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AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION
Tuesday, September 8, 2020
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. **PROCLAMATION** – Constitution Week

b. **PROCLAMATION** – Home Inventory Week

5. **COMMITTEE REPORTS**

a. Volunteer Committee Recommendation for Appointments – Planning Commission, Budget Committee, and Keizer Points of Interest

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**

a. **ORDINANCE** – Declaring A Lien Against Property Located At 5142 Hasbrook Avenue Northeast, Keizer, Oregon and Directing the City Recorder to Enter Such Lien in the Minor Lien Docket Pursuant to Ordinance No. 94-282 (Nuisance Abatement Procedure); Declaring an Emergency

b. **RESOLUTION** – Authorization for Supplemental Budget – General Fund – Non-Departmental Resources and Non-Departmental Requirements

c. **Holiday Inn Express Liquor License Application**

8. **ADMINISTRATIVE ACTION**

- a. **ORDER** – In the Matter of the Application of Chemawa Station LLC for Approval of the Keizer Station Master Plan Amendment/Major Variance (Area D – Keizer Station); Repeal of Order in the Application of Chemawa Station LLC Adopted November 1, 2004
- b. **ORDINANCE** – Declaring a Second Local State of Emergency in the City of Keizer as a Result of COVID-19 Pandemic; Declaring an Emergency

9. **CONSENT CALENDAR**

- a. **Approval of August 17, 2020 City Council 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 14, 2020

6:00 p.m. – City Council Work Session

- Annual Parks Tour

September 21, 2020

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

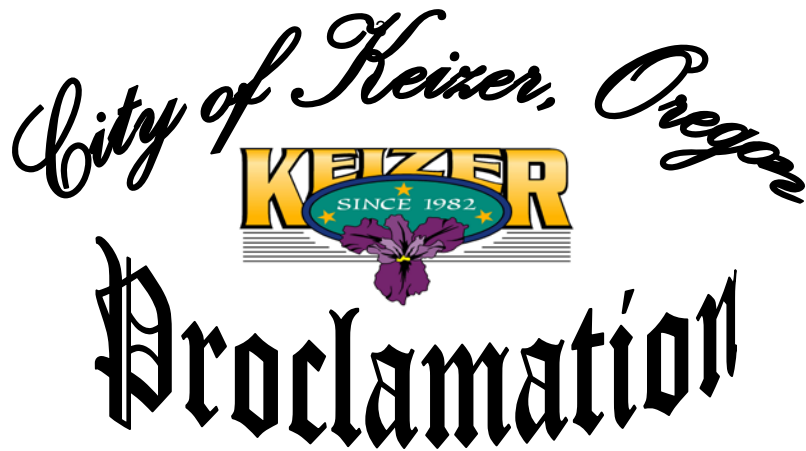
September 28, 2020

6:00 p.m. - City Council Work Session

14. **ADJOURNMENT**

City of Keizer Mission Statement

Keep City Government Costs And Services To A Minimum By Providing City Services To The Community In A Coordinated, Efficient, And Least Cost Fashion



WHEREAS, The Constitution of the United States of America embodies the foundational principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2020, marks the two hundred and thirty-third anniversary of the framing of the Constitution of the United States of America by the Constitution Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document upon its memorable anniversary, and to honor the patriotic celebration that will commemorate it; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through 23rd as Constitution Week,

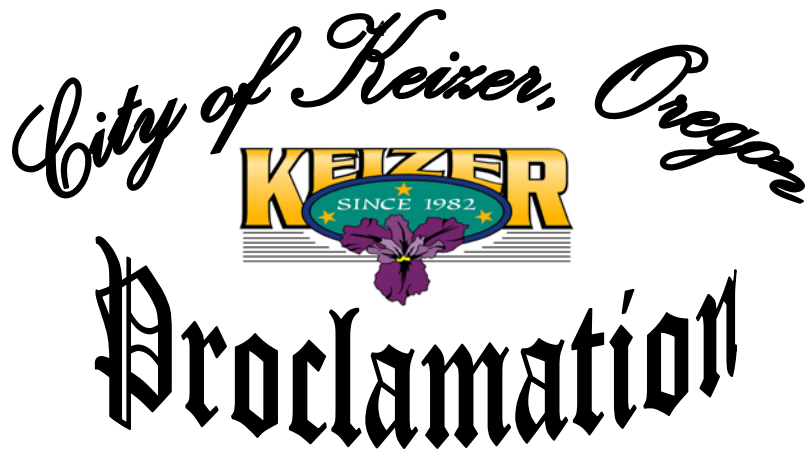
NOW, THEREFORE, I, CATHY CLARK, Mayor of the City of Keizer, together with the Keizer City Council assembled in Regular Session, do hereby proclaim the week of September 17 through 23, 2020 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by being vigilantly in protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer to be herein affixed this 8th day of September, 2020.

MAYOR CATHY CLARK
City of Keizer, Oregon



WHEREAS, each September is recognized as National Preparedness Month; and

WHEREAS, Oregonians have witnessed and experienced natural disasters in our own community; and

WHEREAS, every community member can and should take active steps to protect their families and neighbors from natural and manmade disasters; and

WHEREAS, every family and business in Keizer is encouraged to take active steps to be financially secure after a disaster; and

WHEREAS, every community member is encouraged to make sure they are properly insured against fire, flood, earthquakes, and storms; and

WHEREAS, every community member is encouraged to create a home inventory to include as part of their disaster preparedness kit.

NOW, THEREFORE, I, CATHY CLARK, Mayor of the City of Keizer, together with the Keizer City Council assembled in Regular Session, do hereby proclaim the first week of September 2020 as

HOME INVENTORY WEEK

And join cities across Oregon to encourage everyone to build a home inventory of their personal property, and speak with an insurance agent and other appropriate emergency planning resource personnel to make sure they are financially prepared for a disaster.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer to be herein affixed this 8th day of September, 2020.

MAYOR CATHY CLARK
City of Keizer, Oregon

CITY COUNCIL MEETING: September 8, 2020

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, MMC
CITY RECORDER

SUBJECT: VOLUNTEER COORDINATING COMMITTEE RECOMMENDATIONS FOR
APPOINTMENT

ISSUE:

The Volunteer Coordinating Committee met on August 20, 2020 to review applications and interview candidates for openings on three committees. The Committee is recommending the following applicants for appointments:

- Keizer Budget Committee – **Gerard Graveline** and **Francisco Saldivar** for positions #3 and #4 expiring August 31, 2023.
- Keizer Points of Interest Committee – **Lisa Cejka** for the remainder of the term for Position #7, term expiring November 30, 2021.
- Keizer Planning Commission – **Francisco Saldivar** and **Jane Herb** for Positions #4 and #5 with terms beginning October 1, 2020 and expiring September 30, 2023.

RECOMMENDATION:

It is recommended the City Council accept the recommendations of the Volunteer Coordinating Committee and appoint the applicants as outlined above.

CITY COUNCIL MEETING: September 8, 2020**AGENDA ITEM NUMBER: _____**

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: ORDINANCE – DECLARING A LIEN AGAINST PROPERTY
LOCATED AT 5142 HASBROOK AVENUE NORTHEAST
(NUISANCE ABATEMENT)**

This matter is before the Council for public hearing under Nuisance Abatement Ordinance No. 94-282. The property in question, located at 5142 Hasbrook Avenue Northeast, Keizer, Oregon was in violation of City Ordinances and the property owner was given notice of such violations. After the owner failed to correct the violations, the City abated the nuisance by mowing the lawn and weeds (see attached photos).

The total abatement costs, including the ten percent administrative charge is \$1,320. A copy of the invoice presented to the owner is attached for your review. In addition, notice publication costs of \$75 increases the total costs to \$1,395.00.

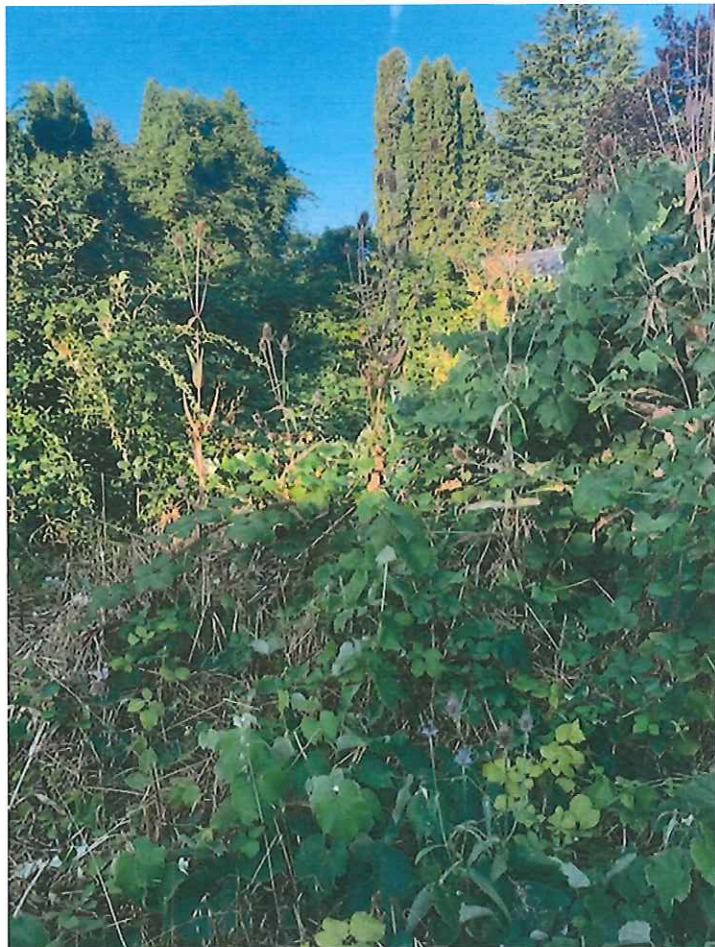
RECOMMENDATION:

Open the public hearing, and unless there are specific questions, close the public hearing and adopt the attached Ordinance Declaring a Lien Against Property Located at 5142 Hasbrook Avenue Northeast, Keizer, Oregon and Directing the City Recorder to Enter Such Lien in the Minor Lien Docket Pursuant to Ordinance No. 94-282 (Nuisance Abatement Procedure); Declaring an Emergency.

Please let me know if you have any questions in this regard. Thank you.

ESJ/tmh
attachment

5142 HASBROOK BEFORE ABATEMENT





1 A BILL ORDINANCE NO.
2 2020-_____
3 FOR
4
5 AN ORDINANCE
6

7 DECLARING A LIEN AGAINST PROPERTY LOCATED AT
8 5142 HASBROOK AVENUE NORTHEAST, KEIZER,
9 OREGON AND DIRECTING THE CITY RECORDER TO
10 ENTER SUCH LIEN IN THE MINOR LIEN DOCKET
11 PURSUANT TO ORDINANCE NO. 94-282 (NUISANCE
12 ABATEMENT PROCEDURE); DECLARING AN
13 EMERGENCY
14

15 WHEREAS, the City of Keizer Ordinance No. 94-282 provides that a
16 Responsible Person, as defined in the Ordinance, shall have the duty to abate all
17 nuisances as defined in City Ordinances; and

18 WHEREAS, the person or persons responsible for the property located at 5142
19 Hasbrook Avenue Northeast, Keizer, Oregon have failed to comply with the Keizer
20 Noxious Vegetation Ordinance (No. 2009-590) after being duly given the notice
21 required under the Keizer Uniform Nuisance Abatement Procedure (Ordinance No. 94-
22 282); and

23 WHEREAS, the City Manager, or his designee was required to cause the cutting
24 and removal of noxious vegetation under the power given to such city officials under
25 the Keizer Uniform Nuisance Abatement Procedure; and
26

1 WHEREAS, after such work was performed, the City Manager or his designee
2 notified the persons responsible by certified mail of the sum of money due to the City
3 of Keizer for such work performed and such person was duly notified of the public
4 hearing to consider and assess such cost as a lien against the property; and

5 WHEREAS, pursuant to Keizer Uniform Nuisance Abatement Procedure, the
6 matter was heard by the City Council at public hearing on September 8, 2020, after
7 reasonable opportunity for objections;

8 NOW, THEREFORE,

9 The City of Keizer ordains as follows:

10 Section 1. CORRECTNESS OF STATEMENT. The City Council declares
11 the correctness of the statement of costs as set forth in Exhibit "A", attached hereto,
12 and by this reference incorporated herein.

13 Section 2. DECLARATION OF LIEN. The amount set forth on the
14 statement of costs regarding the property located at 5142 Hasbrook Avenue Northeast,
15 Keizer, Oregon is declared to be a lien upon such property, as more particularly
16 described in Exhibit "B" attached, and by this reference incorporated herein.

17 Section 3. ENTRY IN LIEN DOCKET. The City Recorder is directed to
18 enter the amount set forth in Exhibit "A" into the minor lien docket and such amount
19 shall be a lien against the property described in Exhibit "B" from the date of such entry.

1 Such lien shall accrue interest at the rate of nine percent (9%) per annum from the date
 2 of entry in the lien docket until paid.

3 Section 4. EMERGENCY CLAUSE. This Ordinance being necessary for
 4 the immediate preservation of the public health, safety, and welfare, an emergency is
 5 declared to exist and this Ordinance shall take effect immediately upon its passage.

6 PASSED this _____ day of _____, 2020.

7

8 SIGNED this _____ day of _____, 2020.

9

10

11

12

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14

15

 Mayor

 City Recorder

EXHIBIT "A"

Nuisance Abatement at
5142 Hasbrook Avenue Northeast, Keizer, Oregon

Statement of Costs Summary

Itemization of Abatement Costs if Paid Prior to August 30, 2020 Per Statement of Costs Attached Hereto:

Nuisance Abatement and Administrative Charge	\$1,320.00
---	------------

Additional Expenses Occurred as a Result of Failure to Pay by August 30, 2020:

Newspaper Publication	\$ 75.00
-----------------------	----------

Total Amount to Become a Lien Against the Property:

TOTAL COSTS	\$1,395.00
-------------	------------

Such lien shall accrue interest at the rate of nine percent (9%) per annum from the date of entry in the lien docket until paid.

City of Keizer
STATEMENT OF COSTS FOR NUISANCE ABATEMENT
 At 5142 Hasbrook Avenue Northeast, Keizer, Oregon

Date of this Statement: August 19, 2020

To: Adolf N Grabotin
 Virginia H Grabotin
 Occupants
 Responsible Persons
 5142 Hasbrook Avenue NE
 Keizer, OR 97303

1. Itemization of Abatement Costs:

<u>Item</u>	<u>Amount</u>
Cut and Dispose of Noxious Vegetation	\$1,200.00
Administrative charge (10%)	\$ 120.00
TOTAL COSTS	\$1,320.00

2. Costs to be Assessed:

The above costs will be assessed against the subject property unless paid in full within ten (10) days from the date of this statement as shown above. Please address your payment to the City of Keizer, PO Box 21000, Keizer, OR 97307-1000.

3. Public Hearing:

The Keizer City Council will hold a public hearing on September 8, 2020, at 7:00 p.m. in the Robert L. Simon Council Chambers, Keizer Civic Center, 930 Chemawa Road NE, Keizer, Oregon, to determine the correctness of this Statement of Costs and to declare a lien against the subject property.

4. Interest to Accrue:

If not paid prior to August 30, 2020, the lien for costs shall bear interest at the rate of nine percent (9%) per annum from the date of entry of the lien, in the lien docket.



Benjamin Crosby
 City of Keizer
 Code Compliance Officer



City of Keizer

P.O. Box 21000
Keizer, OR 97307-1000
(503) 390-3700 fax (503) 393-9437

Invoice No. 21-032

INVOICE

Customer

Name ADOLF GRABOTIN, ET AL

Address 5142 HASBROOK AV NE

City KEIZER, OR 97303

Phone 503-269-6310

Date 8/18/2020

Order No. _____

Rep _____

FOB _____

Qty	Description	Unit Price	TOTAL
1	CUT AND DISPOSE OF NOXIOUS VEGETATION 063W36CC07300 - 5142 HASBROOK AV NE, KEIZER, OR	\$1,200.00	\$1,200.00

Payment Details

- ☐ Cash
☐ Check
☐ Credit Cards 0

Check# _____

Payment Date: _____

SubTotal	\$1,200.00
Shipping & Handling	\$0.00
10% Admin Fee	\$120.00
TOTAL	\$1,320.00

Due Upon Receipt

EXHIBIT "B"

Lot Three (3), Block Three (3), Lawndale Subdivision, County
of Marion and State of Oregon.

COUNCIL MEETING: September 8, 2020

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: TIM WOOD, FINANCE DIRECTOR

SUBJECT: AUTHORIZATION FOR SUPPLEMENTAL BUDGET

ISSUE: Oregon Budget Law, when authorized by resolution of the governing body of a municipal corporation, provides that a supplemental budget may be adopted when an occurrence or condition which had not been ascertained at the time of the preparation of a budget for the current year which requires a change in financial plan.

General Fund – Non Departmental Resources and Non Departmental Requirements

The supplemental budget is to recognize and appropriate \$1,130,000 in funds received as part of Section 5001 of the CARES Act provided through the Coronavirus Relief Fund to be used for expenditures incurred due to COVID-19.

This is a reimbursement grant which means the City must spend the money first. In addition, the funds must be used by December 30, 2020.

A preliminary expenditure plan includes the following:

- Building and infrastructure improvements to further reduce the risk of COVID-19 transmission and support remote work capabilities - \$280,000
- Community Relief Agencies and Non-Profits to provide financial relief for residents impacted by COVID-19 - \$500,000
- Business Grants to provide financial relief for businesses impacted by COVID-19 - \$150,000
- Personal Protective Equipment for City Staff and community - \$50,000
- Unanticipated staff costs as the result of COVID-19 - \$150,000

The preliminary expenditure plan will be adjusted as needed based on actual project costs and identified needs.

