added. 'If you want to divest yourself of that land, that is something Keizer could look at. We have never paid millions for park land, but it certainly is an option. They have 14 lots they can develop. What you're proposing is too significant. It's **too much impact on those neighborhoods**. Would I want to live by three-level apartments? Not on your life. And neither would you, Mark.'"

[Source: Keizer Times article, "APARTMENT PLAN GETS NIXED," by Craig Murphy, Sep 5, **2014**]

Respectfully submitted,
Ardith Oakes,
Keizer resident

(Additional reading, "Cow pasture editorial," in e-mail to follow...)

Litke, Sam

From: desertlotus@bardenterprises.com
Sent: Friday, June 17, 2016 2:02 AM
To: Litke, Sam
Subject: Additional reading, "Cow pasture editorial"

Submitted by: Ardith Oakes
Please read with comment letter e-mailed 6.17.16

Editorial: "THINK TWICE ON COW PASTURE"
Written by Lyndon Zaitz, July 11, 2014

People are passionate about green, open spaces, especially in an urban setting. That passion was on display at a hearing in June about zoning and other changes at private property many affectionately call 'the cow pasture.'

The property sits on the west side of Verda Lane between Chemawa Road and Dearborn Avenue. It has been a family farm for decades and the heirs don't want to continue the operation; they are seeking the zone changes to prepare a sale of the property.

More than 100 people packed the city council chambers on June 12, a majority of those who testified before Hearings Officer Cynthia Domas were against development of the property. A proposal calls for more than 100 apartments in several three-story buildings. An argument made against a development that size was the increased traffic in a corridor that is already failing according to traffic studies. A roundabout at Verda and Chemawa is to address that issue.

The city should listen to the people, take a step back and consider what could be lost forever if that property is developed into a large residential complex. The property's owners desire to sell is a rare opportunity for the city to reshape the core of Keizer and preserve a large greenspace that can be enjoyed by thousands of households for years to come.

San Diego has Balboa Park, Chicago has Grant Park, New York has Central Park—all exist because civic leaders had a vision and created oases in the middle of an urban setting. Keizer can join other cities by buying that property and making it part of Claggett Creek Park which sits just to the west.

Some may say that Keizer already has a large park—Keizer Rapids—which many want to develop into a destination place. Keizer Rapids Park has its role to play, it will eventually have many amenities that will draw people from the region. Yet, Keizer Rapids Park's location is still a mystery to a sizable number of Keizer residents—many who never visited or even know where it is. With the boat ramp, the amphitheatre, the disc golf course, the dog park and eventually sports fields and the big playground, Keizer Rapids Park will be an amusement park for a myriad of interests. But, it is off the beaten path.

An expanded Claggett Creek Park would be hard to miss. The existing farmhouse is not up to code for public uses and would have to be razed; the farm buildings would be torn down, too. That would leave a large greenspace beside one of Keizer's high traffic routes.

After the city purchased the land and added it to Claggett Creek Park, improvements would not have to be grandiose. A parking lot would be needed, pathways from the bluff to the creek could be constructed and would be a good project for an Eagle Scout or a community group.

If the property is sold and developed, it is lost forever. This is a chance for the people and leadership of Keizer to contemplate the benefits of a large park in the center of Keizer, what it can mean for the neighborhoods around it and what it can mean for the value of those neighboring households.

City bodies such as the Planning Commission and the city council cannot dismiss the desires and concerns of the people. Development is the be all and end all; there will be many opportunities for development after the Urban Growth Boundary is expanded.

Does the city council have the vision and the political will akin to the developers of Central, Balboa, and Grant Parks? Let's hope so.

—LAZ *

*Lyndon Zaitz, Keizer Times publisher

Litke, Sam

From: Matt Varner <matt.l.varner@gmail.com>
Sent: Sunday, June 19, 2016 6:39 PM
To: Litke, Sam
Subject: Keizer Planning issue: Cows vs. Capital

Mr. Litke,

My name is Matt Varner and I am a resident of Keizer. I'll try to brief as I'm sure there are many others taking up your time in the run up to the community meeting concerning the brouhaha piling up around what I understand is the "Cows versus Apartments" debate.

Without going into too great of detail, let me just say that my life was thoroughly wrecked by the economic collapse of '08 and I found my way here through strange twists of Fate (a friend, from here, having moved to CA for years...moved back after the collapse). I am growing to love Keizer a little more each day and I admit that because I don't have much investment planted in the community, perhaps my opinion doesn't matter all that much. But, after listening to the character of some of the loudest voices decrying a loss of rural-ness by the threat of converting some farmland into a new set of apartments, I felt I had to speak up.

This community is strange mixture of values: a desire for services provided by the city but a general, feverish resistance to taxation; a desire for corporate behemoth retailers to grant ease-of-access by coming and building here, but a general reticence against allowing for the growth that such retailers specifically look for before considering whether to invest; a love of Republican capitalist culture, but a distinctly non-'laissez-faire' attitude toward private asset ownership.

Someone might think that I'd be all-in for the redistribution of wealth, poor as I am (I'm politically centrist). And I do firmly believe that this nation can be both strong and fair, supported by market-driven principles but without producing the by-product of 'market losers' at the expense of our national humanity. But, someone needs to come in on the side of the property owners and say 'enough is enough.'

We are told that we are supposed to strive to start a business, buy a home, have a family, put down roots. But what does it mean to put so much of your time on Earth into these activities if the fruits of that effort can just be stripped from you in the future by the simple act of a majority vote of people whose interest is only tangentially linked to your real issue of what to do with the property you own?

I think the naysayers (the people attempting to block the sale of the land in the interest of pursuing it as a historical landmark) need to put up or shut up. That is, the land owners have the right to sell their land to whoever will buy it for whatever gain they can derive from it. If people want it to go to a historical preservation agency, locking into a non-developmental state to preserve the idea that this is some quiet rural town, they need to invest in a some kind of special fund with the goal of providing a counter-offer to the landowners. Let these people buy the land and then they can decide to donate it to for the stated purpose.

Unless they are willing to do that, they are pursuing a very un-American method of punishing those who may have a hundred good reasons for selling in the first place.

Thanks for considering my babble,

Matt Varner

1162 ORCHARD COURT North, Apt D

Keizer OR 97303

Litke, Sam

From: tshegle@juno.com
Sent: Monday, June 20, 2016 12:33 PM
To: Litke, Sam
Cc: tshegle@juno.com; rahegle@juno.com
Subject: Zone change request Case #2014-11
Attachments: Comments - Case #2014-11.docx

Re: Comprehensive Plan Change / Zone Change / Lot Line Adjustment Case No. 2014-11

According to the "Request for Comments" document regarding the above Case #2014-11, the "Keizer Housing Needs Analysis 2013-2033" there is a need for 362 additional multi-family units in the Medium Density Residential (RM) zoned property to meet the expected demand for a total of 1,437 needed units. This is a gap of only 25% of the total projected RM units needed by 2033. By contrast, the number of Single Family Residential (RS) units for which space is still needed is 1,183, or a gap of 46% of the total projected need of 2524 RS units. If the subject property is rezoned RM, the deficit of space for RS units increases. It does not make sense to reduce one smaller gap by enlarging another larger gap: it make more sense to manage the gaps so that they are relatively even. If any rezone were to occur in this context it should be a rezone of RM land to the RS designation, as RS is the greater shortage at present.

As to traffic and vehicle access onto Verda Lane, the requested change would replace up to 14 driveways, being used by 1-2 vehicles each, with 2 driveways (per the proposed site plan) used by an average of 80 cars each (based on 112 RM units @ 1.5 vehicles per unit = 168 vehicles total). And that's if two driveways are allowed: the petitioner told a meeting of neighbors that the number of driveways would likely be reduced to 1 driveway (probably in an effort to appease the neighbors who objected to the radically increased traffic volume) due to other driveway locations being too close to major intersections (with Chemawa Road and Dearborn Street). This would certainly reduce the incremental impact (only one car at a time entering on to Verda Lane), but can you imagine the frustration of 160 vehicles trying to enter Verda Lane through 1 driveway? And can you imagine the negative impact on current Verda Lane residents who will have to compete with 160 additional vehicles for access to Verda Lane instead of the 40 or so vehicles that would be expected from the RS units for which the property is currently zoned? If the zone change is approved, this will be "death by a thousand cuts": the incremental impact will be less (1-2 driveways), but the overall impact will be devastating (over 160 additional vehicles).

For the above reasons I strongly object to the zone change request and urge you to again deny the request as it was denied in 2014. The changes to the zone change request are not significant enough to be given any different consideration that the original request was given in 2014.

Thank you.

Terry Hegle
 Ruth Hegle
 1869 May St. NE
 Keizer, OR 97303

Viral Piranha

To: Mayor Cathy Clark and Keizer City Council Members

Re: Comprehensive Plan Change/Zone Change/Lot Line Adjustment Case number 2014-11 - REMAND

Date: June 20, 2016

To the Mayor and City Council Members

My name is Karen Okada, and my family lives at 4705 Verda Lane NE, in Keizer. We live down the street from the property that is being reviewed at tonight's council meeting.

Attached you will find my comments on the following topics:

- 1) Comments on the TPR (Transportation Planning Rule) Analysis Report
- 2) Comments on the Salem Keizer School District Summary of Comments
- 3) Kids walking School
- 4) Roundabout

The issue is whether the revised proposal addresses the issues raised by the City Council in its original decision. I do not believe that those issues have been addressed, and the problems identified earlier by the 2014 City Council still remain.

Need: Keizer does not need a 112-unit apartment complex at this location. There are new complexes being built in Keizer right now. While the new complexes are not specifically zoned as RM, they do satisfy the needs of apartment dwelling for the city. This is a much better location for single-family homes, or a city greenspace/park for the entire property.

Impact: a large apartment complex would have a huge, negative impact to this neighborhood. Too many cars, large buildings that do not match the housing in the area, and significant infrastructure changes would need to be made for safe access to Kennedy School. The increased number of students will continue to impact McNary High School, which is already over capacity, and this situation will continue to worsen in future years.

Traffic: the traffic usage in the area would increase above and beyond what is recommended by the engineering firm that was hired by the family requesting the zoning changes. The impact of a minimum of 100 cars, and probably closer to 200 cars, driving every day on Verda Lane, will not be absorbed by the addition of the roundabout. It will just add more cars to the already long lines that currently exist.

The Verda Lane/Chemawa Road intersection is a gateway to our community. Do we really want a two/three story apartment complex as the first thing that people see? This is a great location for a very nice, single family home complex that a developer could build for our community. Better yet, how about a very large PARK that all city residents can utilize and enjoy!

I urge the City Council to **not approve** the request for a comprehensive plan/zone change/lot line adjustment for the Verda Lane property at this time. More work needs to be done, so that the entire City of Keizer will benefit from major changes to our city.

If you have any questions, please feel free to contact me. Again, thank you for your time and consideration of our concerns.

Sincerely, Karen and David Okada 4705 Verda Lane NE Keizer, OR 503-390-7887 home phone
dkokada1@comcast.net

Comments on the Keizer Verda Lane TPR (Transportation Planning Rule) Analysis Report dated March 17, 2016:

Currently, the Herber property could have up to 60 houses on the property. According to the report, the engineering company estimates that there would be 45 trips in/out of the property during the AM peak time, or .75 trips/unit. For the AM peak time, it is estimated there would be 60 trips in/out of the property - 1.01 trips/unit. This is essentially 45 cars in the morning, and 60 cars in the evening. So, this would be one car for each house that would be traveling during these peak times.

Under the current proposal to change the zoning from Single Family Residential (RS) to Medium Density Residential (RM), the property could be built with 112 apartment units. The new report estimates that 57 in/out trips would be made during the peak AM time - .51 trips/unit. This would be one car for every two apartment units that would be in/out of the complex during the AM peak time. During the PM peak time, the report estimates 69 in/out trips from the property - .62 trips/unit. This is only slightly higher, but still close to the AM numbers - one car for every two apartment units.

These figures for a 112-unit apartment complex seems very low. While there might be a "scientific basis" for the numbers based on references and calculations based on government reports, common sense would indicate that one car for every two apartment units is not a valid assumption in making land use planning decisions. It is true that some families will not have a car, so they will use the city bus system, walk, or find other means of transportation. For a one - bedroom apartment unit, it would seem logical that many of these renters would be single, so there would only be one car/unit. Even for a two- bedroom unit, a single parent with children would again also have one car/unit. **A more realistic number would be one car/unit would be traveling in/out of the apartment complex during both AM and PM peak hours. Many, if not a majority of the units, would have two cars/unit. This would significantly increase the traffic in the neighborhood.**

The new request submitted for review has a proposed 112-unit apartment complex. There are 23 1-bedroom apartments, 78 2-bedroom apartments, and 11 3-bedroom apartments.

For 112 housing units, there are 226 total parking stalls. This would allow each unit to have 2 cars, and some additional spots for visitor parking. While this drawing is only in draft form, and has not been approved as any type of final plan, the number of parking stalls are obviously based on similar apartments that have been built locally. **This new proposal allows for 2 cars for every apartment (112 x 2 = 224 cars). If one car/unit drove during peak traffic times, this would be 112 trips during both AM and PM times. This is significantly more than the currently zoned property trip estimates of 45 AM trips and 60 PM trips. It is almost double what is currently allowed with 60 houses on the property.**

The Engineering Company that wrote the new report, MultiTech Engineering Services, recommends that "the City should consider adding a "Trip Generation Cap" of 750 daily trips, 60 AM Peak Hour trips, and 70 PM Peak Hours trips from the site as a condition of approval." Sixty homes are estimated to generate 571 trips/day (45 during the am peak hour, and 60 during the pm peak hour). The report states that the proposed 112 apartment complex would generate 745 trips/day (57 during the AM peak hour, and 69 during the PM peak hour).

The report states that 60 family homes would generate 60 trips during the PM peak trip period. It seems odd that, when doubling the amount of housing units, it would only generate an additional 9 trips in the PM peak trip hours. I find it very difficult to believe that a 112-unit

apartment complex would only generate 69 trips in the PM period. A more realistic estimate would be 85 – 100 PM trips, and this assumes that some tenants are using other forms of transportation (walking, busses, etc.).

It is a great idea that the City have a 'Trip Generation Cap' as part of the proposal. **But, 70 PM trips is not even close to realistic, and it could even be almost twice that number if all 112 apartments have 2 vehicles. What happens if the City sets a cap, and then it is immediately exceeded by the new development?** Will the City tear down apartments? No, the City of Keizer will be left with increased traffic issues, further burdening the infrastructure of our city.

Comments on the Salem Keizer School District Summary of Comments:

The Salem Keizer School District (SKSD) was asked to review the application and comment on the effects on the three schools in the attendance area: Kennedy Elementary, Claggett Creek Middle School, and McNary High Schools.

Their report indicated that Kennedy School would increase by 23 students, Claggett Creek by 9 students, and McNary would increase by 9 students. This is a total of 41 students, for an apartment complex of 112 apartments.

When the Herber property was reviewed by the City Council in 2014, I met with the manager of the Keizer Terrace Apartments, Tammi Allen, on June 11, 2014. These apartments are located directly across the street from Kennedy Elementary School. There are a total of 153 units at this apartment complex. There are 53 2-bedroom 1 ½ bath townhome units, and 100 apartments: 24 1-bedroom (probably no children in these units), 28 2-bedroom, and 48 3-bedroom.

I then spoke on the phone with David Fridenmaker, Manager of the Facilities and Planning Department for the SKSD. I asked if the school district could determine the number of children attending the three local schools that lived in the Keizer Terrace Apartment Complex.

I received an email from him on June 12, 2014. There are 70 elementary students, 31 middle school students, and 23 high school students from the Keizer Terrace Area. This is a total of 124 students, which all walk to school from their homes.

So, 124 students from a 153-unit complex currently attend three local Keizer schools. A new, proposed 112-unit development is only estimated to have 41 students? Again, while there might be a "scientific basis" for the numbers based on references and calculations based on government reports, common sense would indicate that a very similar housing complex, located a few blocks from an elementary school, and walking distance to all three schools, would have more than 41 students.

In June 2014, the ratio of students to housing units at Keizer Terrace Apartments was 81%. I would think that ratio would be similar in June 2016. For the proposed new housing complex, a ratio of 81% would be 91 new students, not 28. Estimated changes in student enrollment would be 51 students for Kennedy Elementary, 20 students for Claggett Creek Middle School, and 20 students for McNary High School. With these increased numbers, sufficient school capacity does exist at the elementary and middle schools, but McNary would be at 105% of capacity – more students enrolled than the current school capacity. All the students in the elementary and middle schools will eventually move on to the high school, worsening the capacity issue at McNary.

Kids Walking to School:

With the addition of a minimum of 41 students, or potentially as many as 91 students, from the proposed new housing complex, safety concerns should be reviewed, as all of the children will be walking to school.

Will any part of Verda Lane be designated as a school zone? Portions of Wheatland Road are designated school zones, even though the school is not visible from Wheatland Road. This would change the speed to 20 mph, which could back up traffic coming off of the roundabout. Cars will be moving quickly when they leave the roundabout at Chemawa Road onto Verda. Then, they will have to stop quickly in order to allow for crossing guards, school crosswalks, etc., which will slow down/back up traffic, often during peak trip hours.

The Keizer Street “entrance” is proposed as ‘Emergency Access Only’ for the apartment complex, and May and Dixon streets will be designated as entrance/exit sites. Both of these streets do not have sidewalks, so students would be walking on the street, or in someone’s yard, in order to attend Kennedy School. Some of the homes have ditches in front of them, which would force students on the street to walk to school. These streets will need significant improvements in order to be safe for children and families to walk to school.

Will a crosswalk be added at Dixon Street, which would cross Verda, and extend into the parking lot? A crossing guard will definitely need to be present during school start/ending hours, which has the potential to significantly impact traffic during the peak a.m. times.

Adding up to 97 students walking to school, even with new sidewalks on a small portion of Verda Lane, is a safety issue that should be addressed at this time. Possible traffic delay issues should also be addressed at this time. These issues were not addressed in the traffic study for the property.

The April 11, 2016 letter from the Salem Keizer School District also states *“Developer should provide paved walk route(s) to allow pedestrian and bicycle access to school(s) for all residences within the new development and should provide all improvements required by the City of Keizer where new transportation routes are established or existing transportation routes change, such as school flashers, crosswalks, and signage. As per ORS 119.115, when the walk zone review indicates “eligible for transportation due to hazard” the District requests that the City initiate a planning process with the District to identify the barriers and hazards to children walking or bicycling to and from school, determine if the hazards can be eliminated by physical or policy changes and include the hazard elimination in the City’s planning and budgeting process.”*

The current proposal does not address these issues. The increased requirements and costs to the developer need to be specifically listed in their current proposal. The City of Keizer should not have to pay for infrastructure changes that are a direct result of a new apartment complex -the developer should pay these costs.

Roundabout:

The long-awaited roundabout is finally underway at the Chemawa Road/Verda Lane intersection. Traffic with a roundabout will change, in that traffic is constantly moving around and down the four streets. Currently, the traffic is ‘stop and go,’ which does allow for pauses in the stream of traffic. These pauses allow cars from the side streets to safely enter Verda Lane in both directions.

The current site plan drawing submitted by the applicant shows two main exits from the property, which

line up with the two streets on the other side: May and Dixon. The Kennedy Street "entrance" is designated for "Emergency Access Only."

May Street will be designated "full turning," and Dixon Street will be "right in/right out." However, will 100 cars really all wait to get in/out of the complex with one main driveway? The potential exists for cars to be using all 3 entrances/exits however they choose, with the chaos and potential accidents that will come with having such a large increase in traffic in a small location.

