



MINUTES
KEIZER CITY COUNCIL
Tuesday, September 2, 2014
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:

Lore Christopher, Mayor
Joe Egli, Council President
Kim Freeman, Councilor
Marlene Quinn, Councilor
Cathy Clark, Councilor
Jim Taylor, Councilor
Dennis Koho, Councilor

Staff:

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

FLAG SALUTE

Mayor Christopher led the pledge of allegiance.

**PUBLIC
TESTIMONY**

None

PUBLIC HEARINGS

Mayor Christopher opened the Public Hearing.

**a. Comprehensive
Plan
Change/Zone
Change/Lot Line
Adjustment –
Property at 4800
and 4900 block
of Verda Lane**

City Attorney Shannon Johnson read the criteria for the zone change and Comprehensive Plan change. Community Development Director Nate Brown read the criteria for Lot Line adjustment. Mr. Johnson explained that the decision should be based upon these criteria, and that testimony, arguments and evidence must be directed toward the criteria, other criteria in the Comprehensive Plan, or land use regulations believed to apply to this decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. He noted that if anyone had any objection as to conflict of interest, bias, jurisdiction, notice and opportunity to be heard, it should be brought up at the time of testimony and any Council members wanting to disclose conflict of interest, bias or prejudice on this case should do so at this time.

Councilors testified to various issues such a living near the property, reading the newspaper (Keizertimes), and contact by citizens whom they directed to the City website. Councilor Egli noted that he had been

contacted by Karen Okada who shared pros and cons of multi-family dwelling development and Tim Smith who had voiced support for the development. Mr. Johnson provided additional information regarding the difference between legislative cases and quasi-judicial cases and reiterated that the decision must be based on the criteria.

Mr. Brown then provided background information and recommended that Council hear testimony, review the application and direct staff to develop mitigations to address the negative impacts that this application may present. He explained that, should this property be developed in the way it is platted, there would be no improvements associated with the development and it would likely be developed at a higher density which would impact traffic. He reviewed and addressed issues that were brought up at the previous hearing: the property's open space qualities, concerns regarding traffic, density/multi-family housing needs, crime, schools, water quality and the environment. He noted that Council can place significant mitigations to control impacts to the community with street improvements, landscaping, and traffic mitigations related to design control at the access points.

Mr. Brown then fielded questions regarding the existing platting of the property in question and right-of-way acquisition for the Verda roundabout. He explained various housing options including shared housing units, zero lot line housing, cottage clusters and planned unit developments noting that the applicant could develop the property with 50-60 units.

Mark Grenz, Multi-Tech Engineering, Keizer resident for 35 years, explained that his firm was sought out by the Herber family to determine the best use of the property. After reviewing various aspects of the property it was determined that the best action was to apply for a Comp Plan and Zone change. His firm provided all findings addressing the criteria as part of the staff report, and the hearings officer determined that the criteria had been met. By limiting the development to the upper portion of the site, the lower portion will be left intact and traffic will not be impacted because of the limited access. Mr. Grenz then presented a Power Point which reviewed available mass transit, schools, parks, shopping, plat lines, and property values. He noted that many families choose not to be homeowners but prefer to live in apartments and the taxes that they pay would adequately cover the impact they would have to city services.

Judith Odle, Keizer, noted that within one mile of the proposed project there are 230 apartments. She spoke in opposition of allowing a three-story structure across the street from her home but indicated that a two-story structure would be acceptable.

Cori Budrow, Keizer, spoke in opposition to the proposed development noting that single-family dwellings would have less impact on the

environment and shared driveways would keep the traffic impact to a minimum. She questioned the impact of an apartment on the Keizer wastewater treatment system

Judy Meek, Keizer, voiced opposition to the project citing increased enrollment at the elementary schools, increased water usage and traffic congestion.

Bob Thompson, Keizer, expressed opposition to allowing a three-story structure but indicated that a two-story structure would be acceptable. He questioned the impact of an apartment on the Keizer wastewater treatment system, traffic and parking.

City Attorney Shannon Johnson explained that this issue could not be put to popular vote because it is a land right. In a quasi-judicial hearing the parties are entitled to look at specific criteria. A property owner's right to develop their land is not contingent on the vote of the public.

Joe Meek, Keizer, expressed opposition to the project citing mass transit needs, traffic congestion and crime.

Maria Bushek, Keizer, spoke in opposition to the project noting that many of her concerns had already been aired. She voiced concern, however, about the single access point from the apartments onto Verda and congestion at Chemawa and Lockhaven and urged that the livability of Keizer be considered and the apartment complex not be allowed.

