MINUTES

KEIZER CITY COUNCIL
Monday, July 15, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:03 p.m. Roll Call was taken as follows:

Present:
Lore Christopher, Mayor
Michel Gaynor, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Staff:
Chris Eppley, City Manager
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Mark Miranda, Captain
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Ken Layton, 2786 Claxter Road NE, Salem 97303-spoke highly of the Keizer police department. He complimented them on their professionalism.

Terry Teets, 1846 Kinglet Way NE, Keizer
Robert Arnsmeier, 1766 Kinglet Way NE, Keizer
Robert Wassermann, 1866 Kinglet Way NE, Keizer-as a group expressed concern regarding individuals riding ATV's causing excessive noise and dust. Responding to questions Mr. Teets indicated that the area where this was taking place was at 1690 Chemawa Road. They requested assistance from the Council to help alleviate the problem.

It was the consensus of Council to request that staff review code enforcement actions and ordinances to see if the dust issues could be addressed. Staff is to report back to the Council August 5, 2002.

FMAGIC

COMMITTEE REPORTS

a. PROCLAMATION- National Kids Day (August 4, 2002)

Mayor Christopher read the proclamation declaring August 4, 2002 as National Kids Day.

b. River City 2002 Conference Report/Mid Willamette River Connection

Richard Bastashch Executive Director Willamette Restoration Initiative- provided a presentation regarding the Mid-Willamette River Connections Effort. This included a wide variety of affiliations to engage the community with the Willamette River covering approximately 80 river miles.

Mr. Bastashch summarized some of the projects in nearby cities, which are revitalizing the use of the Willamette River. Also noted was the Initiative's desire to gather and share information by a wide group of people and agencies, and to organize the ability to seek various types of funding for the project.

Responding to questions Mr. Bastashch indicated since Keizer had not specified its connection to the river that River Navigator Jeske had not allotted funding to the city, although this could be amended if there was an interest in the plan.

Councilor Walsh moved a motion for approval of the allocation of $500.00 to go towards the Willamette River Restoration Project. Councilor Gaynor seconded the motion.

Mr. Bastashch noted that the primary expense, at this time, was for appropriate mapping.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

c. **Council Liaison Reports- The reports were deferred until the August 5th meeting.**

- Parks Advisory Board-Council President Moir
- Planning Commission-Councilor Walsh
- Chamber of Commerce Governmental Affairs-Councilor Walsh
- Mid Willamette Valley Area Commission on Transportation-Councilor Smith
- Volunteer Coordinating Committee-Councilor McGee
- Community Policing Committee-Mayor Christopher

OTHER BUSINESS

Police Updates
Captain Miranda noted the Cadet Academy that the city was hosting. Also noted was the National Night Out scheduled for August 6th, upgrades to the Police Department's radio system and the Reserve Recruitment taking place.

Update on Judge's Evaluation
Councilor McGee noted the evaluation and the process being developed, which would be presented to the Council and upon approval the judge's evaluation would be held in Executive Session on August 19, 2002.

Major/Minor Variance Issue
Councilor Walsh requested consensus from the Council to forward his letter of June 10th to the Planning Commission for review of this policy.

It was the consensus of the Council to refer this information to the Planning Commission for review.

Naming of Focal Point
Councilor McGee noted discontentment from various individuals regarding the process of naming the Focal Point. He suggested that a reconsideration of the title take place, with the formal naming of the focal point taking place after completion of the project.

Councilor McGee moved a motion to reconsider the decision on the naming of the focal point area at the corner of Chemawa and River Road. Councilor Smith seconded the motion.

Responding to questions Councilor McGee elaborated that citizens expressed an interest in having more time to deliberate the naming of the focal point.

Councilor's Lee and Smith concurred with Councilor McGee's comments.

The motion passed as follows:

AYES: Lee, McGee, Moir, Smith and Walsh (5)
NAYS: Christopher and Gaynor (2)
ABSTENTIONS: None (0)
ABSENT: None (0)

Councilor McGee reported that groundbreaking ceremonies would take place for this project on Wednesday, July 17th at 1:30 p.m.

