

**MINUTES
KEIZER PLANNING COMMISSION
KEIZER CITY HALL - LIBRARY
SEPTEMBER 17, 1997**

1. CALL TO ORDER

The meeting was called to order by Chair Smith at 7:06 p.m.

2. ROLL CALL

The following members were present: Dick Inman, Manny Martinez, Alan Youse, Elaine Smith, and Bill Wolf.

Also present were: City Attorney Shannon Johnson, Community Development Director John Morgan, and Recording Secretary Nona Oxe'.

3. APPROVAL OF MINUTES

Mr. Wolf called attention to two typographical errors in the July 9 minutes. Ms. Oxe' indicated that she would make the corrections.

Because not enough members were present for approval, the July 9, 1997 minutes were continued to the next regular meeting.

4. APPEARANCE OF INTERESTED CITIZENS

Chair Smith asked that the secretary enter into the record the number of people present concerning RV standards. Twelve people were present objecting to the standards proposed at the July 9 public hearing.

Ms. Smith reminded those present that the Development Code public hearing was closed to public testimony on July 9. She explained that there would be opportunity for further public testimony regarding RV standards when the Planning Commission's recommendation on the Development Code is submitted to the City Council.

Ms. Smith noted that in response to testimony received at the July 9 public hearing, Mr. Morgan made revisions to the proposed RV standards. They would be discussed later in the agenda in the context of the zoning ordinance discussion. Mr. Morgan excused himself briefly and make copies of the revised RV standards draft. He distributed copies to the members of the audience. Mr. Morgan briefly reviewed

the revised staff-recommended provisions. He noted that they essentially reflect what is in the existing code. Later in the development code discussion, the Planning Commission would have opportunity to either accept these ideas or modify them. Mr. Morgan answered questions about existing standards. He acknowledged that circumstances meeting the existing code would be grandfathered regardless of what is adopted.

Ms. Smith suggested that interested parties leave their names and addresses if they wished to receive notification of the Council public hearing.

Karen Trucke, 6330 14th Avenue NE, Keizer, advised that she had been unable to submit written testimony regarding vision clearance provisions since a copy of the Traffic Safety Commission's final proposal was not sent to her, as she had requested. Mr. Morgan suggested that when she sees that material, she provide him with her comments. Ms. Smith reiterated that there would be opportunity for further comment at the City Council hearing. She confirmed that there would be public notice of the hearing. Mr. Morgan anticipated that there would be newspaper coverage in addition to the required legal notice.

5. PROJECT UPDATES

Development Activity

Mr. Morgan reported that already this year the number of land use cases has exceeded the total for any past given year. He has asked City Planner Drought to track the land use cases from 1990 forward to determine the transformation in the nature of development taking place in Keizer. As predicted, more and more infill projects are coming forward. Commercial activity also remains very strong.

Transportation Plan Update

Work on the transportation plan will be accelerating very soon. After somewhat of a lull during the summer, COG is reemphasizing its efforts. Peterson Engineering has completed an inventory of streets which is currently being used by COG as base information. The target is to have a final draft to the Planning Commission by March, and then the Planning Commission's recommendation to the Council by May, 1998. Mr. Morgan noted that staff applied for a continuing grant for the work. Grant announcements are expected next week.

Cherry Avenue Corridor Improvement Project

Right-of-way acquisition is underway. Appraisals have been completed on most of the properties. The agreement with Salem Electric was finalized last week. They

will be contributing 5% of the project, amounting to about \$80,000. Salem Electric has ordered all the materials and is ready to begin. Water and sewer upgrades will be done in conjunction with the undergrounding. Mr. Morgan anticipated going to bid around the first of next year, with work taking place in the Spring.

Iris Lane

Mr. Morgan commented on his frustration in trying to finalize the agreements with the property owners. Staff is refining details in hopes of reaching agreement on the few remaining issues. Since it was not possible to present the proposals to Council last week, there would be further delay due to a three-week gap between Council meetings. The goal to build the project before Thanksgiving is now out of reach, probably delaying the project until after the first of next year to avoid construction during the Christmas season. He acknowledged that the project can be done during winter months.

Staffing

Mr. Morgan anticipated that with the resumption of his Community Development Director responsibilities on a full-time basis, he would be in a position to spend more time on Planning Commission and R3B issues.

Chemawa Activity Center

Mr. Martinez requested an update on status of the activity center.