RECOMMENDATION: Staff recommends the council open the public hearing and receive any public testimony. Once the public hearing is closed the council should adopt the attached resolution authorizing the supplemental budgets as described above.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2020-_____

**AUTHORIZATION FOR SUPPLEMENTAL BUDGET - General Fund - Non
Departmental Resources and Non Departmental Requirements**

WHEREAS ORS 294 provides that a supplemental budget may be adopted when an occurrence or condition which had not been ascertained at the time of the preparation of a budget for the current year which requires a change in financial planning.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that the following appropriations be made for fiscal year ending June 30, 2021:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
General Fund				
Non Departmental Resources	13,114,200	1,130,000		14,244,200
Non Departmental Requirements	2,366,800	1,130,000		3,496,800
To recognize and appropriate \$1,130,000 in grant money to be received from the State of Oregon as part of the CARES Act Coronavirus Relief Fund to be used for expenditures incurred due to COVID-19.				

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

PASSED this ____ day of _____, 2020

SIGNED this ____ day of _____, 2020

Mayor

City Recorder

CITY COUNCIL MEETING: September 8, 2020

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS C. EPPLEY
CITY MANAGER**

**FROM: TRACY L. DAVIS, MMC
CITY RECORDER**

**SUBJECT: HOLIDAY INN EXPRESS AND SUITES – NEW LIQUOR LICENSE
APPLICATION**

BACKGROUND:

On August 5, 2020 the City received an application for a new liquor license for Holiday Inn Express and Suites located at 6150 Keizer Station Blvd, Keizer, Oregon. The application is for Limited Off-Premises license. As required by Keizer Ordinance a public hearing was scheduled; notice was published and mailed to all property owners within 200 feet of the establishment. The Keizer Police Department reports a clear background check on the applicant and has no reason to recommend denial of the application. In addition, the Keizer Community Development Department finds the location of the establishment to be properly zoned and has no additional comment on the application.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council recommend approval of the application for Holiday Inn Express and Suites under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall then be forwarded to the Oregon Liquor Control Commission for final approval.



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
☐ Brewery 1 st Location	Date application received:
☐ Brewery 2 nd Location	Name of City: _____ County: _____
☐ Brewery 3 rd Location	Recommends this license be:
☐ Brewery-Public House 1 st location	☐ Granted ☐ Denied
☐ Brewery-Public House 2 nd location	By: _____
☐ Brewery-Public House 3 rd location	Date: _____
☐ Distillery	
☐ Full On-Premises, Commercial	
☐ Full On-Premises, Caterer	
☐ Full On-Premises, Passenger Carrier	
☐ Full On-Premises, Other Public Location	
☐ Full On-Premises, For Profit Private Club	
☐ Full On-Premises, Nonprofit Private Club	
☐ Grower Sales Privilege 1 st location	
☐ Grower Sales Privilege 2 nd location	
☐ Grower Sales Privilege 3 rd location	
☐ Limited On-Premises	
☒ Off-Premises	
☐ Off-Premises with Fuel Pumps	
☐ Warehouse	
☐ Wholesale Malt Beverage & Wine	
☐ Winery 1 st Location	
☐ Winery 2 nd Location	
☐ Winery 3 rd Location	

OLCC USE ONLY	OLCC FINANCIAL SERVICES USE ONLY
Date application received:	
8-1-20	
By: <i>DMW</i>	
Date application accepted as initially complete:	
8-4-20	
By: <i>DMW</i>	
License Action(s): <i>W/O</i>	

2. Identify the applicant(s) applying for the license(s). ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license(s):

HAW HOSPITALITY, LLC

(Applicant #1)

(Applicant #2)

AUG 04 2020

(Applicant #3)

(Applicant #4)

SALEM REGIONAL OFFICE

OLCC USE ONLY	OLCC FINANCIAL SERVICES USE ONLY

CITY COUNCIL MEETING: September 8, 2020

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: MASTER PLAN AMENDMENT/MAJOR VARIANCE
REQUEST FOR KEIZER STATION AREA D**

This matter came before Council for public hearing on August 3, 2020. The Council directed staff to prepare an Order approving the Keizer Station Area D Master Plan Amendment/Major Variance application. Such Order is attached for your review.

RECOMMENDATION:

Adopt the attached Order.

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

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

ORDER

**IN THE MATTER OF THE APPLICATION OF CHEMAWA
STATION LLC FOR APPROVAL OF THE KEIZER
STATION MASTER PLAN AMENDMENT/MAJOR
VARIANCE (AREA D – KEIZER STATION); REPEAL OF
ORDER IN THE APPLICATION OF CHEMAWA STATION
LLC ADOPTED NOVEMBER 1, 2004**

The City of Keizer orders as follows:

Section 1. THE APPLICATION. This matter comes before the Keizer City Council on the application of Chemawa Station LLC for a master plan amendment/major variance for the Keizer Station Plan – Area D.

Section 2. JURISDICTION. The land in question in this Order is within the city limits of the City of Keizer. The City Council is the governing body for the City of Keizer. As the governing body, the City Council has the authority to make final land use decisions concerning land within the city limits of the City of Keizer.

Section 3. PUBLIC HEARING. A public hearing was held on this matter before the Keizer City Council on August 3, 2020. The following persons either appeared at the City Council hearing or provided written testimony on the application before the Council:

1. Shane Witham, Interim Community Development Director
2. Alan Roodhouse, Applicant Representative

3. Stacia Hernandez, Applicant Representative
4. Dan McQue – Applicant Representative
5. Michael DeBlasi

Section 4. EVIDENCE. Evidence before the City Council in this matter is summarized in Exhibit "A" attached.

Section 5. OBJECTIONS. No formal objections have been raised as to notice, jurisdiction, alleged conflicts of interest, evidence presented or testimony taken at the hearing.

Section 6. CRITERIA AND STANDARDS. The criteria and standards relevant to the decision in this matter are set forth in Exhibit "B" attached.

Section 7. FACTS. The facts before the City Council in this matter are set forth in Exhibit "C" attached.

Section 8. JUSTIFICATION. Justification for the City Council's decision in this matter is explained in Exhibit "D" attached.

Section 9. ACTION. The decision of the City Council is set forth in Exhibit "E" attached.

Section 10. FINAL DETERMINATION. This Order is the final determination in this matter.

1 Section 11. EFFECTIVE DATE. This Order shall take effect immediately upon
2 its passage.

3 Section 12. CONDITIONAL REPEAL OF PREVIOUS MASTER PLAN
4 ORDER. The intent of the City Council is that this Order, when fully effective and final,
5 replace previous Keizer Station Plan – Area D Master Plan Order. The following Order
6 shall be repealed in its entirety:

7 1. Order in the Matter of the Application of Chemawa Station LLC for Approval of
8 the Keizer Station Master Plan (Area D-Commerce Center) and Major Variance (Master
9 Plan/Major Variance Case No. 2004-38) dated November 1, 2004.

10
11 Note that the repeal of the above Order is conditioned on this Order being fully upheld
12 upon appeal, if any.

13 Section 13. APPEAL. A party aggrieved by the final determination in a
14 proceeding for a discretionary permit or a zone change may have it reviewed under ORS
15 197.830 to ORS 197.834.

16 PASSED this _____ day of _____, 2020.

17

18 SIGNED this _____ day of _____, 2020.

19

20

21

22

Mayor

23

24

25

City Recorder

EXHIBIT "A"

Evidence

Official notice has been taken of the reports and record in this matter, including the application and exhibits contained therein.

City Attorney Johnson read the statutory warning regarding quasi-judicial hearings. Councilor Smith announced that her daughter is a registered Grand Ronde tribal member. There were no other declarations or questions on statutory issues.

Interim Community Development Director Shane Witham then summarized the site plan and condition changes and his staff report and fielded questions regarding water detention, landscaping and setbacks.

Michael DeBlasi, Keizer, suggested that tree plantings be increased in the parking areas and that the interior intersection in the jug handle be changed to a roundabout that could be an amenity instead of just an intersection.

Mr. Witham responded that the tree requirement for this area is 20% higher than normal. Public Works Director Bill Lawyer added that he would not recommend a roundabout at this location because of its proximity to Chemawa Road traffic.

Alan Roodhouse, President of RPS Development Company, Stacia Hernandez, Chief of Staff for the Confederated Tribes of the Grand Ronde and Dan McQue from the Confederated Tribes of Siletz indicated they were available to answer any questions. There were no questions.

With no further testimony Mayor Clark closed the Public Hearing and the record.

EXHIBIT "B"

Criteria and Standards

[Note: All criteria are listed for the original Master Plan approval (2004). Some criteria are not applicable to the 2020 Master Plan amendment. See Exhibit "C-1" – Supplemental Findings.]

The criteria and standards reviewed in this case are found in the Keizer Development Code (KDC) and the Keizer Station Plan. The specific criteria are set forth below:

1. KDC 2.113 (Industrial Business Park).
2. KDC 2.125 (Activity Center Overlay Zone).
3. KDC 2.202 (General Exceptions).
4. KDC 2.302 (Street Standards).
5. KDC 2.303 (Off-Street Parking and Loading).
6. KDC 2.305 (Transit Facilities).
7. KDC 2.306 (Storm Drainage).
8. KDC 2.307 (Utility Lines and Facilities).
9. KDC 2.308 (Signs).
10. KDC 2.309 (Site and Landscaping Design).
11. KDC 2.312 (Yard and Lot Standards).
12. KDC 2.315 (Development Standards).
13. KDC 2.419 (Service Stations).
14. KDC 3.105 (Variances).
15. KDC 3.113 (KSP Master Plan Review).

16. Keizer Station Master Plan.

No other specific criteria and standards were identified at the hearing.

EXHIBIT "C"

Facts

[Note: These Findings have incorporated Findings from the 2004 Master Plan Order. New or revised Findings are marked with an asterisk (*). See also Supplemental Findings at the end of this Exhibit. If there is any inconsistency between the original Findings and the Supplemental Findings, the Supplemental Findings shall control.]

FINDINGS: GENERAL

1. The applicant is Chemawa Station LLC. The subject property is owned by the Confederated Tribes of the Siletz Indians and the Confederated Tribes of Grand Ronde.
- *2. The applicant's agent is Alan Roodhouse.
3. The subject property is Area D (Commerce Center) of the Keizer Station Plan which is located at the Chemawa/Interstate 5 interchange. The subject property is identified on Marion County Tax Assessor's Map as Township 6 south Range 3 West; Section 36D, Lot #00400.
4. The subject property contains approximately 15.68 acres.
5. The subject property is designated Campus Light Industrial on the Comprehensive Plan Map and is zoned IBP (Industrial Business Park).
6. Public water is available to the subject site. Public sanitary sewer service will be available north of the subject site upon construction of a sewer trunk line through Area A of the Keizer Station Plan. Public bus transit is provided by Salem Area Transit with Route numbers 4 and 9 currently serving the intersection of Lockhaven and McLeod. Route number 4 services the School for the Deaf, Cherriots Administrative Office, Keizer, and Whitaker Middle School.
7. The subject property is bordered on the north by Chemawa Rd, Interstate 5 (I-5) and Salem Parkway on ramp to the east, the Portland and Western Railroad to the west, and the Salem Parkway to the south. Residential properties, a church, and the Keizer Little League Fields are located across Ridge Dr NE on the west side of the railroad tracks. The proposed Keizer Station Village Center (Area A) is located across Chemawa Rd to the north of the

site. The surrounding properties are zoned MU (Mixed Use) and P (Public) to the west, and EG (Employment General) to the north. Interstate 5 (I-5) and the Salem Parkway border the south and east sides of the property.

*8. The proposed amendment and variance request affects only the property located on the internal (north) portion of the “jug handle” of Ulali Drive. The existing area outside (south) of the jug handle of Ulali Drive remains unchanged. This amendment will modify the previously approved site plan by changing the location and number of buildings, overall parking lot layout, and landscaping features and amenities located within the internal portion of the jug handle. In addition, a Major Variance is requested to allow a setback reduction for buildings and parking lot areas adjacent to the north side of Ulali Drive, which is consistent with previously approved Master Plan/Major Variance Case 2004-38. The Major Variance request is only necessary due to the fact the approval timeframe has lapsed. No other changes are proposed.

9. The internal street system allows for vehicular travel within the site as well as providing access to and from major arterial streets to the north (Chemawa Road), and access to the Keizer Station Village Center to the north.

10. Internal streets will have landscaping with tree lined streets and low-impact street lighting. All streets are proposed with bicycle lanes in each direction and pedestrian sidewalks, separated from the street with a five-foot landscape buffer. As a result of safety concerns, certain specific areas do not have sidewalks on one side. Sidewalk widths vary between 6, 8 and 12 feet for multi use. The proposed “Loop” road is the only public through street.

11. A system of internal pedestrian walkways to building structures is proposed.

12. Water service will be provided by a connection to a new reservoir south of Chemawa Road NE as well as connection to the existing water mains in Tepper Lane and Lockhaven Drive. The public water system will be constructed within the realigned Radiant Drive and the right of ways for roads A, B and C in Area A, and within dedicated public right of ways or easement. Fire hydrants will be spaced between 250 and 500 feet to any point on the buildings.

13. Sanitary sewer service will be provided through a connection to the existing 21-inch sewer main at the intersection of existing Radiant Drive and Tepper Lane at the existing ball field entrance. The public sewer main will be extended through Area A as development of that area proceeds. The sanitary sewer trunk will be extended to the north property line of the subject property.

14. Storm drainage facilities will be provided in Area A within the public roadway system for collection and conveyance of runoff from development in the area. The project area is identified as a critical drainage basin, requiring higher runoff control standards. Area D will be required to provide water quality treatment and detention of its storm water runoff.

15. Landscaping is being provided to meet zone and Keizer Station Plan requirements as well as providing additional amenities such as plaza areas, water features and terraces.

*16. The Keizer Public Works Department, Keizer Fire District, City of Salem Public Works Department, Portland General Electric, Salem-Keizer School District, Marion County Surveyor's Office, Keizer Police Department, the Salem Transit District and Oregon Department of Transportation have submitted comments to the approved Master Plan/Major Variance Case 2004-38. The Keizer Public Works Department has submitted comments to the proposed amendment application.

*17. This is the first amendment to the approved Area D Master Plan. This Master Plan amendment is subject to a Type II-B procedure (KDC 3.101.02), which includes a public hearing and decision by the City Council.

FINDINGS: MASTER PLAN

18. The review criteria for the Keizer Station Master Plan and amendment are listed in Section 3.113.04 and 3.113.06 of the Keizer Development Code (KDC). The criteria and findings are listed below:

A The master plan shall meet the purpose and objectives identified in the Keizer Station Design Plan. KDC 3.113.04(A).

1. Purpose: Area D (15 acres) is proposed to have a mix of industrial uses. Key issues that will need to be considered as Area D develops include:
 - Location and design of transportation facilities;

- Traffic operations at the Chemawa Interchange; and
- Physical constraints (e.g. power lines, utility easements and rail right-of-way) that will influence the amount of buildable land and building locations.

2. Objectives: Development in Area D will be focused on achieving the following objectives:

- A Source of Employment Opportunities; and
- Protect Traffic Operations

***FINDINGS:** The proposed development with this 2020 amendment in Area D includes approximately 148,200 square feet of floor area offering a combination of office/industrial (103,415 square feet) and flexible space uses defined as restaurant, gas stations and retail areas, (44,785 square feet) as specified in the IBP zone (discussed later in this report). The proposed mix of uses on the site will clearly provide new and varied employment opportunities. [2020 adjusted square footage.]

The applicant's traffic consultant, City staff, the City's traffic engineer, and the City's engineer have evaluated the impact of this development on the transportation system. ODOT has indicated preliminary approval. The street design is based upon the input from traffic and transportation planning professionals from each of these parties.

The buildings and improvements are located so as to keep existing easement areas clear of inappropriate development.

The proposal indicates that the project will be completed in two phases with all of the office/industrial floor space construction in the 2nd phase.

B. The master plan shall meet the following standards as identified in the Keizer Station Plan in addition to standards within applicable zones:

1. Design standards
2. Transportation system standards
3. Utility standards
4. Parking standards
5. Landscape standards

If a conflict exists between standards within the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards shall be applied. KDC 3.113.04(B).

1. Design Standards

A. Development Standards: KDC Section 2.315 Development Standards requires new development to apply for Development Review and to comply with standards identified in KDC Section 2.315.08. These standards are intended to be objective and to serve as a guide to designers of developments during the building permit approval process. A building permit shall be issued when the proposal:

1. Is consistent with the Development Standards of KDC Section 2.315; and
2. Is in substantial conformity to the approved Master Plan.

Modification of a building permit application, which is not in substantial conformity with the Development Standards or the approved Master Plan, may be approved by the City Council under KDC Section 2.315.08.

B. Other Design Standards: Design standards within the underlying zone, Industrial Business Park - Section 2.113 shall apply.

FINDINGS: Compliance with the standards outlined in the KDC will be achieved through the building permit process. The applicant's proposal shows substantial conformance with these standards.

2. Transportation system standards

The extension of transportation facilities through Area D is a key element, not only to the transportation system but also to the visual quality of the center. Accordingly, the following design features shall apply to Radiant Drive:

A. Transportation facilities may be established to bisect Area D to provide a landscaped entry into Area D and Area A - Village activities.

B. Access from a potential transportation facility to adjoining property shall be controlled. The intent of Radiant Drive is to provide efficient through traffic. Signalized access connections will be located at least 600 feet apart, except where approved by the City Traffic Engineer. Additional access connections on Radiant Drive should be limited and designed to maximize the flow of traffic. All internal signalized intersections on Radiant Drive will operate at a V/C standard of 0.87 or better.