Vendor's Ordinance
Councilor McGee relayed concerns from citizens regarding weekend vendors along River Road.

Planning Director Maria Meier offered to address this issue further with Councilor McGee at a later date.

PUBLIC HEARINGS

a. Appeal of Partition Case No. 02-19 (872 Cummings Lane)

Planning Director Maria Meier reported that the Zoning Administrator with conditions of approval approved Partition Case No. 02-19. The applicant appealed the decision to the Hearings Officer, whereas on June 27, 2002, after conducting a public hearing the Hearings Officer rendered a decision to deny the appeal request. Mrs. Meier indicated that Council must render a decision by no later than August 16, 2002.

Staff recommended that the public hearing be conducted with the Council approving the case with the conditions as outlined by the Zoning Administrator.

City Attorney Shannon Johnson read the applicable criteria and procedures for the hearing. The Council raised no conflicts of interest, exparte contacts or bias.

Mayor Christopher opened the public hearing.

Testimony:
Duane Doyle, 821 Cummings Lane, Keizer-spoke in favor of the applicant's appeal. He did not agree with the recommended turn-around which he felt would ruin the view from his home. Mr. Doyle noted the ability for emergency vehicles maneuver without the recommended turn around.

Mark Grenz, Multi Tech Engineering, 1155 13th Street NE, Salem-speaking as the project engineer, Mr. Grenz indicated that the impact from the project would be one additional home and he believed this impact was disproportionate to what was being required of the applicant.

Mr. Grenz went on to address the applicant's alternative proposal, which he believed would address staff's concerns. He answered questions regarding the staff's recommended turnaround versus the hammerhead type of turnaround that the applicant considered less intrusive to the area.

City Attorney Johnson addressed the Council's inquiries regarding altering a decision that was based upon the legal preface of the Development Code.

Planning Director Maria Meier urged the Council to move cautiously when addressing serial partitioning and binding future applications for improvements.

Mr. Grenz commented on questions from Council noting the applicant's constraints on the property that would be addressed in later testimony.

Responding to questions about the hammerhead design, City Engineer Bill Peterson indicated that the design was consistent with the Development Code Infill designs. He went on to indicate due to the length of the street that a turnaround was desirable.

Council President Moir addressed Exhibit A noting a partial turnaround towards the end of the lane.

Mr. Peterson indicated that a turnaround at the far west

end towards the park would not be feasible, as it would not be able to meet the required standards. He answered additional questions from the Council.

R. Cook Cloninger, 4465 Shoreline Drive, Keizer- spoke in support of the applicant's proposal to enable the area to be cleaned up.

John Lottis, 802 Riverglen Drive North, Keizer- speaking as the applicant he noted an agreement between he and Mr. Cummings, the individual whom Mr. Lottis was buying the property from. Mr. Lottis summarized Mr. Cummings attempt to bind the applicant's ability to convey any property to a city or state agency. This eliminated the possibility of the applicant conveying the property required for the suggested turnaround. He noted the proposal offered an easement, which would allow him to retain ownership.

Mr. Lottis addressed questions pertaining to the possible future development of the property. He felt the possibility of six home being built on the property would not take place because of the location and configuration of the lots. Mr. Lottis expressed his belief that staff's requirement would severely impact the aesthetic value of the home that was to be built in that area.

City Attorney Johnson answered questions regarding easements, conveyances and dedications. The issue of the sidewalk was also discussed with Mrs. Meier indicating that the requirement for the sidewalk would be for the parcels in the subject property only.

Public Works Director Rob Kissler indicated if the hammerhead was chosen that street improvements would be needed in front of parcel two and a portion of parcel three. If the turnaround were approved sidewalks would be required around the turnaround and the frontage to the east on parcel two.