KEIZER → LOCK HAVEN
STATION

30 RAINBOW
TRAILERS

112
HERBERS

VERDA

CHEMUNAWA

CHURCH

KEIZER

COBERT

MAY

NORAN

KENNEDY

95

TRAILERS

CHURCH

SCHOOL

MOBILE HOMES

CHURCHES

SCHOOLS

405 APTS

175

DEARBORN

BRANDON

WIESNER

CRELAY

duplexes

verm
village

DIAMETER

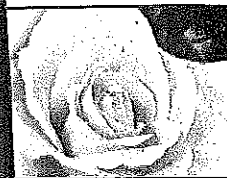
Tiffany
Place

CASCADE
Village

Exhibit 116

NOVEMBER 30, 2007, KEIZERTIMES, PAGE 1'S

Keizer Community



A Keizer pioneer passes

Rosalie Herber operated farm in town for decades

By JASON COX
Of the Keizertimes

Longtime Keizer resident and farmer Rosalie A. Herber died Tuesday, Nov. 20, 2007. She was 89.

She and late husband Joseph A. Herber operated Keizer View Dairy and lived in Keizer's oldest house. Their farm, between Dearborn Lane and Chemawa Road, still stands today, with cows grazing just blocks from the heart of the city.

Daughter Tyrene Denlinger, who still lives in Keizer, said the family plans to keep it as farmland as long as they can.

"I know a lot of people have always loved her farm there and the cattle being in the middle of town," Denlinger said. "We always hoped ... that would never change."

Over the course of her life Herber was a farmer, a school teacher and an active Keizer resident. Even though she was already in her 60s when Keizer incorporated in 1982, she served on the Parks Advisory Board for several years. When she left the board, she was made a lifetime member emeritus of the board.

Her volunteer work included the Daughters of the American Revolution, Daughters of Union Veterans of the Civil War, Business and Professional Womens Club, Home Extension, 4-H, scouting, the Keizer Art Association, Library Services Task Force, Keizer Pioneers and the Keizer Heritage Foundation.

She was particularly adamant about preserving the old Keizer



KEIZERTIMES/Jason Cox

Above, the Herbers' farm in the late 1940s. Pictured are, from left, Judi Peters, Rosalie Herber, Joe Herber Sr. (with Joe Jr.), Ralph Oldenkamp and Tyrene Denlinger. At right, Rosalie Herber and Denlinger. Far right, an undated photo of Herber.

She supported the political campaigns of both former city councilor Jerry McGee and current Mayor Lore Christopher, who used to give Herber a ride



HERBER, continued from Page 5

house. A cow has knocked down a campaign sign!"

He also remembered a "feisty" woman who "wouldn't take no for an answer."

"She told a story of chasing county workers off from Claggett Creek," McGee said. "They were doing something that was detrimental to her land and she chased them off with a shotgun!"

Born April 9, 1918 in Murdo, S.D., she was a schoolteacher at age 17 at Hilltop Breeze in South Dakota. She married Joseph Herber in her early 20s and the two moved to Vancouver, Wash., eventually settling in Keizer. Running the Keizer View Dairy, they delivered milk door-to-door, raised cattle and chickens, and grew strawberries and beans, and running a farm still in operation today.

She worked at the Oregon Deaf School for 16 years, earning an Oregon teaching degree and a master's degree in education at the Oregon College of Education (now Western Oregon University). She taught at St. Boniface in Sublimity and retired from Eugene Field in Silverton, going on to teach Sunday School at St. Edward Catholic church for many years.

Christopher recalled how Herber's teaching experience earned the admiration of new parks board members.

"She was always there early, and she stayed as long as she needed to," Christopher said. "... She had such a nice way of working with people."

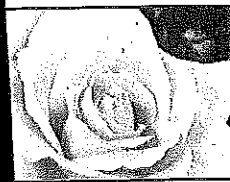
And while the city grew around her, the farm virtually stayed the same. She lived in the same house — Keizer's oldest house — for decades.

Herber told the Keizertimes in 1997 that she "enjoy(s) the land."

"Lots of people think it's crazy," Herber said in 1997. "They say, 'When are you going to get rid of those silly cows?' But I have no desire to sell the land."

She was preceded in death by her husband, Joseph A. Herber Sr., and grandson, Shawn Jeffrey Peters. Survivors include: four children, Tyrene Denlinger and Judith Peters of Keizer, Joseph

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She was particularly adamant about preserving the old Keizer Schoolhouse, now known as the Keizer Heritage Center, recalled her daughter.

"That was one of her goals and highlights for her," Denlinger said. "She loved the building and hated the idea of it getting torn down. She thought it would be something memorable for Keizer."



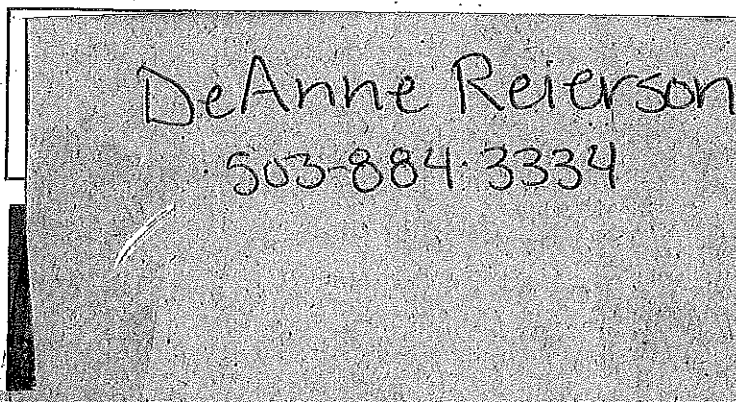
KEIZERTIMES/Jason Cox

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She supported the political campaigns of both former city councilor Jerry McGee and current Mayor Lore Christopher, who used to give Herber a ride to the monthly Parks Advisory Board meetings.

"It's a special place - to drive by and see those cows," Christopher said. "When I was first campaigning to be mayor, I would call (husband Ron) and say, 'You need to go to Rosalie's

Please see HERBER, Page 15



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He also remembered a feisty woman who "wouldn't take no for an answer."

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Herber told the Keizertimes in 1997 that she "enjoy(s) the land."

"Lots of people think it's crazy," Herber said in 1997. "They say, 'When are you going to get rid of those silly cows?' But I have no desire to sell the land."

She was preceded in death by her husband, Joseph A. Herber Sr., and grandson, Shawn Jeffrey Peters. Survivors include: four children, Tyrene Denlinger and Judith Peters of Keizer, Joseph Herber Jr. of Portland and Mary Mize of McMinnville; siblings, Joe Waltman of Canby, Ore.; Phyllis Bronson of Salem and Monica Masten of Everett, Wash.; eight grandchildren; and 11 great-grandchildren.

Funeral services were held Saturday, Nov. 24, at St. Edward's Catholic Church. Interment was in City View Cemetery. Arrangements were by Keizer Funeral Chapel.

On Jun 25, 2016, at 11:41 AM, Nelson Sossaman <nelsonsossaman77@gmail.com> wrote:

Hello, I, writing today concerning the 7.5 acre Herber property proposed rezoning. I believe two years ago city council made the right decision in denying the rezoning request. To be brutally honest the property will be sold and the cows that we all love to see will go away. The real question we all face is what will take its place? Do I blame the heirs to the property for wanting to get as much money as possible when they cash out? Absolutely not in fact if I was in their place I would probably do the same just as I'm sure they would probably say the same things I'm saying. The problem is building an apartment complex at that location isn't what this community wants or needs. In fact the number of people that are so openly opposed to this rezoning is a prime example. Keizer simply doesn't want or need another apartment complex. It wants and needs single family homes. ALL of the new home construction is happening at the outskirts of Keizer. Banner homes and MC Northwest are two of those companies that have invested in building in Keizer but are not in the city center. Do you know the benefits that homeowners offer a community? We're stakeholders, we have a vested interest in getting involved and seeing this community prosper. We don't come and go every year and we make our voting decisions based on what we believe will be in the long term best interest of our city. That being said there has to be a compromise that we can reach with the Herber family. What if we allowed a developer to build town homes or another HOA type building where they are allowed to build more units on the property thus commanding the higher price the family wants but allowed the community to retain its identity and add long term residents who'll care about this community like we all do? In closing there were two cases that shaped zoning laws in America. Here is an excerpt from village of Euclid v. Ambler realty 1926 Supreme Court of the United States (village of Euclid won) " With particular reference to apartment houses, it is pointed out that the development of detached house sections is greatly retarded by the coming of apartment houses, which has sometimes resulted in destroying the entire section for private house purposes; that, in such sections, very often the apartment house is a mere parasite, constructed in order to take advantage of the open spaces and attractive surroundings created by the residential character of the district. Moreover, the coming of one apartment house is followed by others, interfering by their height and bulk with the free circulation of air and monopolizing the rays of the sun which otherwise would fall upon the smaller homes, and bringing, as their necessary accompaniments, the disturbing noises incident to increased traffic and business, and the occupation, by means of moving and parked automobiles, of larger portions of the streets, thus detracting from their safety and depriving children of the privilege of quiet and open spaces for play, enjoyed by those in more favored localities — until, finally, the residential character of the neighborhood and its desirability as a place of detached residences are utterly destroyed. Under these circumstances, apartment houses, which in a different environment would be not only entirely unobjectionable but highly desirable, come very near to being nuisances."

Thank you for your time
Nelson Sossaman
4010 Hennessy Ln NE
Keizer OR 97303
503-949-9205



REQUEST FOR COMMENTS

JUL 14 2016

May 23, 2016

COMMUNITY DEVELOPMENT

TO: City of Keizer Police Department City of Keizer Public Works
 Peterson's Engineering Keizer Fire District
 City of Salem Public Works City of Salem Community Development
 Marion County Surveyor's Office Marion County Community Development
 Salem/Keizer School District

FROM: Sam Litke, Senior Planner
 CASE: Comprehensive Plan Map Amendment/Zone Change/Lot Line
 Adjustment 2014-11 REMAND
 APPLICANT: Herber Farm LLC
 RESPONSE DATE: **June 3, 2016**

APPLICATION: On October 6, 2014 the City Council denied the proposal to re-designate the Comprehensive Plan map to Medium and High Density Residential and rezone the property to Medium Density Residential (RM). A concurrent request for a Lot Line Adjustment to consolidate the existing 14 lots into one large lot was approved. The applicant appealed the City's decision to the Land Use Board of Appeals (LUBA). The city and the applicant entered into a Stipulated Motion for Remand which will allow the proposal to be brought back to the city for reconsideration. The applicant's revised plan includes a reduction in the number of dwelling units from 120 to 112; seeks to minimize impacts through the use of landscaping and buffering, varying building heights and orientation and building design; and includes a traffic impact analysis addressing traffic impacts.

The Community Development Department is soliciting comments from affected agencies on the above referenced land use application. These comments will be considered as part of the staff report. Please return your comments to our office by **June 3, 2016** in order that we may process the application in a timely manner. Phone calls are acceptable if it is not possible to respond in writing by this date. If we receive no response, we will assume your agency has no concerns. You may use this response form, or, attach a separate letter. Please return your written responses to the Keizer Community Development Department, P.O. Box 21000, Keizer, Oregon 97307-1000. Questions regarding the application may be directed to Sam Litke, Senior Planner, at (503) 856-3442. Thank you for your assistance.

PLEASE CHECK THE APPROPRIATE ITEMS:

- ☒ Our agency reviewed the proposal and determined we have no comment. **AT THIS TIME**
- ☐ Our agency would like to receive a copy of the staff decision/report and notice of any public hearings in this case.
- ☐ Our comments are in the attached letter.
- ☐ Our Agency's comments are: _____
- _____
- _____

Response Date: 7-13-16Person commenting: JEFFREY K. KUHN

DEPUTY CHIEF

ATTACHMENTS

- Applicant's Statement
- Comprehensive Plan Change/Zone Change Map
- Transportation Planning Rule Analysis report

JUL 27 2016

City Council: COMMUNITY DEVELOPMENT

My name is Thomas REED + I have lived at 4840 Verda LN NE since 1967. I have marked the location of my house on a copy of the Engineers proposed apartments lay out, labeled exhibit #1.

I am also including four pictures I took labeled 1, 2, 3 + 4. Picture #1 was taken on Friday 6-10-16 at 4:03 PM. It shows traffic on Verda going North to Chemawa backed up to the front of my house. By referring exhibit #1 you can see the back up is $2\frac{1}{2}$ blocks long. There are no men working signs in the picture, which means the back up was not caused by construction work in progress at Verda + Chemawa. This is regular Verda Ln traffic.

Pictures # 2, take at the same time as #1 shows traffic going south on Verda towards Dearborn NE. This traffic is backed up $1\frac{1}{2}$ blocks.

The engineering layout on exhibit #1 shows 226 parking stalls. These 200+ vehicles will be making left + right turns off Verda, some across on coming traffic, into + out of the apartments parking lot. Any gain in traffic management by the new roundabout, or a turn lane on Verda, will be negated by the addition of these 200+ vehicles.

With the construction of the retirement buildings in section C of the Keizer Station property, Keizer RD NE no longer goes through from Verda to Chemawa. This results in the area east of Verda Ln. between Chemawa + Dearborn being land locked by the Salem Parkway.

traffic in + out of this residential area, which includes Kennedy Grade school, has to access or cross Verda. How much time will be added to the response time of emergency vehicles trying to get on or across Verda to get into this residential area.

So what can we do with this farm property.

At 4785 Verda Ln, four houses south of Dearborn NE is a \$900,000.00 home that ~~sit~~ sits on the same ridge line along Clagget Creek. Pictures 3 + 4. Picture 3 is the front of the house from Verda. Picture 4 is the best shot I could get of the back of the house overlooking the creek. This is an example of the type of high value homes that should be built on this farm ridge line. These homes would, 1. provide high property tax income to the city, 2. fit in with the existing residential setting, + 3. add the minimum amount of traffic on Verda.

Thank you for your consideration.

THOMAS REED

Thomas Reed

7-27-16

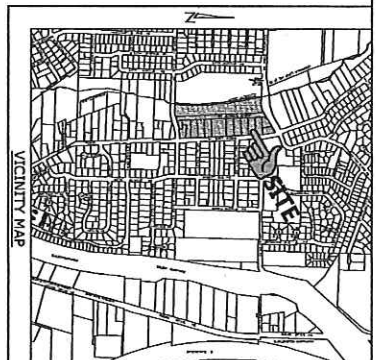
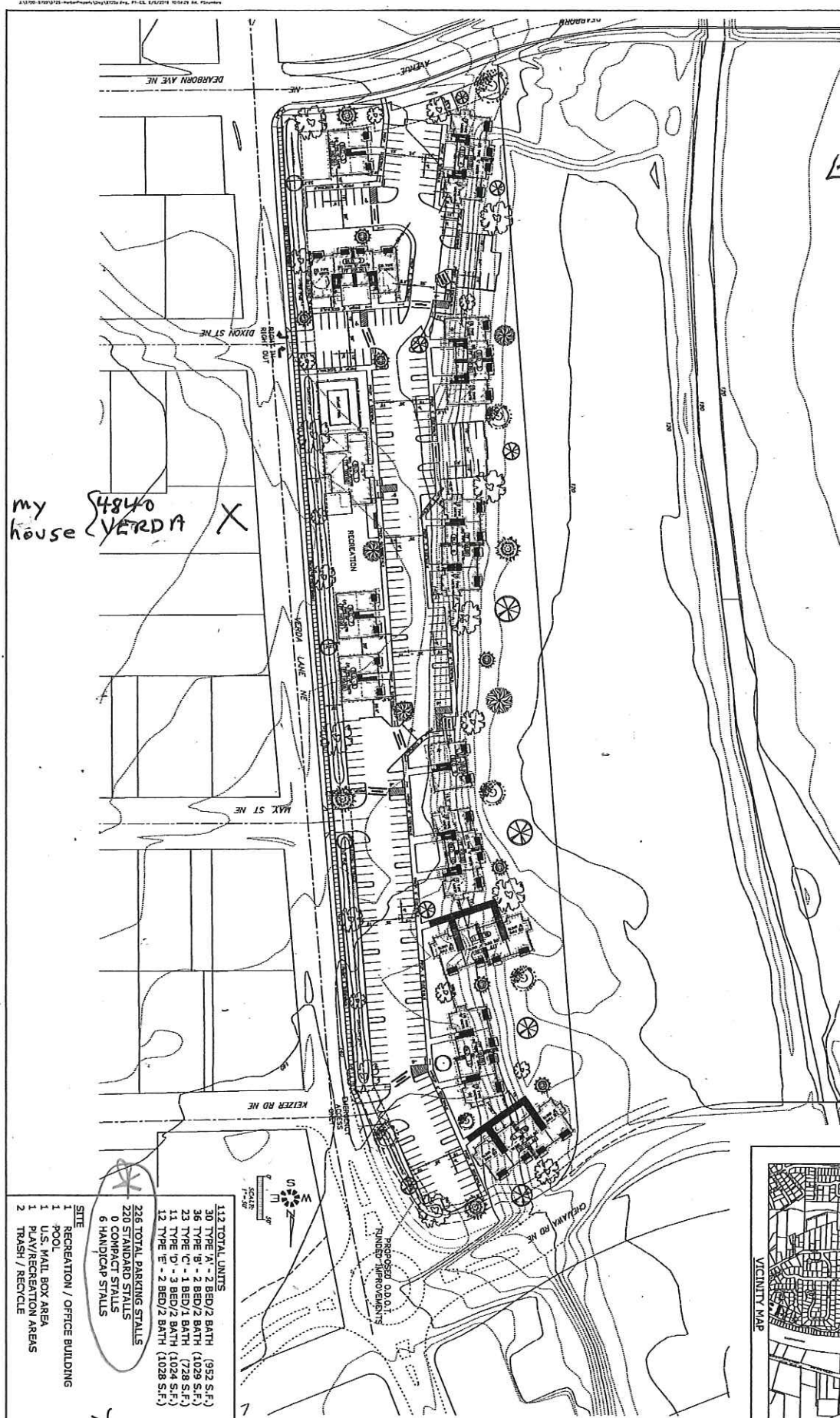
Exhibit # 1

Owner / Developer:
HERBER FARM LLC
 670 CATER DR. N.E.
 KEIZER, OREGON 97303

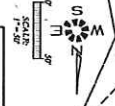
HERBER FAMILY APARTMENTS

SEC. 2, T. 7 S., R. 3 W., W.M.
 CITY OF KEIZER
 MARION COUNTY, OREGON

my house 4840 YERDA X



112 TOTAL UNITS	
30 TYPE A - 2 BED/2 BATH (952 S.F.)	
36 TYPE B - 2 BED/2 BATH (1029 S.F.)	
23 TYPE C - 1 BED/1 BATH (728 S.F.)	
11 TYPE D - 3 BED/2 BATH (1024 S.F.)	
12 TYPE E - 2 BED/2 BATH (1028 S.F.)	
226 TOTAL PARKING STALLS	
220 STANDARD STALLS	
6 COMPACT STALLS	
6 HANDICAP STALLS	
SITE	
1 RECREATION / OFFICE BUILDING	
1 POOL	
1 U.S. MAIL BOX AREA	
1 PLAY/RECREATION AREAS	
2 TRASH / RECYCLE	



Design: H.D.G.
 Drawn: P.H.S.
 Checked: B.M.B.
 Date: JUL 2014
 Scale: AS SHOWN

As-Built:

C1.0

208 x 2725

NO CHANGES, MODIFICATIONS OR REPRODUCTION TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER. REVISIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION. MULTI-TECH ENGINEERING EXEMPT FROM LIABILITY IF NOT STAMPED APPROVED

HERBER FAMILY APARTMENTS

PRELIMINARY COVER SHEET

MULTI/TECH

ENGINEERING SERVICES, INC.

1150 25th ST. W.B. BRADY, OR. 97305
 PH: (503) 363-4000 FAX: (503) 363-1500
 www.multitech-engineering.com

Pict #1



TRAFFIC on Verda going North Towards Chemawa.