FINDINGS: The applicant's traffic engineer has designed the transportation system to accommodate the traffic needs of Area D and of the Village Center to the north. The overall transportation system is interdependent and the loop road in Area D also serves as support to that system. The applicant's proposal indicates compliance with these standards, however final construction plans of the transportation system will be reviewed at the time of permit application to insure compliance with these standards.

3. Utility Standards

In addition to the development standards of Utility Lines and Facilities - Section 2.307 the following standards shall apply to new utilities:

A. All utilities located adjacent to transportation facilities connecting to Radiant Drive shall be located underground.

B. All other new utility connections and lines shall be located underground.

FINDINGS: The applicant's proposal indicates compliance with these requirements.

4. Parking Standards

The development shall be required to adhere to the parking standards as outlined in the Keizer Development Code, in the underlying zone and in Section 2.303.

FINDINGS: The applicant's proposal indicates compliance with these requirements.

5. Landscape standards

In addition to the development standards of Site and Landscape Design - Section 2.309 the following standard shall apply:

A. A coordinated landscape plan shall be provided for the frontage portion of Area D along I-5 with the request for master plan approval.

B. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area D without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.

1. Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

FINDINGS: The applicant has submitted a landscaping plan for the entire area. The proposal does not adequately address the requirement for a coordinated landscaping plan for the frontage along I-5. The applicant will be required to demonstrate a design which coordinates the landscape design along the I-5/Salem Parkway and shall be a condition of approval.

19. IBP (Industrial Business Park) Zoning Requirements. The applicable zone within the subject site is Industrial Business Park (IBP). Section 2.113.02 identifies the various uses allowed and Section 2.113.05 defines the development standards of the IBP zone.

KDC 2.113.02 identifies the use requirements for the IBP zone, including the permitted uses and how "Flexible Space Uses" are to be developed.

A. Flexible Space Uses

1. The following uses, when restricted, developed, and conducted as required in subsection 2 below, are permitted in the IBP district

- a. Food Stores (54).
- b. Apparel and Accessory Stores (56).
- c. Furniture, Home Furnishings and Equipment Stores (57).
- d. Miscellaneous Retail; BUT EXCLUDING used merchandise stores (59).
- e. Business Services.
- f. Miscellaneous Repair Services.

2. In the Keizer Station Plan where Flexible Space uses are to be developed within the IBP district, the following development limits apply;

- a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection (1)(a)-(d).
- b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district. "IBP district" is defined as IBP zoned property within the Keizer Station, including any internal public streets. In no case shall each contiguously zoned IBP district within the Keizer Station exceed 32,400 square feet of Flexible Use Space as set forth in subsections 1 (a) through (d).
- c. The area developed in all flexible space uses shall in the aggregate not exceed 30 percent of the gross area of the IBP district.
- d. Any outdoor storage area shall:
 - i. Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building;
 - ii. Be enclosed with a sight-obscuring fence or wall;
 - iii. Have at least one side conterminous with the building that it serves;
 - iv. Have no opening within fifty feet and visible from any property boundary; and
 - v. Meet the other applicable requirements of this ordinance.

- e. Loading doors shall have no opening within seventy five feet and visible from any street or property boundary.
- f. Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall.
- g. All buildings shall be capable of development as flexible industrial space.

FINDINGS: While specific uses are not yet determined, the applicant's proposal shows a mix of uses which meet with these provisions.

B. 2.113.05 Development Standards

1. Design Standards. Unless specifically modified by provisions in this Section, buildings located within the IBP zone shall comply with the Development Standards in Section 2.315.
2. Location Standards.
 - a. Each IBP district shall have direct access onto an arterial or collector street.
 - b. Access to a local street abutting the district shall not be permitted from any lot within the IBP district; except that, access may be permitted to a local street if 75 percent of the property is zoned industrial or designated industrial in the Keizer Comprehensive Plan along both sides of the street for a distance of 600 feet from the center line of a proposed access in both directions along the street, or for the distance from said centerline to the next intersecting arterial or collector street in both directions, whichever is less.
 - c. Calculation of the percent of industrial property shall be based upon the street frontage of properties having frontage on the local street within the described distance of the centerline of the proposed access.
 - d. The Zoning Administrator may require street right-of-way and improvements for streets abutting or within the IBP district in accordance with the Development Code, except that for local streets to which access is not allowed under 2. above, the Zoning Administrator may only require right-of-way dedication, and not improvements.

FINDINGS: The subject site will have direct access to Chemawa Rd, which is identified on the Transportation System Plan as a Major Arterial. New streets are proposed for the development which access to the proposed buildings. The applicant's proposal shows compliance with these standards.

- C. Height. Within the IBP district buildings and structures erected, altered or enlarged shall not exceed 100 feet in height, except for the area within 50 feet of any residential zone where the maximum height shall be 15 feet.

FINDINGS: The applicant's proposal indicates that no buildings proposed will exceed 100 feet in height. There are no residential zones within 50 feet of the subject site. Therefore, the 15 foot height limitation is not applicable.

- D. Lot Area and Dimensions. There are no minimum lot area requirements in an IBP district.

FINDINGS: The proposal is not restricted as to lot area or dimensions.

- E. Yards Adjacent to Streets. Within an IBP district:

1. Along the full extent of each lot line adjacent to a street, there shall be a required yard 20 feet in depth.
2. Setbacks for accessory building and structures, except fences, shall be the same as for primary buildings.
3. No parking will be allowed in required yards.
4. No buildings or structures except transit shelters approved by the Salem Area Transit District shall be permitted in a required yard adjacent to a street.

FINDINGS: The applicant has applied for a variance to reduce the required yard of 20 feet in depth, down to 10 feet for the development on the north side of the proposed "Loop" road. In all other areas the proposal meets the yard setback requirements. Approval of the variance will be required in order to meet this requirement.

- F. Yards Adjacent to Other Districts.

1. Where an IBP district within the Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there shall be a

required yard 40 feet in depth adjacent to the lot line separating the IBP district from the abutting district.

2. Where an IBP district not within the Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there shall be a required yard 15 feet in depth plus 1 foot of depth for each foot of building height over 10 feet, adjacent to the lot line separating the IBP district from the abutting district.

3. Where an IBP district within the Keizer Station Plan abuts another "I" district, directly or across an alley, there shall be a required yard 20 feet in depth adjacent to the lot line separating the IBP district from the abutting district.

4. No buildings or structures shall be permitted in a required yard adjacent to an abutting district.

5. All parking shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district.

6. Driveways shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district, except where the driveway provides direct access to the abutting property or to a street.

FINDINGS: The subject property is surrounded by a public street, I-5, and, the railroad and does not abut any other zoning districts directly or across an alley. Therefore, there are no additional requirements due to adjacent zoning districts.

G. Side and Rear Yards. Notwithstanding Section 2.113.05.F, There are no side or rear yard requirements in the IBP district except:

1. As may be required for a yard adjacent to another district as defined above.

2. Where a side or rear yard is not required but is provided it shall:

- a. Be at least ten feet in depth;
- b. Not include buildings, structure, parking or driveways; and
- c. Be landscaped.

3. Driveways and accessways shall set back at least ten feet from the internal property lines, except where the driveway or accessway provides direct access to an adjacent street, or where a common driveway is provided along a lot line between two separately owned properties. In case of the latter exception, at least ten feet of landscaped yard shall exist parallel and along each side of the common driveway.

FINDINGS: The proposed development demonstrates compliance with side yards of 10' which exclude structures and paved areas.

- H. Lot Coverage. Each lot within an IBP district shall have a least 20 percent of its gross area landscaped; that portion of the required yards, which are landscaped, may be included in the calculation to meet the 20 percent landscaped area.

FINDINGS: The applicant's landscaping plan and written statement indicate that 27% of the property will be landscaped.

- I. Open Storage.

1. Open storage of materials and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall or berm at least six feet in height, or a sight obscuring hedge no less than four feet in height and capable of obtaining a height of six feet within two years, any of which shall be located on the property at the required set back line in the same manner as if such berm, fence, wall, or hedge were a building.
2. Materials and equipment stored as permitted in this section shall be no more than 14 feet in height above the elevation of the storage area.

FINDINGS: This is a development requirement and compliance with these standards will be ensured through the building permit review process.

- J. Landscaping.

1. Landscaping shall meet the requirements of the Keizer Development Code as well as the following requirements.
2. Required yards shall include the following plant materials:

Number of Plant Units or Square Feet of Living Ground Cover
Per 1000 Square Feet of Landscaped yard

Plant Type	Boundary of IBP District	Other Locations
Trees	2	1
Shrubs	5	3
Evergreens and Conifers	1	
Living Ground Cover	500 sq. ft.	500 sq. ft.

3. Plant units shall be distributed not less than two units per each 100 linear feet of boundary or lot line and each ten feet of depth.

4. Plant units meeting the above standards shall also be planted and maintained in any planting strip or area within the public right of way adjacent to a use. Trees within the planting strip shall be in conformance with City standards for street trees.

FINDINGS: The applicant's landscaping plan shows compliance with these standards. However, as a condition of approval trees which abut street improvements and parking and loading areas should be a minimum 2" caliper as opposed to the minimum requirement of 1 ¼" to minimize potential damage to the trees in accordance with industry standards.

K. Off-Street Parking and Loading. Within an IBP district all uses shall meet the requirements of the Parking Chapter of the Keizer Development Code as well as the additional requirements of this section:

1. Parking

a. All parking shall be set back at least ten feet from all interior property lines.

b. Transit stop(s) approved, as to location, design and construction, by the Keizer Area Transit District may satisfy five percent of the parking space requirements for building sites located within 400 feet of any such transit stop(s).

- c. A ride sharing program approved by the Director of Public Works may satisfy five percent of the parking space requirements.
- d. Bicycle parking at a ratio of one bicycle space for each twenty vehicle parking spaces may satisfy three percent of the parking space requirements.

2. Loading

- a. All loading spaces shall be screened from adjacent property by a sight-obscuring fence, wall, hedge, or berm at least four feet in height.
- b. Loading docks and loading doors shall be screened from the street by landscaping and shall be offset from driveway openings.

FINDINGS: The proposal indicates compliance with all parking and loading requirements.

- L. Lighting. Exterior light fixtures shall be so located and designed that the light source, viewed by an observer five feet above the ground and five feet outside the boundary of the IBP district, shall within 50 feet of the base of the light standard be either:

- 1. Completely shielded from direct view, or.
- 2. Not greater than five foot candles.

FINDINGS: The applicant has submitted a lighting plan which shows conformance with these standards.

20. Activity Center Overlay

A. 2.125.04 Keizer Station Plan Development Standards - IBP Zone

For any project for which the projected average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

FINDINGS: The applicant has submitted, in conjunction with Area A of the Keizer Station Plan, a Traffic Impact Analysis and it is part of the record.

B. 2.125.05 Keizer Station Plan Development Standards - IBP Zone

All development within the Keizer Station Activity Center, which is zoned Industrial Business Park (IBP) shall be subject to the following additional requirements.

1. Specific Use Restrictions. A limitation of the total floor area of specified IBP uses applies to all of Area A - Sports Center and Area D - Commerce Center of the Keizer Station Plan. The uses identified in Sections 2.113.02 (J) and (N) shall be subject to the following total floor area limitations:

- a. 15,000 square feet in Area A - Sports Center; and
- b. 70,000 square feet in Area D - Commerce Center.

2. Flexible Space Uses.

The following uses, when restricted, developed, and conducted as required in Section 2.113.02 N. 2. are also permitted in the IBP district:

- a. Within Area A "Sports" of the Keizer Station Plan boundary:
 - i. Recreational Vehicle Parks and Campsites (7033), provided, however, that such uses are not subject to the limitation in Section 2.113.02 N. 2. (c).
- b. Within Area D of the Keizer Station Plan boundary:
 - i. General Merchandise Stores (5399).
 - ii. Gasoline Service Stations (554) in accordance with Section 2.419.

FINDINGS: The total area indicated on the plans as flex space (Tenant 1, Retail, Tenant II, Tenant III, Building I and part of Building VII) total 38, 809 square feet, which is well below the maximum of 70,000 square feet set in Section 2.125.05.A.2. [See Supplemental Findings.]

C. 2.125.06 Keizer Station Plan Prohibited Uses - IBP and EG Zones

The following uses are prohibited on properties within the Keizer Station Plan boundary, which are zoned IBP or EG:

1. Manufacturing of grain mill products (204)
2. Manufacturing of biological products, except diagnostic substances (2836)
3. Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (284)
4. Miscellaneous plastic products (308)
5. Motor freighting (42)

FINDINGS: The proposal indicates no prohibited uses are proposed.

D. 2.125.07 Conditions of Approval

The City may attach conditions to any development within an Activity Center to achieve the following objectives:

1. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require:
 - a. Orienting building and facilities towards transit services.
 - b. Minimizing transit/auto conflicts.
 - c. Encouraging transit supportive uses.
 - d. Minimizing walking distance to transit stops.
 - e. Avoiding excess parking areas.
 - f. Encouraging shared parking and structures or understructure parking.

FINDINGS: The Transit District has indicated that the location of transit facilities shall be accomplished at time of permitting process. Coordination with the District shall be a condition of permit issuance.

2. Pedestrian/Bicycle Circulation. The development shall facilitate pedestrian/bicycle circulation. This may require:
 - a. Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments with the Activity Center facilities, and surrounding development.
 - b. Separating auto and truck circulation and activities from pedestrian areas.

- c. Pedestrian-oriented design.
- d. Pedestrian amenities.
- e. Bicycle parking.
- f. Outdoor lighting.

FINDINGS: The applicant's proposal shows a pedestrian/bicycle system which provides for circulation not only within Area D, but also connecting to Area A. In addition to the pedestrian/bicycle pathways bike lanes are proposed as a part of the street improvement design. The applicant shows connection to the Regional Multi-Use/Bike pathway adjacent to Salem Parkway. This connection is important in order to facilitate implementation of the Transportation System Plan goals and shall be a condition of approval.

3. Coordination. Coordination of development within an Activity Center area. This may require:

- a. Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements.
- b. Siting and orientation of land uses.
- c. Frontage roads or shared access.

FINDINGS: The circulation pattern, developed in conjunction with Area A, is compatible and shall be limited to that coordinated plan. The landscaping standards shall also be consistent with those established in Area A. The orientation and siting of uses is consistent with those specified in zoning requirements. Architectural design must be consistent with standards imposed on Area A.

4. Compatibility. Developments within the Activity Center should be compatible with, and complement the surrounding neighborhood. This may require:

- a. Sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features.
- b. Buffering of adjacent residential uses

FINDINGS: Due to the interconnection with other areas within the Keizer Station, sensitivity must be used in architectural design, circulation patterns,

landscaping and site amenities to achieve desired compatibility between developments. The proposal demonstrates this sensitivity in providing site amenities such as plaza/outdoor seating areas and water features. The design of the buildings, although different in character, must demonstrate a consistent level of human scale, variation in building planes and building materials.

21. Street Standards.

- A. 2.302.03.A. General Requirement. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.

FINDINGS: The proposed development features two new streets within the development. The location, width and grade of the proposed streets are designed to promote public convenience and safety for the development.

All new streets shall be constructed to the requirements of the City of Keizer Department of Public Works Design and Construction Standards and in conformance with the final Transportation Impact Analysis adopted for the Keizer Station Plan. Preliminary construction specifications and plans for all transportation mitigation measures necessary to satisfy the improvements identified in the "Transportation Impact Analysis, Keizer Station Plan" for all street construction, including retaining walls, fencing, landscaping, sidewalks, signing, etc. shall be submitted to the Department of Public Works for review prior to submitting final plans for approval. The Department of Public Works will review the proposed plans and make recommendations for any additional work and coordination with other development in the area as needed.

- B. 2.302.03.B. Continuation of Streets. Development proposals, including subdivisions and partitions, shall provide for the continuation of, and connection to, streets where necessary to promote appropriate traffic circulation in the vicinity of the development. Where necessary to give access or permit a satisfactory future division of adjoining land, streets and utilities shall be extended to property boundaries to allow the future extension of streets and infrastructure. A temporary turnaround shall be constructed for stub streets in excess of 150 feet in length.

No street or utility extensions are required when any of the following circumstances exist:

1. Less than three additional existing or future lots on adjoining parcels would gain access from the extension. For purposes of this criterion, the size of said future lots shall be no greater than two times the minimum lot size of the zone.
2. Parcel shape or size prevents new lots from meeting lot width or depth standards when a public street or infill street is proposed through the parcel.
3. Partial-width streets where adjoining development would provide a full-width public street or infill street; does not eliminate the need for variances to lot depth or width requirements.
4. Natural physical obstructions or barriers, such as parkland, floodplain, slopes, or significant trees, make access and connectivity unreasonable or impracticable.
5. Providing access and connectivity to one or more adjoining parcel(s) would not be useful given that at least one of the following conditions exist:
 - a. A future street plan demonstrates that adequate access and connectivity is provided from the adjacent parcel(s).
 - b. The development potential of the adjoining parcel(s) is (are) limited due to physical or jurisdictional constraints to such a degree that connectivity is unreasonable or impracticable.

FINDINGS: The proposed development provides the necessary street and pedestrian/bicycle connections to adjoining properties. It will include construction of an underpass of Chemawa Road that will connect to Area A Village Center and new intersection design at Chemawa and the previous location of Radiant Drive.

- C. 2.302.03.C. Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the existing centerlines. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet.

FINDINGS: The proposed streets meet these requirements.

- D. 2.302.03.D. Future extension of streets. When it appears possible to continue a street, bicycle path and/or pedestrian accessway into a future subdivision, adjacent acreage or area attractors such as schools and shopping centers, streets, bicycle paths and/or pedestrian access way facilities shall be platted and built to a boundary of the subdivision. The street may be platted without a turnaround unless the Public Works Department finds a turnaround is necessary for reasons of traffic safety. Any street extension exceeding 150 feet in length shall be provided with an approved turnaround as set forth in Section 902.2.2.4 "Dead Ends" of the Uniform Fire Code, 1994 edition.