Responding to Mr. Lottis's questions the City Engineer indicated that the sidewalk could be built inside of the existing right-of-way without a dedication. Mr. Lottis

noted that if this were the case he would develop the sidewalk as discussed.

Rod Conway, Keizer Fire District, Deputy Fire Marshall-responding to Council's questions Deputy Fire Marshall Conway indicated the preference of the Fire District to remain with the required turnaround. He expressed concern with using driveways as a turnaround and parking and maintenance issues with the hammerhead.

Mr. Grenz clarified that the location of the proposed hammerhead would benefit police and fire and act as the driveway for parcels one and two.

With no further testimony Mayor Christopher closed the public hearing.

Council and staff discussed the details of what would be needed in the motion and the following motion was made:

Councilor McGee moved to direct staff to bring back and Ordinance which allows for a hammerhead type improvement that is built to strength standards to support fire vehicles, signage for no parking and verbiage outlining the responsibility for maintenance of this area. The Ordinance shall include the sidewalk, the requirement that the well on parcel three would be allowed for irrigation purposes only on that parcel and other conditions of approval as contained in the staff recommendation. Mayor Christopher seconded the motion.

Mr. Kissler offered an alternative to the suggested hammerhead, which the Council took into consideration.

Councilor Smith spoke in opposition to variances as a whole, but indicated she would vote in favor of this motion due to the information presented.

Councilor Walsh disagreed with the proposed motion, as there were no rules that governed the motion. He indicated if these conditions were part of the code that

he could reconsider his vote.

Councilor McGee urged support of the motion, which would help to alleviate a situation that he believed, had affected the applicant as well as the surrounding community.

Public Works Director Rob Kissler reminded the Council that the uniform fire code states an access in excess of 150-feet is required to have a turnaround.

The motion passed as follows:

AYES: Christopher, Lee, McGee and Moir (4)
NAYS: Gaynor, Smith and Walsh (3)
ABSTENTIONS: None (0)
ABSENT: None (0)

b. Chemawa Activity Center/Keizer Station Plan-Text Amendment/Comprehensive Plan Change/Zone Change Case No. 01-50 (continued from July 1, 2002)

Mayor Christopher continued the public hearing from July 1, 2002.

Planning Director Maria Meier recommended that Council accept additional testimony and to extend the record for written testimony until July 31, 2002. She also noted that the SKAPAC record was not complete and that the record had been extended until July 19, 2002 to receive additional submissions from the City of Salem.

Councilor McGee stressed if the extension was due to the SKAPAC process that he strongly disagreed with the delay. He emphasized that he did not believe the city was required to hold the SKAPAC process and to delay the process further because of a single word in the minutes was inappropriate.

Mayor Christopher noted the elected officials met and were directed by Counsel to approve the same set of minutes.

Testimony:
Cliff Adams, PO Box 38, Grand Ronde, OR 97347- speaking as the general manager of the Confederated Tribes of the Grande Ronde he addressed Area D which is owed by the Grande Ronde and Siletz Tribes. Mr. Adams provided and read a list of amendments to earlier testimony from the Tribes, which he requested

be placed into the record and were listed as Exhibit A-88.

Responding to questions Planning Director Maria Meier would analyze the proposal and submit her findings to the record.

Steve Ferrarini, 610 SW Alder, Portland, OR 97205- submitted additional information to the record that included:

- An Economic Opportunities Analysis
- Response to comments made by 1000 Friends including *The Shils Report* and vacancy rates in Keizer
- A recalculation regarding the number of jobs in the Keizer Station Plan
- A calculation of residential land capacity
- A memo outlining the methodology used to determine commercial and retail development
- Revised Retail Analysis

The listed documentation was noted as Exhibits A-89 through A-97.

Sid Friedman, 1000 Friends of Oregon, 388 State Street, Oregon-reiterated the organization's opposition to the original and staff alternative Keizer Station Plan.

