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

AGENDA

KEIZER CITY COUNCIL
Monday, July 15, 1996
7:00 p.m.
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

   This time is provided for citizens to address the Council on matters not scheduled for public hearing or listed on the agenda.

4. COMMITTEE REPORTS

   a. PROCLAMATION - Vietnam Veterans Day - July 27, 1996

   b. Volunteer of the Quarter Award - Rosemary Emmerich

   c. Keizer Reserve Officer Swearing In Ceremony

   d. Claggett Creek Task Force Report - Bob Vian

   e. Council Liaison Reports
      - Parks Advisory Board - Councilor Miller
      - Planning Commission - Councilor Watson

5. PUBLIC HEARINGS

   a. J's Restaurant Liquor License Application

   b. Appeal of Zone Change Case No. 96-02 (Richard Beck)

   c. Chemawa Activity Center (continued from June 17, 1996)

d. RESOLUTION - Forming the Tecumseh Estates Street Lighting LID
ORDINANCE - Spreading Assessments to the Tecumseh Estates Street Light LID

e. RESOLUTION - Forming the Jacobe Estates Street Lighting LID
ORDINANCE - Spreading Assessments to the Jacobe Estates Street Light LID

6. ADMINISTRATIVE ACTION

7. CONSENT CALENDAR

a. Approval of June 17, 1996 Regular Session Minutes

8. OTHER BUSINESS

This time is provided to allow the Mayor, Council, City Manager and Department Heads an opportunity to bring matters before the Council which are not on tonight's agenda.

- Mayor and Council Members
- City Manager and Department Heads

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications and petitions.

10. AGENDA INPUT

AUGUST 5, 1996

7:00 P.M. City Council Meeting

- Updated Tax Base Request
- 3-H Construction Subdivision Appeal

AUGUST 12, 1996

5:30 P.M. City Council WorkSession

- Compensation Committee Report

AUGUST 19, 1996

7:00 P.M. City Council Meeting

11. ADJOURN

Upon request, auxiliary aids and/or special services for those with disabilities will be provided. To request services please contact us at [illegible] through Oregon Relay [illegible] 735-2900 at least two working days (48 hours) in advance.

CITY OF KEIZER
PROCLAMATION
VIETNAM VETERANS DAY

WHEREAS, more than 58,000 men an women lost their lives on the battlefields of Vietnam defending the ideals on which the United States of America was founded; and

WHEREAS, in 1982 our nation built a monument to the lives lost, the survivors and the unresolved feelings toward the war itself; and

WHEREAS, many people will never have the chance to visit the monument in Washington, D.C., to begin to resolve their own personal feelings; and

WHEREAS, Restlawn Memorial Gardens is bringing to the Salem-Keizer area on July 26 and 27, 1996 a 240-foot replica of the Vietnam Veterans Memorial that will allow citizens to experience the intense human emotion association with the monument;

NOW, THEREFORE, I Dennis Koho, Mayor of the City of Keizer, do hereby proclaim Saturday, July 27, 1996 as

VIETNAM VETERANS DAY

Signed this _____ day of July, 1996.

____

MAYOR DENNIS KOHO

CITY COUNCIL MEETING OF JULY 15 1996

AGENDA ITEM NO. 4b

TO: Mayor and City Council

THRU: Dotty Tryk, City Manager Dotty

FROM: Charles R. Stull, Chief of Police

SUBJECT: **VOLUNTEER OF THE QUARTER**

The Keizer Police Department is pleased to honor ROSEMARY EMMERICH as recipient of the Volunteer of the Quarter.

Rosemary has volunteered at the police department since February of 1994. During the first six months of 1996, she has donated over 200 hours! Rosemary is extremely reliable, and the knowledge and experience acquired at the police department has given her the ability to render assistance wherever it is needed. She always gives 100% when she is volunteering, her attitude is very positive, and her energy level is very high.

Rosemary is a very valuable volunteer and is sincerely appreciated by everyone at the police department.

crs:cp

CITY COUNCIL MEETING: July 15, 1996

AGENDA ITEM NUMBER: 4c

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK Dotty
CITY MANAGER

FROM: CHARLES R. STULL
CHIEF OF POLICE

SUBJECT: SWEARING IN OF RESERVE OFFICER

Shannon Johnson, City Attorney will swear in Reserve Officer Mark Banks. Mr. Banks was appointed on February 4, 1996 and is also employed full-time with the City of Keizer as a Community Service Officer. He has graduated from the Marion County Reserve Academy.

CITY COUNCIL MEETING: July 15, 1996

AGENDA ITEM NUMBER: 4d

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK Dotty
CITY MANAGER

FROM: WALLY MULL
PUBLIC WORKS DIRECTOR

SUBJECT: CLAGGETT CREEK TASK FORCE

Bob Vian will be present to give a brief report on the activities and discussions of the Claggett Creek Task Force.

CITY COUNCIL MEETING: July 15, 1996

AGENDA ITEM NUMBER: 5a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK Dotty
CITY MANAGER

FROM: TRACY L. DAVIS Tracy
CITY RECORDER

SUBJECT: J's RESTAURANT LIQUOR LICENSE APPLICATION

BACKGROUND:

On June 20, 1996 James and Christine Glodt submitted an application for a restaurant liquor license for J's Restaurant located at 3530 River Road N, Keizer, Oregon. A restaurant license allows the licensee to sell malt beverages and wine containing not more than 21 percent alcohol by volume to customers for consumption on the licensed premises and shall permit the patron to removed from the premises a container of wine the contents of which have been only partially consumed. The restaurant must have adequate kitchen and dining room equipment and must cater and serve bona fide meals to the general public.

As required by Keizer Ordinance 95-318, a public hearing was scheduled, notice was published in the Keizertimes and mailed to all property owners within 200 feet of the proposed establishment. As of this date, one letter of opposition to the granting of this license has been received. A copy is attached.

On June 30, 1996 a request was sent to the Keizer Police Department to conduct a background check on the applicants. The response is attached to this report. In addition, the comments made by the Planning Department are also attached.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing shall be closed. It is further recommended the Council consider the approval of the restaurant liquor license application under the guidelines as established by ORS 471.260 and the Ordinances of the City of Keizer.

Rcd 6-20-96
td

APPLICATION

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION

Return To:

GENERAL INFORMATION

A non-refundable processing fee is assessed when you submit this completed form to the Commission (except for Druggist and Health Care Facility Licenses). The filing of this application does not commit the Commission to the granting of the license for which you are applying nor does it permit you to operate the business named below.

(THIS SPACE IS FOR OLCC OFFICE USE)

Application is being made for:

- ☐ DISPENSER, CLASS A
- ☐ DISPENSER, CLASS B
- ☐ DISPENSER, CLASS C
- ☐ PACKAGE STORE
- ☒ RESTAURANT
- ☐ RETAIL MALT BEVERAGE
- ☐ SEASONAL DISPENSER
- ☐ WHOLESALE MALT BEVERAGE & WINE
- ☐ WINERY

OTHER: ______

- ☐ Add Partner
- ☐ Additional Privilege
- ☐ Change Location
- ☐ Change Ownership
- ☐ Change of Privilege
- ☐ Greater Privilege
- ☐ Lesser Privilege
- ☒ New Outlet
- ☐ Other

Rec'd $52.60
Receipt 0360

RECEIVED
SALEM REGIONAL OFFICE
JUN 14 1996
REGULATORY FIELD SERVICES
Oregon Liquor Control Commission

(THIS SPACE IS FOR CITY OR COUNTY USE)

NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative.

THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY

COURT OF ______ (Name of City or County)

RECOMMENDS THAT THIS LICENSE BE: GRANTED ______

DENIED ______

DATE ______

BY ______ (Signature)

TITLE ______

CAUTION: If your operation of this business depends on your receiving a liquor license, OLCC cautions you not to purchase, remodel, or start construction until your license is granted.

1. Name of Corporation, Partnership, or Individual Applicants:
   1) J's of Monmouth, Inc. 2) ______
   3) ______ 4) ______
   5) ______ 6) ______
   (EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT)
2. Present Trade Name J's Restaurant
3. New Trade Name ______ Year filed with Corporation Commissioner ______
4. Premises address 3530 River Road N (Number, Street, Rural Route) Keizer (City) Marion (County) OR (State) 97303 (Zip)
5. Business mailing address 3530 River Road N (P.O. Box, Number, Street, Rural Route) Keizer (City) OR (State) 97303 (Zip)
6. Was premises previously licensed by OLCC? Yes ____ No ✓ Year ______
7. If yes, to whom: ______ Type of license: ______
8. Will you have a manager: Yes ✓ No ____ Name Christine Glodt (Manager must fill out Individual History)
9. Will anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from the business? Yes ____ No ✓
10. What is the local governing body where your premises is located? Keizer OR (Name of City or County)
11. OLCC representative making investigation may contact: James or Christine Glodt (Name)
    3530 River Rd N Keizer OR (Address) Hm: 391-5580 WK 463-1122 - 838-1730 (Tel. No. — home, business, message)

CAUTION: The Administrator of the Oregon Liquor Control Commission must be notified if you are contacted by anybody offering to influence the Commission on your behalf.

DATE 3-7-96

Applicant(s) Signature
(In case of corporation, duly authorized officer thereof)

1) James G. Glodt
2) Christine Glodt
3) ______
4) ______
5) ______
6) ______

Original – Local Government

Form 84545-480 (3-90)

July 1, 1996

Dear Keizer Property Owner:

In February 1995 the Keizer City Council adopted a Liquor License Review Ordinance which provides an opportunity for the owners of property within 200 feet of a proposed liquor outlet to be contacted upon an application for a license. The City has received an application for a restaurant liquor license for J's Restaurant, located at 3530 River Road N, Keizer. Your property has been identified as being within this distance from the establishment.

You are invited to provide written comments or oral testimony at the public hearing scheduled for Monday, July 15, 1996 at 7:00 p.m. If you wish to provide written comments, please submit to Dorothy Tryk, City Manager at P.O. Box 21000, Keizer, Oregon 97307 no later than 5:00 p.m. on April 15, 1996.

If you have any questions regarding this process, please do not hesitate to call the City Manager or myself at 390-3700.

Sincerely,

Tracy L. Davis
City Recorder

enc.

City of Keizer, Oregon

NOTICE OF PUBLIC HEARING

NEW LIQUOR LICENSE APPLICATION
J's RESTAURANT

NOTICE is hereby given that the City Council of the City of Keizer will hold a public hearing to consider a new liquor license application for **J's Restaurant** located at 3530 River Road North, Keizer, Oregon. This license falls under the restaurant liquor license guidelines.

The hearing will be held on **Monday, July 15, 1996 at 7:00 p.m.** at the Robert L. Simon Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer, Oregon.

Anyone wishing to make comment on this matter may provide testimony at the hearing or submit written response to the City Recorder no later than 5:00 p.m. on July 15, 1996. Responses may be mailed to Tracy L. Davis, City Recorder, P.O. Box 21000, Keizer, Oregon 97307.

The location of the hearing is accessible to the disabled. Please contact the City Recorder at 390-3700, extension 108 at least 48 hours prior to the hearing if you will need any special accommodations to attend or participate in the hearing.

If you have any questions, please contact the City Recorder at 390-3700, extension 108

Dated this 28th day of June, 1996.

Tracy L. Davis
City Recorder

publish July 11, 1996 edition of Keizertimes

July 4, 1996

Ms. Dorothy Tryk.

Dear Madam

I am not in favor of granting a liqror licence to J's restaurant. I have been here since 1974 and that has always been a family restaurant where you can bring your kids

There are establishments all around this area that caters to the drinking public I do not Patronize these places but I know the atmosphere is entirely different where alcohol is served.

Yours truly

Dorothy Aria

City Council Meeting of ____________________

Agenda Item No. ____________

To: Mayor and City Council

Thru: Dotty Tryk, City Manager Dotty

From: Charles R. Stull, Chief of Police
John O. Teague, Police Sergeant

Subject: Liquor License Application of J's Restaurant.

Issue

Shall the City Council approve the liquor license application of J's of Monmouth, Inc. dba J's Restaurant?

Background

The Keizer Police Department has responded to 22 calls for service at the location, 3530 River Rd N, in the last *calendar* year. Of those calls, only seven were in conflict with the ordinace, none noteworthy.

Neither applicant James or Christine Glodt has a criminal history on record.

Thus, the background review did not reveal any significant history or events that would be in conflict with the City of Keizer City Ordinance 95-318.

Recommendation

The Keizer Police Department recommends approval/denial of the liquor license for J's Restaurant.

DISPLAY INCIDENTS CAR545 000911/16/95

RE AGEN:KZP DATE:071195 TO:071196 LOCATION:03530 RIVER RD N

ESTIMATED NUMBER OF RAIN HITS:22 (PRESS "PF8" FOR ACTUAL COUNT.)

AGCY	INC#	TP	INCIDENT TYPE	LOCATION				DATE	STAT
KZP	95-006934	I	IMPOUND MV REPO	03530	RIVER	RD	N	071295	EN
KZP	95-007026	I	ACCID INJ BIKE AU	03530	RIVER	RD	N	071495	EN
KZP	95-007284	I	ALARM ACCID BURG	03530	RIVER	RD	N	072195	EN
KZP	95-008277	I	THEFT SER	03530	RIVER	RD	N	081495	O
KZP	95-008386	I	ALARM ACCID BURG	03530	RIVER	RD	N	081795	EN
KZP	95-008399	I	THEFT SER	03530	RIVER	RD	N	081795	A
KZP	95-008729	I	ALARM ACCID BURG	03530	RIVER	RD	N	082695	EN
KZP	95-009256	I	ALARM ACCID BURG	03530	RIVER	RD	N	090995	EN
KZP	95-010662	I	DISTURB OT	03530	RIVER	RD	N	101895	EN

SCREEN NUMBER 1

DISPLAY INCIDENTS CAR545 000911/16/95

AGCY	INC#	TP	INCIDENT TYPE	LOCATION				DATE	STAT
KZP	95-011748	I	FORGERY CHECK	03530	RIVER	RD	N	102995	D
KZP	95-011539	I	ALARM ACCID BURG	03530	RIVER	RD	N	111195	EN
KZP	95-011707	I	FORGERY CHECK	03530	RIVER	RD	N	111595	D
KZP	96-000665	I	ALARM ACCID BURG	03530	RIVER	RD	N	011896	EN
KZP	96-001479	I	ALARM FLS BURG	03530	RIVER	RD	N	021196	EN
KZP	96-001482	I	ALARM FLS BURG	03530	RIVER	RD	N	021196	EN
KZP	96-001493	I	ALARM FLS BURG	03530	RIVER	RD	N	021196	EN
KZP	96-002304	I	FORGERY CHECK	03530	RIVER	RD	N	030596	D
KZP	96-003067	I	RECOV MV OT AGENCY	03530	RIVER	RD	N	032496	EN
KZP	96-003870	I	TRAFFIC OFFENSE OT	03530	RIVER	RD	N	041596	EN

OTHER INC TYPES: IMPOUND MV ORD

SCREEN NUMBER 2

DISPLAY INCIDENTS CAR545 000911/16/95

AGCY	INC#	TP	INCIDENT TYPE	LOCATION				DATE	STAT
KZP	96-004665	I	SUSP MV	03530	RIVER	RD	N	050796	EN
KZP	96-004859	I	ALARM OT FIRE	03530	RIVER	RD	N	051296	EN
KZP	96-005485	I	ALARM ACCID BURG	03530	RIVER	RD	N	052896	EN

ACTUAL NUMBER OF RAIN HITS:22

END OF CURRENT DATA BASE HITS.

PLANNING DEPARTMENT COMMENT ON NEW LIQUOR LICENSE APPLICATION

City of Keizer, Oregon

LIQUOR ESTABLISHMENT: U'S Restaurant

ADDRESS: 3530 River Rd N, Keizer

COMMENTS:

Property is located in the CR (Commercial Retail) Zone. The current use is a permitted use within the CR Zone.

CITY PLANNER SIGNATURE: [signature] Evans

DATE: 7-1-96

CITY COUNCIL MEETING: July 15, 1996

AGENDA ITEM NUMBER: 5b

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, Dotty
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PUBLIC HEARING - APPEAL OF HEARINGS OFFICER DECISION
ZONE CHANGE 96-02 - RICHARD BECK, APPLICANT - 4485 RIVER ROAD

DISCUSSION:

This case involves a zone change request from CR-LU (Commercial Retail - Limited Use) to CR (Commercial Retail) on property located at 4485 River Road NE which is the southeast corner of the intersection of Linda Avenue and River Road. The property is the site of Zone Change Case 92-1 which changed the zone from CO (Commercial Office) to CR-LU in order to allow the development of a Pizza Hut restaurant. That restaurant proposal never materialized and the property has been vacant since that time.

Proposed now for the site is a new general purpose retail building. The applicant has stated on the record that the Dazy Maze consignment clothing store is a signed tenant for the space. Since the 1992 zone change specifically limited the use to a restaurant, a zone change is necessary to lift that condition.

The Hearings Officer granted the zone change but placed three conditions on the approval which are being appealed by the applicant. Attached to this report is the application, staff report to the Hearings Officer, Hearings Officer decision, and Applicant's letter of appeal. These documents will describe the details of the case.

Staff supports the applicant's appeal on the three conditions. Each will be described below along with specific suggestions from the Staff for amendments that make the conditions more workable.

<u>Condition No. 1</u> - The Hearings Officer did not remove the Limited Use Overlay designation, but instead limited the use to a "retail clothing store." The applicant points out that this is a general purpose commercial building that could be rented to a broad variety of commercial tenants. It is not a specialty building like the Pizza Hut restaurant building. Nor do most retail uses have the same types of impacts that Council and the neighborhood were concerned about with the Pizza Hut.

The Hearings Officer allows other uses if the applicant provides proof that the proposed use will have the same or lesser impacts on adjoining properties than the proposed retail clothing store. The City has no process for evaluating and deciding on such a petition. Plus, Staff believes many retail uses can be made of the property that do not present any greater impacts than the clothing store and the review process is unnecessary. Staff suggests the Limit Use Overlay remain, but that it allow all uses permitted in the CR zone with the exception of those that may have greater impacts. Staff envisions this list as limited to "dry goods." The following uses from the permitted uses in the CR zone (KZO 28.01) are specifically proposed for exclusion:

- Food Stores
- Gasoline service stations
- Eating and drinking places
- Vehicle sales and secondary repair
- Recreational Vehicle Parks
- Miscellaneous amusement and recreation services
- Automobile parking
- Automotive dealers
- Adult entertainment business
- Liquor store

Staff recommends Condition 1 be changed to allow all CR permitted uses except those listed above and remove the language allowing staff approval of changes.

<u>Condition No. 7</u> -- This condition re-imposes the conditions placed upon the property by the previous land use action as specified in Ordinance 92-236 approving the previous zone change and imposing the Limited Use Overlay (see page 3 of the Hearings Officer decision). The applicant does not object to these conditions except condition 3C of the original order which places a requirement to build a sound wall in a similar manner as required on the Taco Bell lot. The Zoning Ordinance only requires a 6 foot high fence, hedge, or wall along with a 3 foot wide landscaping strip.

The Council took the extraordinary step of requiring this solid concrete block sound wall as a condition of the Taco Bell development because of the inherent noise, congestion, glare, and visual clutter of a fast food restaurant with an active drive-up window business. The wall was necessary to protect the neighborhood to the east. The proposed retail building and use on the subject property do not have impacts of the same nature or magnitude.

The zoning ordinance provides for a 6 foot high fence, hedge, or wall along with a 3 foot wide landscaping strip to separate commercial from retail uses. This type of barrier is deemed to be adequate to provide a barrier to noise, light, and visual clutter and should be the standard used in this case. Staff recommend this condition be dropped and the normal zoning standard used.

Condition No. 8 -- This condition effectively prohibits the development of a joint driveway with Taco Bell which has been part of the overall design for the two properties since Taco Bell was developed. A condition of approval for the driveway permit for Taco Bell's River Road driveway is that it become a joint use driveway with the property to the north when that property is developed. It is specifically noted that the City will require the northern development to cooperate with Taco Bell on a joint use driveway.

The Hearings Officer's decision says that there can be no connection between the properties which will allow Taco Bell traffic to access Linda Avenue. This effectively requires total separation of the circulation systems on the properties. This will result in the subject property being limited to access to Linda, which will create unnecessary traffic impacts on this dead end street, or being limited to access to River Road, which will result in multiple driveways from this block face accessing the busy arterial across from it intersection with Evans Street. This will create safety and congestion problems and is contrary to the access management standards which have been drafted by the Planning Commission and River Road Redevelopment Board and which will be before the Council for adoption as part of the new Development Code. Those standards call for the closure and consolidation of driveways where ever practical.

The proposed site plan shows that the two parking lots are joined which will allow Taco Bell traffic to exit only Linda. Staff does not believe this will be a serious problem, as the joint driveway is much closer and convenient to Taco Bell traffic and should continue to carry most of the vehicles. The few vehicles that may migrate to Linda present less of a risk to the public than expanding the proliferation of driveways on River Road.

Staff recommends Condition 8 be dropped.

Condition No. 9 -- This condition is a reiteration of the 8 foot tall solid sound wall similar in design to the one behind Taco Bell. Staff recommends that the Zoning Ordinance standard be imposed rather than the 8 foot tall concrete cinder block sound wall.

RECOMMENDATION:

It is recommended Council:

1. Open and conduct the public hearing;

2. Give, by motion, the Staff direction to prepare an order approving the zone change amending the conditions as noted above; and

3. Continue the hearing until August 5 when the order will be presented for adoption.

rcd
6-21-96
dz

June 20, 1996

Mr. Richard D. Beck
4485 River Road S.
Salem, OR 97302

City of Keizer
930 Chemawa Road NE
Keizer, OR 97307-1030

Attention: Tracy L. Davis, City Recorder

Subject: Appeal of Hearing Officer's Decision
Zone Change Case No. 96-02 June 10, 1996
Barry L. Adamson, Hearings Officer

Please schedule a hearing with the City Council to allow us the opportunity to appeal the decision rendered by the Hearings Officer, Mr. Barry L. Adamson. It is our belief that his decision is factually or legally incorrect.

We are also led to believe a zone change hearing was not necessary to remove the Limited-Use (LU)overlay of the Commercial-Retail (CR-LU) zone. The Zone Administrator of the City of Keizer should have performed the LU removal under administrative procedures.

Secondly, we feel the decision is based on incomplete fact. It was the Hearings Officer's own admission during the hearing he had neither seen nor visited the site and was unfamiliar with its location. We feel he has imposed requirements that either are not achievable or are not consistent with the City of Keizer Ordinance. Example: "A sound wall shall be constructed along the east boundaries of the subject property in a similar manner to the wall located on the lot directly to the south on the subject property (Taco Bell)." A variance would be needed for its construction. That was not requested by our application, site plans, or by the staff report. We do not believe it is in the City of Keizer's best interest to construct sound walls between two CR zoned parceled of land. We also do not believe that this is the intended use of a privacy wall.

We also find it physically impossible to meet the City of Keizer's requirements to provide a joint use access driveway between our parcel and the Taco Bell parcel with access to River Road North and meet the Hearings Officer requirement that "access to the subject property via Linda Avenue shall be designed and constructed so as to preclude any north-south vehicle traffic to and from the adjoining property to the south (the existing Taco Bell property)."