Meredith Sheridan, Keizer, voiced opposition to the project noting that many of her concerns had already been aired but that the livability of a community is defined in large part by its green space; she urged that Claggett Creek Park be expanded through acquisition of this property.

Deanna Fuller, Keizer, spoke in opposition to the project, suggesting that the limitation on the number of driveways allowed be revisited so that single family homes could be put on the property in question.

David Garvin, Keizer, expressed opposition to the project, noting that there were already enough apartments in the area. He suggested large single-family homes be built on the property instead and that a geologist report be required to be sure the ground will support that large of a structure.

Terri Hegli, Keizer, spoke in opposition to the project noting that a three-story apartment complex would adversely affect the neighborhood and cause increased traffic. He urged Council to consider the livability of Keizer when making their decision.

Susan Kendall, Keizer, voiced opposition to the project, noting that traffic noise and crime are already out of control in the area; the area is not livable and property is not sellable and this project will only make things worse.

Joanne Sandhu, Keizer, spoke in opposition to the project, urging the City to negotiate with the Herber family to purchase the property and make it a park.

Samantha Dill, Keizer, voiced opposition to the project expressing concern on overcrowding of schools and the resultant lack of education for children.

Karen Okada, Keizer, referred to her letter (included in the packet as Exhibit 11) in which she voiced opposition to the project due to overcrowding in area schools and pedestrian danger due to increased traffic. She noted that the area is a gateway to Keizer and urged that a three-story complex with crummy fences and no landscaping not be allowed.

Paul Elder, Keizer, expressed appreciation for the amenities in the City of Keizer and spoke in opposition to the project citing the wear and tear on the roadways and additional traffic.

Casey Sanders, Keizer, spoke in opposition to the project citing the abundance of apartments already in the area and heavy traffic which will increase if the apartments are built.

Nate Brown read into the record a letter from Suezq Smith voicing opposition to the project.

Mr. Johnson read the following statement: "Failure by the applicant or others to raise constitutional or other issues related to the proposed conditions of approval with sufficient specificity to allow the local government to respond to that issue precludes an action for damages in Circuit Court."

Mark Grenz explained that the site is located on significant roadways that can, as planned by the City's Transportation Plan, deal with the traffic. He challenged that if he was proposing a single family subdivision to the density allowed by current standards, neighbors would still be opposed. He referred to a letter from the school district based on their statistics district wide noting that schools are not the basis on which to judge the project. He explained that the geological conditions of the property would be investigated through the development process; the risks would be the same for single-family homes as apartments. He concluded stating that the City could acquire the property for a park if they wished and reminded Council that they need to plan for growth because it will come.

Mr. Brown then fielded questions from Council regarding stormwater runoff and treatment, building a road on the slope, and the location of the proposed driveways. He reminded Council that the site plan submitted was for illustrative purposes only; the actual plan will undergo extensive scrutiny. He suggested that any changes be included in the approval process as conditions.

With no further testimony Mayor Christopher closed the Public Hearing.

Councilor Egli explained that if the Council denies this, the developer will appeal to the Land Use Board of Appeals and Council will need to explain their position. He noted that one significant flaw is the overall need for land use: the Housing Needs Analysis says that in 20 years the city will need 136 acres of buildable land for single family dwellings and 9.9 acres of Residential Multi-use land. Approving this would lower the need for RM zoned land to 2 acres but increase the land need for single family units where the need is greatest.

Councilor Koho added that another reason to deny this would be the fundamental change to the neighborhood: taking down the trees, blocking the views, and overcrowding. Mayor Christopher echoed comments of Councilors Koho and Egli.

Councilor Egli moved that the Keizer City Council direct staff to come back with an ordinance denying the applicant's request based on Items C and F regarding adversely affecting and actual need for housing. Councilor Taylor seconded.

Councilor Taylor offered a friendly amendment to indicate that the applicant has not met the traffic mitigations. Councilor Egli accepted the amendment.

Mayor Christopher restated the motion: that the Keizer City Council direct staff to prepare an ordinance to deny all three applications based on the criteria for approval as listed in 3.109.04, Items C, F and traffic. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

a. ORDINANCE – Amending Urban Growth Boundary

ORDINANCE – in the Matter of the Application of the City of Keizer to Annex a Portion of

Mr. Johnson explained that these ordinances are part of the Keizer Rapids Park; they are separated due to their complicated nature. The public hearing was held and Council directed staff to come back with these ordinances.