Mr. Morgan reported that the buyer lined up by Eldred Realty backed off from the real estate deal at the Chemawa interchange. It has been learned that the buyer, a hotel developer, to a great extent was trying to tie up all the properties, but had no near-term interest in developing the property. The property owners were not willing to give him the time frames he wanted. Mr. Morgan now knew of two other groups waiting in wings to step in. He planned to meet next week, for a third time, with a representatives of a commercial division of Prudential Real Estate. They have taken on the activity center as a project, and have a design team working on ideas. Mr. Morgan is also working with OEDD toward financing the infrastructure. Mr. Morgan explained for Mr. Martinez, the importance of having the Chemawa Activity Center Plan in place to guide development whenever it occurs. He also again explained how infrastructure could be accomplished by way of a private/public partnership.

Cell Towers

Mr. Youse asked if the cell tower issues was resolved.

Mr. Morgan reported that the ordinance drafted by the Planning Commission was adopted by Council. The City is now working closely with Western Wireless Corporation on a cell tower site which will be on City Hall property. The hope is for co-location that may take care of the whole market at a single site.

6. DISCUSSION

6.1 Claggett Greenway Presentation

Gary Miller, 4375 Bren Loop NE, Salem, a science teacher at McNary High School and advisor to the McNary Science Club, was present in his capacity as a member of the Claggett Creek Task Force. He distributed copies of a document entitled "Report from the Claggett Creek Task Force to City Zoning Commission," dated 9/17/97. He spoke about concerns of the Task Force; particularly the potential for significant impact on the creek resulting from a lack of coordinated efforts within the City.

Mr. Miller presented a proposal developed by the Task Force aimed at "seeking ways to improve the creek's ecosystem", and "developing steps toward restoration of the creek and adjacent habitat." He hoped to get input from the Planning Commission before presenting the recommendations to the City Council. The proposal called for the City to adopt a set of local Best Management Practices (BMP's) that would apply to development in areas that have potential impact on the water quality and habitat adjacent to the creek. It also called for establishment of a Watershed Council, with the underlying theme being to unite groups having opposing interests to work together, by consensus, on water quality issues.

Mr. Miller noted that the Task Force identified three categories of BMP's, and came up with recommendations under each category. He reviewed the recommendations under Keizer Landowners BMP's, Developer BMP's, and City of Keizer BMP's.

Mr. Morgan briefly reviewed the charge of the Claggett Creek Task Force, as an advisory committee to the City Council. He pointed out the growing awareness in the community of the importance of watershed management relative to Claggett Creek and also Labish Ditch. He noted that in two years, when doing the Periodic Review of the Comprehensive Plan, the City will be compelled to write better management tools into the Development Code to deal with the water corridor issues. Mr. Morgan pointed out the relationship of watershed and wetland issues to the Planning Commission's work on the Development Code. He confirmed that the issues would have to be addressed in two years, but that nothing would preclude the Planning Commission from addressing those issues now. Mr. Morgan also commented on the formation, structure and charge of a watershed council. He noted that no watershed council is in place for the entire Pudding River basin.

Mr. Miller stressed the importance of moving forward now with Best Management Practices, especially with all the new development taking place. Mr. Wolf concurred. He stressed the value of Claggett Creek, and the need to protect it as a natural resource. It was his hope that the wetlands mitigation project adjacent to Pleasantview Park would encourage establishment of a wetland bank at the site.

A discussion followed regarding the formation and activities of the Claggett Creek Task Force, and its role with regard to the proposed watershed council. Mr. Miller commented on the possible makeup of a watershed council for the region. He anticipated it would include a member of the Claggett Creek Task Force. He pointed out that a watershed council would have no legislative or enforcement power--only the power to bring together a diverse group to talk about issues and concerns. He emphasized the importance of adopting some best management practices to help in establishing more local control. He acknowledged that the BMP's would be regulatory in nature.

In the course of discussion, Mr. Youse suggested the need to establish an inventory of ownership of properties within the watershed area, and to talk with the property owners about their interests, before developing specific best management practices. It was also suggested that other impacted entities be contacted to determine their interest in participating in a watershed council before going forward with the idea. Several suggestions were made as to how the Task Force should proceed. With regard to the Planning Commission's involvement, it was pointed out that the Planning Commission, in establishing its goals and priorities, included "green spaces" on its list. It was suggested that it might be appropriate to get Council's response before proceeding. Mr. Miller acknowledged that the City Council had not yet seen the report. With an understanding that the City is on board, he indicated his willingness to work on defining the watershed area and establishing an inventory of property owners

Mr. Wolf moved to forward to the City Council the Planning Commission's support for the work that the Claggett Creek Task Force is doing, which includes the Best Management Practices (BMP's) and the concept of a watershed council. The motion was seconded by Mr. Youse.

The motion carried unanimously by those members present.