Friday 6-10-16 at 4:03pm. Backed up 2 1/2 blocks

pict # 2 ↓



TRAFFIC going south on Verda towards Dearborn

Taken at the same time. Backed up 1 1/2 blocks

Pic 3



Front view from Verda of home at 4875 Verda. Fourth house south of Dearborn on west side of Verda on ridge line.

Pic 4 ↓



Back view of same home overlooking Clagget Creek

July 31, 2016

Keizer City Council
930 Chemawa Road NE
Keizer, OR 97303
Care of Sam Litke
Keizer Senior City Planner

To Whom It May Concern,

My name is Linda Minden. I moved into my house on Wiessner Drive in December 1975. One of the reasons that I decided to purchase a house in Keizer was because I loved the rural feel. I had a horse pasture down below me, a wheat field down the street, and the pasture on Verda Lane. I saw the horse pasture go away because houses were being built, and the wheat field disappear because of the parkway, and now the last thing that encouraged me to purchase my house will be going away.

I know that change is inevitable, but I also believe it is important to keep a part of Keizer's history, and the house and pasture on Verda Lane are just that. Just as it was important to save the Old Keizer Schoolhouse, it is also important for the city to save the Verda Lane house. Without it, residents and their children will lose an important piece of history. If a community has no history to look at, then a piece of its identity is lost. There are so few places of historical significance in Keizer, that it would be a tragedy to lose another that could be preserved and opened to the public, just as the Old Keizer Schoolhouse was. If the history is lost, what happens to the sense of community?

Claggett Creek Park is used by a large portion of Keizer's population. It would be nice to be able to extend the park to include the pasture and house located on Verda Lane, so that it could be used and enjoyed by the community. There are other locations that apartments or houses could be built and it would be a sad loss that a potential green space would be used for housing. There are very few areas in Keizer that could become public space, and once one goes there is never a chance to get it back. I encourage you to give the residents of the City of Keizer the opportunity to show you that they would support a tax measure to purchase and maintain that property as a public space of historical significance.

Thank you for your time,

Linda Minden

BEFORE THE KEIZER CITY COUNCIL

In the Matter of the Application of Herber
Farm, LLC, and the Herber Family
individually as successors in interest, for a
Comprehensive Plan Map Change from
Low Density Residential to Medium and
High Density Residential, a Zone Change
from Single Family Residential to Medium
Density Residential, and a Lot Line
Adjustment to Consolidate the Existing
lots into one large parcel for an
approximate 7.5 acre parcel located in the
4800 Block of Verda Lane, Keizer, OR

Case No. 2014-11

**APPLICANT'S
OPEN RECORD
MEMORANDUM**

COMES NOW the former Herber Farm, LLC as the applicant, and Judith Ann Peters, Tyrene Ann Denlinger, Joseph Albert Herber and Mary Ellen Herber Mize (Herber Family, who are successors in interest to the land previously owned by Herber Farm, LLC), by and through their attorney, Wallace W. Lien, of Wallace W. Lien, P.C., and does hereby submit the following Open Record Memorandum for the above referenced project.

1. Herber House Can Not Qualify for Historic Designation

Whether or not a property has a historic structure on it is not relevant to what the underlying zoning is of the property. The subject property contains no structure that is protected as a historic site in any event. Nothing about the existence of the Herber farmhouse presents evidence of non-compliance with any approval criteria involved in this application.

A. Historical Significance is Not Relevant to this Application

This application involves certain changes to the mapping of the subject property. Whether or not a structure on the site is historic or not is not relevant to this proceeding. Historic structures exist in all kinds of zones through the area. Historic structures can be found in commercial zones, residential zones, even in Industrial zones. Historic structures are often moved to public lands. The fact that a historic structure exists is not a function of the zoning of the land upon which it sits, but upon the classification and preservation of that structure.

In this case, the Herber farmhouse is not listed on any historic register. It has been identified

PAGE 1 - Applicant's Open Record Memorandum

WALLACE W. LIEN

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1 as potentially being eligible to be placed on such a list, but it is not currently on any such list.
2 Therefore the farmhouse is just an old structure, and one not in salvageable condition as will be
3 discussed below. The status of the farmhouse does not involve a single approval criteria in this case,
4 therefore its existence or status or classification is not relevant to this case.

5 The issue of the historic nature of the farmhouse came about because of assertions made by
6 opponent of alleged facts discovered in the ODOT file on the development of the Chemawa
7 Roundabout. That material is similarly not relevant, as it relates to the Roundabout and not this
8 application.

9 The letter of August 5, 2014 from the State Historic Preservation Office (SHPO) to ODOT
10 was done for the sole purpose of determining if the roundabout project at Chemawa Road would
11 potentially have any adverse impacts on surrounding properties. It was not done for any land use
12 purpose, nor in conjunction with any review of the farmhouse for placement of it on the historic
13 registry. In fact this letter simply states that the farmhouse may be eligible for listing on the National
14 Historic registry. Effectively, this letter has no relevancy to this land use application, and provides
15 no evidence that any approval criteria is not satisfied here.

16 The materials provided to SHPO on the Section 106 Documentation Form indicate that the
17 farmhouse is not in its original condition. The form notes that in the 1920's the rear veranda was
18 enclosed. There was an addition to the south end of the house with a hip roof at some unknown time
19 in the 1970's. A partial enclosure of the front porch occurred in 1980. Some of the windows have
20 been replaced with vinyl windows. In essence the farmhouse is significantly different now than when
21 it was originally constructed. All of these factors mean the historic significance of the farmhouse is
22 significantly lessened.

23 **B. House is Not is Salvageable Condition in Any Event**

24 The Herber farmhouse is not in salvageable condition for preservation, even if it were
25 considered to be a historic structure. A careful and detail inspection of the Herber farmhouse was
26 conducted by Multi/Tech Engineering, who found the house to be in extremely poor condition, and

1 not structurally sound enough to preserve or to attempt to move. Multi/Tech confirmed the SHPO
2 report that the majority of the Herber farmhouse sits on a “primitive foundation of uncut stone.” The
3 lack of a solid foundation has allowed sagging in the support walls, particularly the first floor. The
4 house is currently inhabited by caretakers of the property and their family. There is significant
5 evidence of dry rot and termite damage in the joists and supporting structure of the farmhouse.

6 The conclusion of Multi/Tech Engineering is that the Herber farmhouse is not physically or
7 economically able to be preserved or rehabilitated, or structurally sound enough to be moved to some
8 other location. A copy of the Multi/Tech Engineering report, together with photographs of the
9 farmhouse are attached hereto.

10 **C. Herber Family Do Not Consent to any Attempt to Register the Farmhouse.**

11 It is the position of the Herber family that they will not consent to any application to have the
12 farmhouse registered on the list of historic structures. This is based on the information developed by
13 Multi/Tech Engineering in its evaluation of that structure. While consideration was originally given
14 to donating the structure on the condition that it be moved to a more suitable site, that consideration
15 seems no longer relevant given the engineering opinion that the structure can not be safely moved to
16 a different location.

17 For a site to be identified as historic, the City has to apply the Historic Landmark Overlay
18 (HLO) Zone to the site. The Herber property does not carry the HLO designation, therefore the
19 provisions relating to the historic potential of the property remain not relevant to this application.

20 The process for placing a site on the HLO is found at KDC Section 2.127.04A, and requires
21 an entity with standing to initiate the process. The property owner, as an “interested party” also has
22 standing to make this kind of application. Those with standing to bring such an application include
23 the City Council, the City Planning Commission, or an interested party. For purposes of this code
24 section, given the text and context of the HLO, an interested party would be a property owner, or one
25 that is a member of some other board or commission with jurisdiction over historic structures, such
26 as a representative of SHPO.

1 Not just any member of the public can initiate consideration for the application of the HLO
2 to a piece of property. The applicant has to be an "interested" party. Interest in the technical sense
3 means an interest in the property. A legal interest. Ownership is a legal interest. One that has leases
4 or is buying a property has an equitable interest. A lienholder has such a right. A representative of
5 SHPO would fall into this category, again due to that agency's jurisdictional interest in historic
6 preservation. Someone off the street does not qualify as being "interested." Neighbors, or even area
7 residents do not qualify as being "interested."

8 The scope of applicant's for the HLO designation by necessity has to be limited to an entity
9 or person that has a specific interest in the subject property. If there were not such a limitation, then
10 anyone could make an application with the City for the HLO designation of any other property, if they
11 own it or not. Neighbors could use this application process as a tool to intimidate and fight neighbors
12 as is want to happen when residents get opposed to one another. Effectively, this application process
13 could create a battle ground for warring neighbors, and inundate the City with ridiculous applications
14 that by mandates in the code would have to be dealt with. The concept limiting the application
15 process to certain entities and interested parties eliminates this potential, and restricts applications to
16 those that come from legitimate interested parties or entities.

17 No entity has applied for the Herber property to have the HLO designation applied to it. Not
18 the City Council. Not the Planning Commission. Not SHPO or any other governmental agency.
19 Given that the Herber family does not consent to or make application for the HLO designation means
20 that the entire HLO issue is moot.

21 **2. Development Conditions Attached**

22 As was pointed out in the hearing, the Herber family are not developers and in all likelihood
23 will not be the developers of the subject property. The project will no doubt be marketed to a local
24 developer to actually construct the project. It is anticipated that the engineering and design work
25 completed by Multi/Tech and presented as part of this case will be used by the ultimate developer in
26 building the development.

1 In order to assure the public and the City that the finished product is in compliance with and
2 substantially similar to project represented in this hearing process, Multi/Tech has developed a series
3 of development standards that match the presented design. Compliance with these development
4 standards can be made a condition of approval to this application to assure that the end product will
5 be constructed in accordance with the design and renderings present in this process.

6 The Special Development Conditions drafted by Multi/Tech are attached hereto, and are
7 recommended to be adopted as conditions of approval.

8 **3. Rebuttal to Specific Issues Raised by Opponents at the Hearing**

9 Although many citizens testified during the course of the remand hearing, there were
10 opposition themes that were repeated. Two issues (historic structure and assurances) have already
11 been addressed above. Rather than address each persons testimony, this Memo will address the
12 common issues raised in no particular order.

13 **A. Herber Land Donation Proposal.**

14 The Herber family has offered to donate a parcel of land to the City. This land is the lower
15 portion of the property that abuts the wetland. The offer is made in order to enhance the City's
16 wetland inventory, and to add stormwater storage area. The area is not economically buildable,
17 therefore it adds little to the proposed project except open space. The open space can be put to better
18 public use if it is in the hands of the City. The offer is a logical and legitimate part of this
19 development, and is not done as a bribe to the City as was characterized. It is often the case that when
20 a property is reviewed for a master development, that certain lands are dedicated to the public, and
21 this is no different. To imply a motive for this proposed donation is anything less than honorable is
22 ridiculous.

23 **B. Traffic.**

24 The only testimony in this Record regarding traffic from a professional comes from the City's
25 planning and public works staff. While many neighbors feel that traffic is already bad; that the new
26 roundabout will make traffic worse; and that this project will overwhelm the traffic in the area; none

1 of those folks have any credentials in planning or traffic management or planning. This case is truly
2 one where the professional expert evidence is un-refuted that the streets can handle the traffic that will
3 be generated from this development. The Herber family have submitted traffic analysis by two
4 different registered professional traffic engineers. Both of these experts have determined that the
5 volume of traffic to be generated here will not significantly impact the local transportation system.
6 This standard means the Transportation Planning Rule (TPR), which is the controlling criteria, has
7 been complied with. Compliance with the TPR means that the applicant has complied with the
8 approval criteria relating to transportation.

9 In addition, staff pointed out at the hearing that the local streets in this area have significant
10 excess capacity as measured by the City's metrics.

11 That many folks do not like the roundabout under construction is evident, however ODOT and
12 City Traffic Engineers have studied the local traffic patterns and volume, and the result is the
13 construction of the roundabout, which in their opinion will enhance the capacity and flow of traffic
14 in the area. Where a layman's opinion conflicts with that of several expert qualified engineers, a
15 reasonable decision maker will in every case follow the opinion of the expert and not the layman.

16 **C. Impact on Schools.**

17 There will be little impact on the local school system from this development. It must be
18 remembered that there is currently a subdivision already approved for the site, which if built would
19 provide homes for families. Those families will have school age children. The number of living units
20 is more with this proposal than with the subdivision, but the kinds of living units proposed here will
21 not all be filled with families, like a single family subdivision would be. Many of the units will be
22 occupied by singles, or young marrieds without children or with children too young for school.

23 The School District has stated that its estimate of the number of school age children can be
24 accommodated within the existing capacity at Kennedy Elementary and Claggett Creek Middle
25 School. While there is determined to be a lack of capacity for students at McNary High School, that
26 issue is one for the School District to address, not the City. Remember that a single family

1 subdivision could be built now under current regulations and approvals, and some high school age
2 kids would reside in those single family homes. The lack of capacity would still exist even under the
3 existing conditions, so that issue is not relevant to this development. There is no question that the
4 School District would not turn away a high school kid living in this development when they went to
5 enroll.

6 Finally, there is no element of the approval criteria that is not satisfied by the evidence
7 presented with regard to the estimated number of students (recall that the estimates came from the
8 School District, not the Herber family).

9 **D. The Site Should Become a Park.**

10 A universal theme of the neighbors is to leave the Herber property in its natural state as a park
11 or open space. In the first hearing proceedings, much discussion was held on this topic, including the
12 City acquiring the site to make it an official City Park, or to enlarge the adjoining park. Nearly two
13 years have passed since that proposal was made and absolutely nothing has been done by the
14 neighbors or the City to initiate acquisition of the site, or to raise the funds to actually purchase the
15 property from the Herber family.

16 It simply is not realistic for the City to pay for this site for a park. The cost alone is
17 prohibitive, and there is no money in any budget, or in any grant funding to pay for the acquisition
18 of this site.

19 The Herber family owns and controls the site and its future. Had the City the desire and the
20 funding to make this land a park it would have already occurred over the last 24 months.

21 Finally, whether the Herber land is desired for a park by the neighbors is not relevant to this
22 proceeding as it does not relate to any specific approval criteria. This kind of quasi-judicial land use
23 has to be decided on the criteria, not the unrealistic desires of a few neighbors.

24 **E. There Are Enough Multi-Family Units There Already.**

25 Many neighbors expressed a desire to limit the number of multi-family projects to be allowed
26 in this area. Cited were several multi-family projects in the general area. However, the City planning

1 program is based on inventories and availabilities, not the desires of area residents, no matter how
2 well meaning they are. The City has an adopted Housing Need Analysis (HNA) that was
3 acknowledged by DLCD in a public process. The HNA has identified a need in the City for 362
4 multi-family living unit in order to accommodate the growing population over the next 20 years. The
5 Herber proposal will fill nearly one-third of that need. There still is a significant need in the City for
6 more multi-family, but this project goes a long ways to begin to fill the City's need for more housing.

7 In addition, the professional planners have identified that filling the need in a more central part
8 of the City makes much more sense than putting multi-family projects at the periphery of the City.
9 The proximity to shopping and transportation is much more available in the interior of the City, and
10 much easier to provide City services this population than if the units were on the outskirts where there
11 is no transportation and no ability to walk to shopping. These public needs, identified by the
12 professionals outweigh the wants and desires of a few neighbors who don't like, and don't want
13 anything to change.

14 **F. Property Values Will Drop.**

15 Several area residents made the argument that property values will drop when the Herber
16 project is completed. No empirical data was presented, and none of the speakers presented any
17 credentials for expertise in property valuation.

18 The Herber family submits that these neighbors are simply wrong. This project will not
19 adversely impact property values. In fact, it may be that the establishment of this beautiful new
20 project could have a positive affect on surrounding valuations. While it is recognized that many
21 people like the "cow pasture" look of the property now, as many, if not more folks find the current
22 condition of the property to be unpleasant. Those would much prefer to live in an area where a new
23 beautiful and well designed project existed.

24 This issue is moot in any event. Oregon land use case law is clear that the rise or fall of
25 property values is not a relevant consideration in a quasi-judicial land use decision. An applicant has
26 to satisfy the approval criteria, and only the approval criteria. There is no approval criteria in this case

1 that mandates no project may impact property values.

2 **G. There Will Be an Increase in Crime.**

3 A few speakers argued that the Herber development will result in an increase in crime. No
4 data was presented to support this argument. No justification or rationale was given for why a brand
5 new up-scale project like is proposed here would increase crime.

6 The fact of the matter is there is no data or logical justification for such an argument. There
7 is no more potential for increase crime emanating from this project than from any a single family
8 project. The newer the project the more expensive will be rents, which will attract a higher quality
9 of the renter, one not prototypically a criminal.

10 It is understood the neighbors do not like or want a change. But, argument made out of fear
11 have no place in the land use process. There is no evidence of a potential for higher crime rate than
12 any other kind of development. Finally, as will most of these fear based arguments, they do not relate
13 to an approval criteria and therefore are not relevant to this decision in any event.

14 **H. Potential for Increased Risk of Flooding.**

15 The issue of a potential risk for flooding was raised. This is a moot point as all the proposed
16 development on the Herber property is on the upper tax lot out of the floodplain. The lower tax lot,
17 that is under consideration for donation to the City, which is adjacent to the floodplain, is not a part
18 of this application. No changes or construction is proposed or at issue here on that lower tax lot.

19 There is nothing about the development on the upper portion of the Herber property that will
20 have any impact on the flow of water in Claggett Creek. This is simply a non-issue.

21 **4. Conclusion**

22 No relevant evidence has been submitted that properly addresses the approval criteria in this
23 case that would warrant any decision other than an approval of this application. The Herber family
24 has worked hard, and spent considerable funds in redesigning the project to meet the original concerns
25 of the City.

26 The project is a good one for the City. The redesign addressed all the Concerns raised by the

1 prior Council. Herber consultants have worked closely with staff to modify the project in such a way
2 as to gain their favor. As modified, and as conditioned by the assurances proposed by Multi/Tech,
3 the City is assured of a project that meets all the approval criteria, and will be constructed in the
4 manner presented in this process.

5 On behalf of the Herber family, I urge the City to approve this application with the suggested
6 conditions.

7 DATED this 1st day of August, 2016, at Salem, Marion County, Oregon.

8
9 Wallace W. Lien

10 Wallace W. Lien, OSB No. 793011
11 of Wallace W. Lien, P.C.
12 Attorney for Herber Family
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**ENGINEERING REVIEW OF
HERBER FARMHOUSE**

Attached under separate cover

PAGE 11 - Applicant's Open Record Memorandum

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**SPECIAL DEVELOPMENT CONDITIONS
TO ENSURE THE PROJECT IS BUILT AS REPRESENTED**

Special Condition No. 1: All buildings located along Verda Lane shall be no more than 2-stories in height.

Special Condition No. 2: All buildings along west side of the property shall project a 2 story view.

Special Condition No. 3: In order to provide building articulation, detailed design shall be provided by using at least three of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

- a. Dormers;
- b. Gables;
- c. Recessed entries;
- d. Covered porch entries;
- e. Cupolas or towers;
- f. Pillars or posts;
- g. Eaves (minimum six-inch projection);
- h. Off-sets in building face or roof (minimum 16 inches);
- i. Window trim (minimum four inches wide);
- j. Bay windows;
- k. Balconies;
- l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features);
- m. Decorative cornices and rooflines (e.g., for flat roofs);
- n. An alternative feature providing visual relief, similar to options in subsections (C)(3)(a) through (m) of this section.

Special Condition No. 4: The side of the building facing the street shall contain windows covering a minimum of 20% of the facade.

Special Condition No. 5: All offsets and/or projections shall vary from other wall surfaces by 2 feet.

Special Condition No. 6: All buildings located along Verda Lane shall be designed to be residential in nature.

Special Condition No. 7: A Pre-Design meeting with the City of Keizer staff will be required prior to the submittal of any plans.

Special Condition No. 8: The proposed development shall provide a minimum of 30% landscaping on the site. Landscaping shall be provided along the buildings, r-o-w, and parking areas within the development. All landscaping plans will be reviewed at the Pre-design meeting with staff.