Councilor Egli moved for the Keizer City Council to adopt an Ordinance Amending the Urban Growth Boundary (UGB) to include approximately 58 acres in and near Keizer Rapids Park - Amending Ordinance No. 87-077 (Case No. CP2014-05). Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Property Located at 1990 Chemawa Road N
ORDINANCE - In the Matter of the Application of the City of Keizer for a Comprehensive Plan Map Change and a Zone Change

Councilor Egli moved for the Keizer City Council to adopt an Ordinance – in the Matter of the Application of the City of Keizer to Annex a Portion of Property Located at 1990 Chemawa Road N and the Property Identified on the Marion County Tax Assessor Maps as Township 7 South, Range 3 West, Section 04, Tax lot 01201, Keizer Oregon to the City Limits of the City of Keizer (Case No. CP2014-05). Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Egli moved for the Keizer City Council to adopt an Ordinance – In the Matter of the Application of the City of Keizer for a Comprehensive Plan Map Change to Park and a Zone Change to Public for an Approximate 58 Acre Parcel Located at 1590 Chemawa Road North, 1990 Chemawa Road North, and 2010 Chemawa Road North (Portion of Keizer Rapids Park) (Case No. CP2014-05). Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. ORDINANCE ~ Adopting the Keizer Medical Marijuana Facility Permit Process

Mr. Johnson provided a history of this noting that the minor age has been changed from 21 to 18. He explained that a public hearing for this will be held at the next regular Council meeting.

Councilor Koho corrected the definition of minor to read 18 instead of 21. Councilor Taylor stated that he would not support this because the measure will be on the November ballot. Councilor Clark pointed out areas of concern for ballot measure 91. Councilor Koho expressed confidence that issues will be handled by the legislature and he trusts them not to put the pharmaceuticals in the hands of the OLCC.

Councilor Egli moved that the Keizer City Council approve an ordinance Adopting the Keizer Medical Marijuana Facility Permit Process as amended with the correction changing 21 to 18. Councilor Koho seconded. Motion passed as follows:

AYES: Christopher, Egli, Koho, and Quinn (4)

NAYS: Freeman, Taylor and Clark (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

c. Request for Waiver of Fees

Taken out of order.

Mr. Johnson explained that this request is similar to last year's request.

**for Use of
Keizer Rotary
Amphitheater
for Movie in the
Park**

Councilor Egli moved that the Keizer City Council waive all fees for the Keizer Rapids Park for the purpose of a community movie "The Amazing Spiderman". Councilor Quinn seconded.

Councilor Clark offered a friendly amendment that the applicant pay the application fee. Councilors Egli and Quinn accepted the amendment.

Mayor Christopher restated the motion: that the Keizer City Council waive all fees except the \$52 application fee for the Keizer Rapids Park for the purpose of a community movie "The Amazing Spiderman". Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**CONSENT
CALENDAR**

A. RESOLUTION – Purchase of K23 Equipment and Surplus of Property

B. Approval of August 4, 2014 Regular Session Minutes

C. Approval of August 18, 2014 Regular Session Minutes

Items A and B were pulled.

Councilor Egli moved to approve the August 18, 2014 Regular Session Minutes. Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher moved to approve the August 4, 2014 Regular Session Minutes. Councilor Egli seconded. Motion passed as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman and Clark (6)

NAYS: None (0)

ABSTENTIONS: Taylor (1)

ABSENT: None (0)

Councilor Clark pointed out that one of the reasons the City wanted extra Tri-casters was so that more than one group could film. Staff indicated that they did not know if there were any others.

Councilor Clark moved that the Keizer City Council adopt a Resolution Authorizing the City Manager to Purchase Television Equipment for K-23 and authorizing Disposition of Surplus Property as amended to ensure that the City will have sufficient additional equipment at the same level. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

COMMITTEE REPORTS

a. PROCLAMATION – Constitution Week

Taken out of Order. Ruby Pantalone, Keizer, announced that September 17-23 was Constitution week, noted that the tradition for celebrating the constitution was begun by the Daughters of the America Revolution in 1956, and explained that the DAR attempts to educate youth and newly naturalized citizens about the country's founding documents. She reminded everyone that the Constitution is a living document that guarantees the freedoms America enjoys.

b. Appointment to the Keizer Budget Committee

City Manager, Chris Eppley, reported that following publication of notice of vacancies on the Budget Committee and acceptance of testimony from the applicant, the Volunteer Coordinating Committee unanimously recommended Jerry McGee to fill one of the vacancies.