Mr. Friedman commented on the design standards noting these standards could enable a more vibrant neighborhood development if the percentage of retail in the plan was reduced. He suggested no more than 25% retail, 50% residential and 25% office uses. He submitted additional suggested details for the design standards including shared parking, street light features and to set the FAR (Floor Area Ratio) higher than the current .25.

Responding to questions Mr. Friedman indicated of the locations visited by the Council that the Orenco Station or the south waterfront development would be realistic development models.

Wendie Kellington, Attorney, PO Box 1930, Lake Oswego, OR- provided a memo from Chris Stanley summarizing the methodology used in the peak hour

traffic analysis.

Ms. Kellington supplied a synopsis of the Development Team's analogy to the staff's recommended plan, the suggested design standards and Salem's issues, which would be addressed by staff. (Exhibit A-99) She addressed questions from the Council pertaining to the design standards stressing that she believed this issue would be reviewed during the master planning process, which would include input by staff and the development team.

Council briefly discussed the master planning process.

Responding to questions City Manager Eppley indicated that the pictures from the trip to Portland would be available for review in the near future.

Mayor Christopher closed the public hearing for oral testimony with the written record remaining open until July 31, 2002. Deliberations were scheduled to begin on August 5, 2002.

c. Comprehensive Plan Map Interpretation for Property Located at 1355 Alder Drive NE

Planning Director Maria Meier reported that the property owner, Jamie Jenniches, had requested a Comprehensive Plan map interpretation of his property after disagreeing that his property was zoned LDR (Low Density Residential). Mrs. Meier indicated that the applicant believed his property was zoned (MHDR) Medium High Density Residential similar to the property west of the subject property.

Mrs. Meier noted staff's interpretation of the map and recommended that the Council evaluates and makes a formal interpretation of the Comprehensive Plan Map designation for the subject property. Staff also recommended that staff be directed to prepare an order for adoption pertaining to the Council's decision.

Mayor Christopher opened the public hearing.

City Attorney Shannon Johnson explained the applicable criteria and procedures for the hearing. With no objections to the general provisions of the Development Code. He also asked the Council for any exparte contacts, conflicts of interest or bias to be

disclosed.

Councilor Walsh asked to abstain from the discussion and the vote on this issue, noting that Mr. Jenniches was a previous client pertaining to other issues.

Testimony:
Jamie Jenniches, 1355 Alder Drive, Keizer-indicated that he had been led to believe upon purchase of the property that this land did fall within the Comprehensive Plans Rezone Designation, which the Planning Department did not agree with.

Mrs. Meier explained the method used to make her determination, indicating that the Comprehensive Plan Map should not be used to reach a conclusion as it was not prepared to scale. Mrs. Meier addressed the exhibits that included the Comprehensive Plan Map a Marion County Tax Assessor's Map, a GIS Comprehensive Plan Map and the Adopted/Old Zoning Map and how this information allowed her to reach her conclusion.

Responding to questions Mrs. Meier noted on the infill map that the property in question was designated as Low Density Residential.

Mr. Jenniches rebutted staff's interpretation noting that the previous Planner, Skip Wendolowski, agreed with Mr. Jenniches interpretation.

Mrs. Meier indicated that the Planning Department would be glad to work with Mr. Jenniches if the Council felt the process for a zone change would need to take place to meet the applicant's needs.

With no additional testimony Mayor Christopher closed the public hearing.

Councilor President Moir moved a motion to direct staff to prepare an Order upholding the decision of the Zoning Administrator. Councilor Smith seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: Walsh (1)
ABSENT: None (0)

d. ORDINANCE- Renaming of Alder Street NE to Alder Drive NE

Planning Director Maria Meier noted the request was to change a portion of Alder Street to Alder Drive for emergency services purposes.

Mayor Christopher opened the public hearing.

With no one wishing to testify the public hearing was closed.