We also believe the Hearings Officer decision is not in spirit with the City of Keizer Zoning Ordinance which requires that the maximum number of acceptable uses be permitted in a zone so that the use of the property is not unnecessarily limited i.e., the Zoning Officer's Conditions of Approval No. 1 "with the exemption of the application proposed use of a retail clothing store of the type depicted by the record, no other use identified in or allowed by Section 28.01 of the Keizer Zoning Ordinance shall be allowed or approved on the subject property." This is a perfect example why this decision is not factually or legally correct.

Sincerely,

Richard D. Beck

CC: Dotty Tryk, City Manager

John Morgan, Community Development Director

Roger Evans, City Planner

CITY OF KEIZER
ZONE/COMPREHENSIVE PLAN CHANGE APPLICATION

APPLICATIONS RETURNED BY MAIL WILL NOT BE ACCEPTED

Applicant: please check what you are applying for:

ZONE CHANGE (✓)
Fee:

COMPREHENSIVE PLAN CHANGE ( )
fee:

ZONE CHANGE/COMP. PLAN CHANGE ( )
fee:

If there are any questions about this application, who should be contacted?

Richard D. Beck
Name (please print or type)

4485 River Rd S. Salem
Address

364-1198
Daytime Telephone (8:30 a.m.- 5:00 p.m.)

1. Applicant: Richard D. Beck
Address and zip code: 4485 River Rd S, Salem 97302

2. Property Owners (if other than applicant): n/a
Address and Zip Code:

3. Contract and/or mortgage holder (if any): none
Address and Zip Code:

4. The applicants propose to change the zone from CR-LU (current zone) to CR on ______ and/or change the Comprehensive Plan designation from ~~NA~~ to ~~NA~~.

5. Address of the subject property 4710 River Rd. N.

FOR OFFICE USE ONLY

Section____Township____Range____
Tax Lot Number(s)________

Existing zone and Comp Plan Designation

Zone Map # ________

____
Application accepted by

Application elements submitted:
___(A) Title transfer instrument
___(B) Assessor's Map
___(C) Two Plot Plans
___(D) Applicant's Statement
___(E) Adjacent property owners list
___(F) Filing Fee

________ Date application determined to be complete

(e) The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity.

(f) Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.

(g) Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.

6. Applicant: To have a complete application, you will need to attach the following at the time you submit the application:

(A) A copy of the latest officially recorded title transfer instrument (deed, warranty deed, or contract) giving the legal description for the subject property. If only a portion of property is being changed then a legal description prepared by a Title Company or surveyor for that portion to be rezoned is required.

(B) A copy of the most recent Assessor map for the subject property.

(C) Two plot plans drawn in ink on sheets of paper 81/2" x 11". One plot plan shows existing zoning and what structures, etc. presently exist on the property. The other plot plan shows proposed zoning and what structures, etc. are proposed for the subject property. See attached example for what details need to be shown.

(D) Attach a written statement explaining your reasons for this request and addressing the Zone Change criteria and/or Zone Change/Comprehensive Plan Change criteria as outlined on the cover sheet of this application.

(E) Certified List - a list of all property owners within 250 feet of the subject property. The list must be certified by a Title Company or County Assessor's Office (see attached "Procedures for Preparing Notification List"). The list must have been prepared to be current to within 30 days of the date of application.

(F) Filing fee made payable to the City of Keizer.

. SIGNATURES of each owner (husband and wife) and any contract holder of the subject property.

_______________________ _______________________

_______________________ _______________________

DATED this 22 day of April, 1996.

. THE APPLICANT(S) SHALL CERTIFY THAT:

(A) The above request does not violate any deed restrictions that may be attached to or imposed upon the subject property.

(B) If the application is granted, the applicant will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.

(C) All the above statements and the statements in the attachments, and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.

(D) The applicant has read the entire contents of the application, including the policies and criteria, and understands the requirements for approving or denying the application.

SIGNATURE of Applicant(s):

_______________________ _______________________

DATED this ________ day of ______________________, 19_____

[illegible] DEPARTMENT

[illegible]OMMENDATION

[illegible] CASE [illegible]

TO: Barry Adamson, Keizer Hearings Officer (Interim)

FROM: Roger D. Evans, Keizer City Planner

SUBJECT: Zone Change Case No. 96-02

DATE: May 21, 1996

Planning staff reviewed the above referenced case and offers the following comments.

I. GENERAL INFORMATION

A. **APPLICANTS:** Richard Beck

B. **PROPERTY LOCATION:** The subject property is located on the east side of River Road N at the southeast corner of the intersection of Linda Avenue and River Road N. The property is addressed as 4710 River Road N. The County Assessor's map identifies the property as being located within Township 7 South; Range 3 West; Section 02BD; Tax Lot #7900. See Exhibit "A".

C. **EXISTING PARCEL SIZE:** Approximately 0.33 acres.

D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The property is currently undeveloped and has frontage along two public streets (River Road N and Maine Avenue). The property may be served by public water and sewer.

E. **PLAN DESIGNATION AND ZONING:** The property is designated Commercial and zoned CR (COMMERCIAL RETAIL - LIMITED USE OVERLAY). The purpose of the Commercial Comprehensive Plan Land Use designation and related commercial zones is to provide land for a variety of commercial and office related uses. The purpose of the Limited Use Overlay is to limit or reduce the allowable types of uses on a property based upon suitability.

F. **ADJACENT ZONING AND LAND USES:** Property to the north, west, and south is designated Commercial on the Comprehensive Plan Land Use map and is zoned CR (COMMERCIAL RETAIL). The properties located to the east are designated Low Density

Residential on the Comprehensive Plan Land Use Map and zoned RS (SINGLE FAMILY RESIDENTIAL). See Exhibit "B".

G. **BACKGROUND**: In February 1992, the applicant and several partners submitted an application with a request to change the zoning on the subject property from CO (COMMERCIAL OFFICE) to CR (COMMERCIAL RETAIL) to allow the development of a Pizza Hut restaurant. The proposal was reviewed in a public hearing before the Land Use Hearings Officer on March 26, 1992. The Hearings Officer rendered a decision denying the application on the basis that proposed use would destabilize the land use pattern of the adjoining residential neighborhood. The applicants appealed the Land Use Hearings Officer's decision. A public Hearing was held in front of the Keizer City Council on May 18, 1992. The Hearing was continued to June 15, 1992, where the Council deliberated and approved the zone change request to CR (COMMERCIAL RETAIL - LIMITED USE OVERLAY) subject to imposing a Limited Use Overlay on the property limiting the use of the property for a restaurant only. The Limited Use Overlay was placed upon the property based upon concerns of the neighbors with the potential traffic impacts from other commercial uses which might develop on the site.

H. **PROPOSAL**: The applicant is requesting approval of a zone change to change the zoning from CR-LU (COMMERCIAL RETAIL - LIMITED USE OVERLAY) to CR (COMMERCIAL RETAIL). The purpose of the zone change is to allow for the construction of a retail building on the property. See Exhibit "C".

II. AGENCY COMMENTS

A. The Salem-Keizer School District, Viacom Cable, and Northwest Natural Gas reviewed the proposal and either offered no comment or indicated service is available to the property.

B. The Keizer Fire District stated they have no objection to the zone change. However, the Keizer Fire District provided the following requirements:

1. Provisions for adequate access to the site must be made and the building address must be visible from River Road.

C. The City Public Works Department and City Engineer provided comments regarding public facility improvements. These comments are attached as "Exhibit D" and are incorporated into this staff report.

III. FINDINGS AND CONCLUSIONS

1. Section 4.02, of the Zoning Ordinance, identifies four zones appropriate for the Commercial Comprehensive Plan designation: CO (COMMERCIAL OFFICE), CR (COMMERCIAL RETAIL), CG (COMMERCIAL GENERAL), and MU (MIXED USE).

The primary difference between these zones is the level of commercial activity allowed in each zone. Of the four zones, the applicant chose the CR (COMMERCIAL RETAIL) zone for this request.

2. The zone change will permit the establishment of a wider range of commercial and retail uses on the subject property than is currently allowed with the Limited Use Overlay.

3. The zone change review criteria are found in Section 4.16 of the Keizer Zoning Ordinance. Staff's response to the criteria are noted below:

(a) The zone must be appropriate for the Plan designation.

Section 4.02 identifies Comprehensive Plan designations and their corresponding appropriate zones. Pursuant to this Section, the CR (COMMERCIAL RETAIL) zone is appropriate for the Commercial Comprehensive Plan Land Use designation.

(b) Potential uses can be accommodated on the property.

The applicant submitted a statement and a site plan proposing that the property will be developed with a retail building. Based on the parcel's size and the parcel's topography, there does not appear to be any physical limitation which would prohibit a commercial retail development on the property. The ground is flat and level, and has no unusual features, and presents no apparent physical limitations or conditions that require special measures or considerations, or that would prevent or impair the development of the proposed use.

The proposed building shown on the site plan is approximately 3,600 square feet in size. Based upon a lot size of 0.33 acres (approximately 14,500 square feet) the building will occupy approximately 25% of the site. There is not stated lot coverage limitation for the CR (COMMERCIAL RETAIL) Zone. Based upon the proposed building size and proposed use, 16 parking spaces are required (one parking space for each 225 square feet of building area). The attached site plan shows 21 parking spaces which is in compliance with the required parking. However, development of a joint access easement with Taco Bell to access River Road may require the removal of several parking spaces on the south side of the building.

The proposed retail store is listed as a permitted use in the CR (COMMERCIAL RETAIL) Zone (Keizer Zoning Ordinance, Section 28.01 (10 - Miscellaneous retail) and (29-Apparel & Clothing stores).

(c) Allowed uses can comply with the development standards found in Chapters 17 to 20 of the Zoning Ordinance without the need for adjustments or variances.

Chapters 17 to 20 in the Keizer Zoning Ordinance outline specific requirements for property development. These standards govern parking, buffering, vision clearance areas, special setbacks, and other applicable development requirements.
While the site plan is not specific as to all the details, it is apparent the site can be developed in conformance with these standards. Compliance with the requirements contained in Chapters 17 to 20 will be made conditions of the zone change approval.

(d) Adequate public facilities are available.

The Public Works Department noted sewer and water facilities must be extended to the site. Extension of these services and installation costs will be the responsibility of the developer. Private utility suppliers also stated service lines can be extended to the property. A minimum of a half street improvement along the Linda Avenue frontage will be required. This improvement will include, but not be limited to improvements to one travel lane, gutter, storm drainage, curb, and sidewalk.

(e) The zone change complies with applicable review criteria in the Comprehensive Plan.

This criteria is not applicable as the Comprehensive Plan does not contain specific review criteria. However, the Comprehensive Plan provides several relevant goals and policies applicable to the request. The Comprehensive Plan encourages diversification in the local economy while ensuring compatibility with adjacent residential properties. Design features such as special setbacks and screening are encouraged to reduce potential impacts on adjacent residential properties. In addition, commercial development is encouraged to develop and be located along major arterials to avoid traffic filtering through residential areas.

The proposed use will develop an undeveloped property with an additional commercial retail use which will contribute to the diversification of the local economy. Design features creating adequate buffering from residential properties are contained within the Keizer Zoning Ordinance. The site plan submitted by the applicant shows a 6 foot high solid fence along the eastern property line to buffer the residential property to the east. The development is located off of River Road which is classified as a major arterial. Access to the major arterial is available either directly or indirectly. Access may be available from Linda Avenue which is designated a local street. Access to River Road from Linda Avenue will not generate traffic filtering through residential neighborhoods as Linda Avenue is a dead-end street.

(f) The criteria listed in the purpose statement of the proposed zone can be met.

The criteria in the purpose statement of the CR zone notes the zone is to provide areas suitable for professional and general commercial offices, retail sales within a building, eating and drinking places, commercial accommodations, and commercial services. The statement also encourages access to a collector or arterial street to reduce travel through single-family residential areas.
The site is adjacent to River Road N which is a designated Major Arterial roadway. Location of the building adjacent to River Road should limit travel through the adjoining residential areas. Staff concludes this particular location is consistent with the CR (COMMERCIAL RETAIL) zone purpose statement.

(g) The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next 5 years, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.

No site specific inventory is available which lists undeveloped property designated Commercial on the Comprehensive Plan Land Use Map and zoned CR (COMMERCIAL RETAIL). However, the applicant provided a list compiled by a real estate office showing that only three parcels of comparable size and prize were available for sale and development. In addition, based upon staff's knowledge of available lands for commercial development it is very likely that the supply of land currently zoned CR (COMMERCIAL RETAIL) may be inadequate to accommodate the current rate of development of retail and other related uses allowed within the CR Zone.

(h) The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the projected rate of development of uses allowed in the zone during the next 5 years.

The addition of the subject parcel into the CR (COMMERCIAL RETAIL) zone will add to the inventory of properties available for development. This particular parcel is a small lot which is becoming a rare commodity. There are several large pieces of property zoned CR located adjacent to River Road which will likely be developed with larger scale commercial and retail uses, or which may be divided into smaller parcels available for smaller scale developments. many of the other smaller lots located adjacent to River Road are zoned CO (COMMERCIAL OFFICE) or CG (COMMERCIAL GENERAL). As stated above, at the current rate of development, those properties currently zoned CR (COMMERCIAL RETAIL) will likely be developed within the next 5 years.

(i) The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

The proposed use will be similar in nature and intensity as uses within the general vicinity to the north and south. The proposed retail store will not create a use that will destabilize the land use pattern of the area or that will significantly adversely affect surrounding properties since a specific retail use is already allowed on this property and the proposed use will probably have less impact on the surrounding area due to lower traffic generation. The applicant met with owners of the surrounding properties who indicated that they support the placement of a retail development on the subject property.

IV. GENERAL DEVELOPMENT CONSIDERATIONS

A. The Public Works Department requested the development connect to public utility services as the Zoning Ordinance requires these connections. The Zoning Ordinance also requires all utility services to be placed below ground. In addition, the developer is responsible for all utility connection costs.

B. Access to Linda Avenue and River Road is shown on the conceptual site plan. The Public Works Department stated that approval of proposed access locations will be made a part of building permit and site plan review. Access onto River Road and Linda Avenue will have to meet the approval of the Public Works Department and the Keizer Fire District.

C. The proposed access onto River Road is shown on the site plan as being an exit only onto River Road. The previous land use decision for this site recommended the combining of the existing Taco Bell driveway and any proposed driveway access onto the subject property. The development of joint access may be hampered by the existence of a large billboard sign located on the Taco Bell property, but the property owners have the responsibility of resolving these design issues.

D. The Keizer Fire District requested review of the site plan to determine if additional fire hydrants will be required. The applicant will be required to coordinate with the District on all matters of fire safety. This will be done prior to receiving a building permit.

V. RECOMMENDATIONS AND CONDITIONS

A. Staff recommends approval of the zone change subject to the placement of the following conditions:

1. The design and placement of any driveway or access encroachments onto River Road and Linda Avenue shall be approved by the Public Works Department prior to issuance of a building permit. The existing driveway onto River Road shall be closed.

2. Except as otherwise noted in this decision, development of the site shall substantially comply with the recommendations of the Keizer Public Works Department as outlined in Exhibit "D".

3. Nothing in this decision shall be construed as prohibiting the development of the property for other uses permitted or conditionally permitted in the CR (COMMERCIAL RETAIL) zone.

4. The proposed commercial development on the subject property must comply with all applicable development standards contained in Chapters 17 through 20 in the Keizer Zoning Ordinance. This includes, but is not limited to such standards as density requirements, height requirements, landscaping requirements, and on-site parking. Several specific Zoning Ordinance requirements affect the proposed development associated with the Zone Change request as follows:

(a) Section 17.32 of the Keizer Zoning Ordinance limits the height of commercial structures to a maximum of 20 feet if the structure is located within 50 feet of residentially zoned properties. The applicant provided no information on the height of the proposed retail building. The building location adjacent to River Road with parking behind the building and adjacent to the residentially zoned properties should help with this standard.

(b) Section 17.40 of the Keizer Zoning Ordinance requires additional buffering between commercial and residential uses. In commercial and industrial zones, for commercial or industrial developments proposed within 100 feet of lots in the RS zone, the Zoning Administrator shall require that buffer measures (1) **or** (2) and measures (3), (4), (5) and (6) are satisfied.

(1) A two-way landscaped roadway separating the development from the residential lot.

(2) A landscaped open area a minimum of 20 feet wide separating new structures from the residential lot. Natural vegetation, landscaping or fencing will be provided to at least the six foot level to screen living area from direct view across the open area.

(3) Outdoor storage facilities to be screened from view of the public road and from adjacent residential uses.

(4) Exterior lighting to be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties.

(5) Roof equipment to be screened from view of nearby residential uses.

(c) Chapter 18 of the Keizer Zoning Ordinance contains specific landscaping requirements which must be met

(d) Chapter 19 of the Keizer Zoning Ordinance establishes on-site parking requirements. Based upon the proposed 3,600 square foot retail building a minimum of 16 parking spaces are required (1 space per 225 square feet of retail space). The site plan submitted shows approximately 21 parking spaces. However, development of joint access onto River Road with Taco Bell to the south may require the removal of several of the parking spaces shown along the south side of the proposed building. Chapter 19 also provides specific standards for parking stall size, drive aisle widths, lighting, and drainage.

(e) Chapter 20 of the Keizer Zoning Ordinance establishes accessory structure standards and standards for sight obscuring fences, walls, or hedges. A site obscuring fence, wall, or hedge is required along the eastern property line adjacent to the residentially zoned properties. The site plan shows a 6 foot high solid wood fence.

5. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

B. The Keizer Zoning Ordinance, and Keizer Subdivision and Partitioning Ordinance, establish specific development and processing requirements. These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment process. These requirements are included for the benefit of the applicant.

1. Except as otherwise required by conditions of approval, development of the property shall comply with the applicable requirements of the Keizer Zoning Ordinance and building requirements of the Marion County Building Inspection Division.

2. The applicant shall be responsible for all costs associated with public facility improvements, including applicable system development charges for sewer, water, parks and other facilities and shall comply with established City rules and regulations in effect at the time of the final approval of the Zone Change.