Special Condition No. 9: All building elevations shall be varied in texture and building materials. All building elevation will be reviewed at the Pre-design meeting with staff.

Special Condition No. 10: All building colors shall be consistent with the color renderings approved as part of this application packet. All building colors will be reviewed at the Pre-design meeting with

1 staff.

2 **Special Condition No. 11:** A minimum 36" berm and block wall (brick or decorative block) shall
3 be provided above sidewalk grade.

4 **Special Condition No. 12:** A minimum 54" berm and block wall (brick or decorative block) shall
5 be provided above parking lot grade.

6 **Special Condition No. 13:** Green Stormwater Infrastructure shall be provided. Stormwater quantity
7 shall be done to not adversely impact Claggett Creek Basin or flooding.

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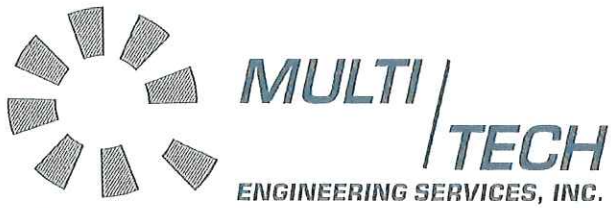
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PAGE 13 - Applicant's Open Record Memorandum

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NTS

S.E.

Salem, Oregon 97302

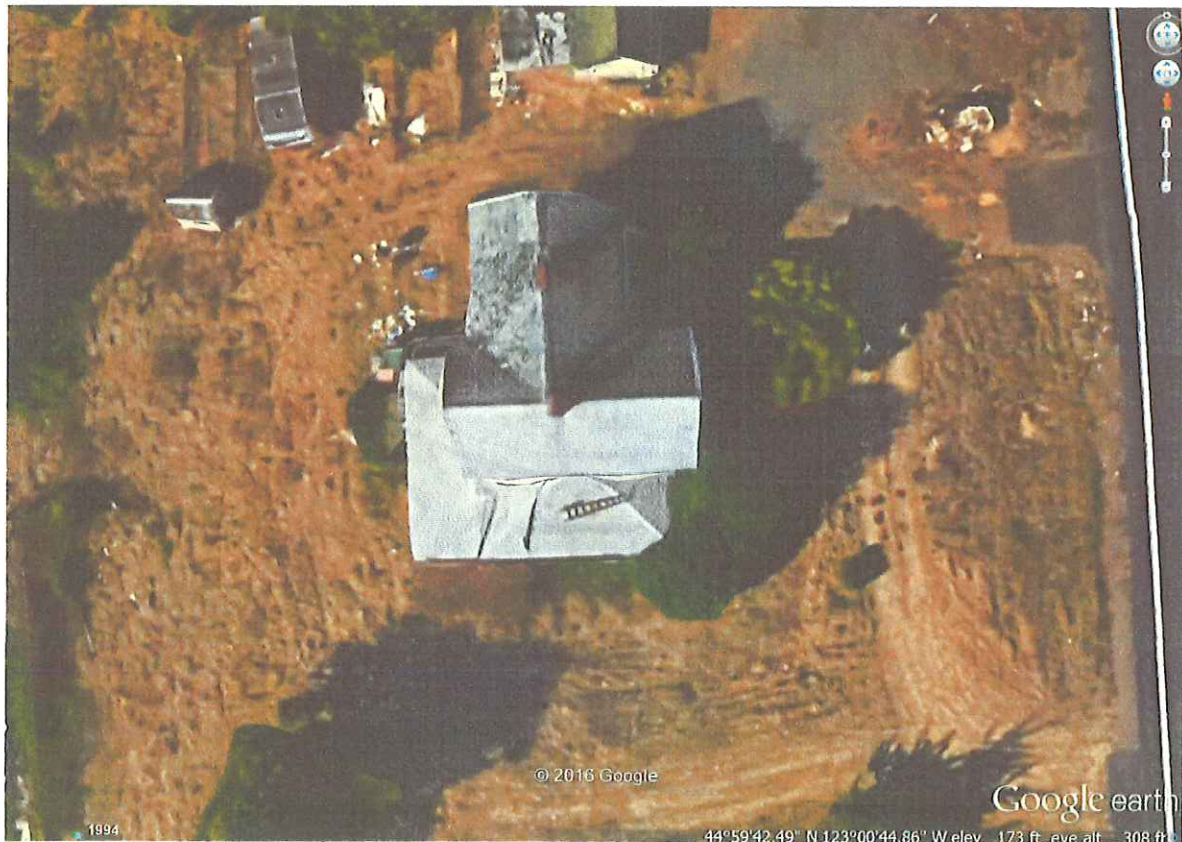
(503) 363-9227

Herber Farm House

Building Review

July 27th, 2016

Our office has prepared this report to document the current status of the existing home located on the Herber Family property on Verda Lane NE, in the City of Keizer.



We provide a full spectrum of engineering & related technical services

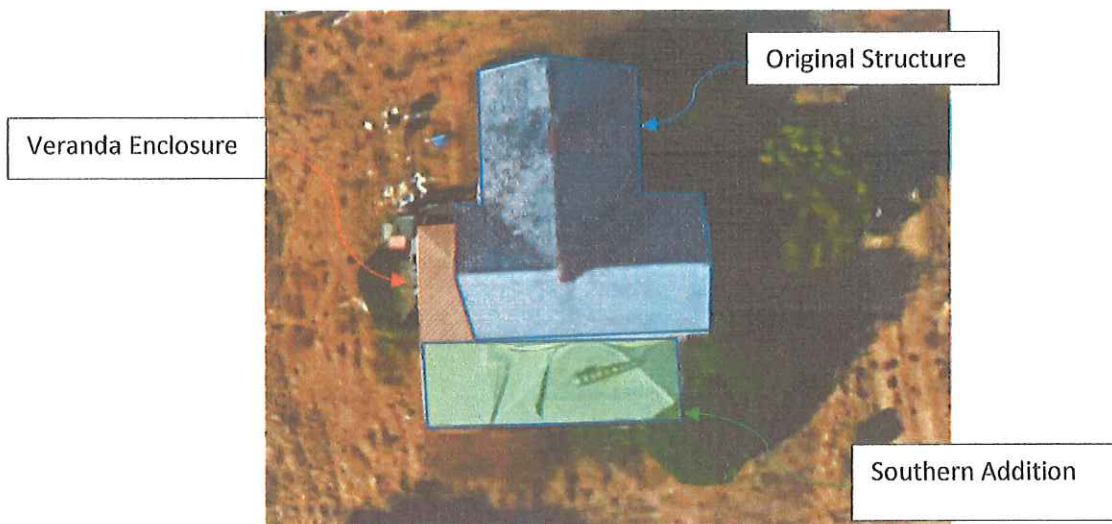
Design, Coordination & Construction Management

The original portion of the present house was constructed in the 1870's. Since that time, the house has had three exterior additions and several interior remodels.

In the 1920's the rear veranda was enclosed.

An addition to the south was added to the home in the early 1970's.

There has been a partial enclosure of the front porch area in the early 1980's.



The above shows the approximate locations of the additions

The interior of the homes has been remodeled on more than one occasion, up grading the kitchen, adding interior plumbing to the home, adding electrical wiring to the home, up grading the electrical fixtures, and weatherization upgrades to the windows and insulation

We reviewed the structure in terms of its ability to be restored to its original condition and/or to be moved from the property to another site.

The home was constructed on a laid rock foundation.



We were unable to locate any type of foundation anchor system in the area of the original structure. The supporting structure of the home are timbers and poles resting on the rock supports.



The roof of the home is in reasonable condition, but will need replacement in the next two years.

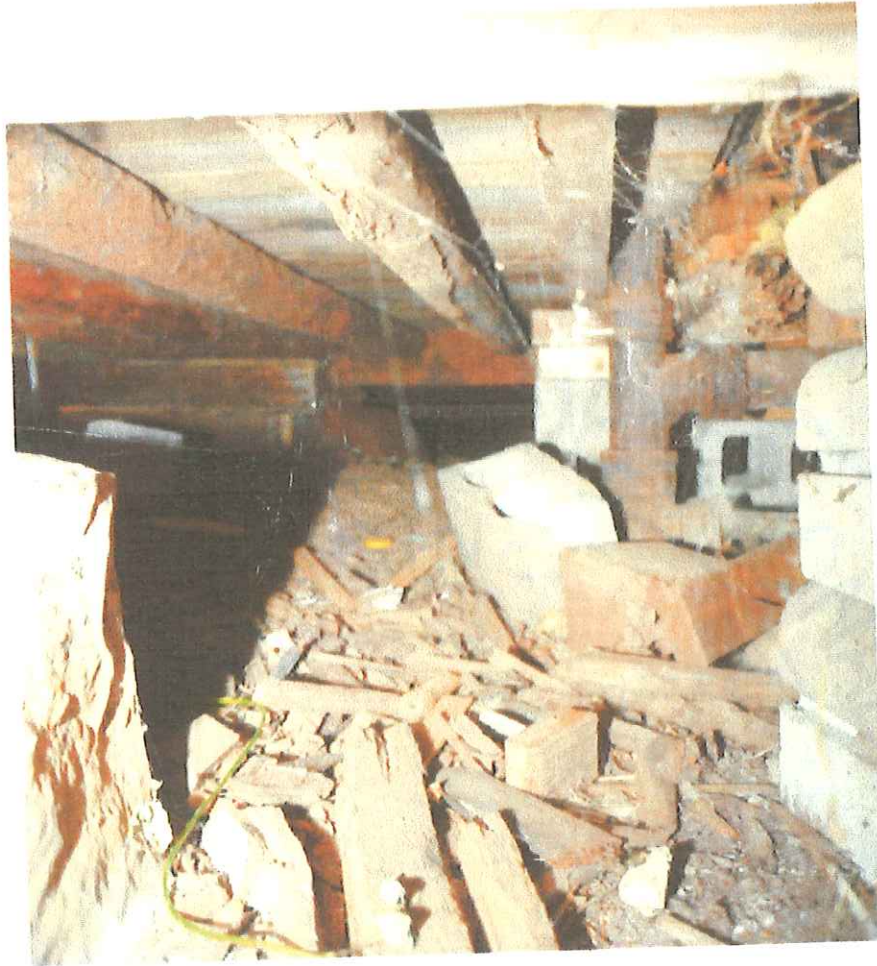
The exterior of the home has several areas with deterioration and disrepair.



MULTI / TECH ENGINEERING SERVICE, INC.



We noted the presence of significant wood dry rot and termite damage to the supporting structure of the home.



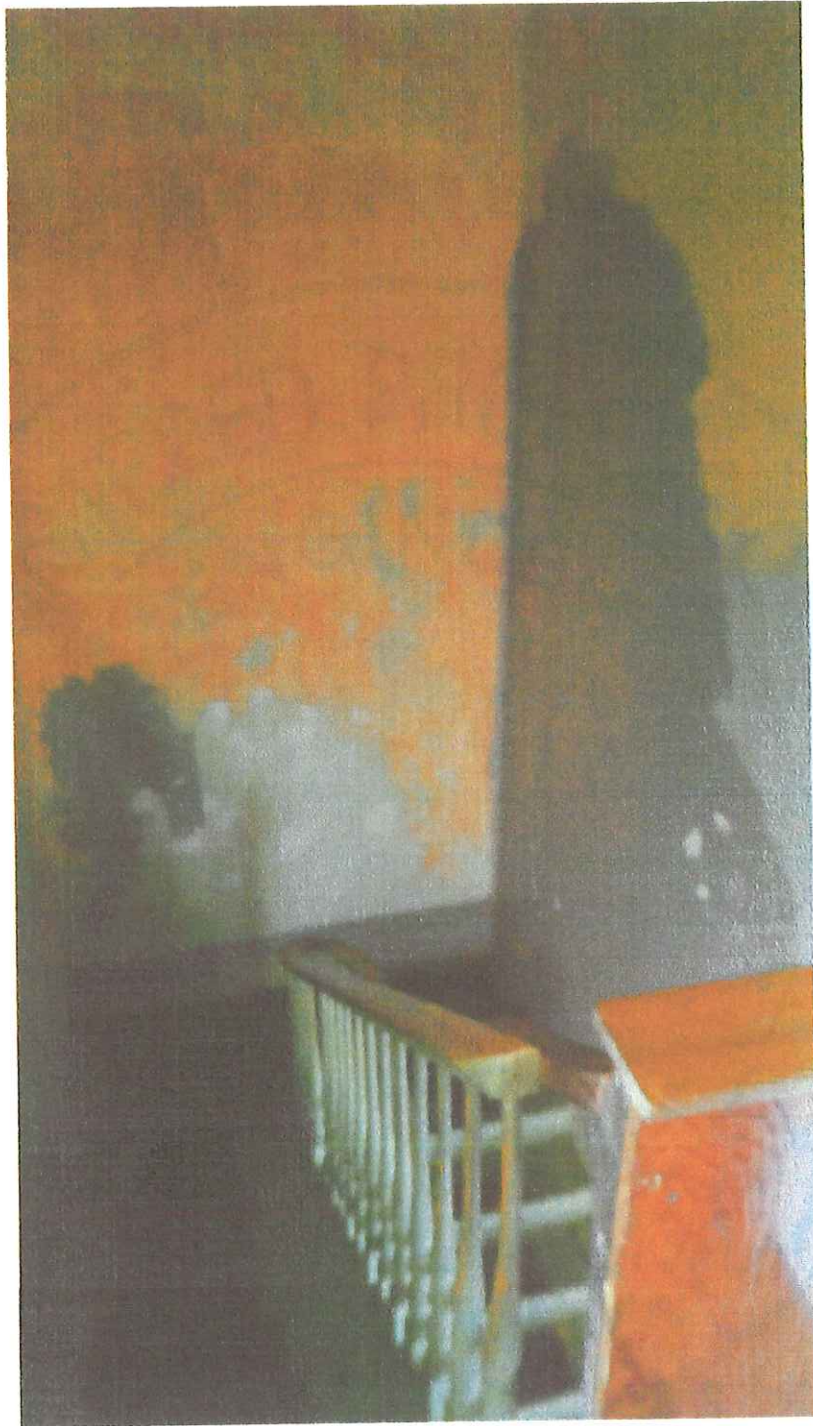
The under floor area of the home has a large quantity of old wood material. The presence of this material increases the presence of insects and wood damaging elements to the home.

The deterioration of the supporting system is evident in the presence of changes in floor elevations, sags and sloping floors.

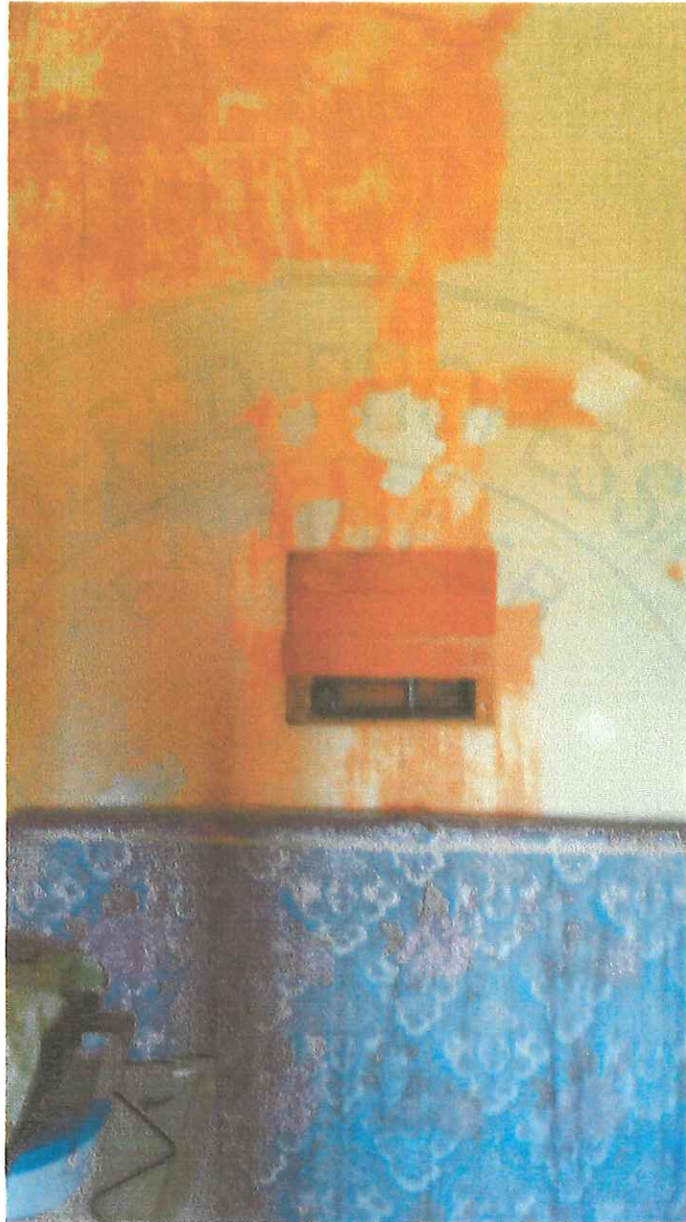
The age of the home is such that no lateral load supporting members were installed as would be required by current codes.

The lack of foundation anchors also means that the expected overturning resistance that is installed under current codes is also missing.

The interior of the home has some issues that would require modification and repair to be safe and usable for the Public.



MULTI / TECH ENGINEERING SERVICE, INC.



We did not conduct an invasive inspection of the walls of the structure in that at present there are residents within the home.

Our expectations, based on the observations made so far, that very significant deterioration issues exist in the building elements.

The ability to relocate the structure is our estimate would be difficult, given the manner of the additions to the home, the fact that both plumbing and electrical were additions to the home and in many instances are located in the underfloor area and wall chases.

The other element is the expected costs of restoration. To restore the structure to its intended "historic" nature, provide needed lateral stability resisting elements, and anchors to the foundation and soil in a manner that will resist overturning forces as well would be very large, likely exceeding the present value of the building as it exists today.

Just a few years ago, the Herber Family discussed with the Keizer Fire District, the use of the home as a "burn to learn" structure. The family elected to put that activity on hold at that time.

It is our professional opinion as a professional engineer that has designed new and remodeled homes, apartments, and commercial buildings, that the costs to restore this house is beyond the expected benefits to be received.



Keizer City Council:

Reading Mr. Lien's rebuttal to community concerns voiced at the June 20 public meeting makes me wonder why we don't save a lot of time and bother with these meetings and just ask the experts how we should handle these public concerns.

The question, of course, is rhetorical. It's that old business of government "of the people, by the people, and for the people." Thank God for that, otherwise we ignorant yokels would be forever steered in one direction or another by a few elitist know-it-alls.

The development of the Herber property on Verda Lane has been met with stiff opposition at each hearing from a chamber full of impassioned if inexperienced testimony. This Mr. Lien dismissed as the "wants and desires of a few neighbors." It is much more than that, and some credibility should be given to the passion.

For each person vocally opposing this change there are many others in the community, typically those described by Thoreau as "the mass of men living lives of quiet desperation." Please excuse the dismal comparison, but I get this sense when I speak to some of my neighbors who have lived on Verda Lane for many years longer than I. I get this sense when I hear them describe the slow degradation of the quality of life here. You see, they remember when Verda Lane was regarded as a "lane" and not a prospective three lane freeway.

I really believe it is this sense of loss that motivates many people to testify against this project. Many have come to the microphone in the council chamber with articulate arguments, and some armed only with emotional and sentimental statements about cows and pastures. One thing that we all have in common, even if subliminally, is the deep, nagging sense that when too many people are squeezed into a small community, the quality of life is bound to suffer. The idea that the traffic on Verda Lane is currently far below its capacity is absolutely incredible to those who actually live on the street. The anxiety of increased crime is also hardly assuaged by empty promises of "higher quality renters" of which absolutely no assurance currently exists.