Councilor Egli moved that the Keizer City Council accept the recommendation of the Volunteer Coordinating Committee to appoint Jerry McGee to position number 3 on the Budget Committee, term expiring August 31, 2017. Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

c. Appointment to the Keizer Points of Interest Committee

City Manager, Chris Eppley, reported that following publication of notice of vacancies on the Keizer Points of Interest Committee and acceptance of testimony from the applicant, the Volunteer Coordinating Committee unanimously recommended Tanja Homrichhausen to fill the vacancy.

Councilor Egli moved that the Keizer City Council accept the recommendation of the Volunteer Coordinating Committee to appoint Tanja Homrichhausen to position number 2 on the Keizer Points of Interest Committee, term expiring November 30, 2016. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

d. Appointment to the Keizer Festival and Events

City Manager, Chris Eppley, reported that following publication of notice of a vacancy on the Keizer Festivals and Events Services Team and acceptance of testimony from the applicant, the Volunteer Coordinating Committee unanimously recommended Jeff Lewis to fill the vacancy.

Services Team Councilor Egli moved that the Keizer City Council accept the recommendation of the Volunteer Coordinating Committee to appoint Jeff Lewis to position number 1 on the Keizer Festivals and Events Services Team, term expiring May 31, 2017. Councilor Clark seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

e. Appointment to the Keizer Arts Commission City Manager, Chris Eppley, reported that following publication of notice of a vacancy on the Keizer Arts Commission and acceptance of testimony from the applicant, the Volunteer Coordinating Committee unanimously recommended Tanja Homrichhausen to fill the vacancy.

Councilor Egli moved that the Keizer City Council accept the recommendation of the Volunteer Coordinating Committee to appoint Tanja Homrichhausen to position number 3 on the Keizer Arts Commission term expiring May 31, 2016. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Koho, Quinn, Freeman, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER REPORTS Councilor Koho reported that he had attended the Water Wastewater Task Force meeting and voted for Keizer to not be surcharged.

Councilor Clark reported that she had attended the Economic Development and Government Affairs meeting, congratulated Rich Duncan Construction for being one of the 5000 fastest growing companies in America and number 30 in Oregon, and announced the retirement celebration for Richard Schmidt of Council of Governments and the League of Oregon Cities City Hall Day celebration at Newberg.

Councilor Freeman announced upcoming West Keizer Neighborhood Association meetings and urged everyone to be aware of children walking to school.

Councilor Egli reported that he had attended the City/Keizer Fire lunch, and announced the Commissioner Breakfast, Planning Commission and Management meetings.

Councilor Quinn reported that she had attended the Habitat for Humanity home and announced the Community Build Task Force meeting.

OTHER BUSINESS

Chief Teague noted that his report forwarded by the City Manager each week is a rolling list of things happening in the department; a snapshot in time.

Nate Brown reported that the Keizer Rapids boating facility project has been selected to be nationally recognized by the States Organization for Boating Access (SOBA) with the Outstanding Project Award in the Medium Boating Access category. The City has been invited to attend their presentation in Little Rock, Arkansas.

**WRITTEN
COMMUNICATION**

None

AGENDA INPUT

September 8, 2014

5:45 p.m. – City Council Work Session

o City Council/Parks Tour

September 15, 2014

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

October 6, 2014

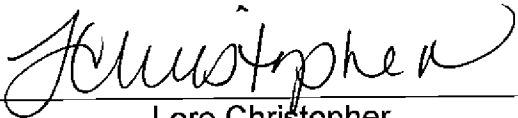
7:00 p.m. – City Council Regular Session

ADJOURNMENT

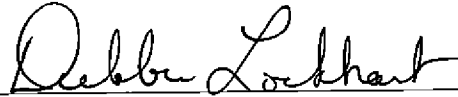
Mayor Christopher adjourned the meeting at 10:42 p.m.

MAYOR:

APPROVED:

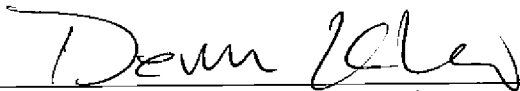


Lore Christopher



Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS



Councilor #1 – Dennis Koho



Councilor #4 – Cathy Clark



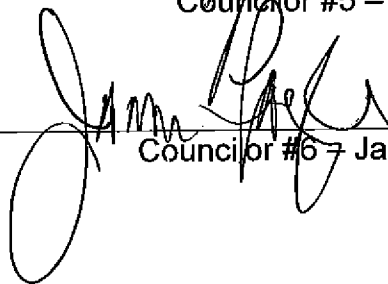
Councilor #2 – Kim Freeman



Councilor #5 – Joe Egli



Councilor #3 – Marlene Quinn



Councilor #6 – James Taylor

Minutes approved: October 6, 2014