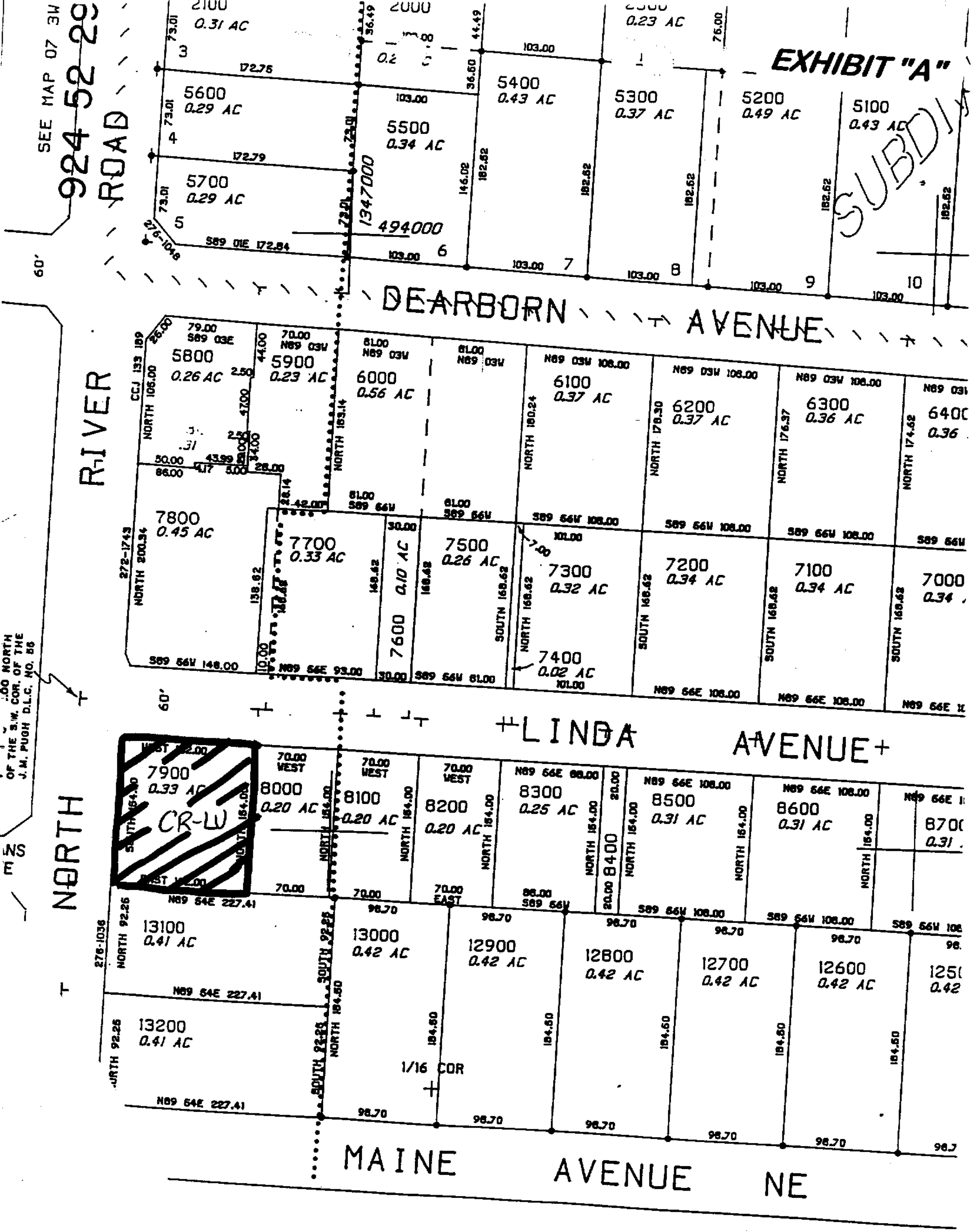
EXHIBIT "A"
SEE MAP 07 3W
924 52 29
ROAD
RIVER
NORTH
DEARBORN AVENUE
LINDA AVENUE
MAINE AVENUE NE
SUBDI
1347000
494000
5600 0.29 AC
5700 0.29 AC
5500 0.34 AC
5400 0.43 AC
5300 0.37 AC
5200 0.49 AC
5100 0.43 AC
5800 0.26 AC
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1/16 COR
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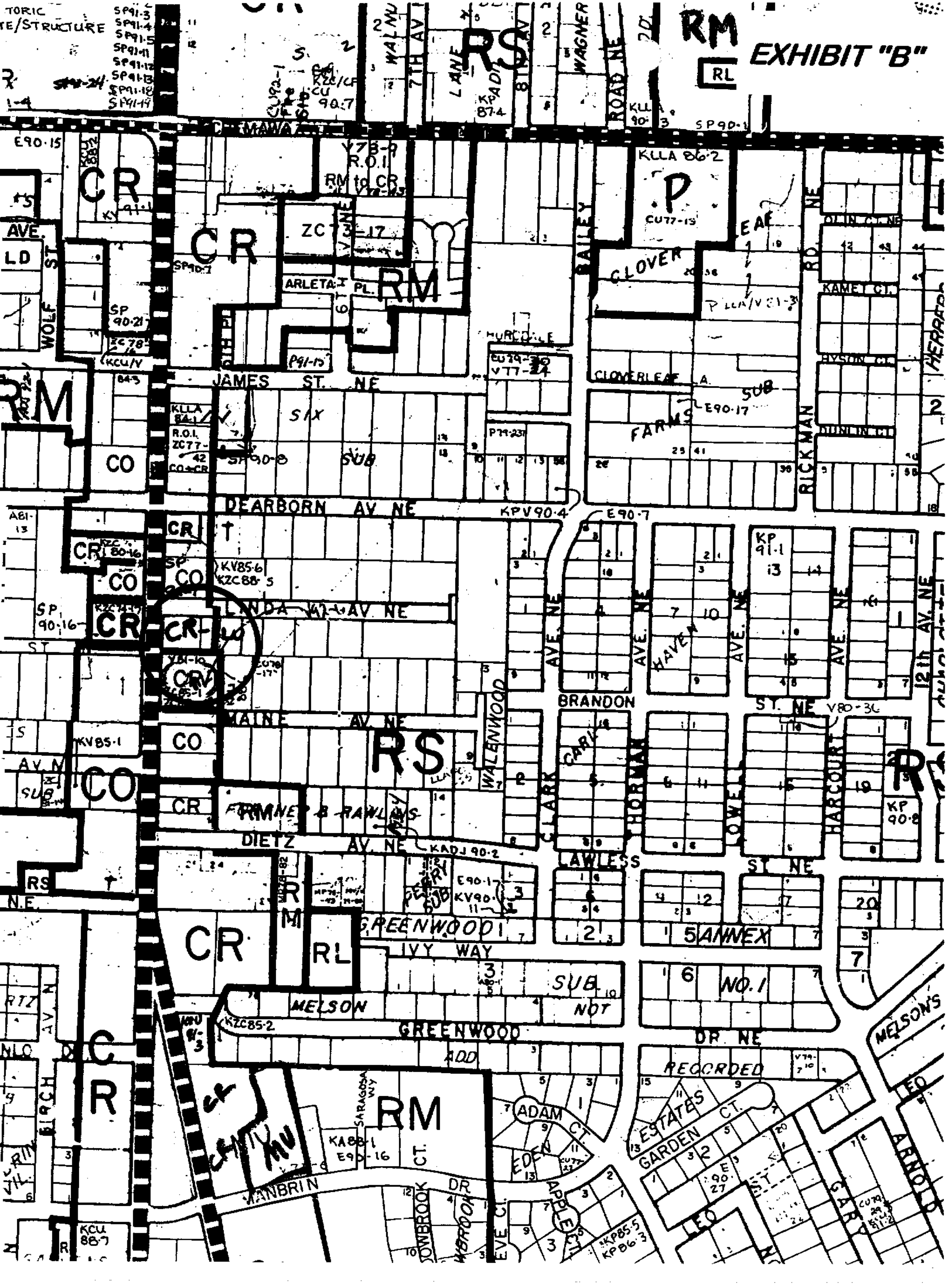
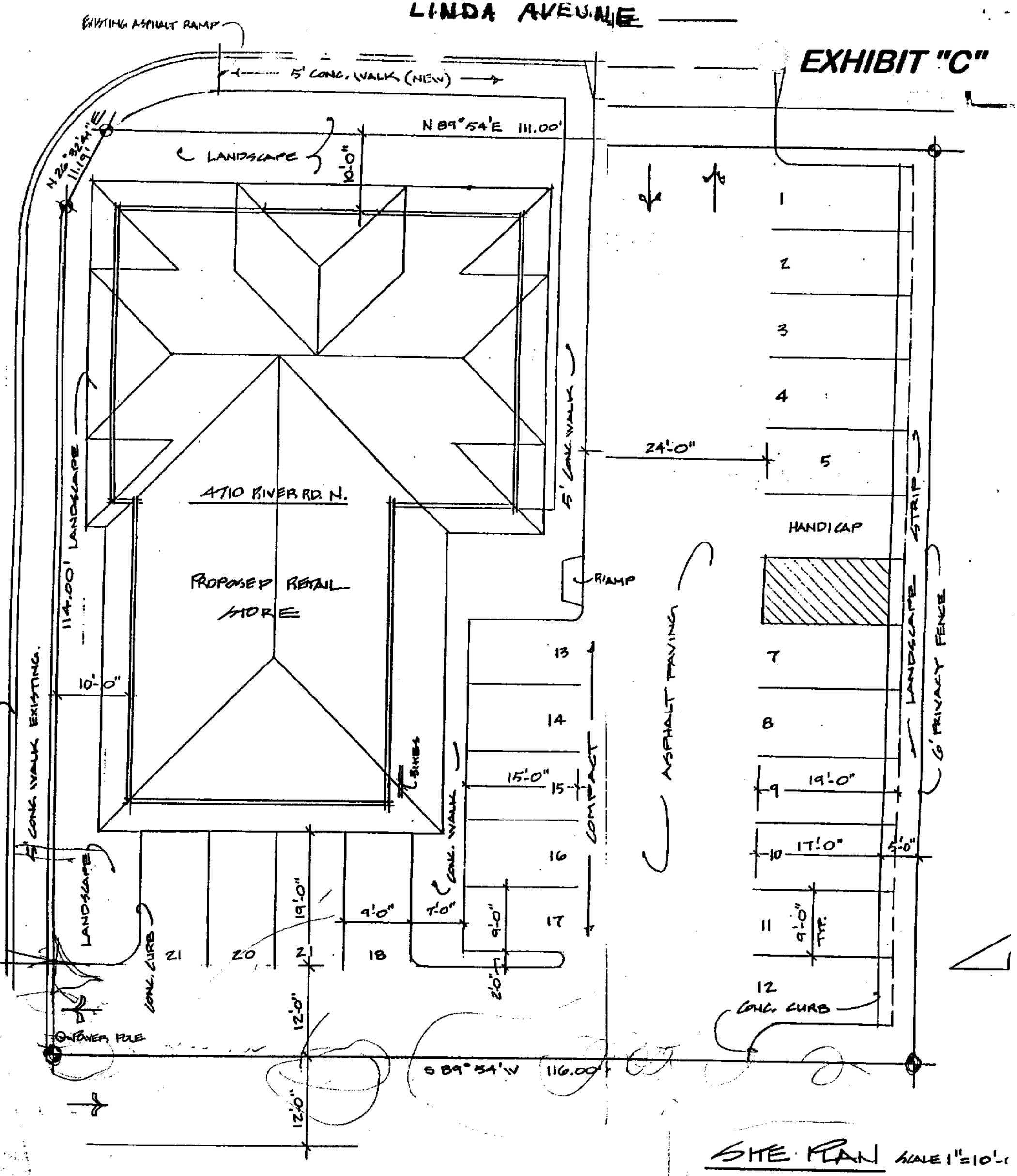
S89 01E 172.84

EXHIBIT "B"



HISTORIC SITE/STRUCTURE
RS
RM
RL
P
CR
CO
JUAWAZ
JAMES ST. NE
SIX SUB
DEARBORN AV NE
LANDA AV NE
MAINE AV NE
DIETZ AV NE
BRANDON
LAWLESS ST NE
GREENWOOD
IVY WAY
MELSON
SUB
NOT
GREENWOOD DR NE
RECORDED
ADD
CLOVER LEAF
CLOVERLEAF LA.
FARMS SUB
RICKMAN
KAMET CT.
HYSON CT.
DUNLIN CT.
OLIN CT. NE
HERRERA
WALENWOOD
CLARK AVE NE
HAVEN AVE
HORMAN
HARCOURT AVE
12th AV. NE
ARLETA PL.
ADAM CT.
EDEN
APPLE CT.
GARDEN CT.
ESTATES
LEO
ARNOLD
MELSON'S
MANBRIN DR.
SARAGOSA WY
BIRCH
WOLF ST
AVE.
7TH AV
WALNUT
WAGNER
LANE
ROAD NE
BAILEY
6TH
5ANNEX
NO. 1
GERRY SUB

EXHIBIT "C"



Proposed Site plan

[redacted]

EXHIBIT "D"

City of Keizer
930 Chemawa Rd. N.E.
P.O. Box 21000
Keizer, Oregon 97307-1000

DATE: May, 20, 1996

TO: CITY OF KEIZER
PLANNING DEPARTMENT

SUBJECT: ZONE CHANGE CASE NO. 96-02
4710 RIVER ROAD
RICHARD BECK

PUBLIC WORKS DEPARTMENT COMMENTS

It is the understanding of the Public Works Department that the property under consideration for a zone change is located in property currently designated on the City of Keizer Comprehensive Plan as appropriate for the proposed rezoning.

The following comments are being provided to assist in the overall evaluation of the proposal:

<u>SANITARY SEWERS:</u>

a.) City of Salem approval for public sanitary sewers is required. The City of Keizer Department of Public Works will review the proposed sanitary sewers to assure adequacy of compliance with City of Keizer Standards.

b.) No sanitary sewer construction shall begin on this property without prior notification being given to the City of Keizer Department of Public Works.

c.) No sewer construction within City Right of Way shall begin without notification of the Department of Public Works.

<u>WATER SYSTEM:</u>

a.) The existing approved water system in this area is adequate to provide services for the proposed new development. Location of water meters to serve the subject property will be determined by the City of Keizer Department of Public Works.

b.) Any wells on the subject property shall be identified and abandoned in accordance with the water department requirements.

<u>STORM DRAINAGE</u>

a) Storm water detention will be required for the subject property.

Administration
Public Works
Community Development
Municipal Court
Phone 503.390.3700
Fax 503.393.9437
Police (business only)
Phone 503.390.3713
Fax 503.390.8295

Incorporated 1982
Pride, Spirit, Volunteerism

EXHIBIT "D"

BORDERING STREET IMPROVEMENTS

a) Improvements to Linda Avenue will be required. Widening of the existing paved roadway, curbs and sidewalk will be required at the time of development of the the subject property.

b) A combined driveway with the adjacent property to the south will be required unless it can be shown that no access to River Road will be required for the proposed development.

c) If a combined driveway is used, a joint access agreement approved by the Department of Public Works will be required between the two adjoining properties.

EXHIBIT "A"

Evidence

Official notice has been taken of the Planning Department files and reports in this matter, including the application and exhibits contained therein. In addition, official notice has been taken of the Hearings Officer's recommendation and letters and other written documents submitted.

Mayor Orcutt opened the Public hearing on the matter of Zone Change 92-1 continued from May 18, 1992.

Skip Wendolowski, City Planner, gave the staff report. He reviewed the application, the original staff report and comments from the Hearings Officer regarding the request to change the zone from Commercial Office to Commercial Retail on the land owned by Richard Beck and Phyllis Nelson. The purpose is to permit the development of a Pizza Hut.

Mr. Wendolowski clarified the property in question and elaborated on the zoning of the nearby properties. The zone change criteria are found in Section 4.16 of the Keizer Zoning Ordinance. Mr. Wendolowski reviewed the staff report's analysis of the criteria and the proposal's conformance.

The major issue facing development is street access. The Taco Bell on the south has primary access on River Road. The Traffic Engineer encouraged use of access to River Road for both properties. Staff noted a limited use overlay could be used to limit the effect of the development on the neighborhood. Staff also recommended the placement of specific requirements.

The Hearings Officer denied the request based on available property and the traffic destabilizing the land use of adjacent property. The staff agreed, in general, with the Hearings Officer's statements regarding available property. At the present time, it may be inappropriate to make zone changes until the River Road Design Plan has been approved. The staff recommended the Council uphold the Hearings Officer's decision and deny the zone change.

Speaking as proponents of the zone change were:

Jeff Tross, 1720 Liberty Street S.E, Salem, Oregon 97302. Mr. Tross spoke on behalf of Richard Beck. He addressed the aspects of zone use and property development. He felt the application did conform to the Comprehensive Plan as a service business. The Plan explicitly identifies North River Road as the place for businesses requiring automobile traffic. He stated the Plan, by identifying that location, excluded other areas of Keizer.

He elaborated on the actual property setup. The Beck/Nelson property occupies the same position on Linda Avenue as the Taco Bell property does on Maine Avenue. One half of the block is zoned Commercial Retail while the remainder of the block is zoned Commercial Office. He stated that automobile traffic is the big criteria. The present situation is such that Mr. Beck cannot use the driveway on the Taco Bell property, thus there will be more traffic on Linda Avenue. The property now is in adverse circumstances even if the variance is approved. He felt it is hard to see Taco Bell sharing a driveway with an office. Under the present zoning, an ATM drive-up banking facility could operate on the property, which would be more traffic intensive than the proposed restaurant.

Mr. Tross stated the traffic concerns can be effectively addressed through site design, perhaps with an exit-only driveway on Linda Avenue, curved so that only left turns can be made. A sign that Linda Avenue is a dead end, along with the "Left Turn Only" sign could result in minimal traffic on Linda Avenue.

Mr. Tross stated the Pizza Hut restaurant could be accommodated by a driveway off River Road rather than Linda Avenue. These measures would only be possible if Taco Bell grants an easement. The Hearings Officer's denial prevented a shared driveway.

Mr. Tross also noted that only vacant land is required to be examined as possible sites. The only two other available pieces of land that are zoned Commercial Retail are many times larger than the company needed and they did not want to purchase additional land. Mr. Tross stated the conclusion of the Hearings Officer did not include the evidence that the other lots were too large for the business.

Mr. Richard E. Beck, 4485 River Road S., Salem, Oregon. Mr. Beck is a partner in the lot on the corner of Linda Avenue and River Road. He stated that when it was decided to sell the property, he let the Pizza Hut owners make the application. They were assured at that time that there would be no problem since the lot met criteria and the prospective use met the traffic condition. The site plans were reviewed.

Mr. Beck showed slides to the Council of the property from all views. Some of the slides included showed the wall erected by the Taco Bell company, the types of land use near the property, the Taco Bell driveway and the present view from the property in question. He stated the owners are now in a poor position since there is no access from their property. The plan is only half finished. He urged Council to move forward and approve the appeal.

Phyllis Nelson, 524 Linda Avenue, Keizer, Oregon 97303. Ms. Nelson is a co-owner of the subject property and had previously planned to reinvest her profits from the sale of the subject property in a home in Keizer. She is not certain that she still wishes to do so after this experience. She stated that her fence had been torn down and her privacy had been invaded since only half of the plan had been completed.

Speaking against the application were:

Lillian Walston, 513 Linda Avenue NE, Keizer, Oregon 97303, deferred to Mr. Bluhm.

Wilbur Bluhm, 743 Linda Avenue NE, Keizer, Oregon. Mr. Bluhm stated he was in agreement with the Hearings Officer. He also stated that he understood the issue of availability is but one of the issues. He elaborated on the history and character of Linda Avenue, stating little had changed in the past 15 years. The residents range from young families to senior citizens. The street has no sidewalks, is a dead end and is a children's playground. Livability and character are very important to the people there.

Since Linda Avenue is one block south of Dearborn Avenue, traffic is a serious problem. He said that the signal at Dearborn Avenue often causes traffic to be backed up three or four blocks to the south and it is difficult to get onto River Road. He was concerned that people coming out of Pizza Hut would not follow the sign, but would come down Linda Avenue looking for a cross street to miss the light.

Mr. Bluhm raised the question of what might happen if the zone is changed to Commercial Retail and a restaurant did fail there. He stated the proper land use action is to try to build buffers where you have highly conflicting uses of land. He was not pleased with the possibility of having an unsightly wall as a buffer. He was also concerned about the impact of the restaurant noise, lights and late hours. It is possible an emergency vehicle might have difficulty getting down Linda Avenue if traffic were blocked at the intersection. He was extremely concerned about that being a life-or-death matter. River Road is the only access the people of Linda Avenue have and it is an extremely serious issue.

Marilyn Wendel, 754 Linda Avenue, Keizer, Oregon 97303. Ms. Wendel was concerned about the extra traffic that might be generated on a street that is .2 of a mile long. The street also has no other access. She mentioned the extra noise that will be generated by the restaurant since the people using it will be younger. She was concerned that the corner in question would be a real problem for a high impact restaurant. She also suggested two alternate sites.

Isabelle Cassidy, 7333 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Dorothy Shearer, 583 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Jackie B. Miller, 744 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Ed Schunke, 644 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Al Lofstedt, 624 Linda Avenue NE, Keizer, Oregon 97303, stated he was a renter and concurred with the previous speakers.

Deby Nelson, 624 Linda Avenue NE, Keizer, Oregon 97303, agreed with the previous speakers.

Gary Ryder, 663 Linda Avenue NE, Keizer, Oregon 97303. Mr. Ryder suggested a curb be built into the exit onto Linda Avenue. He said it wouldn't take many cars to block both lanes, which would cause problems for emergency vehicles getting in. He pointed the Council to the key points of the Hearings Officer's decision, especially the availability of alternative properties. He thought that Pizza Hut could consider occupied properties if they were so inclined.

Lillian Walston, 513 Linda Avenue NE, Keizer, Oregon 97303. Ms. Walston stated she lives behind the dental complex. She had reported in the first hearing that her apartment had been hit four times and not all the damage had been repaired. On the end of the apartment there is a private driveway with a "No Trespassing Sign", but people still whip through there. She also stated she was a heart patient and was concerned about emergency vehicles being able to get in if the traffic increased.

Evelyn Franz, 693 Linda Avenue, Keizer, Oregon 97303. Ms. Franz commented on the number of fast-food places presently visible from the property. Ms. Franz said that she and Ms. Shelton had done some research on available properties and on April 6 she found 22 places from the Parkway to Manzanita. Nine of the properties are zoned Commercial Retail and three are zoned Commercial Office.

Roy Shelton, 723 Linda Avenue, Keizer, Oregon 97303. Mr. Shelton said that he had lived in that location over 30 years. He was concerned about the bus stop for the children to get on and off the school bus. The children would be required to go along River Road or through the Pizza Hut and Taco Bell properties. He also pointed out there is a U-shaped court across from the property that would not be protected by the wall on the east perimeter, thus causing the senior citizens to be affected by the noise. Mr. Shelton pointed out the Senior Citizen court on the map at the request of Councilor McGee.

Carol Shelton, 723 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Bev Ryder, 663 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Jim Shelton, 723 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Dyan Hood-Taylor, 674 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Joni Gilles, 684 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Beth Shelton, 724 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

George Sukos, 773 Linda Avenue NE, Keizer, Oregon 97303, concurred with the previous speakers.

Russell Smith, 672 Maine Avenue NE, Keizer, Oregon 97303. Mr. Smith stated that although he lived on Maine Avenue, he was speaking against allowing the same thing to happen to Linda Avenue that happened to his street. The two streets are like bookends since they are similar in character. He felt there would be more benefit in maintaining the current office zoning and having a diverse economic situation rather than turning the area into a fast-food strip.

Councilor Newton questioned how Mr. Smith differentiated that situation from James Avenue since it was similar. Mr. Smith stated that James Avenue may have some intersecting streets. Every house on Linda Avenue gets every car coming past it. He believed with older folks and rental property down the avenue, Pizza Hut did not fit.

Al Lofstedt, 624 Linda Avenue NE, Keizer, Oregon 97303. Mr. Alstead believed no matter where the turn is put, the drive will be too short to channel the cars back onto River Road without using Linda Avenue. He felt drivers are going to get smart and zigzag over to Dearborn Avenue through the private drive.

Speaking in rebuttal to the opponents of the variance were:

Jeff Tross, 1720 Liberty Street SE, Salem, Oregon 97302. Mr. Tross stated that although he heard sincere comments, he was certain there are solutions. The effect of traffic today on Linda Avenue is a problem which is not caused by Mr. Beck's property. He felt the City of Keizer had the talent to work out the traffic problems. If there were to be no driveway on Linda Avenue, then the development would not cause a problem. He also didn't think there would be a problem for emergency vehicles, but if there were, the vehicle could cut through the Pizza Hut Property and get out.

With the present zoning, one of the examples of use permitted today would be a drive-up banking center with constant traffic. A restaurant has peak times, lunch and dinner. The dinner hour is typically after the rush hour. Two driveways would likely not create any compounding of traffic. A limited use condition has been proposed and would be a natural.

Mayor Orcutt questioned whether he heard Mr. Tross state that the development could live with no driveway if access could be obtained to the Taco Bell driveway. Mr. Tross answered, "Yes." Mayor Orcutt also asked about the aesthetic issue. Mr. Tross stated they would be willing to install something other than a wall which would be a buffer, but since that doesn't provide a sound barrier, maybe a wall with hedge would be best.

Councilor Miller asked whether both businesses are owned by Pepsico or did they just own the franchise. Mr. Tross answered that he understood the two were subsidiaries. The Pizza Hut will be owned completely separately. Since Pizza Hut is one of the largest companies nationwide, not many are allowed to close and disappear. He also stated that the use of property with River Road frontage was supposed to be for automobile traffic and Pizza Hut would fit. It would only have 41 parking spots and is a family restaurant. If there is a traffic problem, the city needs to address the problem, which he did not believe was associated with his property.

John Morgan, Community Development Director, gave the final staff comments. He stated that the two businesses are separate franchise holders and their only connection is that they have one delivery truck. The driveway permit for Taco Bell was granted with several conditions. They were required to grant to the Beck property access so that whatever business was there could use the driveway.

He also stated the Taco Bell people agreed to relocate the driveway if the River Road Design Plan feels it should be moved. The traffic issues brought up will perhaps be changed by the implementation of the second year of the Design Plan. The thrust is to synchronize all the signals and time the progression for 30-32 miles per hour. This would create platooning and bunch the cars up. He also stated that while there are uses in the Commercial Retail zone that generate more traffic, a medical office would create more than a Pizza Hut.

There being no further testimony to come before the Council, Mayor Orcutt closed the public hearing.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant to this application are found in the City of Keizer Zoning Ordinance (KZO) and the Keizer Comprehensive Plan (KCP).

Of importance in this particular application are the procedures outlined in the KZO Section 4.16 (Procedure for Zone Changes), Chapter 27 (Commercial Office Zone), and Chapter 28 (Commercial Retail Zone).

Also of particular importance is the "Goals and Policies: Economic, Commercial and Industrial Development" section of the Keizer Comprehensive Plan (pages 40-43).

EXHIBIT "C"

Facts

1. The subject property is designated Commercial in the Keizer Comprehensive Plan and zoned CO (COMMERCIAL OFFICE).

2. The 0.53 acre subject area consists of two parcels located on the southeast corner of the intersection of River Road and Linda Avenue. A single-family dwelling is located on the subject property.

3. Property to the south is zoned CR (COMMERCIAL RETAIL). Building plans were approved to construct a Taco Bell restaurant on the site. Property to the north is also zoned CO and contains a medical office complex. Land to the west is zoned both CR and CO and includes a bank, gas station and medical offices. To the east is RS (SINGLE FAMILY RESIDENTIAL) zoned land containing single-family residents.

4. The Applicants are requesting approval to rezone the subject property to CR (COMMERCIAL RETAIL) to permit the development of a Pizza Hut restaurant.

5. The City of Keizer Fire District noted that fire hydrants are located on both Maine Street and Linda Avenue; fire suppression will not be a problem.

6. The City Public Works Department noted that pubic water and sewer services are available to the site and indicated that a half-street improvement along the subject property's Linda Avenue street frontage should be provided. The improvements should include paving, curbs, drainage and sidewalk facilities.