Maybe what we sense here is the gradual loss of our common heritage, something handed down to us by the sturdy founding pioneers who measured their domain in acres rather than square feet. Most of them braved a difficult crossing to restore what they felt was gradually being degraded in their eastern residences. The introduction of high density housing onto Verda Lane, and its attendant crowding, is more than slow degradation, it is a step change in the wrong direction. Unfortunately most of us, living lives of quiet desperation, have nowhere to go.

The old house on the Herber property is an eerie reminder of this loss. While I must agree with Multi/Tech engineering (the company promoting the fanciful, and completely baseless vision of how the proposed complex will appear) that the old place seems a bit beyond saving, I really would rather have heard it from someone without a profit motive in seeing it burned to the ground.

Which brings me to a final point. Of all the proponents of this plan, the Herber Family, the hired attorney and the hired engineering firm: no one has a motive to benefit this neighborhood. If this proposal is approved and the apartment complex is built, after the profits

are divvied up and the proponents are long gone...only the residents of Verda Lane and environs will remain behind to deal with any consequences.

Keizer City Council: Vox Populi! Please listen to the voice of the people.

Alan Kendall
Keizer, Oregon

Harms, Tammie

From: Harms, Tammie
Sent: Monday, August 08, 2016 11:41 AM
To: Sam Litke (LitkeS@Keizer.org)
Cc: Nate Brown (BrownN@Keizer.org); Shannon Johnson (JohnsonS@Keizer.org)
Subject: FW: Herber Family Property Rezoning proposal
Attachments: Final statement on Herber Property.doc

-----Original Message-----

From: Alan Kendall [mailto:alankendall51@gmail.com]
Sent: Sunday, August 07, 2016 8:31 PM
To: Davis, Tracy <DavisT@keizer.org>
Subject: Herber Family Property Rezoning proposal

Tracy Davis:

I respectfully submit the attached statement in opposition to the proposed zoning change on the Herber property on Verda Lane.

Alan Kendall
4180 Verda Lane
Keizer, OR 97303

Litke, Sam

From: Harms, Tammie
Sent: Monday, August 15, 2016 10:38 AM
To: Litke, Sam
Subject: FW: Verda Lane Farm Land

From: Davis, Tracy
Sent: Saturday, August 13, 2016 11:33 AM
To: Brown, Nate <brownn@keizer.org>; Johnson, Shannon <JohnsonS@keizer.org>; Harms, Tammie <HarmsT@keizer.org>
Subject: Fwd: Verda Lane Farm Land

Sent from my iPhone

Begin forwarded message:

From: John Welles <happyoneand2@yahoo.com>
Date: August 13, 2016 at 10:16:32 AM PDT
To: Tracy Davis <davist@keizer.org>
Subject: Verda Lane Farm Land
Reply-To: John Welles <happyoneand2@yahoo.com>

Thank you, Tracy, for being the liaison on this scary matter! While I don't want you to be overworked, I hope a lot of folks write to you with legitimate concerns and that our concerns will matter to the City and make an impact. Here is my letter:

The quality of life for the 40,000 or so people of Keizer should be considered over the money grubbing desires of the Herber's and their attorney and their biased "experts." It doesn't take a rocket scientist to realize that over the past few years getting around in Keizer has become horrific due to our already exploded population and the building of dwellings we've already endured and more construction in progress. I realize growth is inevitable, but it must be done tastefully and thoughtfully, and 112 apartments on the Verda Farm property is neither. A couple of years ago we started referring to River Road as "The New Lancaster" because it's so crowded all the time and people driving like Mario Andrade weaving in and out, speeding their way through Keizer and plenty of congestion.

Why do they have to cram as much construction in that spot as they can? Oh, for more money. The Herber's will take their money and destroy our town leaving us to live with the consequences while they head to the bank and never look back. I can't imagine their folks would be happy about this. I could see putting some tasteful condos in or some houses but NO MORE APARTMENTS! Especially in that location. Verda Lane will need to be 4 lanes someday but for now...forget the apartments please! That decision would be irresponsible. We are

already skeptical about how efficient the new traffic circle will be for the bursting population we already have here. We need to see how that goes before any changes are made to the farm land.

What impact will the construction have on Claggett Creek? What happens when we have another 1996 flood? Will the apartments ground give out and send them sliding into Claggett Creek? Or maybe they'll just flood out.

The attorney said "Schools lack of capacity would still exist..." well that's just an indifferent and irresponsible statement. It just adds to the evidence that these folks don't care about anything but lining their pockets.

112 apartments would probably bring double that amount of cars. It's just too much. It's like trying to stuff five gallons of crap into a one gallon bucket. Please City of Keizer officials - don't let them do the apartments! Make it condos or houses, tastefully created to coincide with the pretty park. Maybe a bridge for them into the park.

Thank you and I hope that this does get read and considered.

Laura (and John) Welles

City Recorder

Tracy Davis RE: Herber Property

Keizer City Hall

I feel it would be a travesty for the city council to not look into the future regarding not only the need for housing, but for park areas that help to serve the mental and physical health of a community. Once that area is used for any other purpose, it is gone for good.

However, if it is not purchased for a park, there is no reason that 14 driveways could not exist reasonably as that is working just fine north of Chemawa Road on Verda Lane. It would not be 240+ people trying to get out onto Verda! It should NOT BE REZONED FOR ANYTHING OTHER THAN WHAT IT IS NOW ZONED FOR!

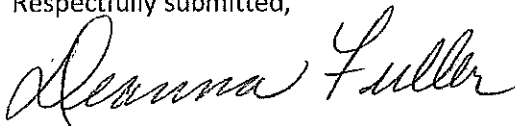
As far as a lack of activity concerning our desire to turn the area into a park, how can you start raising funds if it is not officially designated for such a purpose! The city needs to declare that is their intent and Dennis Koho said he would be willing to head up that campaign. So how can we put the cart BEFORE the horse???

Concerning the assessment of the structure, it seems to me to be a conflict of interests to have the developer be the one to decide the professional assessment. Of course he would deem it unsalvageable. He has bigger plans for monetary profit and that is his job. You need to have ones that truly care about preserving history and know the things that have been accomplished in the past by volunteers, campaigns for raising funds, applying for grants, and a strong vision for the future. It is not wise to sacrifice the future on the altar of the present, nor the important on the altar of the urgent!!

I hope you will be very wise in what you are deciding!

Your decision will either enhance the quality of living in Keizer or make it a place to want to move away from! We DO want to attract new businesses to River Road, so we need to do everything we can do to make it a desirable place to live; NOT just how many people can we legally squeeze into every square inch of space. A park would definitely enhance our town, 122 apartments in that location definitely would NOT!!

Respectfully submitted,


Deanna Fuller

CITY OF KEIZER

15-AUG-16 PM2:08

AUG 15 2016

Exhibit 127

City Council

Your decision regarding the Herber property will effect Keizer for all future generations. This is an oppertunity to put this land to a use that all of Keizer can benefit and enjoy. Its in the heart of Keizer, And Rosalie loved and protected her land for almost 100 yrs. Lets Honor her and make it Park land!

DeAnne Reiersen

- I grew up across
Verda lane from Rosalie -
♡

AUG 15 2016

Aug. 13, 2016

City Responder,

I would like to see Condos on the
cow pasture. Apartments are very
unattractive. I know at least one
that is pretty.

The traffic would be bad with
lots of Apartments

And the cars for each apartment
would not have good parking,
car ports at best.

Lots of cars - boats - anything
goes.

Very unattractive.

I'm for making Keizer
prettier.

Please give this your
thought.

Joyce
Warden

Litke, Sam

From: Harms, Tammie
Sent: Monday, August 15, 2016 5:16 PM
To: Litke, Sam
Subject: FW: Herber property Appliation Rebuttal

From: Davis, Tracy
Sent: Monday, August 15, 2016 5:04 PM
To: Harms, Tammie <HarmsT@keizer.org>; Johnson, Shannon <JohnsonS@keizer.org>
Subject: FW: Herber property Appliation Rebuttal

FYI.....

From: Eamon Bishop [<mailto:bishop1@comcast.net>]
Sent: Monday, August 15, 2016 5:00 PM
To: Davis, Tracy <DavisT@keizer.org>
Subject: Herber property Appliation Rebuttal

To Whom It May Concern

Regarding 2(H) of Applicant, Potential significant changes in the mapping and classifying of flood plains under the National Flood Insurance Program & the Endangered Species Act require that the relevant flood plain map involved in this case be re- examined.

E bishop
Sent from XFINITY Connect Mobile App

To: Mayor Cathy Clark and Keizer City Council Members

Re: REBUTTAL to August 1, 2016 Comments by Wallace Lien, Attorney for the Herber Family
Comprehensive Plan Change/Zone Change/Lot Line Adjustment Case number 2014-11 - REMAND

Date: August 29, 2016

RECEIVED
CITY OF KEIZER

AUG 29 2016

To the Mayor and City Council Members,

My name is Karen Okada, and my family lives at 4705 Verda Lane NE, in Keizer. We live down the street from the Herber Property.

COMMUNITY DEVELOPMENT

I am writing to specifically rebut comments submitted on August 1, 2016 by Mr. Wallace Lien, attorney for the Herber Family.

The issue is whether the revised proposal addresses the issues raised by the City Council in its original decision. I do not believe that those issues have been addressed, and the problems identified earlier by the 2014 City Council still remain.

Need: Mr. Lien states on pages 7/8 that "the City Planning program is based on inventories and availabilities, not the desire of area residents..." Attached is the City Zoning Map, and there is already 24 acres of RM/Medium Density Residential land available for development (shown in yellow). Some parcels might not be "perfect," but over 50% of this RM zoned property is much closer to the central part of the City than the Herber property, is close to existing services (transportation, shopping, etc.) and would have much less impact upon adjacent properties/neighbors.

The Housing Need Analysis (HNA) is a template for the City Council to use in making decisions for the City of Keizer. The City Council is not "required" or "mandated" to change zoning. There is still a greater need for single family residential land, (1, 183 units), versus medium density resident needs of 362 apartment units.

There are many official tables, charts, and graphs, but they all essentially state the same thing- there will never be enough land in Keizer to meet everyone's wishes and desires. That is why there is a zoning map – to use the land that already exists in each classification.

Summary – Need: Keizer does not need a 112-unit apartment complex at this location. And, the City Council is not required to change the zoning, just because a request has been made. There are other parcels available in Keizer that are currently zoned for multi-family housing. The best use for this site is residential. A developer can come in, and build anywhere from 14 – 60 homes. And, they can make the property work so that there will not be 14 driveways (as was stated by city staff), but will have one or two entrances into a nice subdivision. This will add moderate growth to our community, and will meet the zoning criteria that currently exists.

Impact: A large apartment complex would have a huge, negative impact to this neighborhood. The applicant has submitted a list of "special development conditions." There are always unforeseen circumstances, criteria that someone forgets to include, and the potential exists to still end up with an apartment complex that isn't what the City Council envisioned. Why are we working so hard to change something? The land is zoned residential for a reason – it is a residential neighborhood.

In 2014, City Staff noted on page four of the September 12, 2014 Council Meeting packet that "The outcome to the community could be improved with street improvements, landscaping, traffic mitigations, and design

control - if the council chose to place significant mitigations on the proposal. Such additional mitigation measures available for Council consideration might include such things as greatly increased design standards and review process addressing such things as building design, landscaping, traffic mitigation, etc." The applicant has submitted 13 special development conditions. This is not close to the "significant mitigations" that are needed for this request, and does not cover landscaping or traffic mitigation.

Schools – Mr. Lien states that the high school will not turn away students. That is correct. But, putting a 112-unit apartment complex on a busy road – right next to a roundabout, where traffic never stops – is not a smart or logical choice to make. There is a new, 180-unit complex by the Keizer Little League fields, that will be finished in the next few months. The Salem Keizer School District is currently evaluating the school boundaries for this complex, and they hope to have a decision made by the time the school year begins. Currently, the students in this apartment complex will be split between Gubser and Kennedy. 102 units will be in the Kennedy/Claggett boundary, and 78 units will be in the Gubser/Whiteaker boundary. The 2014 SKSD report estimates that 18 students will attend Kennedy (13)/Claggett (5), 14 students will attend Gubser (10) /Whiteaker (4), and 9 students will attend McNary – for a total of 41 students. The report shows a ratio of 23% for students to housing units. I have attached this report to this letter.

The job of the Council is to evaluate all information - estimates based on professional standards, and real life data. In June 2014, I contacted the SKSD to find out how many students lived at the Keizer Terrace Apartments, which are directly across the street from Kennedy School. There were 124 students from the 153-unit complex – the ratio of students to housing units was 81%. If the same percentage is applied to the new 180-unit complex by the Little League fields: 102 units for Kennedy/Claggett is 65 students (Kennedy has 47, and Claggett has 18); Gubser/Whiteaker is 49 students (Gubser has 35, and Whiteaker has 14), and 32 students at McNary. This is a total of 146 new students – a significantly higher number than 41 new students.

The 2014 SKSD report to the City Council for the Herber property has a 23% ratio of students to housing units (28 students for 120-unit complex.) The 2016 SKSD report has a 37% ratio of students to housing units (41 students for 112-unit complex). If the Herber property had the 81% ratio applied, there would be 91 new students from this property – more than twice the amount planned by the school district.

Summary – Impact: Changing the zoning will significantly and adversely affect the surrounding properties. There are too many special development considerations needed to make this project work. The impact on the schools is also significant. As Mr. Lien states on page 7, the estimated number of students came from the school district, not the Herber family. However, changing the zoning would significantly impact the adjacent properties, and that is part of the approval criteria for the City Council to decide. There are already several apartment complexes in this area, and adding another complex with 112-units will have a huge impact on the schools these students will attend. Other properties were ahead of this proposal, and single family homes will be a better use for the Herber property.

Traffic: Mr. Lien states on page 6 that the "family have submitted traffic analysis from two different registered professional traffic engineers" over the past two years. The council's job is to evaluate the data, based on the information presented, as well as use common sense.

The issue is not the roundabout, or the vehicle capacity of Verda Lane/Chemawa Road. The issue is that adding 100+ apartments WILL significantly increase traffic in this area. And, the driveways will be very close to the roundabout. While the "plan" is to direct traffic in different directions when leaving the apartment complex, this will funnel traffic to other parts of Verda, instead of having cars leave on Chemawa Road. The impact of an additional 100 cars, and probably closer to 200 cars, from this property, driving every day on Verda Lane, will not

be absorbed by the addition of the roundabout. It will just add more cars to the already long lines that currently exist.

The March 2016 TPR report states that if 60 residential homes were built, there would be an estimated 571 trips per day. The proposed 112-unit apartment would generate 745 trips per day. The report recommends setting a trip generation cap of 750 trips as a condition of approval. How would this be enforced? Also, common sense would suggest that almost doubling the amount of house (60 house versus 112 apartments) would almost double the number of trips – so the apartment complex could generate almost 1000 trips/day. The documents submitted to the council show 226 parking spaces for 112 units. If 60 houses were built on this property, there would be approximately 120 – 150 cars in the subdivision. More cars mean more drivers, which means more trips generated per day. A cap of 750 trips seems very unrealistic, and impossible to regulate or enforce.

Mr. Lien states on page 6 “Where a layman’s opinion conflicts with that of several expert qualified engineers, a reasonable decision maker will in every case follow the opinion of the expert and not the layman.” A reasonable decision maker also needs to use common sense, and to closely read and evaluate the written data. The report recommends setting a “trip generation cap of 750 trips as a condition of approval.” So, the traffic will immediately be almost at the cap that is recommended by the engineering firm that was hired by the family requesting the zoning changes? This doesn’t seem to reflect well on a request to change the zoning for this property. In reality, traffic usage in the area will quickly increase above and beyond what the “professional reports” estimate. While Verda and Chemawa roads can “handle” this increased traffic, it would still significantly impact traffic in this area. A zoning change is not needed for this property.

Summary – Traffic: The report submitted by the engineering firm hired by the family has a trip generation cap that will immediately be exceeded once the apartment complex is fully occupied. A 112-unit complex would severely impact traffic in this area. An apartment complex next to a roundabout will lead to increased traffic in a short span of roadway, which will continue to add to the lines of traffic in this area. A single family homes, residential subdivision is a better use for this property.

Conclusion: Mr. Lien states on pages 9/10 that “the Herber family has worked hard, and spent considerable funds in redesigning the project to meet the original concerns of the City.” “The project is a good one for the City.” “Herber consultants have worked closely with staff to modify the project in such a way as to gain their favor.” The family has worked hard, and spent a lot of money, but that should not impact the decision made by the City Council. I would suggest that their money has not been well spent. The “experts” they hired should have given them better information in the beginning – and suggested a residential subdivision for this property. That would have saved everyone a lot of time and money. The project is NOT good for the City. And, to state that they modified the project to “gain their favor?” The City Council should be above such statements.

The Verda Lane/Chemawa Road intersection is a gateway to our community. Do we really want a 112-unit apartment complex here? This is a great location for a very nice, single family home complex that a developer could build for our community.

I urge the City Council to **not approve** the request for a comprehensive plan/zone change for the Verda Lane property. The land is currently zoned residential, and that is the best use for this property, and for our community. Changing the zoning is not needed, and NOT required, and would have a significant, adverse effect on the adjacent properties. The proposal submitted does not meet the burden of proof stated by the City Council in 2014, and should be denied.

If you have any questions, please feel free to contact me. Again, thank you for your time and consideration of our concerns.

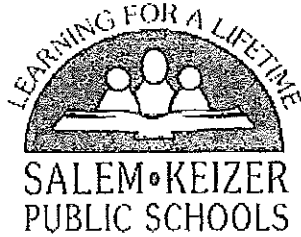
Sincerely,

Karen and David Okada
4705 Verda Lane NE
Keizer, OR
503-390-7887 home phone
dkokada1@comcast.net

Attachments:

City of Keizer Zoning Map

2014 Salem Keizer School District memo –Land Use Activity - Keizer Station C



DAVID FRIDENMAKER, Manager
Facility Rental, Planning, Property Services
3630 State Street, Bldg. C • Salem, Oregon 97301-5316
503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

November 10, 2014

Sam Litke, Senior Planner
Keizer Community Development Department
PO Box 21000
Keizer OR 97307-1000

RE: Land Use Activity
Keizer Station Area C Amendment

SUMMARY OF COMMENTS

School Assignment: Phase 1 is located in the Kennedy Elem, Claggett Creek Middle School attendance area. Phase 2 is located in the Gubser, Whiteaker Middle School attendance area. Both phases are located in the McNary High School attendance area.

School Capacity: Sufficient school capacity currently exists to serve the estimated elementary and middle school enrollment and does not currently exist to serve the estimated high school enrollment.

Please find below information and comments regarding the proposed land use activity identified above. If you have questions, please call at (503) 399-3335.

ELEMENTARY SCHOOL INFORMATION (GRADES K TO 5)

1. School Name: Kennedy Elem./Gubser Elem. Schools
2. Estimated change in student enrollment due to proposed development: 13/10
3. Current school capacity: 541/567
4. Estimate of school enrollment including new development: 471/487
5. Ratio of estimated school enrollment to total capacity including new development: 87/86%.
6. Walk Zone Review: Information not available at this time..
7. Estimate of additional students due to previous 2013 land use applications: 0/0
8. Estimate of additional students due to previous 2014 land use applications: 16/0
9. Estimated cumulative impact of 2013-2014 land use actions on school capacity: 90/86% of capacity.