6.2 Flood Plain Ordinance and Flood Insurance

Sam Goesch, State Farm Insurance, 3975 River Road N, Keizer, a former member of the Planning Commission, was present to provide updated information about the national flood insurance program. Mr. Goesch explained that flood insurance is a national program available to certain communities having floodplain management plans and ordinances. Keizer is a participating community. He noted that last year the National Flood Insurance

Policy was amended, adding a mandatory endorsement called "Increased Cost of Compliance," with an additional premium charge. The endorsement makes \$15,000 available to the property owner when they have flood damage, to not only restore to prior conditions, but to make improvements to mitigate future flood loss. Upon reading the endorsement, Mr. Goesch discovered that the endorsement is triggered only if a local ordinance requires the work over and above the restoration work. He acknowledged that regardless of whether an ordinance is in place, local policy holders must pay the premium for the extra coverage.

Mr. Goesch had obtained from FEMA an outline of issues relative to the additional coverage, together with model language for a local ordinance. (Copies were distributed to members of the Commission.) He reviewed the issues relating to the *substantial damage requirement* and the new *repetitive loss provision*. Mark Eberline of FEMA had indicated to Mr. Goesch that several communities in Washington State had acted on the endorsement, but that he was unaware of any communities in Oregon having acted on it. Mr. Goesch was presenting the information to allow the Planning Commission opportunity to consider whether or not to initiate the ordinance amendment to provide for the additional coverage.

Mr. Goesch also informed the Commission of an evolution in the insurance industry to exclude flood insurance in manufactured home policies. He noted that State Farm had taken that action this year, and other insurers were expected to follow suit. He, however, had received a revised definition for out-of-park manufactured homes on a permanent foundation that would allow coverage. He noted that Keizer meets the definition. For in-park homes in Keizer, however, he was unsure of ground-anchoring requirements.

Mr. Goesch believed that since Keizer has its own floodplain ordinance, the substantial loss provision was already in place. A lengthy discussion followed regarding the pros and cons of adopting the repetitive loss provision. Concern was expressed that the \$15,000 coverage would not likely cover the additional flood-proofing work required over and above the cost of restoring the property even though that work would be required to be done. Also, that property owners not having flood insurance would still have to upgrade. It was agreed that reasonable measures should be taken to protect the community, and that the concept of flood-proofing in situations of repetitive loss was a good one. However, it was felt that many questions remained unanswered, and more information was needed.

Mr. Youse had concerns about notification to manufactured home owners of the change in their coverage. Mr. Goesch was unsure how FEMA gets out the information. He indicated that he would provide Mr. Youse with copies of what he has relative to the issue.

Chair Smith asked staff how the Planning Commission should proceed. City Attorney Johnson answered that the Planning Commission could either initiate a legislative amendment, or consider the provisions as part of the Development Code. Mr. Morgan suggested that rather than delaying adoption of the Development Code, the Planning

Commission recommend adopting the flood plain standards as written, but bring the issue of flood plain management back to the table right away.

(The Commission recessed at 8:35 p.m. and reconvened at 8:48 p.m.)

6.3 Code Revision - Child foster home

Mr. Morgan brought to recollection the Planning Commission's recent initiation of a legislative amendment to the zoning ordinance relative to child foster care homes. The proposal was to add as a conditional use in the RS zone, "child foster care home for six to ten children." The City Council agreed with initiating the amendment and referred the issue back to the Planning Commission to develop a recommendation. Mr. Morgan noted that the Code currently allows a child foster home with up to five children in the RS zone. He reviewed the process, including appeal provisions, for conditional use applications.

Mr. Morgan reminded the Commission of the request that originally brought the issue to the attention of the Council. He noted the presence of Jim Seymour of Catholic Community Services, representing Keizer United, the organization that submitted a specific proposal for a child foster care home. As an example, Mr. Seymour would be providing background information relative to his proposed project. Mr. Morgan stressed, however, that the Planning Commission's recommendation would deal only with the terms of the amendment as it would apply city-wide, not any specific proposal.

Mr. Seymour talked a little about Keizer United's focus and purpose. When the organization formed it did a survey to determine specific activities it should embark on to help strengthen the community. One of the identified activities was the safety of children in Keizer. Mr. Seymour talked about the increased rate of child abuse, and, specifically, the need for foster care to take care of a whole family of children without changing their living situation. The idea for a community home to care for up to eight children, with community home parents that might or might not change, surfaced. He noted that at the same time Keizer United was talking about the concept, a local Salem developer came to him about donating money to build and operate a home for children. Mr. Seymour distributed copies of a packet of information about Keizer United and the proposed community home. He confirmed that the proposal was to build a new home in Keizer for Keizer kids only. He noted, however, that the developer had indicated an interest in duplicating the program in other parts of the county.

Mr. Seymour confirmed for Mr. Martinez that the home would be built to meet the State's requirements for housing kids per State Services Standards. Mr. Martinez was concerned that other applications would follow, overburdening the community with an influx of child care homes. Mr. Seymour felt that the conditional use process would provide sufficient controls. Ms. Smith pointed out that such homes are already allowed in the RL zone in Keizer, and an influx has not occurred.