7. The City Traffic Engineer provided comments regarding access to the property that apply to both the proposed zone change and the Taco Bell property located to the south. In general, the Traffic Engineer is opposed to any access to River Road, preferring the access be limited to the side streets of Maine Street and Linda Avenue, with a connecting alley on the east side of both properties. If access to River Road is permitted, the access should be directly opposite Evans Street and serve both the Pizza Hut and Taco Bell properties. The engineering report is contained within the file and is made part of the submitted record. No other contacted agency responded.

8. The zone change would permit the establishment of a Pizza Hut restaurant. The restaurant building would contain approximately 2900 square feet with parking for 41 automobiles. The site development plan calls for access to both Linda Avenue and River Road. The restaurant will also feature a drive-up pick-up window located on the north side of the building.

With regard to the zone change criteria in KZO Section 4.16, the following findings are relevant:

9. The existing plan designation for the property is Commercial. Pursuant to Section 4.02 of the Zoning Ordinance, the four permitted zone classifications within this plan designation are CO (COMMERCIAL OFFICE), CR (COMMERCIAL RETAIL), CG (COMMERCIAL GENERAL) and UT (URBAN TRANSITION). The proposed zone is appropriate for the Comprehensive Plan designation. KZO 4.16(1)(a).

10. The Applicants submitted a site plan indicating the proposed restaurant can be physically located on the subject property. The site plan complies with CR zone development requirements regarding setbacks and landscaping areas. The proposed plan will also be able to comply with the requirements in Chapter 17 to 20, regarding access, parking, buffering, vision clearance areas, special setbacks, and other applicable standards. KZO 4.16(1)(b) and (c).

11. The Public Works Department noted adequate public facilities are available to serve the property. Other than the required street frontage improvements on Linda Avenue, no additional public facility improvements are necessary. KZO 4.16(1)(d).

12. Restaurants are only permitted in the CR and CG zones.

13. The Comprehensive Plan seeks to diversify the local economy while ensuring compatibility with adjacent property. Design features such as special setbacks are encouraged to reduce impacts on adjacent residential uses. The proposal will convert underutilized property to commercial uses thereby diversifying the local economy. Design features creating adequate buffering are incorporated within the Zoning Ordinance and are included on the site plan. The proposed zone change is consistent with the policies of the Comprehensive Plan. KZO 4.16(1)(e).

14. The location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, and/or such alternate sites lack specific amenities required by the proposed use. KZO 4.16(2)(a).

15. The supply of vacant land in the existing zone (COMMERCIAL OFFICE) is adequate to accommodate the projected rate of development of uses allowed in the zone during the next five years. KZO 4.16(2)(b).

16. The proposed zone, when modified to provide for a limited use overlay, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent property. KZO 4.16(2)(c).

17. The proposal generally complies with the zone change criteria found in Section 4.16. However, the CR zone may permit activities that are detrimental to the residential area. The use of development conditions and the placement of a limited use overlay zone may be necessary to ensure future development of the site does not significantly affect adjacent residential areas.

With regard to the zone change conditions criteria in KZO Section 4.18, the following findings are relevant:

18. The zone change to COMMERCIAL RETAIL will allow uses more intensive than allowed in the current zone (COMMERCIAL OFFICE).

19. The conditions delineated in Exhibit "E" are reasonably related to impacts caused by the development which will be allowed in the proposed zone, and/or to impacts caused by the specific development proposed on the subject property.

20. The conditions listed in Exhibit "E" will serve the public purpose of mitigating potentially negative impacts of the allowed uses on adjacent property.

21. The conditions listed in Exhibit "E" are based upon policies or standards contained in the Keizer Comprehensive Plan and/or Keizer Zoning Ordinance.

EXHIBIT "D"

Justification

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

In the current case, the Applicants have requested a zone change from COMMERCIAL OFFICE to COMMERCIAL RETAIL. As part of the application process, such zone change shall be modified to be a request for a COMMERCIAL RETAIL-LIMITED USE OVERLAY (CR-LU), restricting the uses of the property as detailed in Exhibit "E".

Opponents to the zone change request cited traffic and safety concerns as reasons to deny the zone change. The common fear was that access from the proposed Pizza Hut restaurant to Linda Avenue will cause patrons to turn down Linda Avenue when exiting and only to find that Linda Avenue is a dead-end street. Such motorists would then have to turn around causing additional congestion and traffic concerns on Linda Avenue. In addition, there was a concern that vehicles may use the private drive north of the subject property to gain access to Dearborn Avenue where there is a traffic signal.

To address such concerns, the zone change will be conditioned on limiting access to and from Linda Avenue for service vehicles only and such access will be gated at all other times.

Another concern was expressed regarding adverse noise and sight impacts caused by the proposed restaurant. Though these impacts may be unavoidable to some degree, they can be mitigated by requiring sound and aesthetic buffers to be installed as a condition of approval.

There was also discussion and debate on the criteria involving the supply of vacant land in the proposed zone. Keizer Zoning Ordinance 4.16(2)(a). Though the opponents presented examples of alternative placement of the Pizza Hut, the Applicants and their representatives indicated that such property was not locationally or physically suited to this particular use. The fact that there are other commercial retail-zoned property does not make the requested zone change inappropriate; the fact that such other property is not suited to this particular use satisfies this criteria.

The other criteria have been met as set forth in Exhibit "C". Though there may be some impacts, the proposed use will not destabilize the land use pattern or significantly adversely affect adjacent properties.

The Keizer Comprehensive Plan provides for commercial development along River Road North (see Chapter III (4)(c)(9), page 43). The Comprehensive Plan calls for encouraging commercial development. The development of this parcel will help meet such goals, while the imposition of certain conditions will mitigate any adverse impacts.

EXHIBIT "E"

Action

The City of Keizer ordains as follows:

The application of Richard Beck, Phyllis J. Nelson, J. Larry Fugate and Fugate Enterprises (Owners/Applicants) for a zone change from COMMERCIAL OFFICE (CO) to COMMERCIAL RETAIL (CR) is hereby GRANTED, subject to the following conditions:

1. The zone change request is modified to a CR-LU (COMMERCIAL RETAIL-LIMITED USE OVERLAY) zone restricting the permitted uses on the subject property to a restaurant that serves primarily dine-in customers and has no intercom-type drive-through service.

2. Prior to the issuance of a building permit, the Applicants shall:

a) Half-street improvements to be installed along the subject property's Linda Avenue frontage shall be reviewed and approved by the City Department of Public Works.

b) The Applicants shall connect the subject property public sewer and water service.

c) The Applicants shall submit a final site development plan substantially conforming with the plan submitted March 19, 1992, and such final site development plan shall be approved by the Keizer Community Development Department.

3. Prior to issuance of the final Certificate of Occupancy, the Applicants shall:

a) Be in compliance with all applicable development standards contained within the Keizer Zoning Ordinance.

b) Public access to the subject property shall be limited to a driveway on River Road North and any driveway onto Linda Avenue North shall be gated and used only by service vehicles.

c) A sound wall shall be constructed along the east boundary of the subject property in a similar manner to the wall located on the lot directly to the south of the subject property (Taco Bell).

d) A sound and aesthetic buffer approved by the Community Development Director shall be constructed on the north side of the subject property from the service entrance on Linda Avenue west to River Road North, however, such sound and aesthetic buffer shall not violate the vision clearance requirements of Chapter 17. Such buffer shall substantially comply with the requirements set forth in Exhibit "F".

e) The Owners/Applicants shall have recorded in the Marion County Real Property Records an access easement benefiting the subject property and granted by the property owner on the parcel to the south (Taco Bell) to allow vehicular access from the Taco Bell driveway. No driveway permit onto River Road shall be granted without amendment of this Ordinance or approval via an adopted urban renewal program. The Applicants shall cooperate, at their own expense, with any relocation of the shared driveway resulting from the recommendations of the River Road Design Plan when adopted, or any subsequent detailed implementing plan.

Exhibit "F"

Linda Avenue Zone Change

Ideas for buffer

A wall, similar in height and material to the wall being installed along the eastern property line, shall extend westerly from the north end of the eastern wall. The wall shall be at least six feet in height and shall be of a material and texture to match the wall along the eastern property line. The wall shall maintain this height for approximately two thirds of the length of the northern property line. At this point it shall increment down with a smooth slope or several "stair-steps" to a height of 24 inches which shall be continued to the front property line.

There shall be a landscaped yard at least five feet in width between the sidewalk along Linda Avenue and the wall. This yard shall be landscaped with living plant materials, including shrubs and trees, so the wall will be mostly obscured from view within three years of planting.

A gate may be installed at the eastern end of the wall along Linda in order to provide for a service drive. This gate shall be solid and at essentially the same height as the wall.

Supplemental Statement for Richard D. Beck
River Road Zone Change Proposal

Richard D. Beck is applying for a zone change from CR-LU to CR on property located at the southeast corner of River Road and Linda Avenue. The subject property is identified as Tax Lot 7900 on Marion County Assessor's map T7S R3W Section 02BD, and is addressed as 4710 River Road N. The purpose of the zone change is to provide a location for a new Retail Building. This Statement has been prepared to supplement the materials that have been previously submitted by the applicant.

Zone Change Criteria, Keizer Zoning Ordinance (KZO) Section 4.16(1):

(a) The proposed zone is appropriate for the Comp Plan land use designation on the property and is consistent with the description and policies for the Comp Plan land use classification.

The property is designated "Commercial" by the Comp Plan. The proposed CR zone implements the "Commercial" Plan designation. The CR zone "Purpose" statement, KZO 28.00, specifically includes "Retail Stores" as an appropriate activity in the CR Zone. For these reasons, the proposed zone is appropriate under the Plan classification.

Under the Comp Plan, the "Commercial" designation identifies areas that are appropriate for commercial use and development. The "Commercial" designation provides for retail and service activities, which as a category includes Retail Stores. Chapter 28.01(10)(29). In part III.C. of the plan, "Land Use and Economic Development," the stated Goals and Policies are to diversify the economy, direct commercial development to concentrate along arterial streets, and prevent adverse impacts on residential areas. In Part III.D., "Plan Diagram and Special Land Use Policies," Section d.3., the Plan recognizes and provides for strip commercial development along North River Road, which is already committed to this type of development pattern.

The proposed used will enhance the local service economy by maintaining a service that is presently available in Keizer.

The proposed site is along River Road, which is a designated arterial. The lands fronting on River Road to the north, south and west of the subject site are already developed or zoned for commercial use.

The proposed use will be designed and managed to prevent adverse impacts on nearby residential areas. Primary access to the sit will be provided to River Road. A secondary access will be located on Linda Ave. Directional signs and traffic controls are already provided to prevent traffic from turning into the neighborhood. Linda Ave. is a dead-end street, so there is no route for traffic to filter through the neighborhood. As shown on the site plan, the building will be constructed as proposed by the new Comp Plan adjacent to River Road North, providing for a minimal impact with residential property. A fence and landscaping will be provided. There will be no outdoor storage.

River Road is committed to strip development as a result of the existing development pattern. The existing strip development pattern is recognized by the commercial designation on the Comp Plan map.

For these reasons, the proposed zone is consistent with the description and policies for the "Commercial" Comp Plan designation.

(b) The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

The site totals (±.33) acres (±19,000 s.f.). The ground is flat and level, has no unusual physical features, and presents no apparent physical limitations or conditions that require special measures or considerations, or that would prevent or impair the development of the proposed use.

The proposed building is ±3,600 s.f. This will result in a building lot coverage of only (±19%). There is no stated lot coverage limitation for the existing CR-LU zone or for the proposed CR zone. Based on the proposed building size and the proposed use, fifteen parking spaces are required. As shown on the site plan, twenty-two spaces will be provided. All required setback and landscaping requirements will be met or exceeded, as shown on the submitted site plan.

The proposed Retail Store is a permitted use in the CR zone, KZO 28.01(10)(29). Based on the proposed use and development of the property relative to the physical characteristics of the site, this permitted use can be accommodated on the site without exceeding its physical capacity.

(c) Allowed used in the proposed zone can be established in compliance with the development requirements of Chapters 17 to 20 without the need for adjustments or variances.

No adjustments or variances have been requested or are needed. As demonstrated by the site plan, all development requirements can be met.

(d) Adequate public facilities, services, and transportation networks are in place or will be provided.

The proposed use will be served by the appropriate public facilities and services at levels that are adequate for the use, including sewer, water, and storm drainage. A half-street improvement along the Linda Ave. frontage will be provided as a part of the development process.

(e) The zone change review criteria of the Comp Plan are satisfied.
The applicable Plan goals and policies have been reviewed in (a) above. These form the zone change criteria in the Plan applicable to this proposal.

(f) Residential zone change criteria.
The proposal is not a residential zone change.

(2) Criteria for a Non-Residential Zone Change
(a) The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next five years; or, the location of appropriately zoned land is not suited to the particular use proposed for the subject property, or lack site specific amenities required by the proposed use.

There is little vacant land zoned CR along River Road. After a drive-by survey along River Road conducted in April, it appears that there are only a few vacant CR parcels along the River Road commercial corridor. There appears to be no inventory of vacant, small CR parcels along River Road.

The lack of small, vacant CR parcels means there are no existing, suitable sites for the proposed use. Based on the vacant CR parcels, it appears that the supply of vacant land in the CR zone is inadequate to accommodate development of CR uses during the next five years.

In addition to the lack of vacant CR land, there appears to be a general lack of available CR-zoned property. A Realtor familiar with the subject property has reviewed the CR and CG zoned land along River Road and has reported his findings in a letter dated

April 22 (copy attached). Although this criterion only requires a review of vacant property, the Realtor's information demonstrates the general lack of available CR-zoned property. Even including the developed sites that may be available, there does not appear to be an adequate supply of CR-zoned land to accommodate development that could be expected over the next five years.

The proposed use requires a location that offers high visibility and exposure to the public, and access to an adjacent arterial street. In Keizer, the only location meeting these requirements is the River Road commercial corridor.

In Keizer, commercial service activities are concentrated along the River Road frontage. This development pattern is reflected on the Comp Plan and zoning maps (ref. Plan, Figure 2, "Land Use Diagram"). In recognition of the existing development pattern and its effects, the Comp Plan's goals and policies provide for new commercial service activities to locate along the River Road commercial corridor (Plan, Chapter III, "Findings and Policies," D. Plan Diagram and Special Land Use Policies, 2. Goals and Policies, d. Commercial, 3.a.-g., p. 47). The policy directives serve to maintain the River Road corridor as the primary commercial service location in the community. As is also shown on the Comp Plan and zoning maps, designated commercial land along the River Road corridor is typically bordered by residential neighborhoods along the local streets that extend from River Road.

Due to the site-specific requirements of the proposed use and the existing development pattern, the only appropriate location for the proposed use is on property along River Road. The proposed site is within the general area occupied by other similar business, and the zone change will result in a more compact cluster of commercial services within the River Road corridor.

(b) The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate development during the next five years.

Although the proposal would replace the existing CR-LU zoning with CR, the CR-LU zone allows CR use. Therefore, there will be no actual loss of land available to accommodate CR-LU uses. CR-type uses and zoning will remain on surrounding lands near the proposed site. For these reasons, there will be no significant loss of CR capability in the city or in the immediate area.

(c) If more intensive uses are allowed by the proposed zone than in other appropriate zones, it will not allow uses that would destabilize the land use pattern of the area or adversely affect adjacent properties.

In general, the CR zone allows more intensive uses than the CR-LU zone. In this case, however, the use of the property is proposed Retail Store through application. The proposed Retail Store will be a similar use to the use of the CR property adjacent to the south, on which a restaurant is now built. The restaurant on the adjacent property (Taco Bell) has established the land use pattern. By allowing the use of the subject property to the proposed Retail Store, the land use pattern of the area will be uniform and will not be destabilized. By incorporating the development standards of the zoning ordinance and other conditions of approval to regulate considerations such as building setbacks, landscaping and screening, and building height, the residential neighborhood to the east will be protected and there should be no significant adverse impacts. Due to differences in the nature of their respective operations, the proposed Retail Store will be less intensive than the restaurant to the south. In addition, a service station is located on the west side of River Road across from the subject property. This is an existing traffic-intensive use zoned CR, which is also a part of the land use pattern of the area. The proposed use will be less intensive than this existing use.

For these reasons, the proposal meets the requirements of the zone change criteria, and the proposed zone change from CR-LU to CR is appropriate.

COLDWELL BANKER

MOUNTAIN WEST
REAL ESTATE, INC.
COMMERCIAL DIVISION

615 COMMERCIAL STREET NE
SALEM, OR 97301
BUS. (503) 588-3508
FAX (503) 588-3514

April 22, 1996

Richard Beck
4458 River Road S
Salem, OR 97302

RE: ***CR Properties/River Road N***

Dear Mr. Beck:

As per your request, I drove River Road N looking for small CR properties, less than 1/2 acre in size. I found only three, one of which is currently for sale:

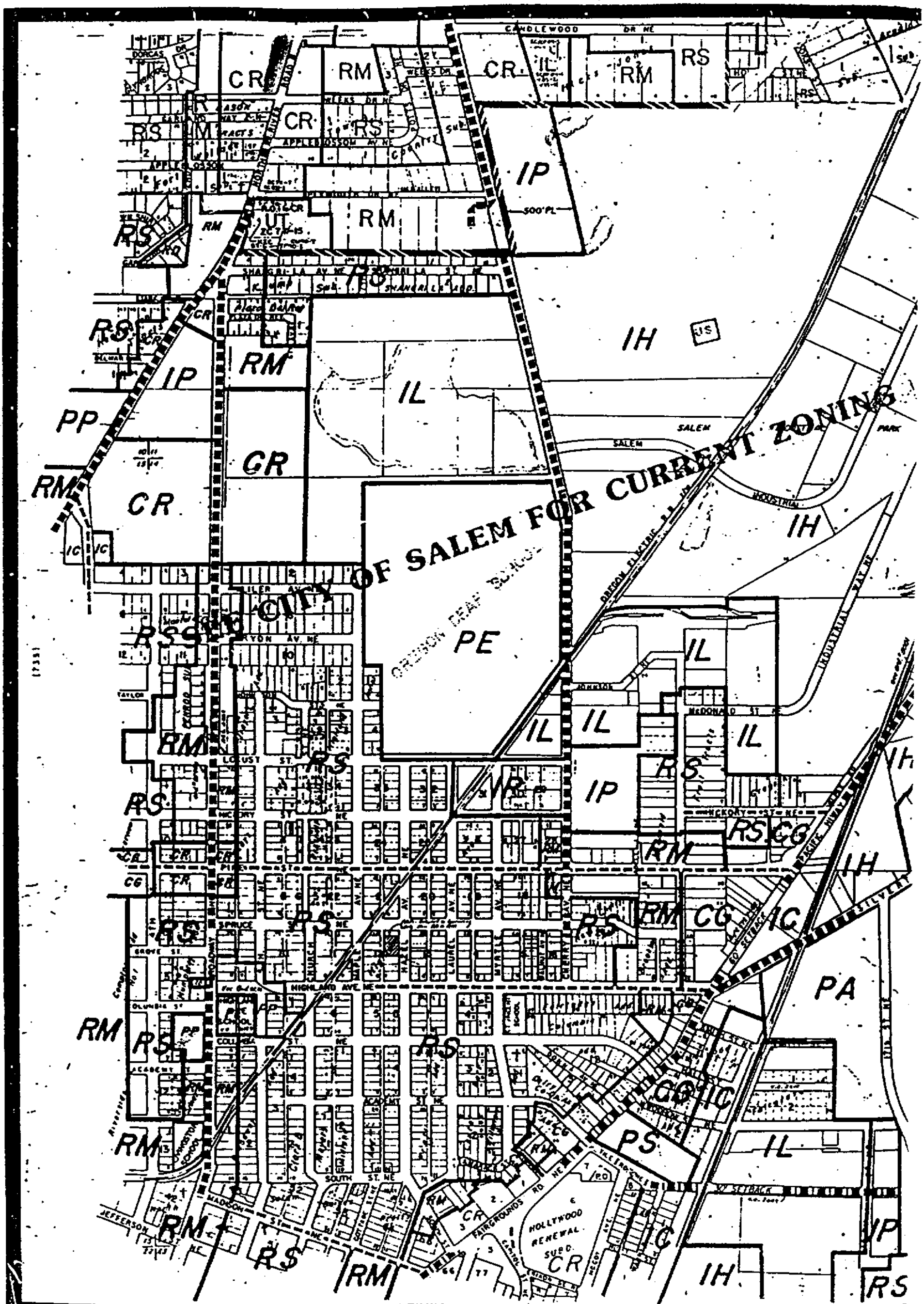
1. Two small parcels in front of the Keizer Cinemas ***(not for sale)***
2. One @ SW corner of River Road and Chemawa NE ***(for sale @ $150,000)***

Several larger parcels of CR bare ground are also available in Keizer (see attached).