MIDDLE SCHOOL INFORMATION (GRADES 6 TO 8)

1. School Name: Claggett Creek/Whiteaker Middle Schools
2. Estimated change in student enrollment due to proposed development: 5/4
3. Current school capacity: 1,040/871
4. Estimate of school enrollment including new development: 931/737
5. Ratio of estimated school enrollment to total capacity including new development: 90/85%
6. Walk Zone Review: Information not available at this time..
7. Estimate of additional students due to previous 2013 land use applications: 8/0
8. Estimate of additional students due to previous 2014 land use applications: 11/3

9. Estimated cumulative impact of 2013-2014 land use actions on school capacity: 91/85% of capacity.

HIGH SCHOOL INFORMATION (GRADES 9 TO 12)

1. School Name: McNary High School
2. Estimated change in student enrollment due to proposed development: 9
3. Current school capacity: 1,964
4. Estimate of school enrollment including new development: 2,071
5. Ratio of estimated school enrollment to total capacity including new development: 105%
6. Walk Zone Review: Information not available at this time..
7. Estimate of additional students due to previous 2013 land use applications: 11
8. Estimate of additional students due to previous 2014 land use applications: 16
9. Estimated cumulative impact of 2013-2014 land use actions on school capacity: 107% of capacity.

ESTIMATE SUMMARY (GRADES K TO 12):

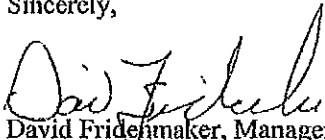
1. Total estimated change in student enrollment: 41
2. Total estimated student enrollment over capacity: 9
3. Total estimated cost to District for new facilities, beyond current facility capacity, due to change in student enrollment: **\$ 138,000**
4. Total estimated additional income to District for new facilities due to change in student enrollment: **\$ 0**

Developer should provide paved walk route(s) to allow pedestrian and bicycle access to school(s) from all residences within the new development and should provide all improvements required by the City of Keizer where new transportation routes are established or existing transportation routes change, such as school flashers, crosswalks, and signage. As per ORS 195.115, when the walk zone review indicates "eligible for transportation due to hazard" the District requests that the City initiate a planning process with the District to identify the barriers and hazards to children walking or bicycling to and from school, determine if the hazards can be eliminated by physical or policy changes and include the hazard elimination in the City's planning and budgeting process.

ASSUMPTIONS:

1. When land use request is granted, 102 (Kennedy and Claggett Creek area) and 78 (Gubser & Whiteaker area) and (180 McNary High area) additional residences will be built.
2. Estimates are computed using the Student Rate per Dwelling Method described in the District's Long-term Facilities Plan for years 2008-2015.
3. If current capacity exists at the schools currently serving the parcel then an estimate of zero cost, or no significant impact, is made.
4. If current capacity does not exist at the schools currently serving the parcel then an estimate of cost for one-time capital improvements is made.
5. Income from the proposed land use for capital improvement is assumed to be zero since capital improvement funds come from voter approved bond measures that can be an unpredictable and irregular source of income.
6. Income from a State School Facilities grant may be available depending on state funding. The grant amount ranges from 0% to 8% of the construction cost. Since the funding is unpredictable, it has not been included as income. The current 2011-13 biennium facilities grant funding for the District was \$5,450,719.
7. General Fund Budget Amount for the 2013-14 school year is \$9,241 per student (ADMw). The State School Fund Revenue for 2013-14 is estimated to be \$8,021 per student (ADMw). ADMw is "Average daily membership" as defined in ORS 327.006 (3).

Sincerely,


David Fridehmaker, Manager
Facilities and Planning Dept.
Planning and Property Services

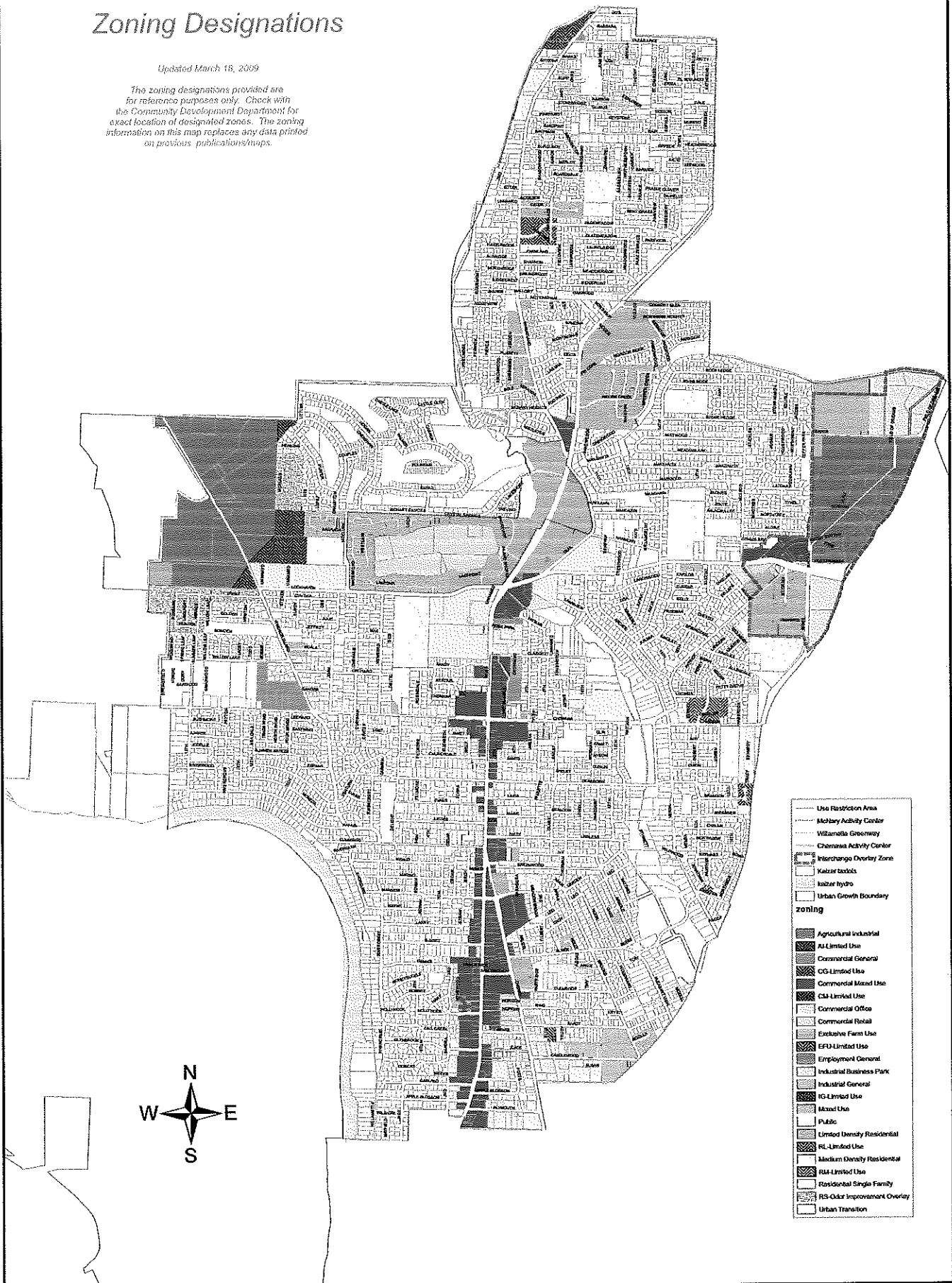
c: Mike Wolfe, Chief Operations Office
Jim Jenney, Manager – Custodial and Property Services
William White, Manager – Risk Management
Michael Shields, Manager - Transportation

City of Keizer

Zoning Designations

Updated March 18, 2009

The zoning designations provided are for reference purposes only. Check with the Community Development Department for exact location of designated zones. The zoning information on this map replaces any data printed on previous publications/maps.



BEFORE THE KEIZER CITY COUNCIL

In the Matter of the Application of Herber)
Farm, LLC, and the Herber Family)
individually as successors in interest, for a)
Comprehensive Plan Map Change from)
Low Density Residential to Medium and)
High Density Residential, a Zone Change)
from Single Family Residential to Medium)
Density Residential, and a Lot Line)
Adjustment to Consolidate the Existing)
lots into one large parcel for an)
approximate 7.5 acre parcel located in the)
4800 Block of Verda Lane, Keizer, OR)

Case No. 2014– 11

**APPLICANT'S
Final Summary
MEMORANDUM**

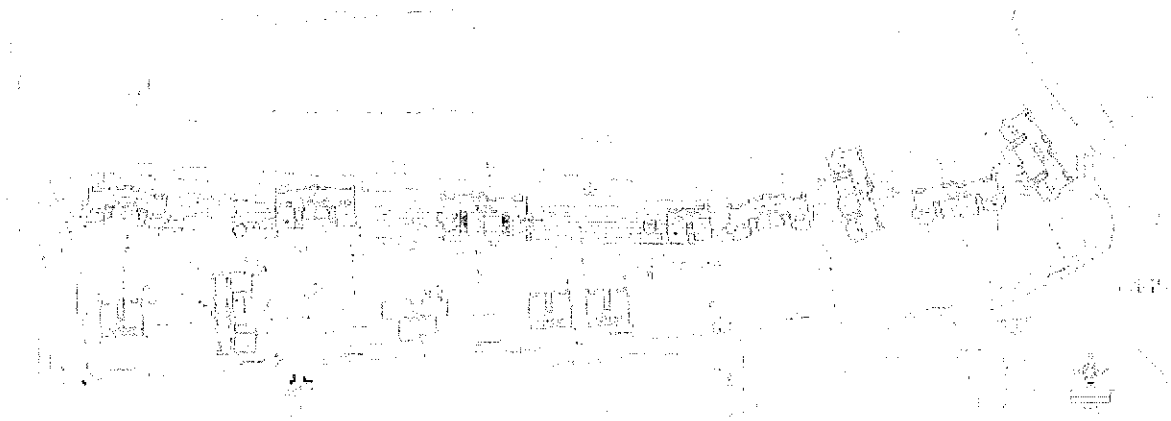
September 6th, 2016

This application has been presented to the City of Keizer in keeping with the Keizer Development Code. All of the relevant criteria as set out in KDC3.109.04 and 3.110.04 have been addressed by the Applicants.

On June 12, 2014 the application was presented to the Keizer Hearings Officer. At that time much of the same testimony was provided by the residents of the area to the Hearings Officer.

On July 8th, 2014 the Hearings Officer issued a decision recommending that the City Council approve the application noting that all of the criteria had been adequately addressed.

The application has now been brought back to the City Council with adjustments to and modification of the request in an effort to address the issues that were raised by the opponents and expressed by the prior council.



HERBER PROPERTY - REMAND

Multi/Tech Engineering

The issues of concern expressed were:

Traffic

The applicants provided expert information from a registered professional traffic engineer. His information supported that the existing transportation systems in the area are sufficient to handle the expected traffic from the project. His information takes into account the improvements that the City of Keizer has undertaken with the construction of the roundabout at the Verda-Chemawa intersection.

To further insure that the changes in the zoning for this site does not have greater impacts a traffic cap was recommended and agreed to by the applicant. This cap prevents the future developer of the property from increasing the number of units or uses on the property without having to return to the City for approval to change the cap.

The City's Traffic consultants reviewed the information and agreed with that provided by the applicants consultant.

No testimony was provided by an expert that raised any questions related to the information the applicant provided or in support of the statements made by the opponents that traffic created by the project would be detrimental to the area.

Need

The applicant, through its land use consultants, has provided clarification of the present "Housing Need Assessment" that the City of Keizer has had prepared for the community. That information clearly demonstrates a need for additional multi-family property in Keizer. The City has an adopted Housing Need Analysis (HNA) that was acknowledged by DLCD in a public process. The HNA has identified a need in the City for 362 multi-family living unit in order to accommodate the growing population over the next 20 years. This application as proposed will fill only one-third of that need.

The opponents did not provide any expert information that disputed the information contained in the Needs analysis that the City has and as referenced in the applicants information. The opponents stated that there are too many apartments in this area.

At the public hearings, we have shown and noted that the applicants property meets all of the siting criteria recommended by the experts.

- On or near major transportation systems. (This site is located on two arterials and one collector roadway)
- Near transit facilities. (This site has three (3) transit stops along its frontage)
- Close to Parks. (This property is adjacent to a major city park and the applicants have agreed to donate to the City of Keizer xx acres of additional land adjacent to the existing park).
- Close to shopping. (The site plan below shows the proximity of this site to shopping in the area).
- Close to schools. (The site is within walking distance of two elementary schools and one middle school).



Impacts to the adjoining area

Prior information noted concerns with the location of the units on the site as well as the height of the buildings along Verda Lane.

The adjusted site plan shows that the majority of the units have been located away from the roadway, with the height of the buildings along Verda have been proposed as two story only. This proposal matches the common height of single family homes.

The intent is that the buildings along Verda would be designed to give an appearance more like homes than apartments.

The added elements are proposed along Verda to buffer the adjoining properties and provide added screening, reducing the perceived visual impacts.

Additions have been made to the intended design of the buildings such that they will have more architectural features.

BUILDING ARTICULATION AND DESIGN FEATURES



To insure that future development of the site will be in keeping with the proposed site plan elements, the Applicant has proposed the following special conditions to be included in the approval of this application:

Special Condition No. 1: All buildings located along Verda Lane shall be no more than 2-stories in height.

Special Condition No. 2: All buildings along west side of the property shall project a 2 story view.

Special Condition No. 3: In order to provide building articulation, detailed design shall be provided by using at least three of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

- a. Dormers;
- b. Gables;
- c. Recessed entries;
- d. Covered porch entries;
- e. Cupolas or towers;
- f. Pillars or posts;
- g. Eaves (minimum six-inch projection);

- h. Off-sets in building face or roof (minimum 16 inches);
- I. Window trim (minimum four inches wide);
- j. Bay windows;
- k. Balconies;
- l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features);
- m. Decorative cornices and rooflines (e.g., for flat roofs);
- n. An alternative feature providing visual relief, similar to options in subsections (C)(3)(a) through (m) of this section.

Special Condition No. 4: The side of the building facing the street shall contain windows covering a minimum of 20% of the facade.

Special Condition No. 5: All offsets and/or projections shall vary from other wall surfaces by 2 feet.

Special Condition No. 6: All buildings located along Verda Lane shall be designed to be residential in nature.

Special Condition No. 7: A Pre-Design meeting with the City of Keizer staff will be required prior to the submittal of any plans.

Special Condition No. 8: The proposed development shall provide a minimum of 30% landscaping on the site. Landscaping shall be provided along the buildings, r-o-w, and parking areas within the development. All landscaping plans will be reviewed at the Pre-design meeting with staff.

Special Condition No. 9: All building elevations shall be varied in texture and building materials. All building elevation will be reviewed at the Pre-design meeting with staff.

Special Condition No. 10: All building colors shall be consistent with the color renderings approved as part of this application packet. All building colors will be reviewed at the Pre-design meeting with staff.

Special Condition No. 11: A minimum 36" berm and block wall (brick or decorative block) shall be provided above sidewalk grade.

Special Condition No. 12: A minimum 54" berm and block wall (brick or decorative block) shall be provided above parking lot grade.

Special Condition No. 13: Green Stormwater Infrastructure shall be provided. Stormwater quantity shall be done to not adversely impact Claggett Creek Basin or flooding.

Schools

The School District has stated that its estimate of the number of school age children can be accommodated within the existing school facilities for schools such as Kennedy Elementary and Claggett

Creek Middle School. While there is determined to be a lack of capacity for students at McNary High School, that issue is one for the School District to address, not the City. The site could have up to 60 single family homes, which would generate a significant number of children as well. As such, there would be impacts to the system in a similar amount from such single family homes.

Flooding

As stated in the prior public hearings, this project will not be constructed within any portion of the identified flood plain of Claggett Creek. Any grading operations will be in complete compliance with the City of Keizer's development code.

The special conditions noted above include requirements to use low-impact design methods (also known as green stormwater infrastructure) to improve water quality of the surface water leaving the site. The existing use of the site to presently raise cattle has a very negative impact on the water quality from the area. The new use will have only a positive impact in this area.

The project will as well be required to provide storm water detention. Such detention designs are intended to limit the quantity of water that exits the site to not exceed the rate that exists prior to the project.

Historic House

There was extensive discussion at the public hearing and in the following written information regarding the "Historic House".

In an effort to evaluate the house, relative to its ability to be restored or retained, our office provided a detailed report on the structural condition of the structure. The results of that review was self evident, the house is not in our opinion a structure that can be restored without major work and significant costs. The report notes that the house has been remodeled and added onto such that a significant part of the home is not historic at all.

As to the issue that it **is or is not** Historic, the true fact is that the house has never been designated as a historic structure. The Herber Family has not made such a request, nor have they been contacted prior to this application to have the house designated as a historic structure.

What's even more important is that the status of the "house" is not a criteria included in the City of Keizer Development Code relative to the comprehensive plan/zone change process.

Whether the property is Residential Single Family or Medium Density Residential, the status of the house is irrelevant.

Conclusion

The applicants request that the application be approved with the special conditions that they have proposed.

Staff Recommended Conditions of Approval: Council Meeting 9/19

GENERAL REQUIREMENTS:

1. Comprehensive Plan map designation is allowed to be changed from Low Density Residential to Medium and High Density Residential.
2. Zone map designation is allowed to be changed from Single Family Residential (RS) to Medium Density Residential (RM).
3. All requirements of the Marion County Surveyor's office must be met. In order to complete the property line adjustment, a replat in the form of a partition plat will be required. The following requirements must be met to accomplish the replat:
 - a) Must comply with all provisions per ORS 92.185(6);
 - b) Must be surveyed and platted per ORS 92.050, and the plat submitted for review;
 - c) Checking fee, second mylar fee, and recording fee required; and
 - d) A current or updated title report must be submitted at the time of review.
4. The property line adjustment shall be timely recorded with the Marion County Clerk. After the property adjustment is recorded, no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.
5. The property must comply with the minimum lot size and dimensional standards of the Medium Density Residential (RM) zone.
6. Any development of the site shall comply with all requirements in the RM zone and Section 2.315 (Design Standards) of the KDC.
7. The existing historic home shall be made available for a period of 6 months from the date of final approval, to allow for any interested party to come forward and provide a plan for the preservation and relocation of the historic value of the home. The home must be relocated within 1 year of the date of this approval, after which time if no arrangements are made for preservation, may be demolished at the owner's expense. If the house is not preserved through third party efforts, the structure shall be documented and a record created and an informational display shall be created to document and inform the public of the importance and character of the structure, as approved by the City.
8. Applicant shall submit a street vacation application for the vacation of Philip Street right of way.
9. Deeding or dedicating the significant area below the developed area to the City for public shall be completed prior to final plat approval.
10. No building permits will be issued until the required public improvements listed below are completed.

11. SANITARY SEWERS:

- a) The subject property is located within the original Keizer Sewer District. Therefore a sanitary sewer trunk line acreage fee will not be required.
- b) City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer for review and determination of compliance with the City's Master Sewer Plan for the area.
- c) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements for any public sewer mains located within the subject property if located outside platted right of ways will need to be recorded which meets the City of Salem Design Standards.
- d) Any existing septic tank and drain fields shall be located and abandoned per state and county regulations.

12. WATER SYSTEM:

- a.) A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. Any public water facilities located outside of platted right of ways will require that the appropriate easements be shown on the recorded plat. The recorded easement shall be to the City of Keizer and shall meet the City of Keizer design standards. Any system development charges for water system improvements will be those in place at the time of individual service connections.
- b.) Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to issuance of any public improvement permits.
- c.) Any existing wells on the subject property are to be abandoned. The developer shall provide evidence that any abandonment of existing wells has been completed in accordance with the rules of the Oregon State Water Resources Department.
- d.) Location of all meters to be approved by the City of Keizer Public Works Department.