FINDINGS: The loop road does not end and the other stub street ends in a large bulb turnaround, and the property is fully constrained in its access ability from other properties. The proposed circulation plan provides connectivity with existing transportation system.

- E. 2.302.03.I. Street Names. Street names and numbers shall conform to the established standards and procedures in the City.

FINDINGS: Street names must be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No final plat shall be released without approved street names. Due to the significance of this development as a landmark of the City of Keizer, street names should also receive approval of the City Council.

- F. 2.302.03.J. Grades and Curves. Grades shall not exceed 7 percent on arterials, 10 percent on collector streets or 15 percent on any other street. Street grades of 15 percent shall not exceed 200 feet in length. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. On arterials there shall be a tangent of not less than 100 feet between reversed curves.

FINDINGS: The proposed arterial street grades are relatively flat and in no case do they exceed 7%. All streets have a minimum profile grade of 0.60.

- G. 2.302.03.K. Frontage Streets. If a development abuts or contains an existing or proposed arterial or collector street, the City may allow frontage streets, or may require reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of

residential properties, to afford separation of through and local traffic, and to preserve the capacity and safety of the collector or arterial street.

FINDINGS: The proposal provides for an access road along the west property line. This however, is separated from residential areas by both the Railroad and Ridge Drive. No additional buffering, other than landscaping would be required.

- H. 2.302.03.L. Alleys. Alleys shall be provided in commercial and industrial zones unless other permanent provisions for access to off-street parking and loading facilities are provided. The corners of alley intersections shall have radii of not less than 10 feet.

FINDINGS: No alleys are proposed. The site provides adequate access to off-street parking and loading facilities.

- I. 2.302.03.M. Street Landscaping. Where required as part of the right-of-way design, planting strips shall conform with the following standards:

1. Street trees shall be planted at a ratio of no less than one tree per 30 feet of property frontage. Street trees shall conform with the list of acceptable trees included in the City's Street Tree Ordinance. Installation of street trees shall be included in any improvement agreement covering the installation of public facilities and services on a property.

2. Planting strips shall be planted and maintained in predominantly living groundcover materials with hard surfaces consisting of bricks, pavers, rocks, decorative concrete work, etc., only being included as part of an overall landscape design where living plant material is predominant. In no case shall asphalt be used within the planting strip.

FINDINGS: The conceptual landscaping plan indicates that street trees shall be planted with 30-foot spacing using identified varieties. The plan specifies 1 ¼ inch caliper sizes. Although this caliper is the minimum city requirement, a minimum caliper of 2 inches should be used in areas subject to damage along walkways and streets and is consistent with the standards set in Area A. 1 ¼ inch caliper trees are much more susceptible to damage and vandalism.

- J. 2.302.04 General Right-of-way and Improvement Widths. The standards outlined in this section shall be the minimum requirements for all streets, except where a variance is requested as permitted under Subsection 2.202.05.

FINDINGS: The right of way width is the responsibility of the Department of Public Works to be consistent with the standards adopted by the City. Within those standards the Public Works Director has the ability to determine specific design elements within those standards.

22. Off-Street Parking and Loading.

- A. 2.303.6 Off-Street Automobile Parking Requirements. Off-street parking shall be provided in the amount not less than:

- Retail store: 1 per 300 square feet
- Service repair center; retail store handling bulky merchandise (e.g. furniture): 1 per 900 square feet
- Bank, offices, medical clinic: 1 per 300 square feet
- Eating and drinking establishment: 1 per 250 square feet
- Hotel: 1 space per guest room

- B. 2.303.6 B and C Additional Off Street Automobile Parking Requirements.

1. **Parking Reduction.** The number of minimum required parking spaces may be reduced by up to 10% to redevelop the existing parking area for transit related uses including transit stops, pull-outs, shelters, park and ride lots, transit oriented developments and similar facilities where appropriate. The redevelopment area shall be abutting a street with transit service. (5/98)

2. **Parking Increase.** The number of minimum required parking spaces shall not be increased by more than 50%.

FINDINGS: The master planned area contains a public road which bisects the property. This creates two separate areas which are used when calculating such things as parking space requirements as well as signage requirements. Parking area calculations have been provided by the applicant and indicate substantial conformance with this standard in the area outside of the loop road.

The area within the loop road (between the loop road and Chemawa Rd) shows a total of 122 parking spaces. The maximum allowed based upon the plans submitted is 108. The application shows a total of 13,659 square feet of retail and 6,400 sq ft of food service (eating and drinking establishment) area. The minimum parking spaces required are 72 spaces; the maximum is 1.5 times that figure. The number of stalls in this area must comply with the range that is allowed by the Keizer Development Code. The number of parking spaces may vary dependent upon the size and type of businesses and a final number cannot be determined until plans are submitted for building permits. The applicant has agreed to designate all stalls in excess of the maximum allowed for the use of Park and Ride. This total is currently shown at 14 but may vary slightly. These spaces shall be designated as "Park and Ride" between the hours of 7:00 am and 5:00 pm Monday through Friday. These stalls, therefore, would not be counted as those required or allowed for the retail and eating and drinking establishment. [See Supplemental Findings.]

C. 2.303.08.A . Bicycle Parking shall be required in all public and semi-public, commercial and industrial development as well as park-and-ride lots. Bicycle parking shall be provided in the following amounts:

- Retail store: 1 per 10 required vehicle parking spaces with a maximum of 6 required
- Service repair center; retail store handling bulky merchandise (e.g. furniture): 1 per 30 required vehicle parking spaces with a maximum of 6 required
- Bank, offices, medical clinic: 1 per 20 required vehicle parking spaces with a maximum of 6 required
- Eating and drinking establishment: 1 per 20 required vehicle parking spaces with a maximum of 6 required
- Hotel: 1 per 40 required vehicle parking spaces

Exemptions. The following uses are exempt from the bicycle parking requirements:

- Seasonal or temporary businesses. (5/98)
- Drive-in theaters

- Self-storage facilities
- Automobile oriented businesses such as automobile service stations, automobile repair shops, restaurants without seating facilities (either indoors or outdoors), or oil and lubrication services, but excluding automobile retail businesses such as dealers or auto parts stores.

FINDINGS: The plan indicates the location and number of bicycle parking spaces however, no specific information has been provided by the applicant regarding the type design of the bicycle rack. The Keizer Development Code sites specific standards that serve the intent of the Keizer Station Plan and will be reviewed as a part of building permit approvals.

- D. 2.303.09 Carpool and Vanpool Parking. New office or industrial development with 100 or more parking spaces shall designate at least 5% of the parking spaces for carpool or vanpool parking. These designated spaces shall be the closest parking spaces to the building entrance normally used by employees, with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only" along with specific hours of use. Any other use establishing car and vanpool spaces may reduce the minimum parking requirement by 3 spaces for each carpool/vanpool space created.

FINDINGS: The proposal indicates compliance with the number of spaces required. The location of these spaces, however, shows their placement to be in locations other than those closest to the building entrance normally used by employees. The language of the Keizer Development Code is specific; however, the specific designs of the buildings have not been set. This requirement shall apply to each of the buildings at time of construction.

The applicant does not wish to apply the ability to reduce the minimum number of parking spaces required by increasing the number of carpool/vanpool spaces as allowed by this criterion.

- E. 2.303.10 Off-Street Loading Requirements. All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 30 feet long, and 14 feet high in the following amount: for buildings containing over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space.

FINDINGS: The office/industrial spaces in the proposal (buildings 2-7) are as yet not defined as specific tenants. As such, the loading areas have not yet been specifically identified. Concern should be given when locating the loading areas in conjunction with the limitations of delivery truck mobility.

F. 2.303.11 Parking and Loading Area Development Requirements.

1. Surfacing. All driveways, parking and loading areas shall have a durable, hard, dust free surface built to Department of Public Works standards.

FINDINGS: Pavement conforming to adopted City of Keizer Department of Public Works standards shall be required as part of the building permit and public improvement permit processes.

2. Parking Spaces

a. Dimensions. Parking spaces shall be a minimum 9 feet wide and 18 feet in length.

b. Compact Spaces. Compact parking spaces, at a reduced width of 8.5 feet, shall be permitted on sites with more than five (5) parking spaces. No more than 30% of the required parking shall be compact spaces and each space must be identified as a "Compact Space."

FINDINGS: The proposal appears to meet these requirements. The parking space dimensions must be verified during the building permit review process.

3. Aisle The following minimum aisle dimensions shall apply:

a. Without adjacent parking:

i. One-way: 12 feet

ii. Two-way: 22 feet

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- b. With adjacent parking:

PARKING ANGLE	DRIVEWAY WIDTH
0 to 40	12 feet
41 to 45	13 feet
46 to 55	15 feet
56 to 70	18 feet
71 to 90	24 feet

FINDINGS: The proposal appears to meet these requirements. The driveway dimensions will be verified during the building permit review process.

4. Screening. When any public parking or loading area is within or abuts a residential zone along a side or rear lot line, the parking or loading area shall be separated from the lot line by a 20 foot landscaped yard, or shall be screened from the residential property with an ornamental fencing or wall of at least 4 feet in height.

FINDINGS: The property does not abut any residentially zoned properties; therefore this criterion does not apply.

5. Lighting. All lighting shall be directed entirely onto the loading or parking area and away from any residential use. The lighting shall not cast a glare or reflection onto the public rights-of-way.

FINDINGS: The residential properties to the west are separated by the railroad right-of-way. The proposed lighting plan demonstrates that the proposed site lighting will not provide any significantly measurable light beyond the property lines. Care must be taken however, that no light source be directly visible from residential properties. Any such light source must be shielded.

6. Landscaping. A tree shall be planted for every eight lineal parking spaces not located adjacent to a building. The planting space shall measure no less than 4 feet square and be surrounded by concrete curbing. The plant shall be of a species that the root system will not interfere with underground utilities or the parking surface, and, is capable of achieving a 15 foot radius. The specific planting enclosure and appropriate tree selection will be provided by the City.

FINDINGS: The site plan shows that one tree has been supplied in parking areas for every eight parking stalls. This requirement shall be a strict condition of approval. Compliance with this requirement will be verified with each building permit.

7. Traffic Flow. Service drives to off-street parking areas shall be designed and constructed to allow flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.

FINDINGS: The access to and from the various parking lots is controlled and designed to provide suitably spaced street or driveway intersections. This design will provide for safe and efficient traffic flow throughout the site.

8. Entrance/Exits. Service drive exits shall have a minimum vision clearance area of 15 feet from the intersection of the street and driveway.

FINDINGS: The entrances all appear to have adequate vision clearance. The landscaping plan and the applicant's written statement indicate that ongoing maintenance of the landscaping, including the vision clearance areas will be essential to maintain the type of landscape and aesthetic standards established in the Keizer Station Plan.

9. Bumper Rails. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail to prevent a motor vehicle from extending over an adjacent property, a street, or a sidewalk. The bumper shall be at least 4" high and located a minimum of 3 feet from the property line.

FINDINGS: To create a level of landscaping and aesthetic standards all paved areas must be bordered with a curbing 6 inches high.

23. Transit.

A. 2.305.01 Location Requirements

1. **Siting Requirements.** The location of transit facilities shall be based upon the size and trip generation potential of major new development adjacent to a transit street. Section 2.305.02 outlines the maximum transit facilities that may be required by the City. Determination of specific requirements will be made on a case by case basis for each development by evaluation the following factors:

- a. Expected transit ridership generated by a development.
- b. The level of existing or planned transit service adjacent to the development. Planned transit service is defined as service that is planned to be established within five years after the completion of development according to the latest officially adopted transit plan by the Transit District.
- c. The location of existing facilities.
- d. The proximity of other transit ridership generators.

FINDINGS: The applicant shall work with the Transit District to ensure compliance with these requirements, making adjustments where necessary to accommodate the needs of the district. The level of service shall be consistent with that level established generally in other areas within the City. The Transit District has indicated that they are working with the applicant.

B. 2.305.02 Design Requirements Retail /industrial/institutional peak hour traffic trips of more than 200 require a concrete boarding pad and transit turnout.

FINDINGS: The Transit District has indicated that they are working with the applicant. The applicant shall continue to work with the Transit District to ensure compliance with these requirements, making adjustments where necessary to accommodate the needs of the district.

24. Section 2.306 - Storm Drainage

No construction of any facilities in a development included in Subsection 2.306.02 shall be permitted until a storm drainage and erosion control plan for the project is

prepared by a professional engineer, and approved by the City. These provisions shall also apply to any cut or fill on a property, which may impact the velocity, volume, or quality of surface water on adjacent property, or may impact any permanent natural body of water.

FINDINGS: A site grading and drainage plan that complies with Section 2.306 shall be submitted for approval to the Public Works Department prior to any building permit being issued.

25. Section 2.307 - Utility Lines and Facilities.

- A. To provide adequate services and facilities appropriate for development, the applicant shall meet the standards set forth in Section 2.307 of the Keizer Development Code relating to water, sanitary sewer, private utilities, street lights and easements. This is a development requirement and will be ensured during review of the construction and engineering drawings.

FINDINGS: A public improvement plan identifying all water, sewer, utilities and easements shall be approved by the City prior to the issuance of any building permits.

- B. Street Lights. When required, installation of street lights shall be pursuant to the requirements of the city and the company serving the development.

FINDINGS: The design, location and height of lighting fixtures shall be consistent with that approved in Area A of the Keizer Station Plan in order to meet the purpose and intent of the Keizer Station Plan.

- C. Easements. Easements shall be provided along property lines as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions, and on the final plat of all partitions.

FINDINGS: All easements shall be located in the appropriate locations based on actual approved plans. No building permits shall be issued prior to approval of construction plans including easement widths and locations. The applicant desires that the loop road not be dedicated in the traditional sense but would rather be located in a public easement. This would serve to maintain the

entire parcel in one tract. The granting of a public easement for both access and utilities serves the same public purpose and is consistent with the portion of "Road C" in the Area A master plan approval.

The language of such easement must be written to meet all necessary legal constraints and must be reviewed and approved by the City and recorded with Marion County Clerk's Office prior to the issuance of any other permit.

The internal road, which proceeds south from the loop road, is considered as an internal access way for the development. It will require only those easement rights necessary to install and maintain the public utilities located therein, including access for maintenance of any water facilities at the southerly end of the property.

26. 2.308.08.B. Commercial and Industrial Signs, Integrated Business Centers:

- A. Total allowed area. For wall, canopy and projecting signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center. Free standing signs are permitted only as set forth below and in Section 2.308.08.C.
- B. Free-standing Sign. For each integrated business center, 1 free-standing sign per street frontage not to exceed 100 square feet in area. Free-standing signs shall not exceed one sign on each frontage and shall be oriented to face the traffic flow on the street upon which then front.
- C. Maximum sign height:
 - 1. Wall and canopy signs shall not project above the parapet or roof eaves.
 - 2. Free-standing signs: 20 feet.

FINDINGS: The proposal indicates compliance with all requirements of the sign code with regard to wall, canopy and projecting signs. Individual sign zoning permits will be required prior to the installation of any signage for the proposed businesses.

The specific signs have not been proposed since specific tenants have not yet been identified. The intention of the sign code is to allow up to 150 sq ft of signage at the rate of 1.5 sq ft for each lineal foot of building frontage for wall signage. It is important to note that this is calculated based on that face of the building that will allow the greatest amount of signage area. Then the owner can divide the allocation on whatever side of the building they choose. By way of example, if an individual tenant wishes to have signage on the side of the building which faces the entrance off of the parking lot as well as the side of the building facing Chemawa. They would divide the signage area allowed by calculating the side with the greatest frontage on one side and then dividing that area between each side as they choose.

This master plan contains two areas. Each area is permitted a freestanding sign for each frontage limited to a height of twenty (20) feet and a total allowed area of 100 square feet. The area is also bordered by Chemawa Road. The sign code allows a freestanding sign for each frontage providing each sign is oriented to the road it fronts. The proposal indicates the desire to locate a freestanding sign for each side of the loop road as well as one located at the entrances to the development, oriented to Chemawa Road. The application shows compliance with the intent and purposes of the Sign Code.

The applicant is proposing three separate free standing signs for the development. Each freestanding sign proposed will meet the requirements of the sign code in relation to area and height. Therefore, the freestanding signage shall be located substantially as shown on the application materials.

D. Location:

1. Wall or projecting signs may project up to 2 feet from the building.
2. Free-standing signs have no location limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.

FINDINGS: The applicant is proposing to comply with these requirements. Individual sign permits will be required prior to installation of wall signs for individual businesses and will be reviewed for compliance at that time.

27. Site and Landscaping Design.

- A. 2.309.03 Minimum Area Requirements. Landscaped areas may include landscaping around buildings; in open spaces and outdoor recreation areas; in islands and perimeter planting areas in parking and loading areas; and in areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance. The following area requirements shall be the minimum areas devoted to landscaping:

A minimum of 10% of the gross land area shall be devoted to landscaping in commercial and industrial developments.

FINDINGS: Section 2.113.05(H & J) requires a minimum twenty percent of the gross land landscaped, therefore, the more restrictive amount of twenty (20) percent applies to the master plan development.

- B. Section 2.309.04 General Provisions

1. Landscaped Area. For purposes of satisfying the minimum requirements of this Ordinance, a "landscaped area" must be planted in lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements as defined in this Ordinance.

FINDINGS: The application indicates compliance with this requirement, and with twenty-seven (27) percent of the site in landscaped areas. This includes the plaza areas, water features and other amenities. The applicant has exceeded the minimum landscaping requirements and is showing the embodiment of the purposes and intent of the Keizer Station Plan.

2. Existing Vegetation. The landscape design shall incorporate existing significant trees and vegetation preserved on the site.

FINDINGS: See landscaping plan.