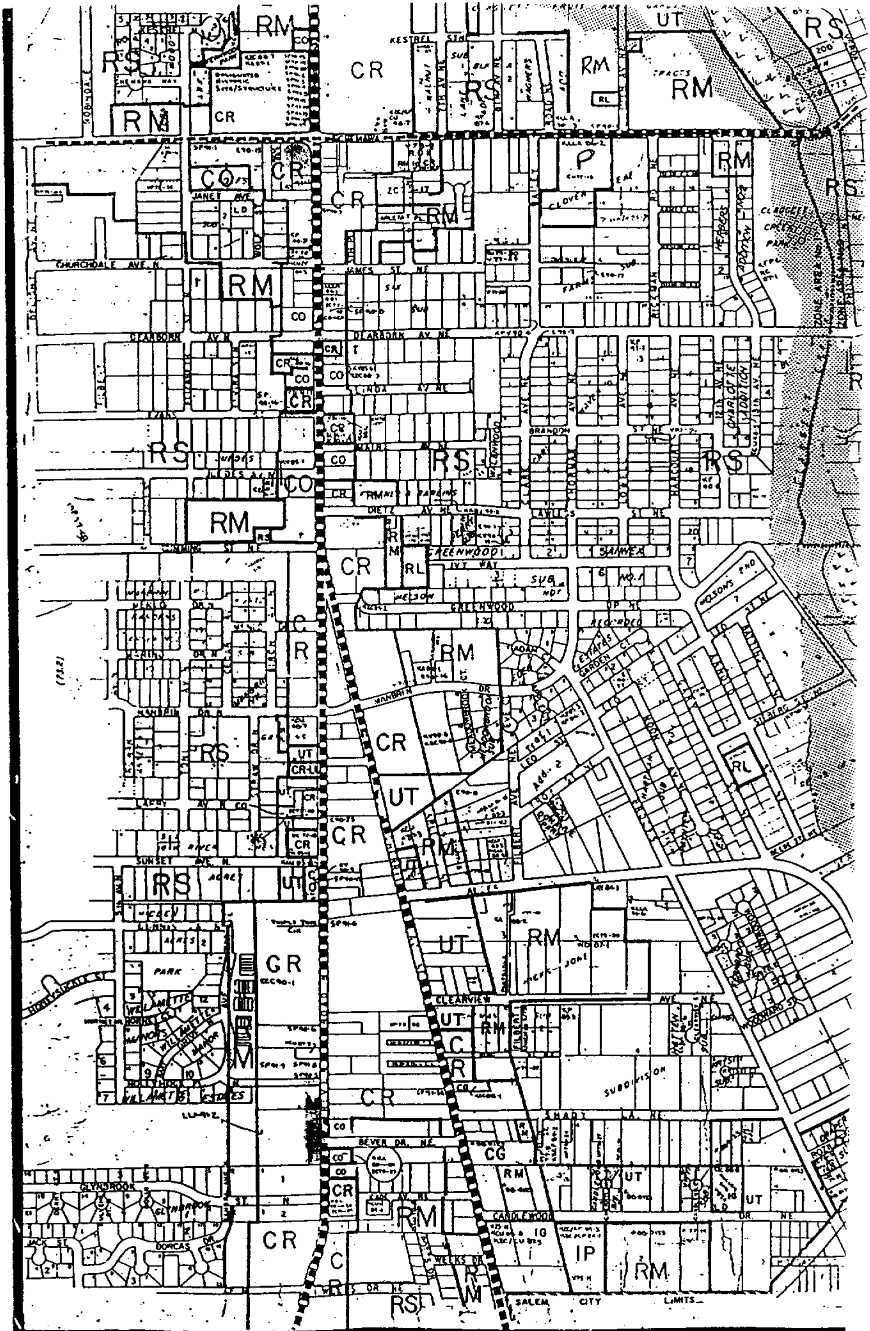
Sincerely,

Dave Curry
Sales Associate

enc



CITY OF SALEM FOR CURRENT ZONING
CANDLEWOOD DR NE
WEEKS DR
APPLEBLOSSOM AV NE
SHANGRI-LA AV NE
IH
IL
IP
PE
OREGON DEAF SCHOOL
SALEM
INDUSTRIAL
LOCUST ST.
McDONALD ST NE
HICKORY ST NE
HIGHLAND AVE NE
SOUTH ST NE
FAIRGROUNDS RD NE
HOLLYWOOD RENEWAL SUBD.
PA
PS
CR
CG
RS
RM
PP
IC


KESTREL ST
CHEMAWA
JANET AVE
CHURCHDALE AVE N
JAMES ST NE
DEARBORN AV N
DEARBORN AV NE
LINDA AV NE
BRANDON ST NE
DIETZ AV NE
GREENWOOD
IVY WAY
NELSON
MANBRIN DR
SUNSET AVE N
CLEARVIEW AVE NE
SHADY LA NE
BEVER DR NE
GLYNBROOK ST N
DORCAS DR
JACK ST
CANDLEWOOD DR NE
WEEKS DR
SALEM CITY LIMITS
PARK
WILLAMETTE MANOR
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PRINT IN FULL OR RESTRICTED FORMAT (<F>/R) ?F

303039,301554,302437,301428,300230 NOT ON FILE

PRINT LISTINGS

LISTING NUMBER(S) ??
YOU MAY ENTER UP TO SEVEN MLS LISTING NUMBERS
SEPARATED BY SEMI-COLONS (;). FOR EXAMPLE:
LISTING NUMBER(S) ?005832;235780;329457<RETURN>

PRINT LISTINGS

LISTING NUMBER(S) ?303039;301554;302437;301428;300230

PRINT IN FULL OR RESTRICTED FORMAT (<F>/R) ?F
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MLS # 303039 STATUS: A VOL: 18 PG: 745 511
,000
ADD: 3625 RIVER (ARPX) RD N 97303 AREA: 1 TYPE: U

XST: HOLLYHOCK PL CITY: KEIZER COUNTY: MARION

OWN: BICK/KURTZ LOT SZ: 365X391 ACRES: 3.28

LOT: M&B BLK: M&B ADDN: M&B ZONE: CR

FRNT: 365' EASE: RSN:

TRD: SCH: POSS:

EXCL: TAX: 27 YR: 94-95

INCL: BAL(1ST) MOPMT:

LT TYP: DA INT% INCL:

WATER: C ASM ASM% NEGO:

SEWER: N LNDR: F&C

VIEW: ESCROW: FIRST AMR

FENCE: ASSMFOR:

INCMB: F&C ASSMAMT:

SHOW: OFC

INCL: AMT:

DIRECTIONS

BAL(2ND) MOPMT:

IMMEDIATELY NORTH OF BURGER KING.

INT% MINDN: CO

ASM ASM% NEGO:

TERM: CSH

RMKS: VERY COMPETIVELY PRICED. CLOSE IN RETAIL DEVELOPMENT PARCEL. PRICED A
T
$3.50 PER FT. ADD'T LAND AVAILABLE. 365 FEET OF FRONTAGE ON N. RIVER RD.

IDEAL FOR LARGE RETAILER OR UN- ANCHORED STRIP CENTER.

SLSP: BROWN, LARRY 399-9703 BKR: 399-9703 L.A. BROWN, INC. 5

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MLS # 301554 STATUS: A VOL: 18 PG: 746 3,811
,500

ADD: 5500 RIVER RD N 97303 AREA: 1 TYPE: U

XST: LOCKHAVEN CITY: KEIZER COUNTY: MARION

OWN: STAATS LAKE LLC LOT SZ: ACRES: 25

LOT: * BLK: ADDN: ZONE: MU

FRNT: EASE: SOME RSN:

TRD: MAKE OFFER SCH: POSS: CLOSING

EXCL:	TAX: YR:
INCL:	BAL(1ST) MOPMT:
LT TYP: IRR	INT% INCL:
WATER: C	ASM ASM% NEGO:
SEWER: A	LNDR:
VIEW: W	ESCROW: FATCO
FENCE:	ASSMFOR:
INCMB:	ASSMAMT:
SHOW: OFC	INCL: AMT:
DIRECTIONS	BAL(2ND) MOPMT:
KEIZER NW CORNER OF NORTH RIVER RD.	INT% MINDN: OF,FER
AND LOCKHAVEN.	ASM ASM% NEGO:
	TERM: CSH

RMKS: INLAND SHORES DEVELOPMENT CONSISTS OF APPROX. 140 ACRES INCLUDING A 5
0
ACRE LAKE FOR FLOATING HOMES OR OFFICE DEVEL OPMENT. 25 ACRES MAY BE USED F
OR
APART- MENTS, CONDOS, TOWN HOMES, OFFICES, RETAIL AND SITES FOR RESTAURANT,

****
*****

MLS # 302437 STATUS: A VOL: 18 PG: 747 4,900
,000

ADD: RIVER RD N 97303 AREA: 1 TYPE: U

XST: CITY: KEIZER COUNTY: MARION

OWN: GRANADA LAND CO. 588-1900 LOT SZ: 21.38 ACR ACRES: 21.38

LOT: BLK: ADDN: ZONE: MU

FRNT: EASE: RSN:

TRD: - SCH: N/A POSS: COE

EXCL: NONE TAX: YR:

INCL: BAL(1ST) MOPMT:

LT TYP: IRR INT% INCL:

WATER: C ASM ASM% NEGO:

SEWER: Y LNDR: F&C

VIEW: ESCROW:

FENCE: ASSMFOR:

INCMB: F&C ASSMAMT:

SHOW: VAC,OFC INCL: AMT:

DIRECTIONS BAL(2ND) MOPMT:

RIVER RD N. PAST WHEATLAND RD. JUST INT% MINDN:

SOUTH OF COUNTRY GLEN ESTATES. ASM ASM% NEGO:

TERM: CSH,LSE/OPT

RMKS: MIXED USE ALLOWS FOR RETAIL UP TO 10,000 SF. VARIOUS OFFICE & COM'L USES. MULTI FAMILY IS ALSO ALLOWED IN ZONE. PRICES RANGE FROM $2.50/SF - $8.00 SF DEPENDING ON SIZE & LOCATION. OWNER WILL CONS SUBDIVIDING. *BAC

BILL NO. 218 A BILL ORDINANCE NO. 92-236

FOR

AN ORDINANCE

IN THE MATTER OF THE APPLICATION OF RICHARD BECK, PHYLLIS J. NELSON, J. LARRY FUGATE AND FUGATE ENTERPRISES (OWNERS/APPLICANTS) FOR A ZONE CHANGE FROM COMMERCIAL OFFICE (CO) TO COMMERCIAL RETAIL (CR) ON 0.53 ACRES OF PROPERTY LOCATED AT 4710 RIVER ROAD NORTH AND 524 LINDA AVENUE N.E., KEIZER, OREGON (CASE NO. KZC 92-1)

Section 1. THE APPLICATION. This matter comes before the Keizer City Council on the application of Richard Beck, Phyllis J. Nelson, J. Larry Fugate and Fugate Enterprises (Owners/Applicants) for a zone change from COMMERCIAL OFFICE (CO) to COMMERCIAL RETAIL (CR) to permit the development of a Pizza Hut restaurant on property located at 4710 River Road North and 524 Linda Avenue N.E., Keizer, Oregon (Section 02BD; T7S; R3W), Tax Lots 7900 and 8000.

Section 2. JURISDICTION. The land in question in this ordinance 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 hearing was held on this matter before the Hearings Officer on March 26, 1992. In addition, a public hearing was held before the Keizer City Council on June 15, 1992. The following persons either appeared at the City Council Hearing or provided written testimony on the application:

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LIEN, HOBSON & JOHNSON
Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1635

1) Skip Wendolowski, Keizer City Planner
2) John Morgan, Community Development Director
3) Jeff Tross, Attorney for Owners/Applicants
4) Richard E. Beck, Co-Owner/Co-Applicant
5) Phyllis Nelson, Co-Owner/Co-Applicant
6) Lillian Walston
7) Wilbur Bluhm
8) Marilyn Wendel
9) Isabelle Cassidy
10) Dorothy Shearer
11) Jackie B. Miller
12) Ed Schunke
13) Al Lofstedt
14) Deby Nelson
15) Gary Ryder
16) Evelyn Franz
17) Roy Shelton
18) Carol Shelton
19) Bev Ryder
20) Jim Shelton
21) Dyan Hood-Taylor
22) Joni Gilles
23) Beth Shelton
24) George Sukos
25) Russell Smith

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

Section 5. OBJECTIONS. No 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 ordinance is the final determination in this matter.

Section 11. EFFECTIVE DATE. This ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage.

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Section 12. APPEAL. A party aggrieved by the final determination in a proceeding for a discretionary permit or a zone change may have it reviewed under ORS 197.830 to ORS 197.834.

PASSED this 3rd day of August, 1992.

SIGNED this 11th day of August, 1992.

Mayor

City Recorder

3532COK.001

LIEN, HOBSON & JOHNSON
Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1635

May 10, 1996

Ruth Jacobs
DAZY MAZE
5040 River Rd., N
Keizer, OR 97303

Dear Ruth:

Thank you for taking time from your busy schedule to share plans for the proposed DAZY MAZE to be constructed on River Rd. N and Linda Avenue NE.

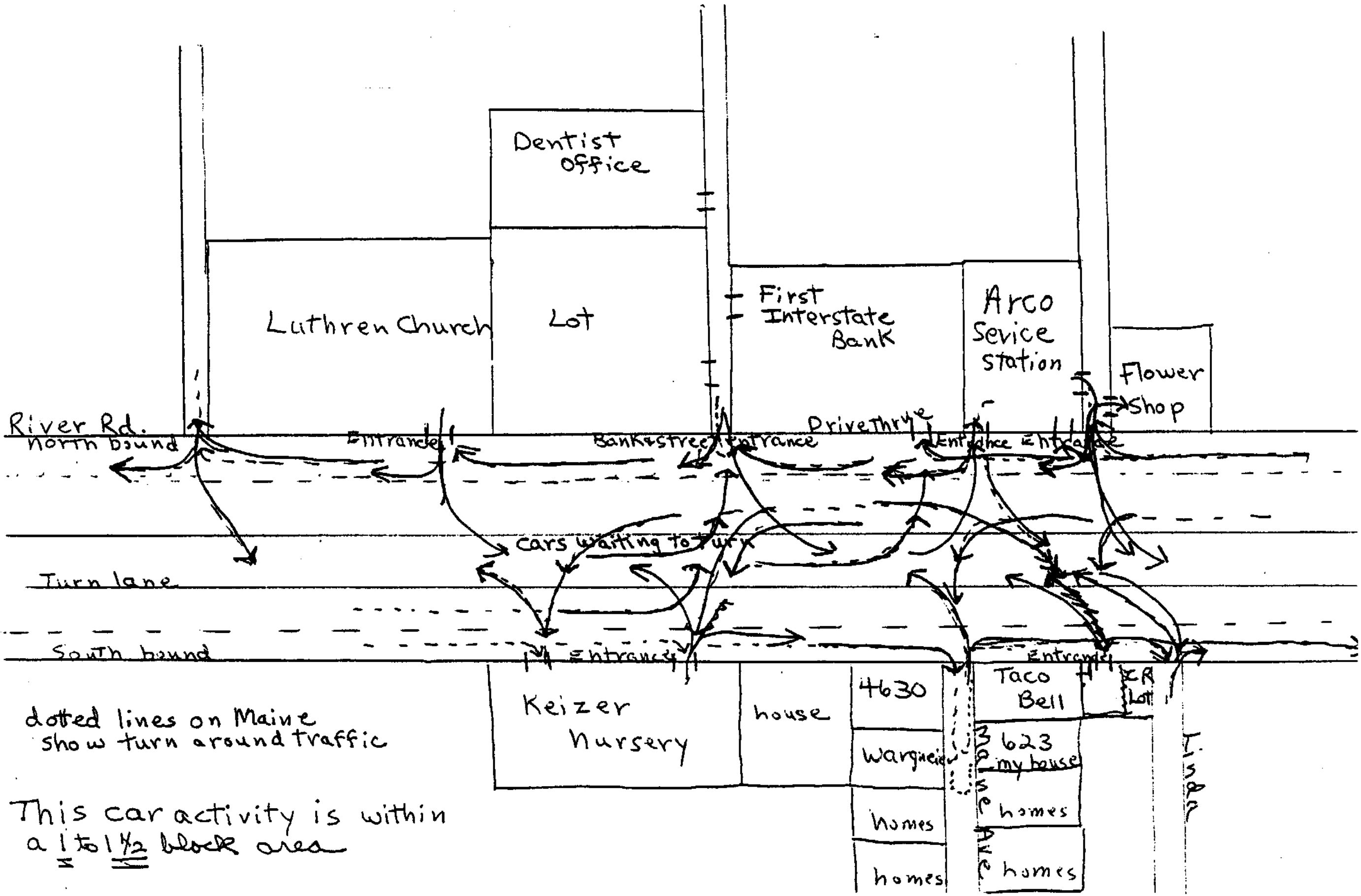
At the 7:00 p.m. May 9, 1996 meeting at my residence, those in attendance approved of the new addition and are looking forward to welcoming your new business.

Sincerely,

Evelyn J. Franz

Evelyn J. Franz
693 Linda Avenue NE
Keizer, OR 97303
393-5792

96-02
Ex. 1



dotted lines on Maine show turn around traffic

This car activity is within a 1 to 1½ block area

My name is Ellen West and I live at 623 Maine Ave. NE and am the property next door to Taco Bell. My husband and I are completely opposed to this zone change.

This property was zoned CO (Commercial Office) for a reason. When we were considering buying our home 19 years ago we talked to the Marion County Planning Commission and asked them if this zoning would ever be heavier. We were told it wouldn't because we were a residential street and that CO was the heaviest zoning compatible with our situation. Because of what they said we bought our house. The officials who originally zoned this property this way new a residential neighborhood could not stand a heavier zoning. We don't understand why Keizer doesn't understand this. The zone change for the Taco Bell property was pushed through without regard to the vehement protests by the whole Maine Ave. neighborhood.

The incredible problems this street has to put up with because Keizer ignored our concerns before is terrible. The constant traffic, five minute wait at times to leave our street, construction vehicles, motor homes, cars and even semi trucks turning around and parking in front of our houses because their isn't room in the lot, as is the people urinating in my yard, cars running over my lawn and flowers, property being stolen and my cat being tortured, the loud music yelling and fighting until two AM, our lowered property values, and even one of our cars being hit by a turn around are just some of them.

These problems we have experienced from this zone change certainly were not all expected from us. Until a business is in place the problems can't be known. This I am sure would be the case if a liquor store were to be located here. Also the fact that the Nelsons plan on other businesses not named on the back of their property leaves them open to any kind of business. The entrance and exit being only on Maine is proof that Keizer is aware of the traffic mess we have. If this happened Taco Bell would surely demand that their Maine Ave. driveway would be allowed to be opened. We would then have all the drive through traffic strung down Maine Ave. out to River Rd. creating more of a nightmare than we already have.

At the time of this writing we understand that the request for a zone change has been withdrawn by the Nelsons. Unfortunately their will be others with other retail businesses trying to locate on this property unless our streets uniqueness is recognized and dealt with. We want an exception made for Maine Ave. because of our overload of traffic already and our being a residential street and a dead end.

Our street would like to pursue Maine Ave having an exception status to any heavier zoning in light of John Morgans letter to the liquor commission that says by summer all of River Rd. will be zoned Commercial Mix. We would hope the City Of Keizer would not go ahead with something like this without input from each resident affected by this change. It sounds like John Morgan is making his plans without regard to the residents of Keizer or respect to their protests or their input.

Maine Ave. can never have another high trafficked business on it and if that property is changed to a CR or CM zoning it will be left wide open for any kind of business as is what happened with Taco Bell.

Last I'm afraid that pleas for regard to our livability, comfort and the fact that these are our homes, a place where we can have peace and relax are falling on deaf ears. But please won't you put yourself in our place and think for a moment how you would like to have Taco Bell and a liquor store on the end of your street. How you would like to have your kids walk by there everyday and have that be the first thing people see on your street.

A mistake was made with the zone change next door to us and has opened us up to major problems we will have to live with forever unless we move. Many of our residence have been here since the houses were built. Please don't let this happen again.

Ellen and Norman West

CITY OF KEIZER
COMMUNITY DEVELOPMENT DEPARTMENT
930 Chemawa Road, N.E.
Post Office Box 21000
Keizer, Oregon 97307 (503) 390-3700

HEARINGS OFFICER DECISION

This Decision consists of Conditions, Findings of Fact, and Conclusions

June 10, 1996

Application for approval of a zone change from CR-LU (Commercial Retail-Limited Use Overlay) to CR (Commercial Retail) to allow the construction of a retail clothing store

Location:	4710 River Road North Keizer, Oregon
Legal:	Tax Lot No. 7900 / Section 02BD, T7S, R3W
Site Size:	Approximately 0.33 acre
Applicant:	Richard Beck 4485 River Road South Salem, Oregon 97302
Property Owner:	<same as Applicant>
Comprehensive Plan:	Commercial
Zoning:	CR-LU (Commercial Retail-Limited Use Overlay)

HEARINGS OFFICER DECISION:

Approved, pursuant to the findings and conclusions set forth herein, and in accordance with the CONDITIONS OF APPROVAL set forth below, Applicant's request for a change zone from CR–LU (Commercial Retail–Limited Use Overlay) to CR (Commercial Retail) in order to construct a retail clothing store at 4710 River Road North. [1]

CONDITIONS OF APPROVAL:

1. With the exception of Applicant's proposed use for a retail clothing store of the type depicted by the record, no other use identified in, or allowed by, Section 28.01 of the KEIZER ZONING ORDINANCE shall be allowed or approved on the subject property ***except*** upon proof by the proponent of any such use that the intensity of such proposed use — including traffic and noise impacts on adjacent residential properties derived therefrom — will not exceed the traffic and noise impacts associated with the particular retail use sought by Applicant in this instance.

2. The design and placement of any driveway or access encroachments onto River Road and Linda Avenue shall be approved by the Public Works Department prior to the issuance of any building permit. The existing driveway that accesses River Road directly shall be permanently closed.

3. Except as otherwise noted within this decision, the development of the site shall substantially comply with the recommendations and comments contained in the May 20, 1996, letter from the City's Public Works Department, and attached to the May 21, 1996, Staff Report as Exhibit "D."

4. All subsequent commercial development on the subject property shall comply with applicable development criteria and standards in Keizer Zoning Ordinance Chapters 17 to 20, without any need or future request for adjustments or variances. Applicant has already represented that "[n]o adjustments or variances

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1 The 1992 proceedings that resulted in the imposition of the "Limited Use Overlay" in conjunction with a zone change from CO (Commercial Office) to CR (Commercial Retail) also involved an adjacent property bearing the address of 524 Linda Avenue, N.E. For reasons not apparent from the record in this proceeding, Applicant has not requested any zone change for the Linda Avenue property that lies directly to the east of the subject property.

have been requested or are needed." (Undated SUPPLEMENTAL STATEMENT FOR RICHARD D. BECK — RIVER ROAD ZONE CHANGE PROPOSAL," at 3.)[2]

5. Applicant shall fulfill, and shall demonstrate compliance with, any other non-zone change development standards or criteria established by the City's Zoning Ordinance or any other City rules or regulations.

6. Applicant shall submit a final site development plan that substantially conforms to the site development plan that appears as Exhibit "C" to the May 21, 1996, Staff Report, which final plan shall (1) demonstrate compliance with all applicable provisions in Chapters 17 to 20 of the KEIZER ZONING ORDINANCE, (2) more fully and accurately depict the extent of, and proposed physical limitations of, any proposed access easement with the adjoining property to the south of the subject property, and (3) be subject to the final approval of the Keizer Community Development Department.

7. Because Applicant has not requested the elimination or modification of certain conditions imposed by the City in its previous decision represented by Ordinance 92–236 (identified as conditions 2(a), 2(b), 3(a), and 3(c) in Exhibit "E" to that Ordinance), Applicant shall fulfill, and shall demonstrate compliance with, those conditions identified as conditions 2(a), 2(b), 3(a), and 3(c) in Exhibit "E"

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2 KZO § 4.16(a)(3) requires that any applicant demonstrate, as part of any zone change proposal, that

> "[a]llowed uses in the proposed zone ***can be established*** in compliance with the development requirements in Chapter[s] 17 to 20 without [the] need for adjustments or variances." (Emphasis added.)

I interpret that language — in particular, the emphasized phrase "can be established" — to require something less than a demonstration that the Applicant's proposal *in fact* fulfills the cited development requirements. Rather, I interpret that language to mean that the Applicant must demonstrate that nothing about the proposal will result in the prospective inability to fulfill the development requirements in KZO Chapters 17 to 20.

to Ordinance 92–236.[3] Those four conditions — renumbered and identified for purposes of this decision as conditions 7(a), 7(b), 7(c), and 7(d), respectively — read as follows:

"2. Prior to the issuance of a building permit, the Applicant[] shall [abide by the following three conditions]:

"a) Half–street improvements [shall] be installed along the subject property's Linda Avenue frontage[,] [and] shall be reviewed and approved by the City['s] Department of Public Works [*redesignated condition 7(a) for purposes of this decision*].

"b) The Applicant[] shall connect the subject property [to] public sewer and water service [*redesignated condition 7(b) for purposes of this decision*].

"* * * * *

"3. Prior to issuance of the final Certificate of Occupancy, the Applicant[] shall [fulfill the following]:

"a) [Applicant shall] [b]e in compliance with all applicable development standards contained within the Keizer Zoning Ordinance [*redesignated condition 7(c) for purposes of this decision*].

"* * * * *

"c) A sound wall shall be constructed along the east boundary of the subject property in a similar manner to the wall located on the lot directly to the south of the subject property (Taco Bell) [*redesignated condition 7(d) for purposes of this decision*]."