Council President Moir moved a Bill for an Ordinance in the Matter of Renaming Alder Street NE, Keizer, Marion County, Oregon; Declaring an Emergency. Councilor Lee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

e. RESOLUTION- Adoption of Chalmers Jones Park Master Plan

Public Works Director Rob Kissler reported on June 17, 2002 that the Council was presented with the Chalmers Jones Park Draft Master Plan. The requested map was included with recommended adoption by the Parks Advisory Board.

Mr. Kissler noted that funds in the Revenue Sharing Budget were adequate to cover costs for printing and final maps costs.

Staff recommended adoption of the Resolution.

Mayor Christopher opened the public hearing.

With no one wishing to testify Mayor Christopher closed the public hearing.

Council President Moir moved a Resolution Adopting a

Master Plan for Chalmers Jones Park. Councilor Lee seconded the motion.

Councilor McGee recommended a friendly amendment to the Resolution to say that the Master Plan, "*may be*" financed by Systems Development Charges. Council President Moir accepted the amendment.

Mr. Kissler responded to questions pertaining to the designation of funds for the project and a proposed list of Capital Improvements.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

ADMINISTRATIVE ACTION

None

CONSENT CALENDAR

a. Scheduling Public Hearing for August 5-Recovery of Cost for Removal of Dangerous Building at 4915 Rickman Rd NE, Keizer

b. Approval of April 15, 2002 Regular Session Minutes

c. Approval of May 6, 2002 Regular Session Minutes

d. Approval of May 20, 2002 Regular Session Minutes

e. Approval of May 28, 2002 Work Session Minutes

f. Approval of June 3, 2002 Regular Session Minutes

Councilor Smith requested that item "d" is pulled from the Consent Calendar.

Council President Moir requested that item "f" is pulled from the Consent Calendar.

Council President Moir moved for approval of the

remaining items on the Consent Calendar. Councilor Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Councilor Smith requested that the tape from the May 20, 2002 be reviewed for the addition of a statement from one of the consultants from Northwest National LLD regarding clarification of a statement made regarding widening Lockhaven.

Councilor Moir noted a typo in the June 3, 2002 minutes, which she requested be changed and brought back to the Council for approval.

WRITTEN COMMUNICATIONS

League of Oregon Cities/QWEST Litigation
Mayor Christopher read a letter from the League of Oregon Cities requesting one-percent of the cities annual telephone franchise receipts, approximately $1,000, to assist with continuing litigation pertaining to QWEST.

It was the consensus of the Council to contribute $1,000 towards the continuing litigation.

Marion County Growth Management Plan
Mayor Christopher read a letter from the County requesting support of this plan via a letter of which a sample was provided.

Councilor McGee suggested a letter of support for planning minus specifics and noting appreciation of the County's efforts. He and Councilor Smith expressed concerns regarding some of the contents of the plan.

Keizer's 20th Anniversary Celebration
Mayor Christopher noted the events taking place on July 20, 2002 from 11:00 a.m.-6:00 p.m. to celebrate the city's 20th birthday.

AGENDA INPUT

August 5, 2002
7:00 p.m. City Council Regular Session

- City of Salem Presentation on Satellite Treatment Plan
- Community Policing Resolution
- Designating No Parking on Alder Drive-Public Hearing
- Thai Lotus Liquor License Application Hearing
- Keizer Mart Liquor License Application Hearing

August 12, 2002
5:30 p.m. City Council Work Session

August 19, 2002
7:00 p.m. City Council Meeting

- Water Task Force Final Report and Recommendation

Mayor Christopher noted the agenda items.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:47 p.m.

Cindy Perry
Cindy Perry- Recording Secretary

APPROVED: Christopher
Lore Christopher- Mayor

COUNCIL MEMBERS:

Councilor #1 - Judy K. Smith

Jacque Moir
Councilor #4 - Jacque Moir

Councilor #2 - Michel Gaynor

Councilor #5 - Richard Walsh

Charles E. Lee
Councilor #3 - Charles E. Lee

Jerry McGee
Councilor #6 - Jerry McGee

Minutes approved:

August 5, 2002