- C. Section 2.309.05 Screening and Buffering

1. Screening. Screening shall be used to eliminate or reduce the visual impacts of the following uses:

- a. Commercial and industrial uses when abutting residential uses.
- b. Industrial uses when abutting commercial uses.
- c. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas.
- d. Outdoor storage areas.
- e. Parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses.
- f. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.

2. Screening Methods. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques.

FINDINGS: The area is separated from all surrounding properties with significant public right-of-ways, therefore screening and buffering is not a significant issue with regard to visual impacts on surrounding uses. Individual service areas and water disposal containers must be screened from visual access from public view with either landscape materials or architecturally related walls or fencing.

3. Buffering. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:

- a. Planting Area: Width not less than 15 feet, planted with the following materials:
 - i. At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart.
 - ii. At least one row of evergreen shrubs that will grow to form a continuous hedge at least five feet in height within one year of planting.
 - iii. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.
- b. Berm Plus Planting Area: Width not less than 10 feet, developed in accordance with the following standards:

- i. Berm form should not slope more than 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.
 - ii. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use.
 - iii. The combined total height of the berm and hedge shall be not less than five feet.
- c. Wall Plus Planting Area: Width must not be less than five feet developed in accordance with the following standards:
 - i. A masonry wall or fence not less than five feet in height.
 - ii. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
- d. Other methods which produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the City.

FINDINGS: All uses allowed in the IBP zone are by nature compatible with each other. The subject area is separated from any adjoining properties.

D. Section 2.309.06 Planting and Maintenance

1. Planting Height. No sight-obscuring plantings exceeding 30 inches in height shall be located within any required vision clearance area in accordance with Section 2.312.09 of this Ordinance.

FINDINGS: As noted above, the applicant's submittal indicates compliance with these standards, and their written statement indicates the property owners will provide ongoing maintenance of all landscaping elements, including those within vision clearance areas to maintain these standards.

2. Plant Materials. Plant materials shall not cause a hazard. Landscape plant materials over walks, pedestrian paths and seating areas shall be pruned to a minimum height of eight feet and to a minimum height of 15 feet over streets and vehicular traffic areas.

FINDINGS: Based upon the plant list proposed by the applicant, this problem is not anticipated. Street trees will be pruned to comply with this requirement through ongoing maintenance.

3. Utility Interference. Landscape plant materials shall be selected, which do not generally interfere with utilities above or below ground.

FINDINGS: Utilities are to be placed underground. No conflicts are foreseen based upon the preliminary landscaping and utility plans.

4. Installation. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

FINDINGS: The preliminary landscaping plan includes typical planting details for trees. This will be monitored as part of the building permit approval process.

5. Suitability. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems, and be sound, healthy, and free from defects, diseases, and infections.

FINDINGS: The plants proposed in the preliminary landscaping plan appear to be appropriate, given the conditions of the site. Although the proposed trees meet the minimum caliper prescribed in the Keizer Development Code, trees of this size are susceptible to damage and vandalism. Those trees located in areas susceptible to damage such as along streets and walkways should be increased in size to ensure survivability. The requirement established in Area A is a minimum size of two (2) inch caliper for those trees adjacent to pedestrian and vehicle areas. In order to be consistent with Area A this shall be a condition of approval.

6. Deciduous Trees. Deciduous trees should be fully branched, have a minimum caliper of 1 1/4 inches and a minimum height of 8 feet at the time of planting.

FINDINGS: As noted above, the preliminary landscaping plan calls for trees of this size, however, trees this small are easily damaged. Trees located along streets and pathways would demonstrate a greater survivability if the size were increased to a minimum 2-inch caliper. This increase would also be consistent with that required in Area A.

7. Evergreen Trees. Evergreen trees shall be a minimum of 6 feet in height, fully branched at time of planting.

FINDINGS: The applicant's landscaping plan shows the desire to use some evergreen trees two (2) to three (3) feet in height. The height must be increased to comply with ordinance requirements, however the size may be variable provided the applicant is able to demonstrate the overall average size is six feet.

8. Shrubbery. Shrubs shall be supplied in a minimum 1 gallon containers or 8 inch burlap balls with a minimum spread of 12 to 15 inches.

FINDINGS: The applicant's landscaping plan indicates substantial conformance with this requirement. Additionally, the shrub plant materials shall be planted at spacing necessary to achieve the landscape design objectives within five years of growth, in accordance with the stated intent of the Keizer Development Code, and to be consistent with Area A.

9. Ground Cover. Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container or a 2 1/4 inch container or equivalent if planted 18 inches on center.

FINDINGS: The applicant proposes ground cover of unspecified spacing. Spacing should be appropriate for each species and be indicated as that which is needed for whatever species of ground cover to reach full coverage by the third year of growth, in accordance with the intent of the Keizer Development Code.

10. Irrigation. All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over 1,000 square feet of landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials. Sprinkler heads shall not cause any hazard to the public. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks.

FINDINGS: An irrigation system is proposed for the entire development. Irrigation plans will be reviewed and approved as part of the building permit review process.

11. Re-planting. Trees or shrubbery which die-off shall be replaced with new plants of the same or similar type. Replacement is ultimately the responsibility of the property owner.

FINDINGS: This will be done as necessary if any of the plants die and will require continual care and maintenance by the applicant.

12. Maintenance. Landscaping shall be continually maintained. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property.

FINDINGS: This shall be established as a condition of approval by the City. The applicant has indicated in their written statement that landscaping will be maintained by the property owners.

13. Plant Protection. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods.

FINDINGS: The preliminary landscaping plan appears to have the landscaped areas well-protected. This will be confirmed when the final landscaping plans are submitted for approval as part of the building permit process.

28. Section 2.312.09 Vision Clearance.

A vision clearance area shall be maintained where roadways, including streets, alleys, and private points of access, intersect.

FINDINGS: The applicant shall be required to maintain all vision clearance areas as specified in the Keizer Development Code.

29. Section 2.315 Development Standards.

- A. 2.315.08.A. Pedestrian Circulation. As used herein “walkway” means a hard surfaced area intended and suitable for use by pedestrians, including both public and private sidewalks.

1. Connection Required. The pedestrian circulation system for the proposed development must connect uses, building entrances, adjacent streets, and nearby transit stops.

FINDINGS: The applicant’s proposal indicates compliance with this requirement.

2. Walkway Location and Design. Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the entrance(s) to a building(s). Except where it crosses a driveway, a walkway shall be separated by a raised curb or other physical barrier from the auto travel lane and parking. If a raised path is used the ends of the raised portions must be equipped with curb ramps which comply with Oregon State Building Code Requirements.

FINDINGS: While transit service is ultimately anticipated, route locations and stops have not been established by the Transit District. Coordination with the Transit District is required as a condition of approval.

3. Additional Street Access. A walkway from a building entrance to a public street shall be provided for every 300 feet of street frontage.

FINDINGS: Walkways are provided and the design proposed indicates compliance with these standards.

4. Driveway Crossings. Driveway crossings shall be a maximum of 36 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material, texture, or other similar method.

FINDINGS: The applicant's proposal indicates driveway crossings will be clearly identified through stamped concrete, pavers, or a similar method and shall be a requirement of approval. This design is necessary to comply with the intent and purpose of the Keizer Station Plan.

5. Lighting. Lighting shall be provided for all walkways. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers.

FINDINGS: The general lighting proposed for the site will provide appropriate illumination for the development. Special attention is required to provide safety at the pedestrian under crossing located at the "Loop" road and Chemawa. Security lighting shall be provided which provides secure illumination of the under crossing, while being directed away from the flow of traffic, so as not to cause glare.

6. Walkway Coverage.

- a. Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs. The minimum vertical clearance shall be 9 feet for awnings and building overhangs. The maximum vertical clearance shall be 15 feet.
- b. In the EG zone, Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs as provided in Subsection a, except for buildings, which have greater than 300 feet of lineal frontage, where this requirement shall apply to at least 33 percent of the building frontage. The maximum vertical clearance shall be 15 feet.

FINDINGS: The design concepts for the buildings are provided. These appear to comply with this criterion. Compliance with this standard must be confirmed during the building permit review.

7. Dimensions. Walkways shall be at least five feet in paved unobstructed width. Walkways that serve multiple uses or tenants shall have a minimum unobstructed width of eight feet.

FINDINGS: The applicant proposes varying widths of walkways throughout the development as was determined appropriate in the pre-application

conferences. There are some pathways which serve only one use, while others serve multiple uses. There are also some areas without walkways to discourage pedestrian uses because of concerns for pedestrian safety. The variation in sidewalk widths shown on the plans has been determined to be appropriate. The development of pedestrian facilities shall substantially conform to what is shown in the application materials, and shall conform to the dimensional requirements of the Keizer Development Code.

8. Stairs or ramps shall be in place where necessary to provide a direct route between the transit street and the building entrance. Walkways without stairs shall comply with the accessibility requirements of the Oregon State Building Code.

FINDINGS: The applicant shows direct connections to streets where transit service will be available. Specific compliance with State Building Code will be accomplished with building permit review.

9. Access to Adjacent Property. If the proposed development has the potential of being a significant attractor or generator of pedestrian traffic, potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified.

FINDINGS: The area is surrounded by Portland and Western railroad, and the Salem Parkway interchange/overpass/off-ramp. Pedestrian connection is provided to the north of the site via a multi-use pathway which goes under the overpass adjacent to the new proposed loop road. While the development could be a major attractor to the adjacent property to west which contains residential uses, concerns for pedestrian safety and control of the railroad easements restricts the placement of any additional pedestrian crossings. Therefore, no additional pedestrian connections are practical.

30. 2.315.08.B. Building Design.

FINDINGS: The subject site is zoned IBP and there are no specific requirements for ground floor windows or building facades. However, as a part of the master plan approval, buildings shall provide adequate ground-floor windows and building facade variations and treatments to achieve an aesthetically pleasing design, and which incorporate human scale elements.

Compatibility with the development in Area A, village center is desired and the two developments should complement one another. The applicant's submittal demonstrates creativity in the application of various building materials and building massing. The treatment of the facades of the buildings in the retail tenant buildings and in NE corner of building six (6) demonstrates the qualities of visual interest and relates well to a human scale with variations in both the vertical and horizontal directions. The design of these buildings meets the purpose and intent of the Keizer Development Code and this design, or something similar in its variation and use of materials should be used throughout Area D. Additional variation of materials and massing would be necessary in the other building facades of the site such as those in buildings two (2) through seven (7) to comply with the purpose and intent of the Keizer Station Plan.

- A. Awnings - Awnings or canopies, shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall be constructed of canvass, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings and canopies of corrugated fiberglass or polycarbonate roofing shall be prohibited. Awnings and canopies shall not be back lit.

FINDINGS: The concept drawings and plans indicate compliance with this criterion, showing awning covering for all adjacent walkway and shall be a requirement of Master Plan approval. Compliance will be confirmed during building permit review.

B. Materials and Texture

1. Building Materials.

- a. All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding. Metal siding as described in this section shall be allowed.
- b. Metal siding other than corrugated or reflective material are allowed.
- c. Plain concrete block, plain concrete, plywood and sheet press board may not be used as exterior finish materials.

FINDINGS: The concept drawings and plans indicate compliance with this criterion in the tenant retail buildings and the NE corner of building six (6). The industrial business park buildings show a single plane of tilt-up concrete.

Additional variation of the textures and materials of these buildings are necessary to meet the purpose and intent of the Keizer Station Plan. Additional human scale design elements along the facades of these buildings two (2) through seven (7) will be required in order to be consistent with the design of the tenant retail buildings, in order to reflect the intent of the Keizer Station Plan.

2. Trim Material. Building trim shall be wood, brick, stone, stucco, vinyl siding material made to look like wood, or metal.

3. Roofing Material. Any roofing material is allowed including metal roofs.

4. Foundation Material. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 3 feet.

FINDINGS: The concept drawings and plans indicate compliance with this criterion, and shall be a requirement of Master Plan approval. Compliance will be confirmed during the building permit review.

C. Color

1. Any portion of a building that is painted or stained may use as the main color, and roof color for all portions of the roof visible from the ground, any color which meets all of the following criteria:

- a. The Red-Green-Blue factors (also known as XYZ factors) shall not exceed a saturation level of 20%.
- b. Each component factor, as a percentage of the whole component value, shall equal or exceed 38%, with no greater than a 20% difference between any of the three values.
- c. Light Reflectance Value (LRV) of any color shall be between the values of 30 and 85.
- d. The finish shall be either matt or satin.

2. For the purpose of this ordinance, "main color" is the principal color of the building which must be at least 75% of the surface of the building excluding windows; the trim colors of all buildings may be any color.

3. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color.

FINDINGS: The applicant indicates the intent to comply with these requirements. The concept drawings building elevations indicate substantial compliance with this criterion; however some proposed colors do not meet the requirement. Compliance will be confirmed during the building permit process, with specific paint samples prior to building permit review. This will be a required as part of the Master Plan approval.

- D. Roof Lines - Roof lines shall establish a distinctive "top" to a building. When flat roofs are proposed, a cornice a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided.

FINDINGS: The concept drawings and building elevations indicate consistency with this criterion showing designs features that meet with these requirements. Compliance will be confirmed during building permit review.

- E. Roof-mounted equipment - In a CM, CR, CO, EG or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this standard.

FINDINGS: The subject site is zoned IBP and there are no specific requirements for roof mounted equipment. However, as a part of the master plan approval, equipment mounted on the roof of buildings should be screened from view as in the CM, CR, CO EG or MU zone to achieve an aesthetically pleasing design in conformance with the purpose and intent of the Keizer Station Plan. . Compatibility with the development in Area A, Village Center is desired and the two developments should complement one another with similar design treatment of such things as rooftop equipment.

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- F. 2.315.08.C. Accessory Structures. Accessory Structures including buildings, sheds, trash receptacles, mechanical devices, and other structures outside the main building, shall either be screened from view by the public by either a hedge or fence: OR, with the exception of trash receptacles, accessory structures including buildings, sheds, mechanical devices, and other structures outside the main building must be screened by painting them the same color as the main color of the building.

FINDINGS: The applicant indicates desire to comply and this shall be a requirement of the Master Plan approval. This will be a requirement of building permit approval

- G. 2.315.08. D. Alternative Design Solutions Depending upon the applicable review process identified in this code, the Planning Commission or City Council may approve design alternatives to the Standards in this chapter, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (01/04)

FINDINGS: The applicant has not requested at the time of this report a specific design alternative.

31. Section 2.419 Service Stations.

Where permitted as a special use, gasoline service stations shall meet the following use and development standards.

- A. Lot area and dimensions. Minimum lot size 10,000 square feet, minimum of 100 feet of street frontage for an interior lot and minimum of 120 feet of frontage on each street abutting a corner lot.

FINDINGS: The application complies with this requirement.

- B. Yard Exceptions for Service Stations. Free standing gasoline pumps and pump islands, identification signs and lighting standards may occupy a required front or street side yard exclusive of a clear vision zone unless otherwise prohibited by this Ordinance.

FINDINGS: The pumps and islands are proposed to be in an interior portion of the service station site and as such do not require exception to yard setbacks.

- C. Gasoline Pumps. Gasoline pumps and pump islands shall not be located so that any part of a vehicle being served will extend into any public right-of-way, alley or private drive used for access or egress. Further, gasoline pumps or pump islands shall not be built within 10 feet of a property line.

FINDINGS: The pumps and islands are proposed to be in an interior portion of the service station site therefore this criterion is met.

- D. Screening. The property shall be screened from every abutting residential zone or use by a sight-obscuring fence, wall, or hedge.

FINDINGS: As noted above, the development does not abut a residential zone. However, there are residential uses located on the west side of the railroad tracks. They are, however, a significant distance from the proposed development. Therefore, screening between the development and residential properties would serve no useful purpose.

- E. Lighting. Outdoor lighting shall be directed away from residential property.

FINDINGS: As noted above, the lighting plan demonstrates that light and glare will not go beyond the boundaries of the development. In addition, the railroad right-of-way provides additional distance for any light to dissipate before reaching residences. Visual access to a direct light source, however, must be prohibited to comply with the intent of this requirement.

FINDINGS: VARIANCE

32. The review criteria for a Major Variance is listed in Section 3.105.05 of the Keizer Development Code. The criteria and findings are listed below.

- A. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.

FINDINGS: The applicant is requesting a setback variance to only one side of the loop road. This complies with the intent of this requirement.

- B. The applicant in good faith is unable to comply with the standard without undue burden. The applicant must demonstrate that the burden is substantially greater than the potential adverse impacts caused by the proposed variance.

FINDINGS: This site is severely constrained in its ability to access the transportation system. The design of the loop road leaves an interior parcel, irregular in shape, with limited potential for access. Varying the setback on the north side of the loop road, where visual impacts are lessened due to limited sight distance, is demonstrated by the site's constraints. The applicant has agreed to designate all parking stalls on the property area located on the north side of the loop, which are in excess of the maximum allowed, for the use of Park and Ride. This total is currently shown at 14 but may vary slightly. These spaces shall be designated as "Park and Ride" between the hours of 7:00 am and 5:00 pm, Monday through Friday. The addition of commuter parking spaces provides mitigation for any detriment to the community by a reduction of the setback.

- C. The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property.

FINDINGS: The surrounding properties are zoned IBP which allows a mixture of Industrial Uses. The uses proposed are permitted within the IBP zone as flexible use space and are with the uses approved in Area A. Since the development to the north is being developed as commercial/retail and will have similar setback requirements to that of this request, the approval of this variance will not be unreasonably detrimental to property or improvements in the neighborhood. The structures will be located outside of any vision clearance areas. This request can satisfy the above criterion.

- D. There has not been a previous land use action approved on the basis that variances would not be allowed.

FINDINGS: There are no prior land use actions, which expressly prohibit the granting of this variance. Therefore, the proposed variance can comply with this criterion.

- E. The variance will not significantly affect the health or safety of persons working or residing in the vicinity.