13. STREET AND DRAINAGE IMPROVEMENTS:

- a) Street improvements will be required to provide an adequate transportation system that will serve the proposed development. Right of way dedication will be

required along Verda Lane and Dearborn Avenue. Verda Lane is designated as a Minor Arterial Roadway and Dearborn Avenue is designated as a Collector Roadway. The minimum acceptable Right of Way for Minor Arterials is 72 feet which will result in a 36 foot Right of Way from the center of the current Verda Lane Right of Way. The minimum acceptable Right of Way for Collectors is 68 feet which will result in a 34 foot Right of Way from the center of the current Dearborn Avenue Right of Way. Public street improvements will be required prior to any development of the subject property. At a minimum, public street improvements will include street widening of both Verda Lane and Dearborn Avenue with a 6 foot wide property line sidewalk. Public Street improvements will require appropriate drainage swales if necessary to comply with city water quality standards. A 10 foot wide public utility easement will be required to be dedicated on the Lot Line Adjustment Plat along Chemawa Road, Dearborn Avenue and Verda Lane. No access will be allowed to Philip Street from the subject property. The northerly access to the subject property from Verda Lane will be for emergency vehicles only and will be a gated. The right in, right out southerly access shown on the preliminary cover sheet will need to be constructed such that right turns only movements are allowed.

The applicant submitted a Transportation Planning Rule Analysis dated March 17, 2016 as part of the land use application. The City of Keizer does not disagree with the methodology or supporting language used but further information may be required for review.

The City of Keizer is currently designing roadway improvements for Dearborn Avenue and the subject property will be assessed a portion of the construction costs. The assessment will be for the portion along the frontage of the subject property. The City Engineer will determine the amount of assessment. No development of the subject property will be approved until the assessment is paid.

- b) The developers engineer shall submit an overall storm drainage plan that will provide service to this development consistent with the City Master Storm Drain Plan for this area of Keizer and consistent with the city's adopted design standards. An existing public storm drain line is located on the subject property near the tax lot lines shown as 3200 and 3300 on the applicant's submittal. The applicant's surveyor will be required to locate the storm drain line and plat an appropriate easement consistent with the City of Keizer's Public Works Standards on the proposed Lot Line Adjustment Plat.

Storm water detention for the proposed development shall be required. All storm water and roof drains are to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces. Storm water quality improvements will be required.

- c.) A grading and drainage plan shall be developed for the subject property. Details shall include adequate conveyance of storm water from adjacent property across

the subject property. This plan shall be submitted and approved by the Department of Public Works prior to the issuance of any permits for street or storm drainage for the subject property. Grading and drainage plans shall be in conformance with the City of Keizer Public Works Standards. Additional information regarding street grades, site grading, inverts, etc, will be required for review prior to any plan approval. The drainage plan for the development shall comply with the Keizer Development Code.

14. OTHER:

- a.) Construction permits are required by the Department of Public Works prior to any public facility construction.
- b.) A Pre-design meeting with the City of Keizer Department of Public Works will be required prior to the Developer's Engineer submitting plans to either the city of Keizer or the City of Salem for review.
- c.) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
- d.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the city.
- e.) An Improvement Agreement shall be executed between the developer and the City of Keizer prior to the recording of the plat.
- f.) Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property. Additionally, if required by the Oregon Department of Environmental Quality, a 1200-C permit will be required from the Oregon Department of Environmental Quality and furnished to the City of Keizer by the developer prior to issuance of an erosion control permit.

BUILDING/SITE DESIGN REQUIREMENTS:

- 14. All buildings located along Verda Lane shall be no more than 2-stories in height.
- 15. All buildings along west side of the property shall project a 2 story east building elevation and shall conform with KDC height restrictions of the RS zone.
- 16. In order to provide building articulation, detailed design shall be provided by using at least five of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
 - a. Dormers;
 - b. Gables;
 - c. Recessed entries;
 - d. Covered porch entries;
 - e. Cupolas or towers;

- f. Pillars or posts;
 - g. Eaves (minimum six inch projection);
 - h. Off-sets in building face or roof (minimum 16 inches);
 - i. Window trim (minimum 4" wide);
 - j. Bay or bow windows or window shutters;
 - k. Off-sets on building face or roof of a minimum of 16'.
 - l. A significant variation of three different building materials, the least of which shall be 10% of the façade (stone, wood, siding shakes, etc)
 - m. An alternative feature providing visual relief, similar to options in subsections (C)(3)(a) through (m) of this section.
17. Buildings shall meet KDC standards for SFD construction (Section 2.314) except that carports shall be mitigated based on street visibility and if located within 40 feet of the street frontage.
18. The side of the building facing the street shall contain windows covering a minimum of 20% of the façade and shall be varied in style.
19. All offsets and/or projections shall vary from other wall surfaces by 2 feet and shall be of a varied location pattern.
20. All buildings located along Verda Lane shall be designed to be residential in nature.
21. A Pre-Design meeting with the City of Keizer staff will be required prior to the submittal of any plans and shall demonstrate conformance with required conditions.
22. The proposed development shall provide a minimum of 30% landscaping areas of the site. Landscaping shall be provided along the buildings, r-o-w, and parking areas within the development. All landscaping plan will be reviewed at the Pre-design meeting with staff to demonstrate coverage, size and screening requirements.
23. All building elevations shall be varied in texture and building materials. All building elevations will be reviewed at the Pre-design meeting with staff.
24. Building colors shall be varied and residential in character. All building colors shall be consistent with the color renderings approved as part of this application packet. All building colors will be reviewed at the Pre-design meeting with staff.
25. A minimum 36" berm and block wall (brick or decorative block) shall be provided above sidewalk grade.
26. A minimum 54" berm and block wall (brick or decorative block) shall be provided above parking lot grade.
27. Green Stormwater Infrastructure shall be provided. Stormwater quality and quantity measures shall be implemented to protect Claggett Creek Basin from any negative impacts.

28. Roofs shall be hip roofs with no gable ends, except for elements incorporated as mitigations.
29. Building massing shall be such that the west facing building elevations are varied and not predominantly rectangular.
30. A variety of large trees, a blend of conifers and deciduous, shall be used to mitigate the scale and visual impact of the buildings. The buildings will be required to be screened a minimum of 30% at the time of vegetation maturity (within 10 years).
31. The development shall be constructed in substantial compliance with the design plans submitted as part of this proposal.

CITY COUNCIL MEETING: September 19, 2016

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *RESOLUTION AUTHORIZING CITY MANAGER TO SIGN
CONTRACT WITH ARAMARK***

The City contracts for throw rug cleaning services with Unifirst. Such contract expires on October 3, 2016. City staff requested informal proposals to perform this service and Aramark was the low proposer. Because Aramark and the City would like to enter into a five-year contract, staff is requesting authorization for the City Manager to sign the proposed contract.

RECOMMENDATION:

Adopt the attached Resolution.

Please let me know if you have questions. Thank you.

ESJ/tmh
attachment

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2016-_____

AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH ARAMARK

WHEREAS, the City of Keizer and Unifirst entered into a contract for throw rug cleaning services;

WHEREAS, such contract expires on October 3, 2016;

WHEREAS, the City solicited informal proposals for throw rug cleaning services and Aramark submitted the low proposal;

WHEREAS, the City and Aramark wish to enter into a five-year contract for such services;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is authorized to sign the attached contract with Aramark.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its passage.

PASSED this _____ day of _____, 2016.

SIGNED this _____ day of _____, 2016.

Mayor

City Recorder

Service to ("Customer"): City of Keizer
930 Chemawa Rd
 Service Address

Keizer OR 97303
 City State Zip Code

Bill to: _____

Billing Address

City State Zip Code

GARMENTS AND SERVICES ORDERED:

No. of Wearers	MERCHANDISE	NUMBER OF ITEMS PER WEARER*	CHANGES PER WEEK (per wearer)	RATE	RATE BASIS (per item or change)	FREQUENCY	EASYCARE ¹² (per item per week)	REPLACEMENT CHARGE (PER ITEM)

ALLIED MERCHANDISE AND SERVICES ORDERED:

MERCHANDISE	QUANTITY*	RATE PER ITEM	FREQUENCY	BILLED PERCENTAGE	INVENTORY MAINTENANCE	REPLACEMENT CHARGE (PER ITEM)
Logo mat	4	3.50	E2W	50	Ø	NOG
3x4 mat	16	1.55	E2W	50	Ø	65 ⁰⁰
4x6 mat	14	3.40	E2W	50	Ø	85 ⁰⁰
3x10 mat	2	4.00	E2W	50	Ø	115 ⁰⁰
Dyna mat	4	1.50	E2W	100	Ø	65 ⁰⁰
Air deodorizer	2	1.75	E2W	100	Ø	27 ⁵⁰

*Represents total units, including items at Customer's location(s) and items in the process of being laundered.

ARAMARK Uniform Services (AUS) will provide Customer with a uniform, apparel and/or allied product ("Merchandise") rental, lease and/or customer-owned-goods program and Customer agrees to pay for all of Customer's requirements for rented and/or leased Merchandise according to the terms and conditions of this Agreement and the related Customer Information Sheet(s) (which shall constitute our entire agreement), including increases or additions in Merchandise. Customer agrees that AUS is its exclusive provider of rented and/or leased Merchandise and related services and that all rented or leased Merchandise will remain the property of AUS. Customer will be provided a rental program unless otherwise specified. AUS agrees that the Logo Mats are the property of Customer and will remain the property of Customer.

This Agreement is effective on the date of the last signature to this Agreement, and will continue for 60 consecutive months following the later of such date or the date Merchandise is first installed on Customer's premises. Renewal will be automatic for another like term unless either party gives the other party written notice of termination at least 60 days before the end of the then current term by certified mail, return receipt requested.

AUS will provide regularly scheduled cleaning of Customer owned LOGO mats. In addition, AUS will provide regularly scheduled deliveries of rented Merchandise, freshly processed, repaired and finished, and will replace rented and leased Merchandise that is worn out through normal wear at no additional charge. Customer may reduce standard Merchandise and services to accommodate normal turnover of employees in the ordinary course of Customer's business. Customer must notify AUS of an employee's termination and must immediately return Merchandise issued to that employee.

Terms and Conditions Continued on Next Page

TERMS AND CONDITIONS (continued)

Rented and leased Merchandise that is lost or ruined (except through normal wear) will be promptly paid for by Customer at the then current replacement charge; except for ruined garments covered by EasyCare™. Customer agrees to pay the EasyCare™ amount, which will entitle Customer to have rented or leased garments that are ruined beyond reasonable repair removed from service and replaced, unless initialed below or not included in the pricing above. Lost or intentionally abused garments are not covered by EasyCare™ and Customer is still responsible for preparation, name and emblem charges. AUS or Customer may discontinue EasyCare™ at any time by providing written notice to the other party in which case standard ruin charges will apply. *As used herein, the clause "then current replacement charge" shall mean the current replacement charge.* (Customer to initial if EasyCare™ is declined) Customer hereby declines EasyCare™ and by doing so agrees to be liable for and pay the full then current replacement charge for any and all rented or leased garments that are ruined by Customer (except through normal wear).

If a percentage is included under "Inventory Maintenance" (which percentage shall be a charge under this Agreement), AUS will automatically replace the corresponding Merchandise in a quantity equal to the applicable percentage of total inventory. Customer agrees to pay the then current replacement charge for each item replaced.

Each year, on the first day of the month in which the anniversary date of this Agreement occurs, AUS may increase the charges then in effect (the "API") either by an amount up to the percentage change in the Consumer Price Index over the previous 12 months or 5%, whichever is greater. AUS will notify Customer of the API in writing (which may be by invoice or monthly statement). AUS may also increase charges at any time by notifying Customer in writing (which may be by invoice or 14 days prior to monthly statement). Customer may reject such increase (except the API) by notifying AUS in writing within 15 days after Customer's receipt of notice of such increase. If Customer rejects the increase, AUS reserves the right to terminate this Agreement in whole or in part. *In consideration of the sizeable investment AUS is making in Merchandise for Customer, Customer agrees that AUS may impose minimum per invoice recurring charges equal to the greater of (a) \$25 or (b) 75% of the initial invoice amount for such charges.*

AUS will charge customer for *bi-weekly service* every week during this Agreement even if Customer requests reduced or no service for a particular week or service weeks. For customers extended credit, payment terms are net 10 days after the end of the month of delivery. A late payment charge equal to the lesser of 1.5% per month (18% per year) or the maximum permitted by law shall be charged by AUS on all past due amounts. AUS may elect at any time to revoke credit and/or open account privileges and continue to provide Merchandise and services on a cash-on-delivery basis only. For cash-on-delivery customers, if payment is not made at time of delivery, there will be a \$5.00 charge to carry the balance to the following week. *Service period.*

Service Guaranty: Customer may terminate this Agreement for material deficiencies in service by informing AUS in writing of the precise nature of the service deficiencies, allowing AUS at least 30 days to correct or begin to correct the deficiencies, and giving AUS 30 days written notice (by certified mail, return receipt requested) containing an explanation of the material deficiencies that AUS has not begun to correct. While AUS will work in good faith to resolve orally communicated issues, Customer agrees that the above writings-based procedure must be followed in order to terminate this Agreement. The performance of AUS's duties under this Agreement may be subject to circumstances beyond AUS's control, including strikes, lockouts, product availability, government acts, wars, and acts of God. AUS's failure to perform under this Agreement because of such events shall not be considered a breach. Customer agrees to pay all loss or ruin charges and all unpaid statements upon any termination or expiration of this Agreement. *If Customer and AUS, by mutual written agreement, may ****

By signing below, Customer agrees to order the merchandise and services referenced herein and further agrees to the terms and conditions contained in this Agreement.

**** terminate this Contract at any time.*

Name of Customer

Customer Phone Number

Name & Title of Customer Contact

By

Date

Signature of Authorized Customer Representative

*Customer may cancel this Agreement if sufficient funds are not available or authorized by the City Council. ****
breaches this Agreement by early termination (except in accordance with the above Service Guaranty), Customer agrees to pay AUS liquidated damages (intended as a good faith pre-estimate of the actual damages AUS would incur and not as a penalty), equal to the greater of (a) 25% of the average weekly charges during the 3 months prior to termination multiplied by the number of weeks remaining in the unexpired term, or (b) the then current replacement charge for all Merchandise. *The notice address for AUS is:*

Unless specified in writing in this Agreement, the Merchandise supplied under this Agreement is not flame resistant or resistant to hazardous substances. The Merchandise contains no special flame resistant or hazardous substance resistant features and the Merchandise is not designed for use in areas where it may catch fire or where contact with hazardous substances is possible. Customer agrees to indemnify, defend and hold AUS harmless from and against any loss, claim, expense, including attorney's fees, or liability incurred by AUS as a result of the use of such Merchandise in areas where contact with flame or hazardous substances is possible. Customer will immediately notify AUS of any toxic or hazardous substance introduced by Customer onto the Merchandise and agrees to be responsible for any loss, damage or injury experienced by AUS or its employees as a result of the existence of such substances. AUS reserves the right not to handle or process any Merchandise soiled with toxic or hazardous substances. Customer agrees that Customer has selected the Merchandise and is responsible for determining its appropriateness and for the safe and proper use and securing of the Merchandise. For reflective Merchandise, any garments supplied satisfy specific ANSI/ISEA standards only if so labeled. Customer acknowledges that AUS makes no representation, warranty or covenant regarding the visibility performance of any reflective Merchandise and that reflective properties may be reduced or ultimately lost through laundering. It is Customer's responsibility to determine if additional safety measures may be necessary under specific work conditions.

Except as set forth herein, the Merchandise and related services are provided "as is" without warranty of any kind, whether express or implied or statutory, and AUS disclaims any and all implied warranties, including but not limited to any implied warranties of merchantability, fitness for a particular purpose, good and workmanlike manner and non-infringement of third party rights. In no event shall AUS, its affiliates and their respective officers, directors or employees be liable to Customer for any indirect, special, incidental, consequential, punitive or extraordinary damages.

Any controversy or claim arising out of or relating to this Agreement shall be settled by binding arbitration administered by the American Arbitration Association under its Commercial Arbitration Rules, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. The parties agree to utilize a single arbitrator and the most expedited process available in the forum where the arbitration is held. In this business-to-business Agreement, the terms are tailored to your specific requirements. Based on the foregoing, you agree to waive any right to bring any class and/or representative action based on any business dispute(s) between us. In the event any action, lawsuit or arbitration is required to be brought for collection of any amount due under this Agreement, Customer agrees and promises to pay AUS's reasonable attorney's fees and costs, including all fees and costs involved in collection.

Customer confirms that by signing this Agreement, no existing contract to which Customer is a party is, or will be, breached and the person signing this Agreement on Customer's behalf is duly authorized to do so. This Agreement is not binding on AUS until executed by the General Manager of the AUS facility that will provide service to Customer. This Agreement can only be amended in writing signed by such General Manager.

ARAMARK Uniform Services, a division of ARAMARK Uniform & Career Apparel, LLC

JAY Lawson DM
ARAMARK Representative Name & Title

Jay Lawson Date _____
Signature - ARAMARK Representative

[Signature] Date _____
Signature - ARAMARK General Manager

SA (08/11) *less depreciation for normal wear and tear.

**** Either party may terminate this Contract without cause by providing the other party with a 60-day written notice.*



Customer Information Sheet (CIS)

CUSTOMER NAME _____

CUSTOMER NO. _____

PAGE NO. _____

CONTACT NAME: _____

CONTACT TITLE: _____

Reason For CIS: ☐ New Customer ☐ Add Allied Products ☐ Add Other Charges

ALLIED MERCHANDISE AND SERVICES ORDERED:

MERCHANDISE	QUANTITY	RATE PER ITEM	FREQUENCY	BILLED PERCENTAGE	INVENTORY MAINTENANCE	REPLACEMENT CHARGE (PER ITEM)

*Represents total units, including items at Customer's location(s) and items in the process of being laundered.

Additional Services and Charges:

- YES N/A
- ☐ ☐ Preparation Charge 1.00 per Garment
- ☐ ☐ Service Charge 0 per Week
- ☐ ☐ Extra Suit Charge 1.00 per Wearer
- ☐ ☐ Special Merchandise (If yes, see Special Merchandise Addendum)
- ☐ Direct Embroidered ☐
- ☐ Other ☐
- ☐ ☐ Emblem Description
- ☐ Name Emblem Unit Price 1.75
- ☐ Company Emblem Unit Price 2.50
- ☐ Other
- Emblem Color: _____ Name: _____ Company: _____
- Emblem Type/Style: _____ Embroidered: ☐ Silk Screen: ☐ Image Print: ☐
- ☐ ☐ Other Charges/Services: _____

General:

- There will be an extra charge reflected on your invoice for any garment issued to customer in the following sizes:

Waist Sizes	44" and above	Chest Sizes	52" and above
Inseam Length	26" and below; 35" and above	Alpha Sizes	2XL and above
Neck Sizes	18" and above	Women's Sizes	Size 18 and above
Sleeve Length	36" and above	All "Long" Body Sizes	Any Garment
- Shirts larger than 5XL and pants larger than 60" must be purchased and serviced on an NOG basis.
- Customer is responsible for all sales and use taxes.
- Each year, on the first day of the month in which the anniversary date of the related Service Agreement occurs, AUS may increase the charges then in effect (the "API") either by an amount up to the percentage change in the Consumer Price Index over the previous 12 months or 5% whichever is greater. AUS will notify Customer of the API in writing (which may be by invoice or monthly statement). AUS may also increase charges at any time by notifying Customer in writing (which may be by invoice or monthly statement). Customer may reject such increase (except the API) by notifying AUS in writing within 15 days after customer's receipt of notice of such increase. If Customer rejects the increase, AUS reserves the right to terminate this CIS in whole or in part.
- All terms and conditions contained in the related Service Agreement are incorporated in this CIS (except for any price increase provisions) and references to the "Agreement" shall be deemed to include this CIS.
- This CIS is not binding on AUS until executed by the General Manager of the AUS facility that will provide service to Customer.

PRINT _____
Name of Customer Customer Phone Number

PRINT _____
Name & Title of Customer Contact

By _____ Date _____
Signature of Authorized Customer Representative

PRINT Jay Lawson Dm
ARAMARK Representative Name & Title

Signature Jay Lawson Date _____
ARAMARK Representative

Signature [Signature] Date _____
Signature - ARAMARK General Manager

CIS (12/08) *14 days prior to the increase.