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3 Condition 2(c) in Exhibit "E" to Ordinance No. 92–236 refers to the requirement that the Applicants in that proceeding submit a final site development plan by March 19, 1992. That condition cannot simply be reincorporated as such within this decision. However, I have reimposed that condition as Condition 5 in this decision.

Conditions 6(b) in Exhibit "E" to Ordinance No. 92–236 limited public access to the subject property to River Road alone, and required that "any driveway onto Linda Avenue North [*sic*] shall be gated and used only by service vehicles." Applicant's current zone change request includes a site plan (Exhibit "C" to the May 21, 1996, Staff Report) that impliedly requests the elimination of that particular condition.

8. Access to the subject property via Linda Avenue shall be designed and constructed so as to preclude any north–south vehicular traffic to or from the adjoining property to the south (the existing Taco Bell property).

9 Applicant shall design and construct a privacy wall no less than eight feet in height that conforms to — that is, duplicates in design and construction — the existing privacy wall that currently exists between the Taco Bell property to the immediate south and the adjoining residents of that property.

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I. Analysis Of The Proposal

A. Background / Proposal Summary

Applicant proposes to modify the existing zoning on a parcel bearing the address of 4710 River Road North in order to, in effect, remove an existing "overlay" designation that resulted from earlier zone change proceedings in 1992. Those 1992 proceedings involved not only the subject property but an adjacent lot directly to the east (524 Linda Avenue N.E.). However, Applicant has not sought any zone change with respect to this adjacent property within the present proceeding.

In 1992, Applicant (and others) sought a zone change of the subject property from CO (Commercial Office) to CR (Commercial Retail) in order to construct a proposed Pizza Hut restaurant. The hearings officer denied the request based upon "available property and the traffic destabilizing the land use of adjacent property." (Exhibit A to Ordinance No. 92–236, at 1.) The hearings officer's reference to "available property" remains unclear. However, the record does reflect that traffic issues assumed significance within the 1992 proceedings, as they did in this proceeding as well.

Upon appeal of the hearings officer's adverse decision to the City Council, the City Council concluded that

> "such zone change shall be modified to be a request for a COMMERCIAL RETAIL–LIMITED USE OVERLAY (CR–LU), restricting the uses of the property as detailed in Exhibit 'E.'" (Exhibit "D" to Ordinance No. 92–236, at 1.)

In turn, Exhibit "E" to Ordinance No. 92–236 provided, in pertinent part:

> "The application . . . for a zone change from COMMERCIAL OFFICER (CO) to COMMERCIAL RETAIL (CR) is hereby GRANTED, subject to the following conditions:
>
> "1. The zone change request is modified to a CR–LU (COMMERCIAL RETAIL–LIMITED USE OVERLAY) zone ***restricting the permitted uses on the subject property to a restaurant*** that serves primarily dine–in customers and has no intercom–type drive–through service.

"* * * * *"

(Exhibit "E," ***supra***, at 1 [emphasis added].)

However, the City's approval of the 1992 zone change also incorporated six other conditions that did not directly relate to any zone change:

> "2. Prior to the issuance of a building permit, the Applicants shall [abide by the following three conditions]:
>
> "a) Half-street improvements [shall] be installed along the subject property's Linda Avenue frontage [and] shall be reviewed and approved by the City Department of Public Works.
>
> "b) The Applicants shall connect the subject property [to] public sewer and water service.
>
> "c) The Applicants shall submit a final site development plan substantially conforming with the plan submitted March 19, 1992, and such final site development plan shall be approved by the Keizer Community Development Department.
>
> "3. Prior to issuance of the final Certificate of Occupancy, the Applicants shall [fulfill the following]:
>
> "a) [Applicants shall] [b]e in compliance with all applicable development standards contained within the Keizer Zoning Ordinance.
>
> "b) Public access to the subject property shall be limited to a driveway on River Road North and any driveway onto Linda Avenue North shall be gated and used only be service vehicles.
>
> "c) A sound wall shall be constructed along the east boundary of the subject property in a similar manner to the wall located on the lot directly to the south of the subject property (Taco Bell)."

(Exhibit "E," ***supra***, at 1.)

Applicant has *not* specifically requested, as a component of this zone change request, that any of those six conditions be modified or eliminated. However, I note that, as a practical matter, condition 2(c) imposes a defunct deadline; I have therefore simply reimposed that condition as Condition 4 among the CONDITIONS OF APPROVAL that begin on page 2.

Additionally, it appears from both Applicant's "site plan" (Exhibit "C" to the May 21, 1996, Staff Report) and from Applicant's testimony at the May 30, 1996, public hearing that Applicant implicitly desires a modification or elimination of condition 3(b) in order to design and implement public access to the parking lot from Linda Avenue.

B. SITE AND VICINITY DESCRIPTIONS

The property comprises a vacant, undeveloped corner lot on the east side of River Road North, at the southeast corner of the intersection of River Road and Linda Avenue. Although all of the other properties in the immediate vicinity along River Road consist of commercial endeavors, numerous residences exist directly adjacent to the subject property to the east.

Applicant has proposed a "site plan" in the form of Exhibit "C" to the May 21, 1996, Staff Report. He plans to construct a building to house a retail clothing store, although nothing in the Keizer Zoning Ordinance ("KZO") requires that the Applicant commit himself to the construction of any particular use otherwise allowed within a CR (Commercial Retail) zone by KZO Chapter 28.[4]

River Road North comprises a five-lane arterial at its intersection with Linda Avenue, with the middle lane used as a two-way turn lane to access both the commercial properties and the residential neighborhoods.

C. COMPREHENSIVE PLAN AND ZONING ORDINANCE CONSIDERATIONS

Properties to the north, west, and south bear a "Commercial" designation in the City's Comprehensive Plan. To the east of the subject property lies a neighborhood designated "Low Density Residential" in the Comprehensive Plan.

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4 However, in its 1992 decision implemented via Ordinance No. 92-236, the City implicitly interpreted its zone change authority as including the authority to expressly limit the *types* of uses allowed upon a particular parcel in conjunction with a zone change of that parcel.

Commercial properties to the north, west, and south bear either a "CO" (Commercial Office) or "CR" (Commercial Retail). All of the adjacent residential properties have been zoned "RS" (Single–Family Residential).

II. APPLICABLE CRITERIA

The following criteria apply to the proposed development: [5]

A. KEIZER ZONING ORDINANCE SECTION 4.16
(Zone Change Criteria)

KZO § 4.16 provides, in pertinent part:

> "(a) The following criteria shall be used to review and decide . . . applications that involve a change in the zoning classification of land:
>
> "(1) The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.
>
> "(2) The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
>
> "(3) Allowed uses in the proposed zone can be established in compliance with the development requirements in Chapter[s] 17 to 20 without need for adjustments or variances.
>
> "(4) Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

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[5] From a technical legal perspective, I am uncertain that the City's "zone change" criteria apply to the removal of an overlay imposed in quasi–judicial fashion. For one thing, the property *already* lies within a CR zone. For another, the City's Zoning Ordinance contains no references to, or criteria applicable to, the creation and imposition of an "overlay," such that the subsequent removal of an "overlay" itself constitutes a zone change.

However, staff has interpreted the "zone change" criteria to apply to the removal of an "overlay," and I will defer to that interpretation in this instance.

"(5) Satisfaction of any zone change review criteria in the Keizer Comprehensive Plan is demonstrated.

"* * * * *

"(b) The following additional criteria shall be used to review all non–residential changes:

"(1) The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next 5 years, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack[s] site specific amenities required by the proposed use.

"(2) The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the projected rate of development of uses allowed in the zone during the next 5 years.

"(3) The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties."

B. Keizer Zoning Ordinance Section 4.18 (Zone Change Conditions)

KZO § 4.18 provides, in pertinent part:

"(a) Approval of a zone change application may be conditioned to require provisions for buffering or provision of off–site public facilities. In order to impose conditions on a zone change, findings must be adopted showing that:

"(1) The zone change will allow uses more intensive than allowed in the current zone; and

"(2) The conditions are reasonably related to impacts caused by development allowed in the proposed zone or to impacts caused by the specific development proposed on the subject property; and

"(3) Conditions will serve a public purpose such as mitigating the negative impacts of allowed uses on adjacent properties; and

"(4) The conditions are based upon policies or standards in the Comprehensive Plan or other standards adopted by the City of Keizer.

"(b) Conditions that could meet criteria (a)(2), (3), and (4) include, but are not limited to:

"(1) Dedication of right-of-way for public streets, utility easements, etc.

"(2) Improvement of private roadways or public streets, including bike paths, curbs, and sidewalks.

"* * * * *

"(6) Provision of transit and traffic control facilities.

"(7) Special building setbacks, orientation, landscaping, fencing, berming, and retention of natural vegetation.

"(8) Special locations for truck loading, parking, access routes, or any outdoor activity that could impact adjacent property.

"* * * * *."

III. Findings

A. Keizer Zoning Ordinance Section 4.16
(Zone Change Criteria)

1. **"The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification"**

KZO § 4.02 identifies the zone classification "CR" as one of the implementing zones for the "Commercial" Comprehensive Plan designation. Thus, the proposed CR zone is appropriate for the subject property's Comprehensive Plan designation. Given that fact, I find it redundant to further consider whether the CR zone — a zone expressly allowed by the Commercial designation of the Comprehensive Plan — is "consistent" with the "applicable Comprehensive Plan land use classification."

I find that Applicant has fulfilled KZO § 4.16(a)(1).

2. **"The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity"**

KZO §§ 28.01(10) and (29) allow "Miscellaneous retail" uses and "Apparel and accessory stores," respectively. Applicant's site plan portrays a proposal to site a particular use on the property: a retail clothing store. Staff has concluded that, based on the parcel's size and topography, there exist no physical limitations that would thwart such a use on the site.

The proposed building depicted on the site plans totals approximately 3,600 square feet. Based upon a lot size of 0.33 acre (or approximately 14,500 square feet), the building will occupy roughly 25% of the site. For a building of that size and that proposed use, Applicant will need to provide 16 parking spaces; Applicant's site plans depict 21 parking spaces.

I find that Applicant has fulfilled KZO § 4.16(a)(2).

3. **"Allowed uses in the proposed zone can be established in compliance with the development requirements in Chapter[s] 17 to 20 without need for adjustments or variances"**

It remains a condition of this approval that Applicant fulfill all criteria in KZO Chapters 17 to 20; if he does not (or cannot), then the approval will not become effective. Also, Applicant has declared that he will need no adjustments or variances from those criteria.

I find that Applicant has fulfilled KZO § 4.16(a)(3).

4. **"Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property"**

The Public Works Department's comments in Exhibit "D" to the May 21, 1996, Staff Report confirms that some public facilities and services (such as sanitary sewers) have not yet been constructed, but that some (such as water) do exist.

For any such public facilities or services that have not yet been constructed or implemented, it remains a condition of approval that Applicant fulfill the recommendations of the Public Works Department with respect to those items; Applicant shall be responsible for the extension of necessary utilities.

I find that Applicant has fulfilled KZO § 4.16(a)(4).

5. **"Satisfaction of any zone change review criteria in the Keizer Comprehensive Plan is demonstrated"**

The Comprehensive Plan contains no "zone change review criteria."

6. **"[1] The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next 5 years, or [2] the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack[s] site specific amenities required by the proposed use"**

This particular criterion contains alternative provisions, which I have enumerated in the quoted language; the Applicant can elect to demonstrate the fulfillment of either of the two disjunctive portions. In this case, Applicant has elected to fulfill the first.

Three fact issues arise: (1) What is the supply of vacant land in the *proposed* [CR] zone? (2) What is the "projected rate of development of uses allowed in the [proposed CR] zone during the next 5 years"? (3) Is the existing supply of vacant land in the CR zone "inadequate to accommodate" that rate of growth?

Staff characterizes the supply of vacant CR–zoned land as relatively plentiful at this point. It also characterizes the rate of growth within the City as "booming," although the link to growth within the CR zone alone remains somewhat fuzzy. In any event, the rate of growth exceeds the projections in the Comprehensive Plan.

The record does reflect an informal survey by a local realtor that the immediate area contains an inadequate supply of vacant, developable land with the CR zoning district. In addition, Staff attested to the probability that the supply of vacant land currently zoned CR "may be inadequate" to accommodate the current rate of commercial development with respect to retail and related uses within that zone.

I find that Applicant has fulfilled KZO § 4.16(b)(1).

7. **"The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the projected rate of development of uses allowed in the [existing] zone during the next 5 years"**

This criterion might be viewed as the converse of the previous one: assuming that a zone change removes the subject property from a zoning classification, will the remainder of vacant land within that zoning classification nevertheless remain sufficient to accommodate growth in that zone?

If KZO § 4.16(b(2) applies at all (*see* the following paragraph), then three fact issues arise for purposes of this criterion: (1) What is the supply of vacant land in the *existing* (CR–LU) zone? (2) What is the "projected rate of development of uses allowed in the [existing CR–LU] zone during the next 5 years"? (3) Is the existing supply of vacant land in the CR zone "inadequate to accommodate" that rate of growth?

I conclude that § 4.16(b)(2) logically cannot, and therefore does not factually, apply in this instance. Because of the unique nature of this particular application (*viz*, the removal of an "overlay" that does not itself constitute a discrete zone), the underlying zoning for the property — CR — will remain the same after any zone change. Thus, in reality no zone change under these circumstances will remove land from the CR zoning classification, which, in turn, means that, at least for purposes of this application, KZO § 4.16(b)(2) would not even apply.

My conclusion can also be seen from a factual perspective. The record contains no evidence, and not even a hint, that any other property within the City bears a "CR–LU" zoning designation. Thus, it seems reasonable to conclude that the language of § 4.16(b)(2) would always preclude a zone change for the subject property in order to remove the "limited use" overlay; the supply of remaining vacant CR–LU land — which I presume to be zero — could never accommodate any projected rate of development. Additionally, it seems logical to also presume that there would not really be any projected rate of development for CR–LU land that confines development to a sit-down restaurant in the manner required by Ordinance No. 92–236.

Thus, I find there exist no facts under the circumstances that would make KZO § 4.16(b)(2) truly applicable for purposes of assessing the removal of the "limited use" overlay.

8. **"The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties"**

The proposed zone — CR — would allow uses more intensive than other zone classifications for the property designated in KZO § 4.02. The fact that the Applicant proposes to construct a less-intensive use than the use authorized by Ordinance No. 92–236 would not enable me to ignore or modify the language in KZO § 4.16(b)(3) in order to render the criterion inapplicable.

Thus, the question becomes whether a CR zone, unaccompanied by the "limited use" overlay imposed by Ordinance No. 92–236, would *either* "destablize" the area's land use pattern *or* "significantly adversely affect" the adjacent residential properties.

The area's "land use pattern" consists of a street–fronting strip of commercial–related zones along River Road — alternating between CR (Commercial Retail) and CO (Commercial Office) — and an established residential environment to the east of River Road and directly to the east of the commercial strip along that road. I find that nothing about the removal of the "limited use" overlay would "destablize" that particular pattern; the commercial/residential would actually remain the same.

Most of the testimony at the May 30 hearing addressed the extent to which the proposed zone change would yield adverse traffic impacts to the adjacent residential properties. Because Linda Avenue is a dead–end street, the adverse impacts would occur only in the form of increased wait times to access River Road from the Linda Avenue–River Road intersection.

From the Applicant's perspective, the potential traffic impacts from the development of the proposed retail clothing store would be "minimal," and certainly less than the impacts that might have been anticipated from the restaurant use allowed by Ordinance No. 92–236 and the "limited use" overlay. Applicant's proposal for a retail clothing store envisions a maximum customer flow of approximately 100 to 150 persons per day on its busiest day, or (given the operating hours of 10:30 a.m. to 5:30 p.m.), would result in a flow of roughly 15 to 20 customers per hour on the busiest day.

Assuming each customer arrives in his or her own automobile (and there exists no evidence in the record to the contrary), the resulting increase in traffic flow would thus be 15 to 20 cars per hour utilizing either the Linda Avenue access or the River Road access.[6] Although Applicant offered no breakdown with respect to the relative percentage of cars using Linda Avenue, logic dictates that the actual traffic flow on Linda Avenue during peak times will be something less than 15 to 20 cars per hour. Also, traffic during non–peak times would obviously be less than that. Finally, because Linda Avenue is a dead–end street, none of the traffic generated by Applicant's proposal could utilize Linda Avenue as a "cut through."

Thus, I find that Applicant has offered evidence that the traffic generated by the proposed use would not "significantly adversely affect adjacent properties." Indeed, I

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6 As I mentioned earlier, Ordinance No. 92–236 (via Exhibit "E," condition 3(b)) required that public access be confined to River Road, and that Linda Avenue be gated and limited to service vehicles. Applicant's site plan (Exhibit "C" to the May 21, 1996, Staff Report) now proposes to eliminate the Linda Avenue closure requirement as part of the requested zone change.

find that the only conceivable adverse impact would be the probability that area residents might face increased wait times at the Linda Avenue–River Road intersection. I do not interpret the phrase "significantly adversely affect adjacent properties" to encompass that sort of potential impact.

However, area residents correctly observe that the CR zone designation would allows many uses other than that proposed by the Applicant, and it seems reasonably plain that one or more of the allowed uses would generate traffic that might well exceed that contemplated by the Applicant. But none of the persons who raised this issue offered any "substantial evidence," as that term applies to land use proceedings,[7] to support the supposition that traffic impacts on the existing residential environment from other allowed uses within the CR zone would "adversely affect" adjacent properties, let alone "***significantly*** adversely affect" those properties.

I find that Applicant has fulfilled KZO § 4.16(b)(3).

B. KEIZER ZONING ORDINANCE SECTION 4.18
(Zone Change Conditions)

1. "The zone change will allow uses more intensive than allowed in the current zone"

The existing RC–LU implemented by Exhibit "E" to Ordinance No. 92–236 confines the use on the subject property to "a restaurant that serves primarily dine–in customers and has no intercom–type drive–through service." The proposed removal of that restrictive overlay will manifestly allow all manner of uses within the RC zone more intensive than the current use.

7 "Substantial evidence" means evidence, taken from both proponents' and opponents' evidence, that would allow the decision–maker to render a finding of fact based solely upon that evidence. "Substantial evidence" does not include suppositions or speculation derived from other evidence, nor does it include evidence that the decision–maker finds unreliable under the circumstances.

2. **"The conditions are reasonably related to impacts caused by development allowed in the proposed zone or to impacts caused by the specific development proposed on the subject property"**

The conditions set forth beginning at page 2 relate directly to Applicant's proposed development and perceived impacts therefrom.

3. **"Conditions will serve a public purpose such as mitigating the negative impacts of allowed uses on adjacent properties"**

The conditions set forth beginning at page 2 all serve — some to a greater extent than others — to mitigate the impacts of Applicant's proposed use on the adjacent residential properties.

4. **"The conditions are based upon policies or standards in the Comprehensive Plan or other standards adopted by the City of Keizer"**

The conditions set forth beginning at page 2 derive either from criteria contained in or implicit from the City's zone change criteria, or other criteria such as the development requirements in KZO Chapters 17 to 20, or from City public works standards and regulations.

IV. CONCLUSIONS

I conclude, based upon the above findings, that Applicant has fulfilled the applicable zone change criteria in KZO § 4.16, and that the zone change conditions criteria in KZO § 4.18 have likewise been fulfilled.

I also conclude, based upon the City's prior imposition of an *ad hoc*, quasi-judicial zone change limitation via the use restrictions in Ordinance No. 92-236 (which I also view as the City's interpretation of an allowable condition that might be imposed pursuant to KZO § 4.18), that any zone change decision may impose restrictions upon the intensity and impacts of future allowed uses. I have thus done so in Condition 1 in the conditions of approval that begin at page 2, *supra*.

DATED this 10th day of June, 1996.

BARRY L. ADAMSON, Hearings Officer

V. APPEAL RIGHTS

Any interested person who fulfills the "standing" requirement in KZO § 5.23 and who disagrees with this decision may appeal the decision to the City Council in accordance with KZO §§ 5.22, 5.23, and 5.25. Any appeal must be filed with the Keizer Community Development Department, 930 Chemawa Road, N.E., Keizer, Oregon 97303, by 5:00 p.m. on the tenth day following the date of mailing of this decision (*see below*), accompanied by any necessary filing fee.

The appeal must:

- be in writing,
- request that the Council hold a hearing on the application, and
- *either* (1) explain why the appellant believes the decision to be factually or legally incorrect, *or* (2) explain why the decision rests upon incomplete facts, *or* (3) present new facts material to the decision, the omission of which resulted in a factually or legally incorrect decision, *or* (4) offer modifications to the decision that will conform the intent of the proposal to the requirements of the pertinent criteria governing the application.

Unless appealed, this decision shall be effective and final after the tenth day following the date of mailing, which date appears below.

I certify that on the 11th day of ~~May~~ June, 1996, I mailed a copy of this decision to the following persons:

Richard Beck
4485 River Road South
Salem, Oregon 97302

Jeff Wyler
543 Juedes
Keizer, Oregon 97303

John Stroebel
782 Maine Avenue
Keizer, Oregon 97303

Ellen West
623 Maine Avenue
Keizer, Oregon 97303

Wilbur Bluhm
743 Linda Avenue
Keizer, Oregon 97303

Ruth Jacobs
1349 Hidden Creek Dr., N.E.
Keizer, Oregon 97303

Gary Ryder
663 Linda Avenue
Keizer, Oregon 97303

Donna Conley
653 Maine Avenue
Keizer, Oregon 97303

David Beranek
842 Maine Avenue
Keizer, Oregon 97303

DATED this 11th day of June, 1996

BARRY L. ADAMSON, Hearings Officer

CITY COUNCIL MEETING: July 15, 1996

AGENDA ITEM NUMBER: 5c

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK Dotty
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CHEMAWA ACTIVITY CENTER
CONTINUED PUBLIC HEARING

Staff has served to facilitate the process and work toward answers on the question of the amount of retail acreage in the Chemawa Activity Center for several months. Based on the public testimony received, outside consultants' input and Staff's own professional analysis Staff is making a recommendation tonight. This is supported by the following analysis.

The organized property owners are expected to present their own version of a master plan for the area tonight which may provide additional information that may change this recommendation. But, based on all the available information to date, Staff recommends the Council endorse the Planning Commission's proposal for 15 acres of retail north of Lockhaven and direct Staff to prepare the revisions necessary to reflect this land use pattern for consideration on September 3, 1996.

The following Staff Report document is a summary and analysis of the issues surrounding the CAC plan adoption using the test of public benefit to support the staff recommendation.

First the concern that a 15 acre designation does not conform with the Comprehensive Plan will be addressed. This will be followed by a discussion of the proposal in terms of transportation, infrastructure financing, employment impacts and economic impacts each in terms of public benefit. The discussion does not re-present all the testimony. Rather, it summarizes the information, presents some new data, makes general findings, and presents conclusions. Just as with this entire process, much of the analysis is not scientific as there is no way to accurately predict impacts; be they traffic, valuation, or economic; 10 or 20 years from now. But, several probable alternative futures can be identified so that Council can select the preferred alternative.

STAFF REPORT

CHEMAWA ACTIVITY CENTER

COMPREHENSIVE PLAN

It has been suggested during prior testimony on the Chemawa Activity Center Plan that the Planning Commission's 15 acre proposal does not conform to the Comprehensive Plan. Staff disagrees with this point and with its relevance for two reasons.