FINDINGS: There are no significant affects upon the health or safety of persons working or residing in the vicinity if the variance request is granted provided the improvement of pedestrian connections and improvements identified in the proposal are implemented. This request meets with the above criteria.

- F. The variance will be consistent with the intent and purpose of the provision being varied.

FINDINGS: The applicant is providing site amenities such as water features, substantial landscaping and pedestrian amenities which offsets any visual impacts a reduction on the interior of the loop road, where sight distance is reduced due to the curve of the road.

33. This variance request shall automatically transfer to any new owner or occupant subject to all conditions of approval. It is the responsibility of the applicant and property owner to provide information to any new property owner(s) regarding this variance request and any conditions of approval.

FINDINGS: OTHER PERMITS AND RESTRICTIONS:

34. This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon.

EXHIBIT "C-1"

Supplemental Findings

MASTER PLAN AMENDMENT (2020)

The Review Criteria for a Keizer Station Master Plan amendment are listed in Section 3.113.06 of the Keizer Development Code (KDC). The criteria and findings are listed below:

1. All applicable review criteria of Section 3.113.04 considering the type and extent of the proposed amendment.

FINDINGS: The review criteria found in Section 3.113.04 is wide ranging and includes things such as overall master plan objectives and arrangement of uses to landscaping, site planning, and architectural details. The proposed amendment is to change the number and location of proposed buildings, along with the overall site layout of the interior of the jug handle. The applicant submitted a site plan showing proposed building locations, overall parking lot layout, along with landscaped areas and relocation of the water feature. While the detailed design of the internal jug handle portion of the site has changed, the changes do not substantially alter the basis of justification for approval, nor do they significantly alter the recommended conditions of approval. However, some of the original conditions will be modified and/or replaced to reflect changes proposed by this amendment. The following specific criteria of Section 3.113.04 gives the basis for justification for finding this proposal complies with this review criteria:

A. 3.113.04.B.1. Design Standards:

The original master plan approval provided typical building elevations, but no specific tenants were identified at that time. The typical elevations originally submitted were deficient in detail and design. As such, conditions were placed on the original approval, that specific building designs would be regulated as a part of the building permit review and approval process to ensure compliance with the standards of the Keizer Development Code (KDC). The building elevations submitted as a part of this proposal show the building design for the proposed 7-11 convenience store (Store 'C') demonstrate consistency with the conditions of the original masterplan approval as well as provisions of the (KDC). The materials and colors to be used are consistent with the development pattern within Keizer Station Village Center and comply with the design standard provisions of KDC Section 2.315. The submitted elevations adequately demonstrate compliance with this criterion and with the existing conditions of

approval, future buildings governed by this amendment will comply with this criterion.

B. 3.113.04.B.2. Transportation System Standards:

The Public Works Department has reviewed the proposed amendment and provided comments and conditions relating to transportation facilities. In addition to the original conditions of approval governing Master Plan/Major Variance Case 2004-38, the public works department comments clarify “the traffic signal required for access and egress to and from Ulali Drive for this section of Area D shall be designed, constructed and fully functional prior to any occupancy permits for any buildings with the Master Plan Amendment area.” This condition will assure that traffic safety standards can be adhered to and are found to be necessary and appropriate to comply with this criterion.

C. 3.113.04.B.4. Parking Standards:

The proposed amendment will modify the parking lot layout, total number of parking spaces provided, and will eliminate the originally envisioned “park and ride” space allocation. Parking requirements are governed by KDC Section 2.303 and identify the number of spaces required for individual uses. The applicant’s site plan shows that the minimum parking spaces provided comply with the provisions of the KDC. The City finds the proposal complies with this criterion.

D. 3.113.04.B.5. Landscape Standards:

The proposed amendment modifies the site plan and identified landscaped areas and amenities. The original conditions of approval governing Master Plan/Major Variance Case 2004-38 contained specific conditions regarding landscaping requirements. A detailed landscaping plan was not provided or required with this amendment application. As a condition of approval, a detailed landscaping plan must be provided to assure that compliance with the provisions of the KDC. As conditioned, this application complies with this criterion.

E. 3.113.04.C.4. Creating and Protecting Public Spaces:

The original master plan approval included a small plaza located in the northwest corner of the property adjacent to a proposed flex retail building, as well as a water feature proposed to be located in the north east corner of the site within the master plan amendment area. The water feature was primarily intended to function as a storm water detention area. The master plan amendment proposes to eliminate the plaza area and modify and relocate the water feature to the southwest corner of the master plan amendment area. Instead of a storm water detention water feature, the applicant proposes to

provide a water feature that will serve as an amenity to the development with greater visual access that can also provide as a gateway feature for the development. The exact design has not yet been determined, but the design must incorporate pedestrian oriented amenities so the water feature can function as a public space for the development. The water feature, along with landscaping and pedestrian amenities shall be installed in conjunction with development of Area D. With these recommended conditions, the proposal complies with this criterion.

The applicant's proposal demonstrates consistency with the criteria of the original approval of Master Plan/Major Variance Case 2004-38 and thus satisfies this criterion.

2. The amendment is consistent with the adopted Master Plan, or achieves an equally desirable result.

FINDINGS: The proposed changes are generally consistent with the overall purpose of the adopted Master Plan. The differences are minimal, but generally achieve an equally desirable or even superior result. The following changes are proposed:

- Reconfigure the site plan, increasing the total number of buildings from 3 to 4, but decreasing the overall square footage by 1,524 square feet. Therefore, the flex space limitation of 70,000 square feet is still met. Building will be developed with "flexible space" uses consistent with the provisions of the Keizer Station Plan and KDC, and meet all design requirements. This reconfiguration also results in minor changes to landscape areas and locations of amenities provided.
- Modify parking lot layout and number of spaces to serve the new building locations and uses, and also eliminate "park and ride" space allocation.
- Relocate storm water detention "water feature" and eliminate small plaza, to be replaced with a more visually accessible water feature amenity to serve as a gateway to the development.
- Update design for proposed 7-11 convenience store (Store 'C') to accurately demonstrate compliance with design standards.

All conditions of approval from the original Master Plan/Major Variance Case 2004-38 will apply to this amendment except for the condition relating to park and ride space allocation. Some minor changes to the existing conditions are proposed to align the new proposal, clarify requirements, and approval timeframes. Staff finds the proposed amendment demonstrates consistency with the criteria of the original approval of Master Plan/Major Variance Case 2004-38 and thus satisfies this criterion.

3. The amendment does not result in additional traffic generation and is consistent with the adopted Traffic Impact Analysis.

FINDINGS: The proposal is to increase the number of overall buildings within the interior of the jug handle, but reduce the total building square footage. The applicant provided analysis prepared by Kittelson & Associates which demonstrates compliance with this criterion. The trip generation comparison provided indicates the proposed amendment will not increase the overall anticipated trip generation of the site, and that the development proposal is consistent with the original adopted Traffic Impact Analysis. Therefore, the applicant's proposal satisfies this criterion.

FINDINGS - MAJOR VARIANCE

4. The original Master Plan approval also included approval of a Major Variance to allow a setback reduction from 20 feet to 10 feet for buildings and parking lot areas adjacent to the north side of Ulali Drive. In order to maintain consistency with the original approval and the proposed master plan amendment, a Major Variance is being requested. It should be noted the Variance request is only necessary due to the fact that approval timeframe have lapsed. The Review Criteria for a Major Variance is listed in Section 3.105.05 of the Keizer Development Code. The criteria and findings are listed below.

- A. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.

FINDINGS: The applicant is requesting a setback variance to only one side of Ulali Drive. This is necessary to allow the site to function adequately, providing opportunities for the site to be developed as envisioned by the Keizer Station Plan. As such the City finds this complies with the intent of this requirement.

- B. The applicant in good faith is unable to comply with the standard without undue burden. The applicant must demonstrate that the burden is substantially greater than the potential adverse impacts caused by the proposed variance.

FINDINGS: This site is severely constrained in its ability to access the transportation system. The design of the loop road leaves an interior parcel, irregular in shape, with limited potential for access. As such staff feels that varying the setback on the north side of the loop road, where visual impact is lessened due to limited sight distance, is appropriate due to the site's inherent constraints. The applicant's proposal indicates the variance request will locate all building structures, trash enclosures, screen walls, parking spaces, and loading zones no closer than 15 feet adjacent to the back of sidewalk along Ulali Drive or adjacent property lines. Drive thru lanes and the proposed freestanding sign are to be located not less than

10' from the back of sidewalk along Ulali Drive or adjacent property lines. Arguably, the burden bore by the developer could be mitigated or eliminated with a different design to the site, locating buildings and parking areas further away from the transportation system and adjacent property lines. However, this would further constrain the site. Additionally, when considering the established development pattern throughout Keizer Station and the fact that no parcels are directly adjacent to the site, staff is unable to identify any adverse impacts that will be caused by this variance request. In fact, the variance request aligns the setback requirements more closely to the existing development pattern established in the area.

- C. The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property.

FINDINGS: The properties is zoned IBP which allows a mixture of Industrial Uses. The uses proposed are permitted within the IBP zone as flexible use space and are consistent with other uses in the immediate vicinity. Keizer Station Area A is developed as commercial/retail and only requires a 10 foot setback due to the underlying zoning designation of EG (Employment General). In this case, since the property is zoned IBP, it requires a greater setback of 20 feet, even though the actual uses of the site is more consistent with commercial retail zoning than industrial. If the site were not being developed with flexible use space, there could be possible detrimental impacts created by the variance request, though it is unlikely. However, since the request is consistent with the standards of the adjacent development site, and the property will be developed with flexible use space, staff finds the approval of this variance will not be unreasonably detrimental to property or improvements in the neighborhood. The structures will be located outside of any vision clearance areas. Therefore, staff finds this request can satisfy the above criterion.

- D. There has not been a previous land use action approved on the basis that variances would not be allowed.

FINDINGS: There are no prior land use actions, which expressly prohibit the granting of this variance. Rather, a prior land use action granted this identical request which was previously approved by City Council Order approving Master Plan/Major Variance Case 2004-38. Therefore, the proposed variance can comply with this criterion.

- E. The variance will not significantly affect the health or safety of persons working or residing in the vicinity.

FINDINGS: Staff finds no significant affects upon the health or safety of persons working or residing in the vicinity if the variance request is granted provided the

improvement of pedestrian connections and improvements identified in the proposal are implemented. Therefore, staff concludes this request meets with the above criteria.

F. The variance will be consistent with the intent and purpose of the provision being varied.

FINDINGS: The applicant is providing site amenities such as water features, substantial landscaping and pedestrian amenities which staff feels offsets any visual impacts a reduction on the interior of the loop road, where sight distance is reduced due to the curve of the road.

EXHIBIT "D"

Justification

The applicant has the burden of proving that the application meets relevant standards and criteria to be applied in the particular case.

In this case, the applicant is requesting approval of Master Plan Amendment/Major Variance for Keizer Station – Area D.

The Keizer Station Design Plan was adopted in February 2003 for the area formerly known as the Chemawa Activity Center. The Keizer Station Plan (KSP) sets forth a detailed vision for the northwest and southwest quadrants of the I-5 interchange. This well-situated and strategic property has been planned for a mix of commercial and industrial uses with emphasis on pedestrian-friendly design and attractive, streetscape amenities.

The Keizer City Council originally approved a Master Plan/Major Variance Keizer Station – Area D by Order dated November 1, 2004. This application results in a new decision and approval, though with many aspects being similar or identical to the previous approved plan. Therefore, the original Master Plan is null and void upon final and effective adoption of this Order.

Concerns were raised at the hearing regarding the number of trees and the design of the road. These issues were discussed and reviewed.

The applicant has met its burden of showing compliance with all the applicable criteria. The Master Plan Amendment/Major Vairance request includes the uses envisioned by the KSP. As properly conditioned, the Master Plan presents a vibrant and energetic vision for Area D. The KSP goals of a northern gateway to Keizer, a focal point for commerce and community activities, and a source of employment opportunities are enhanced and realized by this proposal. The criteria have been satisfied with the aid of appropriate conditions.

The applicant requests a major variance for buildings within the “loop road”. The standard setback is 20 feet and the applicant is requesting a variance to reduce the setback to 10 feet. Because of the constraints within the loop road area and the site amenities such as water features, substantial landscaping and pedestrian amenities, the variance meets the applicable criteria and shall be granted.

The Master Plan Amendment application, along with the Major Variance application, are approved.

EXHIBIT "E"

Action

[Note: Many of the conditions listed are from the 2004 Master Plan Order and have been completed.]

The City of Keizer hereby ORDERS as follows:

The application for approval of the master plan and variance are hereby GRANTED subject to the conditions set forth below. Unless specifically stated otherwise herein, all conditions must be met prior to the issuance of any building permits (See Condition 63):

Previous Land Use Action:

- A. Approval of the major variance as part of the previous master plan is considered null and void due to the timeframe lapsing.
- B. At the time all appeal timelines have expired, approval of the previous Master Plan for Area D is considered to be null and void and replaced with this Master Plan approval.
- C. This application is a new land use decision which replaces the previous master plan. The new master plan contains many similar or identical elements of the previous approval. The previous master plan order is included as part of this record. The conditions set forth in this Exhibit E apply to all development within Area D.

CONDITIONS FOR MASTER PLAN:

- 1. The construction of all the public improvements and its associated landscaping must be completed within two years of the final date of the initial decision which can be extended upon approval by the Community Development Director. Any request for an extension must be made in writing prior to this date.
- 2. The applicant shall submit a phasing plan for all improvements for approval by the Community Development Director.
- 3. The development shall be required to meet all Development Code requirements relating to signs as found in Section 2.308.

4. The landscaping and pathway improvements including water features, plazas and other amenities for the entire Area D shall be provided as shown in the application or as modified by the conditions of approval. The final landscaping and pathway plans, as well as the design of the proposed water feature shall be approved by the Community Development Director prior to installation. The water feature, landscaping, and pathway improvements shall be completed prior to the issuance of the Certificate of Occupancy for the second building in Area D.
5. A landscaping design for the area adjacent to the Interstate 5 freeway and the Salem Parkway shall be submitted to the Community Development Director's for review and approval. The design shall demonstrate a coordinated design with Area A.
6. The land area devoted to industrial and commercial uses, as required in KDC 2.113, IBP Zone, shall be met and maintained within Area D. The amount of "Flex Space" use, as defined in Section 2.113.02.N.2 shall be limited to that specified in this section of the KDC.
7. Except as approved in the variance application, all KDC dimensional requirements for building heights, lots, and setbacks shall be met.
8. Street names and numbers shall conform to the established standards and procedures in the City. Street names shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No building permit shall be issued without approved street names. Due to the significance of this development as a landmark of the City of Keizer, public street names must also receive approval of the City Council.
9. Street trees shall be planted at the locations and varieties specified in the submitted landscaping plan. A minimum caliper of 2 inches shall be used for street trees and all other trees in areas near pathways, walkways streets and parking areas. A final street tree planting plan shall be approved by the Community Development Director prior to planting. All other landscaping standards of the KDC shall be met. Evergreen trees may be varied in height as long as the average height of all evergreen trees planted shall be an average height of 6 feet at time of installation.
10. Ground cover and shrubbery shall be planted in conformity with the KDC and industry standards as approved by the Community Development Director, and shall reach full coverage by the third year of growth for ground cover and the fifth year of growth for shrubbery.
11. The amount of area landscaped, and the design thereof, shall conform substantially with the plan submitted as part of the original application (2004-38). A final landscaping plan shall be submitted for approval by the Community

Development Director prior to planting. The landscaping plan shall incorporate the site plan modifications identified in Master Plan Amendment/Major Variance Case 2020-10. Design for the proposed water feature must receive final approval from the Community Development Director. Additional detailed landscaping plans for the area south of Ulali Drive (Phase 2) shall be approved prior to issuance of building permits for that area.

12. Irrigation system plans shall be submitted for approval as part of the review process of building permits and public improvement permit process. Approved irrigation systems shall be installed prior to issuance of an occupancy permit.

13. A tree shall be planted for every eight lineal parking spaces not located adjacent to a building in accordance with KDC standards, and shall substantially conform to the landscaping plan submitted with the application.

14. Parking shall be provided as required by KDC 2.303. Parking driveway aisles shall be a minimum of 24 feet wide. A plan documenting compliance with parking requirements shall be provided for the Community Development Director's Master Plan approval. Verification shall be provided during building permit review.

15. Bicycle parking shall be provided as required by KDC 2.303.8. In addition, the bicycle rack design shall provide secure support for bicycles and the ability to lock bicycles securely. The bicycle rack design, installation, and locations shall be approved by the Community Development Director prior to installation.

16. Sufficient paved areas and designated loading areas shall be provided in accordance with KDC 2.303.10.

17. Pavement shall be provided for all driveways, loading, and parking areas as required by KDC 2.303.11.

18. Electric and mechanical equipment and other service areas such as trash/recycling dumpsters shall be screened with vegetation and/or fencing. The final landscaping plan shall be approved by the Community Development Director prior to planting.

19. Driveway entrances shall be a maximum of 36 feet wide.

20. Pedestrian systems crossing driveways, parking areas and loading areas shall be clearly identified through the use of stamped concrete, pavers or similar methods and shall be indicated on the building permit plans submitted.

21. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. The lighting plan shall be approved by the Community Development Director.
22. The applicant shall construct connections to the regional multi-use path adjacent to the Salem Parkway. This shall provide connections to the pathway which border the Salem Parkway in both a south and the north direction as shown on the submitted plans.
23. Awnings shall be provided for all walkways adjacent to buildings that comply with Section 2.315 of the Keizer Development Code.
24. The proposed site lighting shall not cast any light or glare toward the residential properties to the west or allow any direct visual access to a direct lighting source from any residential property.
25. Security lighting shall be provided which provides secure illumination of the Chemawa Road under crossing, while being directed away from the flow of traffic, so as not to cause glare.
26. Building design elements including ground flood windows, facades, awnings and materials shall satisfy KDC 2.315.08.
27. The elevations of all buildings shall be varied in texture and materials and shall create a very human scale in massing and incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements and shall reflect the original proposal (2004-38) exemplified by that submitted for the Tenant Retail building and the NE Comer of Building Six (6), as well as the elevations submitted for Store 'C' as a part of the 2020-10 application. Different materials, varied at the same frequency as the architectural elements, shall be used and shall conform to the samples in the submitted materials. These materials shall be varied in type, and incorporate such things as cultured stone, a variety of split face Concrete Mortar Units (CMU's), as well as smooth faced CMU walls. The colors used shall be in compliance with the KDC Development Standards section 2.315.08.B.5. The roof shall be more greatly exaggerated than the submitted designs from the applicant.
28. Screening of roof-mounted equipment from adjacent public streets shall be required.
29. All accessory structures including trash receptacle and mechanical devices shall be screened from view in compliance with Section 2.315.08.C of the Keizer Development Code.

30. Maintenance of landscaping materials as specified in the Keizer Development Code Section 2.309, space tracts, plazas, and pathways shall be the responsibility of applicant.

31. Construction specifications (e.g., base rock, concrete/pavement thickness) for the separate pathways shall be subject to Public Works Department approval in accordance with Keizer City Standards.

32. The development shall conform to the requirements of all federal, state, and local requirements, including but not limited to ADA requirements.

33. During construction, adjoining properties shall be protected from impacts of noise at unreasonable hours, unreasonable dust, and safety concerns, and shall conform to Keizer City requirements regulating such impacts.

34. The applicant shall work with the Transit District to ensure compliance with the requirements found in Section 2.305 of the KDC.

35. In addition to complying with all development standards, all new utility connections and lines shall be located underground.

PUBLIC WORKS REQUIREMENTS: The following requirements are the conditions of approval by the Public Works Department.

MASTER PLAN

The Public Works Department has reviewed the applicant's submittals and has compared them with the requirements of the adopted Keizer Station Plan. The developer shall submit a detailed phasing plan for all required improvements (including site grading) prior to any construction and grading of the subject property. The following are conditions of approval of the master plan.

SANITARY SEWERS:

The subject property is located outside of the original Keizer Sewer District and therefore an acreage fee is required. The current acreage fee is \$7,460.00 per gross acre. The applicant indicates that the area of Area D is 15.68 acres. The acreage fee applied will be the fee in place at the time of development of the property. At the current acreage charge the acreage fee will be \$116,972.80. The Master Sewer Plan provides for a sewer trunk line to be constructed through Area A to a point on the north property line of the subject property. Connection to the sewer trunk will be the responsibility of the developers of Area D. Development of Area D will require

coordination of the construction of the sewer trunk. Additionally, the following requirements shall be applied:

36. Prior to development of the subject property, a master sewer plan for the proposed development shall be submitted to the City of Keizer's Department of Public Works for review and approval. The plan shall include proposed rim and invert elevations, proposed alignment of sewer mains and proposed easements.

37. City of Salem approval for both sewer trunk lines and local sewers is required. Permits from the City of Salem shall 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 Public Works Department for review and determination of compliance with the City of Keizer's Master Sewer Plan for the area.

38. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.

39. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.

40. It will be the responsibility of the developer's engineer to locate any existing wells (including those on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. Any conflicts between existing wells and proposed sanitary sewers shall be addressed by the developer prior to issuance of public works construction permits.

WATER SYSTEM:

The developer has submitted a master water system plan showing proposed routes of public water mains and fire hydrants. The master plan is generally acceptable to the Public Works Department, however, prior to submittal of final construction plans the developer's engineer shall arrange for a pre-design conference to discuss water main sizing, meter sizing and locations, fire hydrant locations, fire sprinkler line locations and easement width for all public lines (including fire hydrant lines) located outside of right of ways. Additionally, the developer will be required to coordinate construction activities with the developers of Area A. Final location of all meters is to be approved by the Keizer Department of Public Works. To provide for adequate peak consumption and fire protection requirements it has been determined that additional public facilities will be required including but not limited to elevated storage facilities, wells, connection to existing mains on the west side of the BNRR right of way, and any other off-site construction required to provide required peak flows to the proposed development. It is the Department of Public Works

understanding that the developers of Area A in conjunction with developers of Area D are undertaking a study to determine the required water system improvements necessary for the development of the Keizer Station area. No permits for the subject property shall be issued until the Department of Public Works has reviewed and accepted the study. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways. Any system development charges for water system improvements will be those in place at the time of individual service connections.

41. Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to any issuance of public works construction permits by the City of Keizer.

42. It will be the responsibility of the developer to abandon all existing wells prior to site grading. All abandonment shall be in accordance with the rules of the Oregon State Water Resources Department.

STORM DRAINAGE IMPROVEMENTS:

43. The developer has submitted plans indicating the present drainage patterns and runoff characteristics. The property is within a critical drainage basin and strict compliance with city ordinances will be necessary. No increase in runoff will be allowed as development occurs. Prior to any development of the subject property an overall storm water master plan including invert elevations, pipe sizes and alignment, easements, detention calculations, water quality measures and an approved point of discharge shall be submitted to the Department of Public Works for approval. A point of discharge has been identified on the ODOT system in Interstate 5. ODOT approval shall be required for water quality, conveyance systems and points of discharge. It is the understanding of the Department of Public Works that the engineers for the developers of Area A and Area D are studying the two areas and the storm drainage from Area D will be connected to a system constructed in Area A. The location for the proposed connection will be on the north property line of the subject property.

44. Storm water detention will be required for this site. All storm water including roof drains are to be connected to an approved system designed to provide adequate drainage for proposed new driveways, parking lots and other impervious surfaces.

45. 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.

46. If it is anticipated that the property will develop in phases, prior to any development, a phasing plan shall be submitted to indicate how the storm water management will be developed to provide service to each area.

47. The developer shall submit to the Department of Public Works a master plan for erosion control for the entire site. The master plan shall be approved by the Department of Public Works. Prior to any development, including site grading, the applicant shall obtain an NPDES permit from the Oregon Department of Environmental Quality.

TRANSPORTATION:

48. The proposed development requires construction of an underpass under the BNRR between Areas A and B as well as an underpass of Chemawa Road between Areas A and D. Additionally, other off-site improvements have been identified in the Transportation Plan developed for the Keizer Station Plan. These improvements include but are not limited to, construction of an extension of Radiant Drive to Lockhaven Drive and continuing to Chemawa Road to a point south of the intersection of Chemawa Road and McLeod Lane, construction of a pedestrian under-crossing of the BNRR at Tepper Lane, and other improvements necessary to provide compliance with the adopted Keizer Station Plan adopted Feb. 3, 2003. Additionally, a regional multi-use pathway has been identified on the Keizer Station Village Center Master Plan. The path location shall be coordinated with the Area A development, ODOT and the Keizer Community Development Department. The path shall be of P.C.C. and constructed to a width of 12 feet or as approved by the City. Coordination of the above improvements with the developers of Area A will be required to insure all elements of the required road improvements are in place prior to issuance of any building permits for the subject property.

49. All new streets shall be constructed to the requirements of the City of Keizer Department of Public Works Design and Construction Standards and in conformance with the final Transportation Impact Analysis adopted for the Keizer Station Plan. The loop street shall be designed to arterial standards in terms of structural section and geometrical configuration or engineered alternative as approved by the Department of Public Works. Preliminary construction specifications and plans for all transportation mitigation measures necessary to satisfy the improvements identified in the "Transportation Impact Analysis, Keizer Station Plan" for all street construction, including retaining walls, fencing, landscaping, sidewalks, signing, etc. shall be submitted to the Department of Public Works for review prior to submitting final plans for approval. The Department of Public Works will review the proposed plans and make recommendations for any additional work and coordination with other development in the area as needed. Prior to approval of any development on the subject property or issuance of any construction permits, the developer shall submit

an access and utility easement document suitable for recording for review and approval by the Department of Public Works.

50. The developer's engineer shall submit detailed traffic signal plans indicating phasing, recommended interties, materials to be used, etc. to the City of Keizer Department of Public Works for approval prior to construction. All traffic signal plans shall be designed to City of Salem/ODOT Standards where appropriate.

The traffic signal required for access and egress to and from Ulali Drive shall be designed, constructed and fully functional prior to issuance of any occupancy permits for any building.

GENERAL:

51. A street lighting master plan shall be developed. A street lighting district or other approved method of providing for adequate illumination of the proposed loop street shall be submitted to the Department of Public Works for review and approval. Decorative lighting approved by the Department of Public Works shall be used and shall be installed and maintained by the applicant if a street lighting district is not formed.

52. Construction permits are required by the Department of Public Works prior to any public facility construction. Contact the City Engineer's office at (503) 390-7402 ?? for the necessary permit information that is required. The development shall be constructed substantially as set forth in the attached final approved site plan marked as Exhibit 1 and by this reference incorporated herein.

53. 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.

54. Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.

55. Facility phasing plans and arrangements for reimbursing developers for providing additional capacity to serve future development shall be approved by the Keizer Department of Public Works and the City Council prior to any construction.

56. All easements to be located in the appropriate locations based on actual approved plans.

57. An improvement agreement or other acceptable form of guarantee for all required construction shall be in place and appropriate easements recorded prior to construction permits being issued.

58. Unless otherwise specifically modified by this decision, development of all structures and parking areas shall comply with remaining requirements of the Keizer Development Code.

59. The City of Keizer employs Marion County Building Department for the processing of building permits. Therefore, the applicant shall meet all requirements of the Marion County Building Division pertaining to building code issues.

60. In certain circumstances, Exhibit "C" and "C-1" (Facts) contain conditions or clarification of conditions set forth in this Exhibit. In such cases, the conditions or clarifications of conditions in Exhibit "C" and Exhibit "C-1" are incorporated herein as if fully set forth.

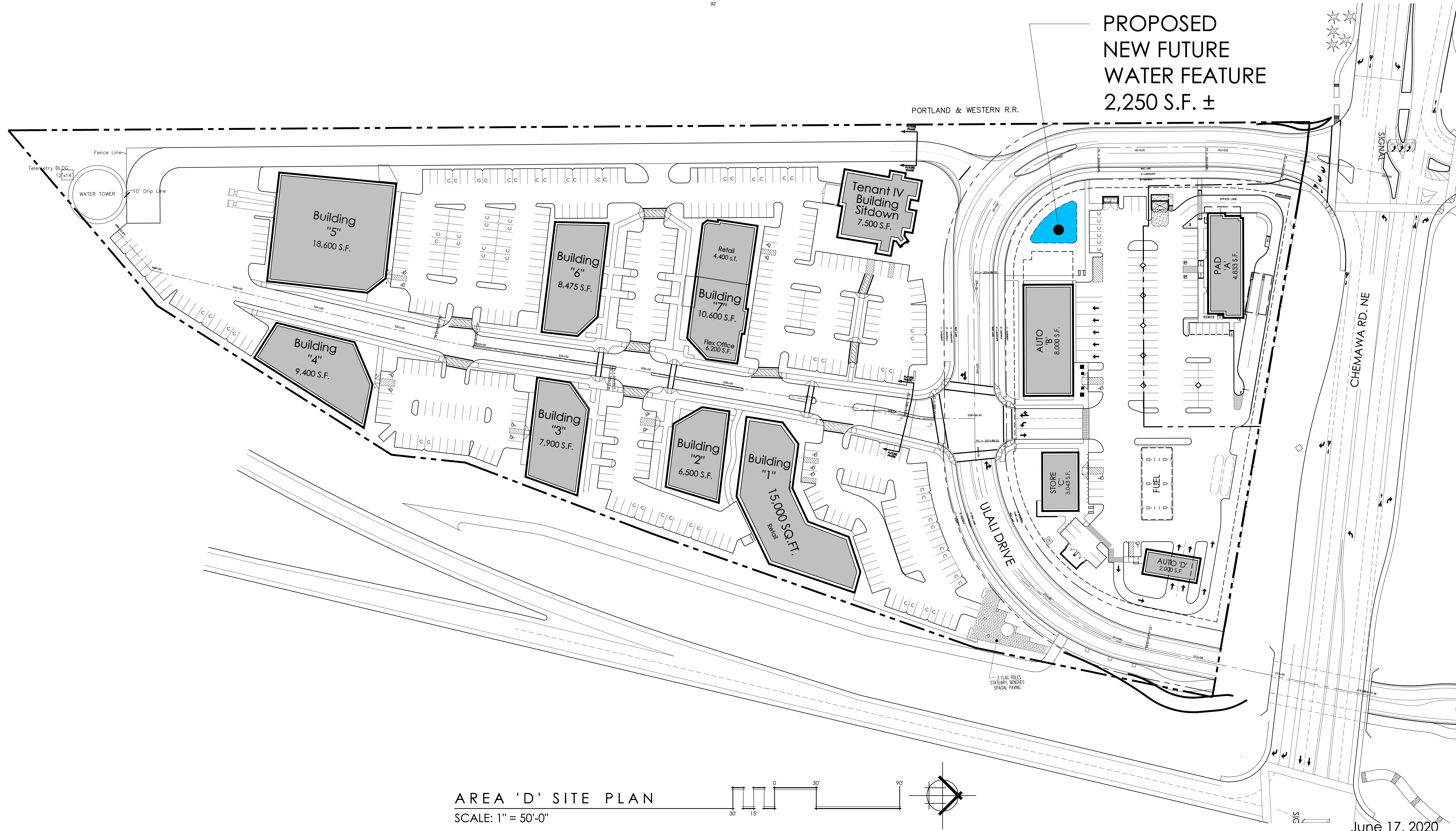
In order for the Master Plan to receive final approval the applicant will be required to submit documentation demonstrating compliance with all applicable federal, state and local requirements. This shall include all conditions adopted by the City Council which apply to this Master Plan. These shall be submitted to the Community Development Director for verification and final approval.

VARIANCE:

61. The applicant shall locate the proposed structures and parking areas as indicated on the submitted site plan and shall maintain a minimum setback of ten (10) feet from the inner edge of the sidewalk on the north side of Ulali Drive or any adjacent property lines.

62. This variance was revised based upon amenities and landscaping shown in the plans submitted. These amenities provided mitigate any visual impact this variance may create. Therefore all improvements such as landscaping, pathways and amenities shown on the proposal must be implemented.

63. Unless expressly stated otherwise with these conditions, no building permits shall be issued until all conditions have been met or the applicant has demonstrated with certainty in the City's discretion the ability to meet such conditions. For example, no building permit shall be issued until contracts have been let for all infrastructure. Building permits may also be held until sufficient infrastructure is completed to support the requested development.



AREA 'D' SITE PLAN
SCALE: 1" = 50'-0"

June 17, 2020

Water Feature

Chemawa Station - Area 'D'

Ulali Drive | Keizer, Oregon

Owner :
Chemawa Station LLC
Grand Ronde, OR
Developer :
RPS Development Company
P.O. Box 947 McMinnville, OR 97128
Phone: (503) 781-1771

BENNER
STANGE
ASSOCIATES
ARCHITECTS, INC.
THE WATERMAN BUILDING
80 SE MADISON
SUITE B-130
PORTLAND, OR 97214
(503) 670-0234
FAX (503) 670-0235
bsa@bsaarch.com

BSAA
ARCHITECTURE & PLANNING

CITY COUNCIL MEETING: September 8, 2020**AGENDA ITEM NUMBER:_____**

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: SECOND DECLARATION OF LOCAL STATE OF EMERGENCY

The Council passed a local state of emergency declaration on July 6, 2020 by Ordinance 2020-816. Such Ordinance expires on September 9, 2020. Consequently, I have prepared a new Ordinance that is similar to the previous Ordinance except as follows:

1. For clarification purposes, I have added Peer Court and the Hearings Officer proceedings to the list of public meetings that may occur with social distancing.
2. I clarified the current direction of Council with regard to masks, indicating that masks are recommended when social distancing cannot be maintained.
3. Staff is recommending phasing out the grace period for utility shutoffs for nonpayment. The attached Ordinance calls for sending shutoff notices beginning with the October 2020 billing.
4. I added language (Section 5) indicating the City may exempt contracts from normal procurement procedures if necessary. This language was in the original City Manager declaration.
5. Draft temporary COVID-19 rules from the Occupational Safety and Health Administration (OSHA) are likely to go into effect in mid-September. Such OSHA rules would likely supersede the Council's rules to some degree, and I added a provision to address that (Section 10).
6. Section 11 continues the City Manager's direction regarding suspension of enforcement of the temporary sign regulations.
7. This second declaration of emergency terminates November 3, 2020.

RECOMMENDATION:

Review the attached Ordinance declaring the second state of emergency, revise if appropriate and adopt the Ordinance.

Please contact me if you have any questions. Thank you.

1 A BILL ORDINANCE NO.
 2 2020-_____
 3 FOR
 4
 5 AN ORDINANCE
 6

7 DECLARING A SECOND LOCAL STATE OF EMERGENCY IN
 8 THE CITY OF KEIZER AS A RESULT OF COVID-19
 9 PANDEMIC; DECLARING AN EMERGENCY

10
 11 The City Council of the City of Keizer finds as follows:

12 WHEREAS, pursuant to Ordinance No. 2009-588, the City Council finds that the
 13 following factors have resulted in the need for a state of emergency declaration;

14 WHEREAS, COVID-19 (novel coronavirus) was declared a pandemic by the
 15 World Health Organization on March 11, 2020;

16 WHEREAS, Coronaviruses are a group of viruses that can cause respiratory
 17 disease, with the potential to cause serious illness or loss of life;

18 WHEREAS, COVID-19 requires a significant amount of resources at the local
 19 level to keep the public and community informed and as safe as possible;

20 WHEREAS, On March 8, 2020, Governor Kate Brown declared a state of
 21 emergency due to the COVID-19 outbreak in Oregon (Executive Order No. 20-03),
 22 finding that COVID-19 has created a threat to public health and safety, and constitutes a
 23 statewide emergency under ORS 401.025(1). Governor Brown also issued guidance
 24 regarding group gatherings and social distancing to minimize potential opportunities for
 25 the COVID-19 to spread;

1 WHEREAS, the Governor has issued additional Executive Orders on this matter;

2 WHEREAS, the COVID-19 pandemic will create significant social, health,
3 financial and other impacts to the community of unknown duration;

4 WHEREAS, the City has been closely monitoring updated information for the
5 state through the Governor's office, the Oregon Health Authority (OSHA), and the
6 Centers for Disease Control (CDC) for U.S. updates. The primary focus at the City is to
7 restrict the spread of COVID-19 and to maintain the health of our workforce and the
8 community so the City can continue to provide crucial City services.