COUNCIL MEETING: September 19, 2016

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY, CITY MANAGER

FROM: TIM WOOD, FINANCE DIRECTOR

SUBJECT: Authorization to enter into a five year agreement with Neopost for the lease of a mail machine.

BACKGROUND: The City currently rents a mail machine for \$4,231.16, which includes ongoing routine maintenance. The current lease is set to renew December 1, 2016. The current machine has reached the end of its life as the automatic feed and the self-sealing mechanisms routinely fail. In addition the software that governs the mail machine has difficulties connecting to the City's network making it a challenge to add additional postage.

ISSUE: Upon expiration of the agreement the City can either:

1. Continue to lease the existing mail machine on an annual basis for approximately \$4,231.16 per year, or
2. Enter into a five year agreement to lease a new mail machine for \$3,276.84 per year using a state negotiated contract.

FISCAL IMPACT: The new mail machine will cost \$3,276.84 a year, a savings of approximately \$1,000 annually over the existing agreement. This expense is covered by existing budget appropriations.

RECOMMENDATION: Staff recommends the City Council authorize the City Manager to enter into a five year agreement with Neopost to lease a mail machine.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2016-____

4
5
6 AUTHORIZING THE CITY MANAGER TO ENTER INTO
7 LEASE AGREEMENT WITH NEOPOST USA INC. FOR
8 CITY POSTAGE MACHINE
9

10
11 WHEREAS, the City of Keizer has been utilizing a leasing program for the postage machine
12 for the last several years;

13 WHEREAS, the postage machine is at the end of its life and the expiration date of the current
14 agreement is December 1, 2016;

15 WHEREAS, the City has determined procurement through the Oregon Cooperative
16 Procurement Program (ORCPP) provided the best price of \$273.07 per month from Neopost USA
17 USA Inc.;

18 WHEREAS, State of Oregon Contract No. 1519 authorizes ORCPP participants to use
19 Contract No. 1519 to lease postage machines from Neopost USA Inc. by issuance of a Purchase
20 Order;

21 WHEREAS, the lease has been included in the approved 2016-2017 fiscal year budget and
22 will be included in upcoming fiscal year budgets until the termination date;

23 NOW, THEREFORE,

24 BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby
25 authorized to sign the Purchase Order for a five-year lease agreement with Neopost USA Inc. as
26 outlined on the attached Purchase Order.
27

1 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the
2 date of its passage.

3 PASSED this _____ day of _____, 2016.

4
5 SIGNED this _____ day of _____, 2016.

6
7
8 _____
9 Mayor

10
11 _____
12 City Recorder



City of Keizer

P.O. Box 21000
Keizer, Oregon 97307-1000
Phone: 503-390-3700

Purchase Order
Number

Neopost 9-20-16

TO
MailFinance Inc.

478 Wheelers Farm Road
Milford, CT 06461

SHIP TO/BILL TO
City of Keizer

930 Chemawa Rd NE
Keizer, OR 97303

PLEASE ENTER OUR ORDER FOR THE FOLLOWING:

THIS LEASE OR PURCHASE IS PLACED AGAINST THE WESTERN STATES CONTRACTING ALLIANCE MASTER SERVICES AGREEMENT/CONTRACT NO. ADSP011-00000411-4. THE TERMS AND CONDITIONS OF THE MASTER SERVICES AGREEMENT AND THE ASSOCIATED PARTICIPATING ADDENDUM ENTERED INTO BY THE STATE OF OREGON, CONTRACT NO. 1519 APPLY TO THIS LEASE OR PURCHASE AND SUPERSEDE ALL ADDITIONAL OR CONFLICTING TERMS AND CONDITIONS, EXPRESSED OR IMPLIED.

Item #	Quantity	Commodity Code	Description	Unit Price
1	1	IN700	IN Series 700 Base w/Mixed Size Feeder, Sealer, Drop Tray, Ink Cartridge and LAN Cable	Inc
2	1	IND57	Dynamic Weighing Platform (IN Series 700/750 Bases Only)	Inc
3	2	INWP10	IN Series 360/600/700/750 Base 10 lb. Weigh Platform	Inc
	60	Months/billed quarterly	(includes meter rental and maintenance)	\$273.07
			Lease to comment upon installation	
			Contract # ADSP011-000004114-4/Oregon PA 1519	

Customer Contact: Tim Wood, 503-856-3413, woodt@keizer.org

Christopher C Eppley

PURCHASING AGENT



MINUTES
KEIZER CITY COUNCIL
Tuesday, September 6, 2016
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Clark called the meeting to order at 7:00 pm. Roll Call was taken as follows:

Present:

Cathy Clark, Mayor
Marlene Parsons, Councilor
Kim Freeman, Councilor
Roland Herrera, Councilor
Bruce Anderson, Councilor
Mark Caillier, Councilor
Amy Ryan, Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community Development Director
Tim Wood, Finance Director
John Teague, Police Chief
Tracy Davis, City Recorder

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

**a. Volunteer of the
Quarter Award –
Bob Shackelford**

Mayor Clark read Matt Lawyer's letter nominating Bob Shackelford for Volunteer of the Quarter and presented him with a clock commemorating the award. Mr. Shackelford accepted the award and introduced his wife. Councilor Herrera and Chris Eppley praised Mr. Shackelford for his dedicated service to the City.

**b. Presentation to
Youth Councilor
Siri Scales**

Ms. Scales was not in attendance. The presentation was postponed to the next Council meeting.

**c. PROCLAMATION
– National
Patriotism Week**

Ron Freeman, Keizer, a member of the Keizer Elks Lodge, explained that Elks is currently promoting Americanism and he introduced Dave Salisbury, Corrine Arehart and Bruce Plummer. Mr. Salisbury provided background information about the Elks National Patriotism Week after which Mayor Clark read the Proclamation.

**d. PROCLAMATION
– Constitution
Week**

Mayor Clark read the Proclamation and invited representatives from the Daughters of the American Revolution to come forward.

Kathy Elgin and *Mary Jo Stoutenburg*, from the Anna Maria Pittman Chapter of the Daughters of the American Revolution, provided background information about the tradition of celebrating Constitution Week and explained efforts made to increase awareness of the importance of the nation's constitution. She also extended an invitation

to participate in the upcoming “Bells Across America” event, September 17 at 1 pm, in which bells will be rung for one minute to celebrate the constitution.

COMMITTEE REPORTS

a. Volunteer Coordinating Committee – Recommendation for Appointments to Budget Committee, Keizer Economic Development Commission, Keizer Festivals and Advisory Board, and Keizer Planning Commission

City Manager, Chris Eppley, reported that following publication of notice of vacancies on several committees and acceptance of testimony from the applicants, the Volunteer Coordinating Committee unanimously recommended **Ron Bersin**, for Position 1 on the Budget Committee, for a three year term expiring August 31, 2019; **Bob Shackelford** and **Carlos Soto**, for Positions 1 and 3 on the Keizer Economic Development Commission, each for three year terms expiring September 30, 2019; **Bob Shackelford** for Position 3 on Keizer Festivals Advisory Board (K-FAB), for a three year term expiring May 31, 2019; and **Jerry Crane** and **Michael DeBlasi** for Positions 1 and 2 on the Planning Commission, terms beginning upon swearing in and expiring September 30, 2019.

Councilor Parsons moved that the Keizer City Council accept the recommendation of the Volunteer Coordinating Committee and appoint the applicants as recommended. Councilor Freeman seconded. Motion passed unanimously as follows:

AYES: Clark, Caillier, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

PUBLIC TESTIMONY

Darrel Richardson, Keizer, recommended that an RV Park be put in at Keizer Rapids Park to bring in revenue. He suggested that 30 sites be put in either by the boat ramp or in the filbert orchards.

Mayor Clark responded that this would involve changing the Master Plan for that park and is a different idea from that decided upon through the charrettes that were held. She urged Mr. Richardson to bring this to the Parks Advisory Board for their consideration.

Beth Melendy, Keizer, Chair of the Public Arts Commission, thanked all the volunteers who helped with the Town & Country mural and extended an invitation to the dedication on September 10 at 11 a.m.

Lore Christopher, Keizer, a member of the Arts Commission, urged Council to approve the pilot program for trusted vendors and provided a detailed explanation of the program and the normal process for display of art. She also fielded questions regarding value limits and censorship.

PUBLIC HEARINGS

a. Keizer Liquor Store Liquor

City Manager Chris Eppley reported that an application was submitted for a new Liquor License for Keizer Liquor Store, Keizer, Oregon. A public hearing was scheduled, notice published, necessary notification given, a background check was done, and Keizer Planning Department found the location of the establishment to be properly zoned and had no comment

License Application

on the application. Staff recommends that following a public hearing, Council recommend approval of the application.

Mayor Clark opened the Public Hearing.

Jeannine Knight, Salem, Director of Simonka Place, spoke in opposition of this establishment because it is close to Simonka Place and many residents there struggle with alcohol addiction.

Oliver Coker, owner of Keizer Liquor Store, explained that the establishment is currently located at the south end of River Road but is relocating to School House Square and will be doubling in size. The ribbon cutting/open house will be held in mid-November. Sales will be made only to those 21 and over and staff is trained in the Responsible Vendor program. He provided additional information about theft and the VIP (Very Intoxicated Person) program and added that he would like to work with Simonka House to help its residents.

With no further testimony, Mayor Clark closed the Public Hearing.

Councilor Parsons moved that the Keizer City Council recommend approval of the application for an Off-Premises Sales liquor license for Keizer Liquor Store under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer, and forward the recommendation to the Oregon Liquor Control Commission for final approval. Councilor Freeman seconded. Motion passed unanimously as follows:

AYES: Clark, Caillier, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. Proposed Keizer Development Code Text Amendments – Access Easements

Mayor Clark opened the Public Hearing.

Community Development Director Nate Brown explained that the amendments pertain specifically to access easements and include policy changes and 'clean-up'. Planning Commission reviewed the amendments, directed changes, and unanimously recommends the amendments before Council. Mr. Brown fielded questions regarding the amendments, easement definition, flexibility in development, parking, and variances.

With no further testimony, Mayor Clark closed the Public Hearing.

Councilor Parsons moved that the Keizer City Council direct staff to prepare an ordinance with findings to adopt the proposed revisions. Councilor Freeman seconded. Motion passed unanimously as follows:

AYES: Clark, Caillier, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

a. Exhibition of Art at Keizer Community Center – Recommendation of Keizer Public Arts Commission

City Attorney Shannon Johnson advised against the recommendation of the Keizer Public Art Commission. He explained that he does not get involved with policy questions but in this case there are legal issues and the appearance of fairness that cause him concern. He explained that the situation is unique with the Salem-Keizer Education Foundation and that vendor could be an exception to the approval process. He reminded Council that the main reason K-PAC was created was to approve the art without Council or staff involvement to avoid censorship concerns.

Following discussion regarding bias, the proposed procedure, legal ramifications, postponing the decision, and including other educational venues, *Council agreed by consensus to support Option 1 of Mr. Johnson's staff report: Make no change to the approved process, but work with KPAC to address concerns but to expand it to include other educational venues.*

b. RESOLUTION – Initiating the Amendment Process for Amendment of the Salem-Keizer Urban Growth Boundary Pertaining to the Willamette River Crossing

Mr. Johnson explained that this item is on the agenda at the request of the City of Salem and has to do with the third bridge project and expansion of the Urban Growth Boundary to accommodate further actions needed to continue the third bridge discussion. Salem is suggesting having a joint hearing with Salem, Keizer, and Marion and Polk Counties and the Planning Commissions of Polk County and Keizer on October 12. This would be strictly for a public hearing; there would be no deliberation. Individual jurisdictions would move forward at a later date in their own jurisdictions if they so choose. This vote is simply to initiate the process.

Mayor Clark provided additional information and clarification.

Councilor Parsons moved that the Keizer City Council adopt a Resolution Initiating the Amendment Process for Amendment of the Salem-Keizer Urban Growth Boundary Pertaining to the Willamette River Crossing. Councilor Freeman seconded. Motion passed unanimously as follows:

AYES: Clark, Caillier, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

c. ORDER – In The Matter of the Amendment of Rates for Franchise Solid Waste Collection Within the City

Mr. Johnson reminded Council that this matter had been addressed at a Public Hearing where staff was directed to prepare an Order for the proposed rate increase shown in option #3. Said order is before Council tonight for approval. Mayor Clark noted that the handout shows that citizens are rewarded for recycling and composting through lower rates.

Councilor Parsons moved that Keizer City Council approve the Order of Option #3 In The Matter of the Amendment of Rates for Franchise Solid Waste Collection Within the City of Keizer, Effective as of October 1, 2016. Councilor Freeman seconded. Motion passed unanimously as

**of Keizer,
Effective as of
October 1, 2016**

follows:

AYES: Clark, Caillier, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

- a. RESOLUTION – Approving the City Engineer’s Report; Declaring City’s Intent to Form Keizer Station Center Area C Street Lighting Local Improvement District; Providing Notice and Setting Hearing
- b. RESOLUTION – Authorizing Public Works Director to Sign Amendment #1 to Department of Corrections Inmate Work Program Agreement
- c. RESOLUTION – Authorizing the City Manager to Sign the Intergovernmental Agreement for Emergency Water Supply
- d. RESOLUTION – Authorizing the City Manager to Sign First Amendment of Contract for Collection Agency Services with Valley Credit Service, Inc.
- e. Approval of August 1, 2016 Special Session Minutes
- f. Approval of August 1, 2016 Regular Session Minutes
- g. Approval of August 8, 2016 Work Session Minutes
- h. Approval of August 15, 2016 Regular Session Minutes

Councilor Parsons moved to approve the Consent Calendar. Councilor Freeman seconded. Motion passed unanimously as follows:

AYES: Clark, Caillier, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

COUNCIL LIAISON REPORTS

Councilor Caillier reported on the Keizer Points of Interest Tour which he had attended and announced the next Greater Gubser Neighborhood Association meeting.

Councilor Herrera reported that he had attended the Denny Santos retirement party at Willamette Law School, the Community Dinner, United Way lunch, and the roundabout opening. He also announced the upcoming McNary vs. South Salem football game.

Councilor Parsons reported that she will be attending the Commissioner Breakfast, the Mural Dedication, Planning Commission and Coffee with Cathy.

Councilor Ryan announced that the Buckaroo Ball fundraiser for Peer Court has been cancelled; she will be attending the Mural Dedication; and Keizer Rotary will be sponsoring the Cancer event on October 1. She reported on McNary Blue Day, praised the roundabout and urged everyone to attend the Fire District memorial of 9/11.

Councilor Anderson reported on the Salem Water Wastewater Task Force meeting on August 25 and announced that another meeting is scheduled for September 8. He praised the Volcanoes and families that hosted players.

Councilor Freeman announced that there are still openings on City committees and announced the upcoming West Keizer Neighborhood Association meeting, West Keizer clean-up event and the Mid-Willamette Valley Initiative Homeless Task Force meeting.

Mayor Clark thanked everyone involved in the roundabout, praised the McLeod extension, congratulated the State Fair, praised the young people who displayed their robotics at the Fair and announced the upcoming Strategic Economic Development Corporation award luncheon, Salem-Keizer Band Day, the last amphitheater concert, the 9/11 memorial, League of Oregon Cities City Hall Day, and the Southeast Keizer Neighborhood Association meeting.

OTHER BUSINESS City Manager Chris Eppley provided the three rules for using a roundabout: (1) keep moving, (2) look left, and (3) go right.

Chief Teague announced that a recruit would be graduating from the academy on Friday and there are two laterals in the pipeline.

Community Development Director Nate Brown announced that Senior Planner Sam Litke was retiring. He thanked Sam for his 11 years of service.

WRITTEN COMMUNICATIONS

Mayor Clark reviewed communications received:

- o A note from Clearlake Elementary School thanking her for participating in the summer reading program.
- o A petition received requesting that the speed limit on Verda be reduced from 35 to 25 miles per hour. She asked that the Traffic/Bikeways/Pedestrian Committee address this matter.
- o Invitations to fundraisers including Liberty House, Salem Fire Foundation, Straub, Salem Leadership Foundation, and Family Building Blocks.

AGENDA INPUT

September 12, 2016

- 5:45 p.m. – City Council Work Session
 - Annual Keizer Parks Tour

September 19, 2016

- 7:00 p.m. – City Council Regular Session

September 26, 2016

- 5:45 p.m. – City Council Work Session
 - Storm Water Permit Update

October 3, 2016

7:00 p.m. – City Council Regular Session

October 10, 2016

5:45 p.m. – City Council Work Session

October 12, 2016

6:00 p.m. – City Council Special Session with City of Salem,
Marion County, and Polk County

- Urban Growth Boundary Issue Pertaining to Willamette River Crossing

ADJOURNMENT

Mayor Clark adjourned the meeting at 9:14 pm.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Mark Caillier

Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Amy Ryan

Councilor #3 – Marlene Parsons

Councilor #6 – Bruce Anderson

Minutes approved: _____

Written Communications/Testimony and Submitted Documents



WHEREAS, Oregon cities hold the health and safety of their citizens as a paramount concern; and

WHEREAS, distracted driving occurs when drivers engage in activities that divert their attention from the road and their primary task of driving – such as texting, talking on a cell phone, interacting with passengers, listening to loud music, and reading; and

WHEREAS, smartphone use, because it distracts the driver's visual, manual and cognitive abilities, is especially dangerous for the driver and others on our roadways; and

WHEREAS, sixty-percent of Oregonians used a smartphone; and

WHEREAS, seventy-percent of Americans admit to using their smartphone while driving to text, check email, access social media, and use their photo and video tools; and

WHEREAS, the National Highway Traffic Safety Administration reports that each day more than 9 people are killed and over 1,060 people are injured in crashes that are reported to involve distracted driver in the U.S.; and

WHEREAS, the Oregon Department of Transportation reports that a crash involving a distracted driver in Oregon occurs every 2.5 hours; and

WHEREAS, the Oregon legislature has taken several recent steps to prohibit and discourage the use of handheld devices while driving, such as passing 2009 HB 3186, 2011 HB 3186 and 2013 SB9.

NOW, THEREFORE, I, CATHY CLARK, by the virtue of the authority vested in me as Mayor of the City of Keizer in the State of Oregon, do hereby proclaim September 20 as

DISTRACTION FREE DRIVING AWARENESS DAY

In the city of Keizer and encourage all residents to join in practicing and promoting distraction free driving.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to affixed this 19th day of September, 2016.

MAYOR CATHY CLARK

text
search
post
view
email

No is worth a life.



Eyes on the road,
not on your phone

Nearly 4 in 10 social network while driving.¹

27% Facebook

14% Instagram

14% Twitter

11% Snapchat

49%

Nearly half
of commuters admitted
to texting while driving.²

75%

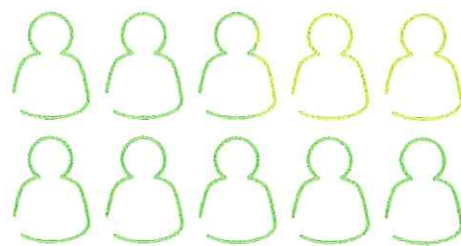
of teen drivers say texting
while driving is "common
among their friends".³

82%

of drivers
who have taken action
to stop texting while
driving feel good about
themselves.⁴

78%

of teen drivers
say they are likely not to
text and drive if friends tell
them it's wrong or stupid.⁵



¹ Research commissioned by AT&T and conducted by Braun Research. Polled 2,067 people in the U.S. aged 16-65 who use their smartphone and drive at least once a day.
² Commuter survey conducted by ResearchNow on behalf of AT&T.
³ AT&T Teen Driver Survey.
⁴ AT&T Compulsion Research.
⁵ ConnectSafely.org survey sponsored by AT&T.

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