First, the Comprehensive Plan is a dynamic document which must change with changing physical, social, and economic conditions. It is was believed that 20 to 50 acres of retail were appropriate in 1987 when the Comprehensive Plan was adopted, there is no reason to hold to those acreage numbers now if conditions and public attitudes have changed. Those changes must be justified and appropriate findings prepared which justify the changes in light of relevant criteria. It has always been anticipated by Staff that this work is inherent in this planning process. In fact, in the 1987 Comprehensive Plan and in the 1993 Interim Chemawa Activity Center Plan, Areas B, C, and D are designated Campus Light Industrial. The are all changing in this process with B going to Commercial Office, C going to Mixed Use, and D going to Commercial Retail and Public. The adoption of the 1996 Chemawa Activity Center Plan will change all these designations in a deliberate, legal, and well considered manner.

Second, there are numerous policy statements within the Comprehensive Plan that allow continued refinement of the land use plan for the Chemawa Activity Center and indicate that this final planning process is not bound by earlier work. Attached to this report are the pages from the Plan which contain these statements. Each of these will be addressed with finding of fact in the final adoptive ordinance.

TRANSPORTATION

Several traffic analyses have been prepared for this planning process. While it would have been useful to prepare a detailed traffic impact analysis to ODOT standards, doing so is cost prohibitive to either the City or the property owners. However, Staff believes there is enough information on the record to reach three basic conclusions:

The SKATS Regional Transportation Plan, adopted June 1996, the draft of which was relied upon during this planning process, shows an increase in traffic on Lockhaven and surrounding streets. This is to expected with the growth of the community. However, within the next 10 years that increase will taper off to a constant plateau as the urban growth boundary is filled and new residential development curtailed. The Regional Transportation Plan calls for the same improvements as the Commission's plan draft, which involve widening Lockhaven to five lanes from McLeod to the freeway, plus the various lane and minor street improvements. The Regional Transportation Plan finds these improvements to be adequate to meet traffic demand.

The property owners have contended that Lockhaven inevitably will need to be five lanes to River Road, hence there is little need to be concerned about additional traffic from 30 acres of commercial development. Staff does not accept this inevitability at all and holds the Regional Transportation Plan as evidence that it is not necessary.

According to the ATEP traffic report, the greater the amount of retail use, the greater the traffic flow throughout the day. Retail use tends to not have distinct peaks. Rather, it attracts traffic throughout the day raising the traffic volume at all times. This volume increase cannot be managed through TDM (Transportation Demand Management) strategies as it represents customers for the most part.

Again according to ATEP, the greater the amount of industrial business park use, the greater the traffic flow during the peak periods. This is due to shift changes. There is little increase in traffic between these peaks. Since the traffic is generally employee based, there is much better potential to mitigate its impacts through TDM strategies. Requiring shift changes at times other than the traditional peak periods will resolve much of the problem. Active promotion of alternative modes of transportation is another possibility. The City can either work voluntarily or through regulation to see these strategies are in place if and when a traffic problem occurs.

The property owners presented a proposed traffic policy with which they will be satisfied. Paraphrasing the testimony to a succinct policy statement, their position is:

> *The developers of Area A shall be responsible for their portion of the costs of mitigating the traffic impacts caused by their development.*

The Council is cautioned to two pitfalls in this statement.

- First, it does not put any physical limits on the street improvements necessary to mitigate the impacts. Unlike the Planning Commission position which holds the street improvements constant, especially a 3 lane Lockhaven west of McLeod, the property owners' proposed policy is based on doing whatever street improvements are necessary to accommodate the traffic impact of a 30 acre retail development, even widening Lockhaven to five lanes.

- Second, the Property Owners' proposed policy binds the City to paying a portion of the cost of mitigating the traffic impacts. The developer will only pay the percentage of the cost proportionate to the traffic generated from the site. The City will be responsible for paying the difference.

This proposal presents this scenario: 30 acres of retail is developed which creates traffic volumes on area streets such that major street improvements are needed. If the City wants to mitigate those impacts, it is forced to widen the streets and to pay a significant portion of the costs. In other words, in the proposed policy the City has no control over the development of the property and creation of its traffic impacts. The City only has the obligation to allow street widenings and pay a major portion of the costs.

The Planning Commission proposal, however, is performance based. It holds a set of street improvements constant. It also says the developer is responsible for doing those things necessary to see Lockhaven does not exceed LOS D on a 24 hour basis and LOS E for a 20 minute period during the peak hour at the time of development. This presents a fair, equitable, and objective design standard that can be met by building some or all of the planned street improvements, and by using TDM strategies to manage traffic flow if necessary to meet the standard.

Staff cannot find any public benefit in giving the developers a open ticket to essentially require the City to accept major street widenings and to pay a significant portion of the costs, even over the City's objection. Any benefits of an extra 15 acres of retail development are easily overshadowed by the fiscal, social, physical, safety, and environmental costs of major street widenings.

ECONOMIC IMPACT

PROPERTY VALUES

Charles Kupper of Spencer and Kupper has prepared an analysis of potential property values and tax revenue impacts given the two scenarios for development of the Chemawa Activity Center. That analysis is attached to this report.

Mr. Kupper finds that the valuations are quite similar for the two scenarios, with the 30 acre commercial option generating about 5% more valuation. (page 4).

What must be kept in mind, however, is that there has been and should continue to be rapid growth in valuation along River Road and Cherry Avenue. Major new investments have taken place and, with continued urban renewal activities especially along Cherry Avenue, this trend should continue for several years. If the market for these two corridors suddenly becomes depressed due to competition at the interchange, it probably will impact the potential growth in valuation which will off set to some degree any valuation advantage of commercial development in the Activity Center.

It is of particular interest to note that Mr. Kupper predicts an approximate $.45 per thousand drop in the tax rate if Area A is fully developed.

MOTEL/HOTEL DEVELOPMENT

There has been some discussion of the size of hotel facilities and the fact it will consume most of the 15 acres of retail proposed by the Planning Commission. In order to get a more accurate judge of the actual size, Staff checked the Assessor records for the sizes of the parcels that are the sites of several motels that may be comparable to those which may locate at the interchange. Copies of the Assessor printouts are attached and the data is summarized below:

MOTEL	LOCATION	ACREAGE
Quality Inn	3301 Market Street NE	3.43
Mill Creek Inn	3125 Ryan Drive SE	1.26
Pacific Highway Inn	4646 Portland Road NE	1.81
Phoenix Inn	4370 Commercial Street SE	1.82
Wittenberg Inn (prop.)	5000 Block - River Road	2.00 ±

Quality Inn has conference facilities and a large restaurant with its building which adds to the acreage used. These motel range in size from approximately 80 to 120 units. Since the Plan draft calls for a minimum of 150 rooms, it is reasonable to expect the hotel complex will occupy 5 to 6 acres.

EMPLOYMENT

According to Oregon Employment Department statistics for 1993, industrial sector jobs pay an average of $24,599 per year versus retail sector jobs paying an average of $13,498. Staff believes it is true that industrial sector jobs tend to be full time with benefits, while retail sector jobs have a much higher percentage of jobs that are part time and that are without benefits. These types of jobs rarely will support a family in a middle class lifestyle.

The IBP development will create a great number of family wage jobs that will support many average households in Keizer. The IBP development provides opportunities for people to work and live in Keizer as opposed to commuting to Salem and outside the urban area. Keizer has a very low local employment base which can be turned around with the creation of the IBP development.

Mr. Kupper has included in his economic analysis on Page 5 a discussion of Employment impacts and benefits.

Having 15 acres more IBP and therefore 15 acres less retail creates the potential that more higher wage jobs will be created. Staff can find no public benefit in allowing more retail employment at the expense of more industrial employment.

INFRASTRUCTURE FINANCING

Ever since the Chemawa Activity Center was first created in 1987, it has been anticipated that there would be a multi-pronged approach to financing the infrastructure. It has never been the direction of the Comprehensive Plan, any draft of the Chemawa Activity Center Plan, nor any earlier deliberation on this plan draft, to assume that one single source of funds would be used or would predominate in financing the $6,000,000 to $8,000,000 needed in public infrastructure.

The Northwest property owners, however, are suggesting that most of the infrastructure costs can be borne by a single developer. This is predicated on the profit potential of the future development being great enough that fronting the infrastructure costs is a worthwhile investment. They are suggesting that only 30 acres of commercially zoned land will provide this profit potential.

The Northwest property owners have also said that they will be more willing to contribute to the costs of the infrastructure if the price received for their properties is sufficiently high.

Staff has three major problems with the owners' positions. First, this project does not need a single developer to front all the infrastructure costs, especially at the cost of other negative impacts on the City. The Council goal concerning the Chemawa Activity Center states that a financing plan will be developed and implemented by December 1996. Staff intends to meet this goal if the process for adopting this Plan is completed in the near future.

At this time, it appears that a combination of a Local Improvement District, Systems Development Charges, Oregon Economic Development Funds, and tax increment financing provides the most fair and practical means of financing the infrastructure. Such a strategy fairly taps those who will profit from the venture without placing all the burden on one group. This strategy is sound and may be found to be only one of several that provides a fair and workable financing tool.

There is no need nor is it desirable to create a land use pattern that is solely designed to maximize private profits in order to secure 100% private financing for the project.

Second, there are no guarantees being presented by the property owners which will secure them to fronting the infrastructure. While statements have been made that ..."a developer will be more willing to finance..." and "...the property owners will be more willing to participate..." if there are 30 acres of commercial land, the City is being asked to make a very major land use decision based on nebulous promises about financial participation. If the Council chooses to accept the property owners' suggestion of financial participation and go with the 30 acre proposal, then the Council needs to be sure through written contracts that the costs of the infrastructure will be fully borne by the private interests within certain City defined parameters.

Third, the property owners state that a 30 acre commercial project is necessary to attract a developer. They contend that a 15 acre project does not have the potential financial return on investment to bring in a developer quickly and with the financing in hand to fund the infrastructure. Staff is concerned that these positions are unsubstantiated.

It must be remembered that a 15 acre retail site means that there are 15 more IBP acres to develop. In Mr. Stubb's testimony he stated that the market for retail space is going down. In a presentation to the Keizer Chamber of Commerce earlier this year, Gloria Jackson, commercial Realtor with Coldwell Banker Mountain West, stated that the market for industrial land and flex space was diminishing in the Salem/Keizer Urban Area with the exception of the Chemawa Interchange which, because of its locational advantages, will be a strong industrial business campus site.

The property owners have not shown any tangible evidence that a 30 acre commercial site will develop faster than a 15 acre commercial site or faster than an Industrial Business Park that is approximately 85 acres in size rather than 70 acres. Nor have they shown why 30 acres of retail land are necessary to fund the infrastructure.

IMPACT ON RIVER ROAD REDEVELOPMENT DISTRICT

Mr. Crandall's work for the Quick Response Design process shows two distinct commercial scenarios for the Activity Center area. In the 30 acre scenario, a commercial center is established that includes approximately 250,000 square feet of retail space plus the hotel complex. This represents a shopping area large enough to serve the traveling public and a regional market. The location on I-5 as the northern gateway to the urban area means that in all likelihood a small shopping center will develop. In the Planning Commission's discussion of the potential uses that would be in such a center, a factory-outlet complex was identified as a type of user who would find the location desirable and who would fit within the square footage parameters. While there is no way to know if this would occur, it provides an indicator of a likely type of future commercial development.

Mr. Crandall's illustration of the Planning Commission's 15 acre proposal shows approximately 100,000 square feet of retail space. At this size, no significant shopping center develops. The bulk of the retail space goes to service businesses with room for one or more stores that may serve a larger market.

Staff observed the Planning Commission's discussion of the future potential for the property. As is indicated in the Commission's minutes, during the initial part of the discussion, the Commission worked to identify the types of stores that would occupy a 30 acre site and visualize how those stores would compete with existing River Road businesses. The Commission felt that, since most businesses on River Road are service businesses, new businesses at the interchange would not present serious competition. But, the Commission became quite concerned when it realized that major development at the interchange would most seriously hurt the potential for new business investment in the River Road and Cherry Avenue corridors. The Commission believed that, given a choice between a River Road location and a freeway location, many potential investors and stores would choose the freeway site. Plus, existing merchants along River Road may choose to relocate to the interchange. It was this scenario dealing with the damage to the potential of the River Road Redevelopment District that drove the Commission to recommend the 15 acre proposal.

The 15 acres was a compromise. There were several Commission members agreeing with Mr. Crandall's position that no retail other than freeway oriented service commercial should be allowed, while others supported the original 30 acre proposal. The 15 acre size was arrived at as it provides a limited amount of land for larger scale stores while not allowing a "critical mass" of stores that would present a serious challenge to the existing commercial corridor.

Upon reviewing all the testimony, Staff has concluded that the Planning Commission's analysis and concerns are well founded. The Citizens of Keizer are investing approximately $13,000,000 in the Redevelopment District in order to stimulate creation of thriving commerce, employment, and social center. It makes little sense to for the City to create a direct competitor for investment and shopping dollars seriously diluting the potential of the focus point of so much community financial, political, and emotional investment.

Staff has worked with four regional scale retailers over the last few months, encouraging them to locate in the River Road corridor. So far, two of them have; Shari's Restaurant and the Craft World store. A third, which is another retail store, is expected to make public announcements about their new location on River Road within the next few weeks. The fourth, a well known regional retailer, has inquired about various sites along River Road. While Staff does not know for sure what these retailers would do if there were freeway sites available, it is realistic to think that the freeway locations may have been more attractive and the stores would have located there instead of on River Road.

The concerns about the impacts of major development at the freeway on the City's work to develop and enhance its traditional "main street" role can be well summarized in these words from Richard Moe, President for the National Trust for Historic Preservation:[i] He writes that suburban commercial development impacts on downtown revitalization efforts include:

- *sapping the economic vitality of downtowns and main streets by shifting the retail center of gravity out to highway interchanges on the edge of town;*
- *displacing existing businesses, especially independently owned small businesses that contribute significantly to local civic life, by building stores vastly out of scale with a town's ability to absorb them;*
- *setting the stage for higher property and state income taxes by creating developments that are costly to serve and require new roads, water and sewer lines, police protection and other public services;*
- *causing the waste or abandonment of previous public and private investments in existing buildings, streets, parks and other community assets; and*
- *homogenizing America by building stores that have no relation to their surroundings.*

Staff believes that each of these points is of real concern in Keizer and the Community can make a deliberate decision to not allow these situations to occur.

At Council's request, Staff worked to identify successful and unsuccessful downtown/suburban shopping center examples in Oregon. Besides in-house discussions, Staff consulted with staff from the Oregon Department of Land Conservation and Development and staff from Livable Oregon, Inc. The following cities with comparable size and character to Keizer were identified:

- *Tigard* - Tigard's traditional downtown was essentially destroyed by the creation of Washington Square and surrounding commercial uses and the building of the Highway 99 bypass. It struggles today with service businesses and office space.

[i]How Superstore Sprawl can harm Communities, Constance E. Beaumont with preface by Richard Moe; National Trust for Historic Preservation; 1994

- *Tualatin* - Tualatin built a downtown from scratch over the last 10 years using a great deal of public investment to attract the necessary private investment. The commercial core is adjacent to the freeway interchange so it does not have the same locational situation as Keizer. However, the City has not allowed commercial development to proliferate along its various arterial streets in a strip commercial pattern and has not allowed significant commercial development to occur along Highway 99 at the west end of the City.

- *Woodburn* - Creation of a major strip commercial development adjacent to Interstate 5 over the last 20 years has created an extreme congestion and aesthetic blight problem for the City. Also, this strip commercial area along with another on north side of the city along Highway 99, have taken most of the businesses out of the traditional downtown.

- *Newberg* - Strip commercial development along Highway 99 has taken all the major retailers and many of the locally owned retailers out of downtown Newberg. The City is struggling with a redevelopment effort to try to re-establish some vitality to its downtown core.

- *McMinnville* - As with Newberg, McMinnville allowed major strip retail development along Highway 99 especially east of the downtown core. This has left downtown with no major retailers. A service sector business community is doing fairly well downtown, probably due to the employees and students of Linfield and the employees of Yamhill County being in the downtown area every business day.

- *Albany* - Albany lost its last major downtown retailer, Penney's, within the last few years to the Heritage Mall east of downtown along Highway 20. The strip commercial area along the highway has long competed with downtown Albany reducing the downtown to mostly service oriented businesses. As with McMinnville, the presence of the Linn County courthouse helps provide a loyal customer base for downtown businesses.

- *Lebanon* - Downtown Lebanon has suffered for many years from the competition of the strip commercial area east of downtown along Highway 20. This area has included larger grocery stores, a Payless store, and a Coronet variety store along with many other retailers. Each of these stores displaced similar stores downtown. With the opening of a Wal-Mart approximately 3 years ago, many new vacant storefronts appeared on Main Street. The commercial area now is dominated by 2nd hand stores.

- *Corvallis* - Corvallis has kept a relatively strong downtown despite major suburban commercial development along 9th Street and Kings Boulevard. This is probably due, as with McMinnville, to the employment and student base of Oregon State University and the employment base of Benton County.

- *Grants Pass* - The last of the major downtown retailers, Penney's, moved recently to a site adjacent to Interstate 5. The downtown now survives since it straddles the highway to the coast and it also is home to the County Courthouse.

- *Ashland* - Ashland has a thriving downtown which is most likely due to the strict design standards, high tourist population, and unique "flavor" that marks this community. Also, the City has not allowed significant suburban commercial development.

PUBLIC BENEFIT - A SUMMARY

All the factors raised above must be evaluated in terms of public benefit. That benefit must be weighed in short term, and more importantly, long term perspectives. Staff offers the following brief synopsis which will serve to summarize the points.

Transportation - A 30 acre retail development will generate more traffic all day long raising the overall traffic flow on Lockhaven and other impacted streets throughout the day. 15 Fewer acres of retail and 15 additional acres of IBP will temper the day long traffic volumes but will create higher peak hour volumes. However, it is easier to manage peak hour traffic flows than overall volume increases through the imposition of Transportation Demand Management strategies. There will be more negative impact to the City's transportation system from the higher amount of retail space. The public benefit is better served by minimizing the impact and putting it in a form that is more manageable.

Infrastructure Financing - A 30 acre retail development may have the profit potential to justify higher land sale values and fronting the infrastructure costs, though these contentions have not been substantiated. If it is true, however, the City may not need to play any role in getting the infrastructure financed and built.

While Staff believes the infrastructure can be built with little reliance on tax payer dollars, there still will be City moneys spent to support the process of putting together and administering the financing package though this is measured in thousands of dollars not millions of dollars. There is a public benefit in having minimal public involvement in the financing and construction of the infrastructure.

Employment - Expanding the IBP area by 15 acres with a commensurate reduction in the retail area will in all likelihood result in a greater number of higher paying jobs. These jobs will support families and households, helping Keizer to be a more economically self-sufficient economic unit.

Economic Impact - The City will spend approximately $13,000,000 in the River Road Redevelopment District over a 12 year period. This investment is intended to stimulate private investment which it is doing and will continue to do, resulting in a many fold return on the public investment. This work is creating a dynamic, vibrant, aesthetically pleasing, and attractive commercial district. This district, with its multiple focal points such as River & Chemawa and Iris Lane, while it will not be a "downtown," is and will continue to be the "center" of Keizer providing shopping and employment opportunities, a social and cultural center, and a source of pride for the Community.

Allowing 30 acres of retail at the interchange will create a major competitor for the River Road Redevelopment District. It will siphon off existing and potential customers, businesses, and investment. It will be counter productive to the City's redevelopment efforts without presenting a commensurate benefit to the public. It is not in the public interest to allow development at the interchange that will damage the existing River and Cherry commercial corridors and that will seriously temper their redevelopment potential.

Overall Public Benefit - Staff has reviewed all the testimony received by the Planning Commission and Council and can find only one point where allowing the 30 acre retail project can possibly be found to provide a public benefit. That is in the possibility that the infrastructure can be privately financed and developed. However, there are no assurances that this can actually happen, and there is every reason to believe that, with City facilitation, a fair financing package can developed which will result in the infrastructure being built with few taxpayer dollars.

Making such a major land use decision based on a nebulous financial consideration would be a very short sighted action, especially in light of the many factors which show it is not in the public interest to allow 30 acres of retail development.

15 Acres of retail development, with 15 additional acres of IBP development, presents a scenario where the demand for highway oriented and neighborhood oriented commercial services are met, more higher paying jobs are created, traffic congestion is manageable, infrastructure is in place, and the River and Cherry corridors remain the economically viable "center" of town. Achieving this scenario as opposed to the 30 acre commercial center option is in the public's best interest.

THE PROCESS - HISTORIC AND FUTURE

PLAN ADOPTION

The "Keizer Comprehensive Plan" was originally adopted in 1987. At that time two activity centers were identified and incorporated into the plan. These two centers, McNary Activity Center and Chemawa Activity Center, were identified as areas with unique planning issues and opportunities. They both needed additional planning to provide the guidelines allowing them to develop to their best potential.

In 1993, an interim Chemawa Activity Center Plan was adopted. This document was intended to eliminate much of the de facto moratorium placed on the properties by the Comprehensive Plan. The 1993 plan also maintained the land use patterns envisioned in the Comprehensive Plan. A copy of that plan is attached for the Council's information.

With the adoption of a new Chemawa Activity Center Plan the following specific actions will take place:

- The Chemawa Activity Center Plan- Part II will be adopted as an element of the Comprehensive Plan.
- The 1993 Chemawa Activity Center Plan will be repealed.
- The Keizer Comprehensive Plan text will be amended, if necessary, to reflect the changes. This will include revisions to the transportation plan element.
- The Keizer Comprehensive Plan Land Use Map will amended to reflect the Activity Center Plan map.
- A new IBP zone will be adopted as part of the Zoning Ordinance.
- Zoning on all properties will change to reflect the Activity Center Plan designations.

After the Plan is adopted, Staff will carry out the second part of the Council Goal, which is to develop a financing plan for the planned infrastructure improvements and bring it to the Council for adoption by December.

After the Plan is adopted, the developer of any property will be bound by the provisions of the AC (Activity Center) Overlay zone which requires the submission of master plans to be reviewed as conditional uses. The master plans must be found to meet all the criteria and objectives of the Activity Center Plan to be approved. Once a master plan is developed, all that is required of any end user is to get a building permit which must conform with the provisions of the master plan.

IBP ZONE

The Planning Commission has finalized its draft of the Industrial Business Park zone and forwards it to the Council with a unanimous recommendation to adopt it as part of the Zoning Ordinance. This zone is proposed to be used in the Chemawa Activity Center, and is also being proposed for use at the south end of Cherry Avenue as part of the Cherry Avenue Design Plan.

A copy of IBP zone text is attached.

RECOMMENDATION

It is recommended Council, by motion:

1. Direct Staff to prepare the amendments to the "Chemawa Activity Center Plan - Part II" necessary to reflect 15 acres of retail development in Area A;

2. Direct Staff to prepare the necessary ordinances and findings to adopt the revised "Chemawa Activity Center Plan - Part II", amending the Comprehensive Plan as necessary, and adopting the IBP zone as part of the Zoning Ordinance; and

3. Hold the hearing open until September 3, 1996 at which time the revised plan and adopting ordinances will be presented for adoption.