Mr. Inman asked if Salem had a similar ordinance. Mr. Seymour was aware of several homes in Salem operated by Catholic Community Services. Salem's provisions for homes allowing more than five kids have as one qualifier, that they be on an arterial street.

Mr. Morgan explained for Mr. Wolf the distinction in the code between child foster home and adult services.

Mr. Seymour responded to questions about requirements for community parents and staffing levels. Mr. Wolf saw some potential for concern from neighbors with the possibility of ten high school age children, and wondered about regulating staffing. City Attorney Johnson indicated his preference to stay away from the staffing issue as part of the conditional use requirements. He was unsure of the State requirements, but preferred avoiding any regulation other than just the land use one. Mr. Seymour explained why he would prefer that the home be certified as a foster home rather than a home regulated by the State so that it can be administered by the community. He explained foster care licensing requirements.

Mr. Morgan asked if there would be a difference in the children that might come to the foster care home from those at a facility licensed as a treatment center. Mr. Seymour answered that the foster home would be available to Keizer kids in need of a home, whereas a licensed treatment center would help kids with the most difficult treatment problems.

City Attorney Johnson reaffirmed for Ms. Smith his preference that the City not get into a regulatory position. He pointed out the City's lack of expertise to regulate. If it was found that the State regulations were more minimal than the community would like, more regulatory control could then be considered. He also pointed out the lack of applicability of the City's conditional use criteria other than for land use.

Mr. Seymour confirmed for Mr. Martinez that children would be assigned by the State by court order. He acknowledged that Catholic Community Services would pay the foster parent salary from funds donated by the aforementioned developer. It would receive from the State, at the per child monthly rate, money to go for clothing, expenses, and food. He conceded that licensing criteria would be dictated by the State. Mr. Martinez felt that State requirements would likely be somewhat less than what might be desired by the neighborhood. Mr. Seymour noted that in addition to meeting State standards, the proposed home would also comply with the national standards of the Council on Accreditation for Children and Family Homes. He suggested that in addition to requiring that a home be for Keizer kids only, accreditation might be another appropriate criteria.

Mr. Johnson suggested that if the Planning Commission wished to include accreditation as a criteria, the recommendation to the City Council include exact language naming the accrediting agency.

Mr. Wolf moved that the Planning Commission recommend to the City Council adding in the Residential Single Family zone as a new conditional use Child Foster Care Home for Six to Ten Children, appropriately accredited by the Council on Accreditation for Child and Family Programs. Mr. Youse seconded the motion.

The motion carried, all present voting aye except Mr. Martinez who voted no.

Mr. Morgan advised that the Planning Commission recommendation would go to the City Council on October 6.

(The Planning Commission recessed at 9:35 p.m. and reconvened at 9:40 p.m.)

6.4 Development Code

Mr. Wolf advised that he listened to the tapes of the June 11 and July 9 public hearing. He stated that he was prepared to participate in the Planning Commission discussion and action on the Development Code.

Mr. Morgan distributed a staff response to the public testimony provided at the hearing. A copy was also given to Eric Meurer, the building industry representative. The report was in the form of a matrix listing each topic, issue, a brief analysis of the issue, and a staff recommendation. In reading over the minutes of the public testimony Mr. Morgan had, however, discovered a couple issues not addressed in the matrix, that would also need to be considered in the course of the discussion. He emphasized that in its discussion, the Planning Commission could address not only the testimony, but the entire context of the draft code.

Chair Smith noted the late hour. She suggested that since neither the Planning Commission nor Mr. Meurer had had opportunity to thoroughly review the matrix, it might be advisable to schedule a special meeting with nothing else on the agenda. It would allow time for Mr. Morgan to revise the matrix to include any omitted issues. She also suggested that in the interim, she and Mr. Morgan meet with Mr. Meurer to try to work out any remaining concerns.

Mr. Morgan responded to questions about the remaining process to get to final adoption of the code. He suspected that once submitted to the Council, they would want to consider it for a while, possibly not moving to adopt before January.

It was the consensus to hold a special meeting to consider only the Development Code. The special meeting was scheduled for Wednesday, October 1 at 6:00 p.m. Pizza will be provided.

7. ANNOUNCEMENTS AND AGENDA INPUT

7.1 Regular Meeting: October 8, 1997 - 7:00 PM

Mr. Morgan reminded Commissioners of the September 27 Planning Commission Training session in Newport.

Mr. Morgan reminded Ms. Smith that she would be up for reappointment at the end of September.

8. ADJOURN

The meeting was adjourned by Chair Smith at 9:57 p.m.