9 WHEREAS, pursuant to ORS 401.309(1), the governing body of a City may
10 declare, by Ordinance or Resolution, that a state of emergency exists within the City;

11 WHEREAS, pursuant to Keizer Ordinance No. 2009-588 ("Emergency
12 Ordinance"), if the City Manager determines that a state of emergency exists, the City
13 Manager may declare a state of emergency. Section 2 of the Emergency Ordinance sets
14 out the actions the City can take, which include the ability to prohibit or limit the number
15 of people to public places, commit to mutual aid agreements, and other measures "for the
16 protection of life and/or property."

17 WHEREAS, the City Manager has declared a local state of emergency which has
18 been ratified by the City Council;

19 WHEREAS, the latest City Manager declaration expired on July 7, 2020;

20

1 WHEREAS, the City Council has declared a local state of emergency on July 6,
2 2020;

3 WHEREAS, the City Council declaration (Ordinance No. 2020-816) expires on
4 September 9, 2020;

5 The City Council of the City of Keizer ordains as follows:

6 Section 1. The findings noted above are hereby adopted.

7 Section 2. A Local State of Emergency is declared to exist and the area of
8 emergency is the entire City of Keizer. The Emergency Operations Center may be
9 opened if deemed necessary.

10 Section 3. To eliminate exposure to and spread of COVID-19, and in support
11 of state and federal guidelines for social distancing, the following measures are in effect
12 beginning September 10, 2020:

13 a. All open houses are cancelled unless social distancing modifications are in
14 place.

15 b. All public meetings will be in-person with appropriate social distancing
16 requirements in place for both participants and audience members. This
17 includes, but is not limited to Peer Court and Hearings Officer
18 proceedings.

19

20

1 c. All standing and ad hoc committee/board/commission meetings and
 2 activities will be in-person with appropriate social distancing requirements
 3 in place for both participants and audience members.

4 d. City Council meetings will be in-person, but with social distancing
 5 modifications for both participants and audience members.

6 e. Masks or face coverings are recommended when social distancing cannot
 7 be maintained.

8 f. The City will review the information from the federal Centers for Disease
 9 Control and Marion County Health for updated decisions as appropriate.

10 Section 4. The City will not send shut-off notices or shut off water for non-
 11 payment of unpaid water bills until the October 2020 billing. The City may suspend
 12 enforcement of other utility billing department rules, regulations and code provisions, in
 13 the City Manager's discretion.

14 Section 5. To respond to the COVID-19 Pandemic, the City may procure
 15 needed goods and services in accordance with ORS 279B.080 and without compliance
 16 with normal procurement procedures, redirect any necessary City funds for emergency
 17 purposes, and take any other actions set forth in the Emergency Ordinance, including any
 18 actions necessary for the protection of health and safety.

19 Section 6. The Keizer Municipal Court shall conduct business as ordered by the
 20 Municipal Court Judge.

1 Section 7. As allowed by state law and/or collective bargaining contracts, the
2 City may change employees' shifts, hours of work and call out for overtime without
3 notice or regard to seniority.

4 Section 8. The City may take any other emergency acts as allowed by law,
5 including but not limited to committing to mutual aid agreements.

6 Section 9. The City will take all necessary steps authorized by law to
7 coordinate the response and recovery of this emergency, including but not limited to,
8 requesting assistance from the federal government, the State of Oregon and Marion
9 County.

10 Section 10. The City will take all necessary steps necessary to comply with the
11 temporary COVID-19 rules if adopted by the Occupational Safety and Health
12 Administration (OSHA). If applicable, such OSHA rules would supersede some or all of
13 the rules set forth herein.

14 Section 11. The City will temporarily suspend enforcement of temporary sign
15 regulations while this emergence is in place to allow businesses the ability to let
16 customers know they are open.

17 Section 12. This Ordinance being necessary for the immediate preservation of
18 the public health, safety, and welfare, an emergency is declared to exist and this
19 Ordinance shall take effect immediately upon its passage.

20

1 Section 13. This Ordinance is repealed on November 3, 2020.

2 PASSED this _____ day of _____, 2020.

3

4 SIGNED this _____ day of _____, 2020.

5

6

7

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10

11

Mayor

City Recorder



MINUTES
KEIZER CITY COUNCIL
Monday, August 17, 2020
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
Kim Freeman, Councilor
Roland Herrera, Councilor
Daniel Kohler, Councilor
Marlene Parsons, Councilor
Laura Reid, Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Shane Witham, Community Development
Bill Lawyer, Public Works Director
John Teague, Police Chief
Tim Wood, Finance Director
Tracy Davis, City Recorder

Absent:

Elizabeth Smith, Councilor

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

Lani Radke, Marion County Engineer, gave a presentation on the intersection enhancements that will be taking place at the Quinaby/Clearlake/River Road intersection.

**COMMITTEE
REPORTS**

Garry Whalen, Keizer, reported that the Planning Commission had recommended Council approval of the text amendments updating the floodplain overlay zone to be consistent with State requirements and had been informed by staff that they will be working with Council to adopt efficiency measures which would allow the adoption of the Buildable Lands Inventory/Housing Needs Analysis.

Matt Lawyer, Keizer, reported that the Parks Board approved a grant for Blayne Elder who, with the help of various volunteers, will be painting the gazebo at Chalmers-Jones Park. He also announced the September parks tour with Council and reviewed other issues the Board discussed.

Michael DeBlasi, Keizer, reported that the Traffic Safety-Bikeways-Pedestrian Committee received testimony regarding speeding traffic in the west Keizer area, is researching grant opportunities to fill in sidewalk gaps, and is in need of donations to fund the helmet program.

**PUBLIC
TESTIMONY**

Jonathan Thompson, Keizer, representing the Keizer Chamber of Commerce, announced that the Chamber has cancelled Keizerfest 2.0 and will focus on helping area businesses and families instead.

Andrew Daya, Keizer, stated that he felt inclusivity had not been addressed by the City or Council giving an example of people staring at him when he walks his dog and name calling. He questioned how this was going to be addressed. Mayor Clark responded that a Council work session is planned on this subject but changing individual attitudes will be an ongoing effort for all.

Sarah Grantham, Keizer, urged that Keizer develop an inclusivity statement and that individual councilors each have one as well. She added that Keizer has gone from a family oriented community to a place where children are held at gunpoint and children of color are not supported.

Branden Sherrard, Keizer, echoed the previous statements adding that it is important for everyone to speak on behalf of those who are affected by the issue of inequality and to listen to them and get involved.

Ramiro Navarro, Keizer, complained about the stares he gets when walking on the street and the Chamber's lack of Latino outreach, and suggested that Council declare an emergency and pass an inclusivity resolution which he read.

Mayor Clark read a list of organizations that are part of the Mid Valley Community Outreach Alliance noting that there are many others that are working to find outreach opportunities.

Rich Rodriguez, Keizer, thanked everyone who had testified before him noting that these issues determine the quality of life for the community. He suggested that the Keizer Station Local Improvement District bonds be refinanced to assist Keizer Station businesses. He then suggested that Keizer no longer offer free water at the fill station by the Public Works shop on Rickman but charge commercial businesses.

Public Works Director Bill Lawyer provided a history of why the City provides free water to businesses that draw from the fill station explaining that, for the most part, billing administration costs were more than the water itself. Mayor Clark requested a brief memo documenting this information so that Council could have an informed conversation.

City Manager Chris Eppley thanked all the people who testified for using the Council meeting venue to discuss their concerns and urged them all to get involved because the opportunity to make a difference starts at the City government level.

PUBLIC HEARING
a. ORDINANCE –
Declaring a Lien
Against Property
Located at 4129
Gary Street

Mayor Clark opened the Public Hearing.

City Attorney Shannon Johnson summarized his staff report.

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

Councilor Freeman moved that the City Council adopt a Bill for an Ordinance Declaring a Lien Against Property Located at 4129 Gary

**Northeast,
Keizer, Oregon
and Directing
the City
Recorder to
Enter Such Lien
in the Minor
Lien Docket**

Street Northeast, Keizer, Oregon and Directing the City Recorder to Enter Such Lien in the Minor Lien Docket Pursuant to Ordinance No. 94-282 (Nuisance Abatement Procedure); Declaring an Emergency. Councilor Herrera seconded. Motion passed as follows:

AYES: Clark, Reid, Freeman, Parsons, Herrera and Kohler (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Smith (1)

**ADMINISTRATIVE
ACTION**

**a. Request for Use
of Keizer Rapids
Park During
COVID19
Pandemic**

Mr. Johnson noted that the Chamber has withdrawn their request for their specific event but questioned if Council wanted to revisit the issue of parks and park amenities being open for reservations. Currently staff has chosen to err on the side of safety and not take reservations. Additionally, Council could consider whether or not to permit block parties (street closures).

Discussion followed regarding restrictions at the Keizer Little League Park, Volcanoes Stadium, the boat ramp, liability, monitoring, permitting, enforcement, and signage. Council agreed by consensus not to allow park reservations and not to issue permits for block parties for the remainder of the summer.

**b. Surplus
Property Report
Fiscal Year
2019-2020**

Finance Director Tim Wood summarized his staff report noting that there was no further action required.

**CONSENT
CALENDAR**

- a. RESOLUTION – Authorizing the Finance Director to Enter into Lease Agreement with Ricoh USA Inc. for Community Development Copier
- b. Approval of August 3, 2020 City Council Regular Session Minutes

Councilor Freeman moved that the Keizer City Council approve the Consent Calendar. Councilor Herrera seconded. Motion passed as follows:

AYES: Clark, Reid, Freeman, Parsons, Herrera and Kohler (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Smith (1)

**COUNCIL LIAISON
REPORTS**

Councilor Parsons reported on the Chamber Board meeting which focused on the Percy event and the golf tournament. She added that she would be out of town until September 21.

Councilor Herrera reviewed meetings and events he had attended, announced upcoming ones and thanked the artist carving the cultural history pole and everyone who had testified at the meeting.

Councilor Freeman reported on the Marion County Commissioner breakfast, announced that the splash fountain is open and thanked the parks person cleaning up Keizer Rapids Park and public works staff for their good customer service.

Councilor Reid reported on the McNary graduation and the National League of Cities virtual conference and provided extensive detail on what can be expected in the upcoming school year.

Councilor Kohler reviewed events and meetings in which he had participated, noted upcoming ones, and announced the retirement of Sgt. Goodman.

Mayor Clark reviewed work of the Homeless Alliance and work planned at the Cultural Center building, and announced upcoming meetings and events.

OTHER BUSINESS

Public Works Director Bill Lawyer announced that the Parks Division is now fully staffed with temporary help on board and fully trained. He added that the School District is going to correct the 'hokey' pathway transition near Cummings Elementary school.

Finance Director Tim Wood announced that the City made their final payment today on the water bond loan – paying off a 15-year loan.

WRITTEN COMMUNICATIONS

Mayor Clark noted that she had emails to submit for the record.

AGENDA INPUT

September 8, 2020 (Tuesday) - 7:00 p.m. - City Council Regular Session
September 14, 2020 - 6:00 p.m. – Council Work Session - Parks Tour
September 21, 2020 - 7:00 p.m. - City Council Regular Session
September 28, 2020 – 6:00 p.m. – Council Work Session on Inclusivity

ADJOURNMENT

Mayor Clark adjourned the meeting at 9:27 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Elizabeth Smith

Councilor #3 – Marlene Parsons

Councilor #6 – Daniel R. Kohler

Minutes approved: _____

Written Communications/Testimony and Submitted Documents

Re: Water Issue - Continued

Cathy Clark

Sent: Monday, August 24, 2020 9:15 AM

To: Johnson, Robert

Cc: Daniel Kohler; Eppley, Christopher; Kim Freeman

Awesome news, Robert.

Thank you for the rapid response to the needs of the residents who had urgent need for drinking water resources.

You let them know that they are heard and cared for.

Thank you also to Councilor Kohler who got the young men here on their mission work to quickly get drinking water to the residents while they were waiting for service to come back on. Their practical compassion also went a long way to care for our neighbors.

Keizer taking care of Keizer.

Way to go!

Cathy

Cathy Clark, Mayor

Clarkc@keizer.org

Sent from my iPhone

On Aug 24, 2020, at 8:13 AM, Johnson, Robert <JohnsonR@keizer.org> wrote:

Madam Mayor,

Please see the update below that I sent yesterday afternoon.

The water problem has been handled and the complex was back up and running early yesterday afternoon!

Robert Johnson

City of Keizer

Parks and Facilities Division Manager

503-856-3569

From: Cathy Clark

Sent: Sunday, August 23, 2020 11:12 PM

To: Johnson, Robert <JohnsonR@keizer.org>

Subject: Re: Water Issue - Continued

Any update?

Cathy Clark, Mayor

Clarkc@keizer.org

Sent from my iPhone

On Aug 23, 2020, at 3:44 PM, Johnson, Robert <JohnsonR@keizer.org> wrote:

Our Public Works after after hours duty personnel let me know that the water has been reinstated by a contractor that was hired by the apartment complex. They are good to go!

Robert

Get [BlueMail for Android](#)

On Aug 23, 2020, at 12:17 PM, Cathy Clark <clarkc@keizer.org> wrote:

Cathy Clark, Mayor
Clarkc@keizer.org
Sent from my iPhone

Begin forwarded message:

From: Derek Escaranio <derek.escaranio@wilvet.com>
Date: August 23, 2020 at 10:21:23 AM PDT
To: Cathy Clark <ClarkC@keizer.org>
Subject: Water Issue - Continued

Good Morning Mayor,

My name is Derek Escaranio, we had spoken briefly through messenger however you had advised that the most efficient point of contact was via this email address. While I have sent a relatively similar message through Facebook Messenger following your response this morning, I am still going to reach out here as per your request.

To cement a few things, first, my address is 180 Garland Way N, #15 there in Keizer; it is the amber yellow apt building directly behind the Abby's Pizza on River Rd. Secondly, any responses from either you or your representatives can be sent to this email. Lastly, my family and I, and a total of 15 other residents in the community have been experiencing a complete water outage at our complex since approx 6 PM last night following a water main issue that occurred during a maintenance service in Unit #1 in the complex. Both myself and several other residents have reached out to our site manager via a company cell phone intended for after hours emergencies. I initially made contact with them via phone at around 7 PM, then re-attempted contact around 10 PM after the issue had yet to be resolved. As of 6 AM today when I left for work my apartment was still completely without water, and neither I nor a friend of ours who is also a resident of the community, never received a response from our site manager last night.

Unfortunately, I do Emergency Veterinary Medicine and am working the floor today between 6 AM and 7 PM and was unable to get relief for my shift so I could be there for my family to assist; however, I have 4 kids including a 2 month old, a few animals, and a breastfeeding wife and us being without water for over 12 hrs now is unacceptable; even more so amidst a pandemic in which basic hygiene like washing our hands and showers has not been a possibility.

Please feel free to forward this information to the appropriate parties so that this matter can be addressed in as timely a manner as possible. I will say that I had reached out to your Code Enforcement officer several months ago regarding another major issue that has yet to be addressed at this complex and I never heard back from them. Thank you again for your time, efforts, and continued dedication to both this matter and our beloved city!

Sincerely,

Derek Escaranio
Training/Education Coordinator & Blood Bank Coordinator - Willamette Veterinary Hospital
Employee Recognition Program Coordinator - Willamette Veterinary Hospital
Certified Veterinary Nutritional Advocate - Hills Pet Nutrition, Inc.

From: Jonathan Thompson presjet@msn.com
Subject: Shoutout for Tracy
Date: Aug 24, 2020 at 7:44:32 AM
To: Cathy Clark ClarkC@keizer.org
Cc: Eppley, Christopher EppleyC@keizer.org

Mayor Clark and Mr. Eppley,

I sent a note with a question to Tracy Saturday evening. It wasn't urgent and easily could have waited until Monday. However, Tracy responded to me at 9:00PM that night with the information I needed.

Tracy's responsiveness is very much appreciated. She is great!

Thanks-

Jonathan

Jonathan Thompson
Cell: (503) 580-1294

From: Paul Rodriguez <awizard@aol.com>
Sent: Tuesday, September 8, 2020 7:38 PM
To: Davis, Tracy <DavisT@keizer.org>
Subject: My Testimony tonight

Public Testamentary, Tuesday, September 8, 2020

Rich Rodriguez
Bailey Court, Northeast Keizer

Good evening most esteemed Citizens, Honorable Council Members, and Mayor.

During the Public Testamentary portion of the 20 August 2020 meeting of the Keizer Volunteer Committee I spoke for the need for a Kaiser Sustainability Committee – the same testamentary I gave to City Council on 20 July 2020. (refer to the written record for that meeting)

After my Public Testamentary on the need for a Sustainability Committee, unexpectedly and to my astonishment the next three candidates for Budget Committee and Planning Commission all spoke positively of the merits and concepts embodied in a Kaiser Sustainability Committee.

This was amazing.

Moreover this speaks to the need, desirability, benefits, and building community support for a Keizer Sustainability Committee.

Thank you.

I am now available for your questions.