July 8, 1996

To: John Morgan
From: Charles Kupper

Re: Chemawa Interchange Values

This will follow up your request re the above. We have prepared value information on two scenarios, per your request. One scenario assumes 70 acres of industrial development, and 30 acres of commercial, with one or two hotels totaling not more than 150 rooms. A second scenario simply shifts 15 acres from commercial to industrial use, thus creating an 85-15 ratio of industrial to commercial land.

This assignment is to provide a general idea of the property values which might be added to the tax rolls in each of the two scenarios, and to address several secondary effects of development of the site. We have discussed potential land and building values with Mr. Wayne Day, head commercial assessor with Marion County's Dept of Assessment and Taxation. We've done cross checks with other County Assessors, reviewed our own research files, and had discussions with appraisal staff at Palmer, Groth, and Pietka, a Portland appraisal firm which is active throughout the State. We also have calls in to Spence Powell, but at this point, I think they will simply confirm what we've gotten from other sources.

Before going on to a presentation of our data, I'd like to make this general disclaimer about the data. The new values resulting from development at the Chemawa Interchange will consist of land values, building values, and business personal property. The values that would result from an actual development are the product of an almost infinite range of variables. The development scenarios discussed here are hypothetical. As a result, we're making the most basic "plain vanilla" assumptions about a wide range of factors which might influence values. Other assumptions could be made which would produce higher or lower values. If a higher level of precision is needed for these value estimates, there are more costly and time consuming approaches which would produce better, but still hypothetical, value estimates.

Land Values
We obtained information about potential land values at interchange locations from the Marion County Assessor's office, from Portland area Assessors, and from a local real estate appraisal firm. All sources provided the same range of values:

Light Industrial and Industrial Land -	$1.00 to $3.00 s.f
Commercial office and retail	$5.00 to $8.00 s.f.
Freeway Oriented Hotel	$10.00 to $14.00 s.f.

Given the hypothetical status of our development program, all parties suggested just using a land value around the midpoint of those ranges. We've done that here.

Building Values
Commercial property is assessed using cost, income, and comparable approaches to valuation. With our hypothetical development, the simplest approach for a first pass estimate of values is to use a

"cost" approach to the property. While all assessors offer cautions about a wide range of variables with the cost approach, they do use standardized cost data for various building types. The cost approach is uncomplicated, and we also think it represents the most conservative approach to a first pass estimate. Here is the building cost data from Marshall Valuation Services, the reference source used by the Assessor:

Retail, good Class C (1-2 floors)	$69.00 s.f.
Office, good Class C (3-4 floors)	$75.50 s.f.
Light Industrial, good Class C	$37.30 s.f.
Freeway Hotel	$75.00 s.f. (A good comparable value is $50,000/room)

Business Personal Property
Business personal property is another important element of the potential values which might be generated at the Chemawa Interchange. While business personal property is subject to some range of interpretation, it is generally considered to be the value of property used in the production of income. Machinery and equipment which is not a permanent part of the real estate falls into this category of taxable property. Business personal property in a warehousing type operation may be quite low. The personal property component of manufacturing facilities, especially those in high-tech fields, can be very high. Business personal property is rapidly depreciated, but businesses with large personal property holdings generally are quick to replace and upgrade that property. Our assumption is that the Chemawa development, being industrial and commercial, would have a larger personal property component than the City as a whole. (Personal property represents only 1% of the total values in Keizer.) To find a better comparable we looked at Keizer's River Road Renewal Area. The personal property component of the urban renewal area for 1995-96 was about 6% of total renewal area values. We think even a 6% add-on for personal property is low for an exclusively industrial/commercial development, but for this report, we add 6% to the total land and building value for personal property.:

The Building Program
We do not know the actual building program that will occur on the industrial acreage at the Chemawa site. To obtain a figure for gross square footage of building, our model uses a simple building coverage factor. We assume that the type of development that will occur at this freeway oriented site will be a better quality Industrial Park, or campus. This type of development also is consistent with the Class C building types we use to calculate our building costs. We discussed building coverage ratios with developers of campus, or Industrial Park type developments. In order to provide the quality image desired for this type of development, coverage ratios are in the 30-35% range, with the lower end of the range being more common. This report uses a 30% coverage factor for the industrial land at the Chemawa site.

Your June 24th memo to me provides maximum building footage for commercial uses, and maximum number of hotel rooms. Those maximums are used here. Our calculations of values added by the two development scenarios follow.

SCENARIO 1			
70 ACRES INDUSTRIAL, 25 COMMERCIAL, 5 HOTEL			
INDUSTRIAL			
Acres	70		
Coverage	30.00%		
	Square ft	S.F. value	Total Value
Land	3,119,200	$2.00	$6,238,400
Bldg.	935,760	$37.30	$34,903,848
Pers. Prop	NA	6.00%	$2,468,535
TOTAL			**$43,610,783**
Value Per Acre			$623,011
COMMERCIAL-RETAIL			
Acres	25		
Coverage	22.44%		
	Square ft	S.F. value	Total Value
Land	1,114,000	$6.00	$6,684,000
Bldg.	250,000	$69.00	$17,250,000
Pers. Prop	NA	6.00%	$1,436,040
TOTAL			**$25,370,040**
Value per Acre			$1,014,802
HOTEL			
Acres	5		
Coverage	NA		
	Square ft	S.F. value	Total Val
Land	222,800	$12.00	$2,673,600
Rooms	150	$50,000.00	$7,500,000
Pers. Prop	NA	6.00%	$610,416
TOTAL			**$10,784,016**
Value per Acre			$2,156,803
Grand Total			**$79,764,839**

Scenario 2 80 Acres Industrial, 15 Commercial, 5 Hotel			
INDUSTRIAL			
Acres	80		
Coverage	30.00%		
	Square ft	S.F. value	Total Value
Land	3,564,800	$2.00	$7,129,600
Bldg.	1,069,440	$37.30	$39,890,112
Pers. Prop	NA	6.00%	$2,821,183
TOTAL			**$49,840,895**
Value Per Acre			$623,011
COMMERCIAL-RETAIL			
Acres	15		
Coverage	22.44%		
	Square ft	S.F. value	Total Value
Land	668,400	$6.00	$4,010,400
Bldg.	149,989	$69.00	$10,349,238
Pers. Prop	NA	6.00%	$861,578
TOTAL			**$15,221,217**
Value per Acre			$1,014,748
HOTEL			
Acres	5		
Coverage	NA		
	Square ft	S.F. value	Total Value
Land	222,800	$12.00	$2,673,600
Rooms	150	$50,000.00	$7,500,000
Pers. Prop	NA	6.00%	$610,416
TOTAL			**$10,784,016**
Value per Acre			$2,156,803
Grand Total			**$75,846,127**

Discussion of Scenarios 1 and 2
The tables on the preceding pages show there is only about a 5% difference in values between the two scenarios. The slight margin is partly attributable to a choice made in land distribution in Scenario 2. Scenario 2 shifts the five acres of hotel land out of the commercial land acreage into the industrial land bank. This preserves all of the fifteen acres of commercial land for those high value producing use.

Tax Impacts of the Development Scenarios
Both scenarios produce roughly $75 to $80 million in new values. Those values would represent an increase of about 7.2% from Keizer's 1995-96 total values of $1.06 billion. In Oregon's tax system, those values would not produce new revenues for Keizer, but, if all taxing body levies are held constant, that increase in values would produce a reduction of 6.5% in the general government tax

rate in Keizer, a drop of about forty-five cents per thousand. Addition of commercial values at Chemawa would help shift some of Keizer's property tax burden from residential property to commercial.

Employment Generated

Job creation is another benefit from development at the Chemawa site. The following employment figures are based upon data from the Institute of Transportation Engineers. This data is used to estimate auto trips generated by various forms of development:

Development	Employees per gross acre	Total Acres	Employment
Industrial Park	20.4	70	1428
Specialty Retail	16.6	30	498

With hotel employment included, the Chemawa site can be expected to produce 2,000 or more jobs. Oregon Employment Department data for the Salem SMSA for 1993 shows an average annual payroll for retail jobs at $13,498, and $24,599 for manufacturing. Using these figures, potential wages generated by development of the Chemawa site are:

Employment Class	No. Employed	Avg Payroll	Total Annual Payroll
Manufacturing	1428	$24,599	$35.13 million
Retail	498	$13,498	$6.72 million

Wages generated do not necessarily directly benefit the host municipality. It can be expected however, that income and job creation of the magnitude shown above will have considerable secondary benefits for the City of Keizer.

Losses to Existing Businesses

Data on the current inventory of commercial and retail space in Keizer is not available. That information would provide some basis for a more informed guess about the impact of adding 250,000 s.f. of commercial space at the Chemawa interchange. One possible source of information is the September, 1995 Market & Development Overview done by the Leland Consulting Group. That analysis indicates (p.19) that the retail growth supportable in the trade area (an area wider than Keizer) in the period 1995-2000 is about 82,000 s.f. The additional square footage of office space supportable during the same period is estimated at about 50,000 s.f. (p.18). This information would indicate that it may take several years for the market to absorb the commercial land at the Chemawa site.

The short-term market support information in the Leland report would suggest that the commercial development potential of the site could impact existing businesses in the River Road and Cherry Avenue commercial areas. The Leland report mentions, however, that there is much leakage from Keizer's retail market, that is, Keizer residents leaving the Keizer area to shop. The leakage indicates there are shopping opportunities not now being provided by existing Keizer businesses. In summary, we believe the impact of commercial development at the Chemawa site will depend on the type of businesses which locate at the Chemawa site, and the ability of existing businesses to respond to the new business environment.

```
AT01                  CURRENT DATE 07-10-96          ATS742   001303/27/95 SCREEN S2
   MARION COUNTY ASSESSMENT/TAXATION SYSTEM - REAL PROPERTY  - ASMT SUMMARY
ROLL 1 ACCOUNT 58926-000  YEAR FOR 94  MAP# 10AD083W  083W-10AD-10100
  STAT CL L25   PROP CL 211 (201)  ZONE 16B                          ACRES      1.82
  LAND YR 91  BY 43   IMPR YR 91  BY 43
                                   CODEAREA          NON-HS     HMSTD      TOTAL
VIPS MOTOR INNS INC                92401000 LAND      359920                359920
%VIPS INC                                   IMPR     2709120               2709120
29757 SW BOONES FERRY RD                   TOTAL     3069040               3069040
WILSONVILLE         OR    97070


PHOENIX INN MOTEL


4370   COMMERCIAL  ST SE

ENTER: ROLL 1 ACCT 58926-000 SEG ASUM YR 95 CODEAREA 00000000 TYPE 0 SEQ 0
```

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AT01                 CURRENT DATE 07-10-96          ATS742   001303/27/95 SCREEN S2
   MARION COUNTY ASSESSMENT/TAXATION SYSTEM - REAL PROPERTY  - ASMT SUMMARY
                         *** SEPARATED ON 05/29/92 ***
ROLL 1 ACCOUNT 54877-044  YEAR FOR 94  MAP# 24AD073W  073W-24AD-00900
  STAT CL L28   PROP CL 211 (201)  ZONE 12A                          ACRES     3.43
  LAND YR 92  BY 43   IMPR YR 92  BY 43
                                   CODEAREA          NON-HS     HMSTD      TOTAL
CULVER,STANLEY R                   92401000 LAND      654490                654490
% S R CULVER R E INVESTMENTS                IMPR     3745510               3745510
8383 NE SANDY BLVD STE 261                 TOTAL     4400000               4400000
PORTLAND             OR    97220



3301   MARKET  ST NE


ENTER: ROLL 1 ACCT 54877-044 SEG ASUM YR 95 CODEAREA 00000000 TYPE 0 SEQ 0
```

AT01 CURRENT DATE 07-10-96 ATS742 001303/27/95 SCREEN S2

MARION COUNTY ASSESSMENT/TAXATION SYSTEM - REAL PROPERTY - ASMT SUMMARY

ROLL 1 ACCOUNT 55879-818 YEAR FOR 94 MAP# 36AC073W 073W-36AC-00300

STAT CL L27 PROP CL 211 (201) ZONE 16B ACRES 1.26

LAND YR 91 BY 33 IMPR YR 91 BY 33

	CODEAREA		NON-HS	HMSTD	TOTAL
FREEBURG,PAUL W ET AL	92401000	LAND	266260		266260
3125 RYAN DR SE		IMPR	4105400		4105400
SALEM OR 97301		TOTAL	4371660		4371660

KIMBERLY PARK PHASE 2
LOT 6 BLK 2
MILL CREEK INN

3125 RYAN DR SE

ENTER: ROLL 1 ACCT 55879-818 SEG ASUM YR 95 CODEAREA 00000000 TYPE 0 SEQ 0

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AT01                  CURRENT DATE 07-10-96          ATS742   001303/27/95 SCREEN S2
   MARION COUNTY ASSESSMENT/TAXATION SYSTEM - REAL PROPERTY  - ASMT SUMMARY
                        *** SEPARATED ON 07/23/92 ***
ROLL 1 ACCOUNT 50569-000  YEAR FOR 94  MAP# 06CC072W  072W-06CC-05700
  STAT CL L21   PROP CL 211 (201)  ZONE 13B                        ACRES      1.81
  LAND YR 94  BY 33   IMPR YR 94  BY 33
                                    CODEAREA         NON-HS     HMSTD     TOTAL
FREEBURG,PAUL & FREEBURG,JAMES      92401009 LAND      217000              217000
3125 RYAN DR SE                              IMPR     1659500             1659500
SALEM               OR    97301             TOTAL     1876500             1876500


PARTITION PLAT 1992-52
PARCEL 2
ANNEXATION NO 92-091
PACIFIC HIGHWAY INN
4646   PORTLAND  RD NE


ENTER: ROLL 1 ACCT 50569-000 SEG ASUM YR 95 CODEAREA 00000000 TYPE 0 SEQ 0
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7. The City of Keizer provides the following major public facilities and services within it's municipal boundary: sanitary sewer, water, streets, drainage, police protection and general government. The Keizer Rural Fire Protection District and Marion County Fire District #1 provide fire protection services within the city.

8. Residents want new growth in Keizer to be balanced; that is, the ratio of new population growth to new development growth will be similar to growth expected for the entire urban area.

9. Residents want Keizer to have an identity. Developing a cohesive commercial center on N. River Road would help create that identity.

10. Residents want to provide for more shopping opportunities in Keizer.

11. Residents want to expand Keizer's image from a bedroom community to providing for more employment opportunities.

12. Residents find it fiscally prudent to diversify Keizer's tax base by encouraging more non-residential development.

13. The recent opening of Chemawa Interchange on I-5 and planned improvements to Olson Road, a major east-west arterial, make vacant land adjacent to these transportation facilities attractive for commercial, industrial and high-density residential development.

14. Keizer has a unique opportunity to capitalize on existing open space and recreation facilities at the center of the city by encouraging a mixed-use development creating a new town center.

2. GOALS AND POLICIES

a. **General Goals**

1. Ensure a coordinated urban growth program in the Salem/Keizer urban area. This will be accomplished by:

   (a) Adopting an urban growth boundary developed through a coordinated regional effort.

   (b) Adopting urban growth objectives and policies developed through a coordinated regional effort.

[redacted]

2. Establish as a high priority the extension of interim public facilities, especially sanitary sewers, to the Clear Lake area so that existing failing septic systems can be replaced or improved.

   (a) Identify interim solutions to correct existing failing on-site systems, and implement a program by 1988.

   (b) Establish as a medium and low priority the extension of full long-term public facilities to Clear Lake. Rely on new development activities to finance permanent long-term public facilities.

   (c) Retain agricultural zoning until long-term public facilities are planned or are available, and development pressure warrants.

   (d) Under the agricultural zoning, establish a minimum parcel size for the area so that long-term development opportunities are safeguarded, and limit future subdivisions and partitions to the minimum size.

   (e) Allow new septic tanks and drain fields, and improvements to existing septic tanks and drain fields as long as applicable environmental and engineering standards are met, and appropriate permits secured.

   (f) Require that when long-term public facilities are available, all developed properties will be connected to the system.

3. Establish as a high priority street and drainage improvements along N. River Road and Cherry Avenue.

   (a) Develop a plan and implementation program for traffic management, parking, access and landscaping improvements.

   (b) Require on-site drainage to connect to public drainage facilities along N. River Road and Cherry Avenue.

   (c) As part of the Olson Street improvements, address the flooding problems where Claggett Creek crosses N. River Road.

4. Establish as a medium priority the extension of public facilities to the Chemawa Interchange area.

   (a) Develop a plan and implementation program for public facility financing.

(b) Encourage the consolidation of existing parcels. Discourage further subdivision of existing parcels.

(c) Retain agricultural zoning until long-term public facilities are planned or available. Once facilities are planned or available, actively recruit new commercial and industrial development.

5. Establish as a low priority the extension of public facilities to the area around the Willow Lake Sewage Treatment Plant.

6. Support public facility extensions when new development provides its own financing. The cost of new growth should, to the extent possible, be borne by the new growth itself.

7. Establish as a high priority construction of public improvements in areas where sewer and water facilities are already provided, particularly storm sewers and streets.

C. LAND-USE AND ECONOMIC DEVELOPMENT

1. FINDINGS: RESIDENTIAL DEVELOPMENT

a. General

1. Despite the recessionary halt in population and employment growth, in the long-run trends are for moderate to strong growth. Population and employment in the Salem area will continue to grow, probably at rates less than those of 1970 - 1980, certainly at rates greater than those between 1980 - 1984.

2. Between 1970 and 1980, population in Census Tracts 14 and 15 (an approximation of the Keizer area) grew at an average annual rate of 4.2%, compared to 3.0% for all census tracts in the Salem urban area.

3. Keizer is not the only spot for growth to occur in the Salem area. Suburban areas in east and south Salem grew more rapidly between 1970 and 1980. But Keizer has several characteristics that make it a likely growth node for the Salem metropolitan region: a history of strong residential growth; increased accessibility resulting from the recent opening of the Chemawa interchange on I-5; a supply of flat, buildable land; a suburban stability many families desire; and a commitment and ability to provide public services. If the supply of buildable land is not restricted by public policy, substanital residential growth is likely to occur in Keizer.

Tepper Lane?

12. Permit rezonings to higher intensity residential uses to meet the identified housing needs provided such proposals are consistent with the policies of this plan and its implementing ordinances.

13. Discourage through traffic in residential neighborhoods.

14. Encourage and support development of housing units for low and moderate income families by:

    (a) Allowing for more multi-family housing than expected demand.

    (b) Permitting outright more affordable housing types such as multi-family housing, mobile homes, and manufactured housing.

    (c) Encouraging public, private, nonprofit, and cooperative associations and joint public-private partnerships to enter the low and moderate income housing market.

    (d) Continuing to support the use of federal and local housing assistance program available through an appropriate housing authority.

    (e) Investigating the desirability and fiscal feasibility of starting a program for emergency housing assistance through a housing authority.

15. Designate on a plan map residential land sufficient to:

    (a) Meet projected housing needs through twenty years.

    (b) Provide for an overall split in construction of new units of 55% single family units and 45% multi-family units.

    (c) Provide for three general levels of residential density:

    Low Density: as many as 8 units per gross acre.

    Medium Density: over 8 and as many as 16 units per gross acre.

    High Density: over 16 units per gross acre.

16. Protect residential areas by zone codes, subdivision codes, and other regulations from any land use activity involving an excessive level of noise, pollution, traffic volume, nuisances, and hazards to residents.

4. Employment opportunities in Keizer will grow from abut 4,000 in 1985 to about 5,600, and possibly to 7,000 - 8,000 in 2005, depending on general economic conditions in the Salem metropolitan area, the degree to which Keizer and surrounding communities pursue programs for economic development, and the degree to which the market responds to such programs.

5. The increases in employment by land use type on a percentage basis between 1985 and 2005 will occur roughly as forecast by the Salem Area Transportation Study: industrial 33%, retail 26%, office 32%, school 8% and government 1%.

6. The Salem Area Comprehensive Plan calculates need for land based on the following estimates of average employees per gross acre: industrial 9, retail 20, and office and government 30. These estimates are consistent with those used by several other jurisdictions in the Willamette Valley and are used in calculations in this plan.

7. Keizer has three major opportunities for economic development:

   (a) Mixed-use development (office, retail, government) in the area north of Olson Street and generally west of N. River Road.

   (b) Commercial and industrial development in the area adjacent to the Chemawa Interchange on I-5, primarily to the north of Lockhaven Drive, secondarily to the south.

   (c) Redevelopment and in-filling of commercial development along the N. River Road and Cherry Avenue corridor from the southern City limit to Olson Street.

8. Keizer can affect the amount and type of employment growth that occurs by its choices in land use designations and policies, service provisions and programs to promote economic development.

9. A majority of Keizer residents believe that Keizer should not continue to be just a "bedroom community" for Salem. They favor policies to encourage employment growth, provided such growth is compatible with the character of Keizer and makes a net contribution to the welfare of its residents.

10. There exists both general and specific support for commerical and industrial development at the Chemawa Interchange. Property owners owning a majority of the vacant and largely vacant land northwest of the interchange have indicated their desire to have the land zoned for industrial and commercial uses.

3. Encourage for commercial and industrial developments:

(a) Innovative designs for public spaces such as open plazas, pedestrian malls, and tot lots by making sure zoning regulations are flexible.

(b) The expansion of existing and the location of new light manufacturing activities, especially those which generate little pollution.

(c) Industrial park development for appropriate business activities. Examples of activities are warehousing and distribution, and research and development.

4. Discourage in commercial and industrial developments:

(a) Major customer traffic from outside the immediate neighborhoods from filtering through nearby residential streets.

(b) Other land uses in districts that have been designated for industrial use, except when it can be demonstrated such uses will have minimal negative impacts on industrial uses now and in the future.

(c) Placement of loud or obnoxious equipment adjacent to residential streets or areas.

(d) Deliveries or loud outside activities adjacent to residential streets or areas.

5. Permit in commercial and industrial developments:

(a) Commercial offices to be mixed with compatible residential or commercial retail uses in the same structure.

(b) Transit services and shelters to be provided in lieu of some off-street parking.

6. Maintain a supply of industrial and commercial land with necessary public services, adequate size and suitable location.

7. Recognize the vital role of neighborhood commercial facilities in providing services and goods to a particular neighborhood.

8. Encourage the expansion or redevelopment of existing neighborhood commercial facilities when the density or socio-economic characteristic of households using the facilities change or when residential densities increase.

9. Concentrate major commercial and industrial development along major arterials. Allow neighborhood shopping and convenience stores in residential areas, providing such developments meet compatibilility standards described in the implementing ordinances. Such standards shall be clear and objective and not have either the intent or the result of precluding all such development.

10. Designate on a plan diagram commercial and industrial land sufficient to meet projected needs through 2005.

11. Establish and implement development ordinances that balance the needs for a safe, clean and attractive environment with the need to avoid unnecessary regulatory burdens and costs. Such ordinances shall ensure that development design and operation compatible with surrounding land use and shall contain clear and objective standards for determining the compatibility of different types of land uses.

d. Area-Specific Policies

1. Work with land owners and developers to promote the development of a major mixed-use development northwest of the intersection of N. River Road and Olson Road.

2. Encourage industrial and commercial development on vacant and largely vacant parcels near the Chemawa Interchange.

3. Prohibit commercial and industrial development adjacent to the Willamette River.

4. Work with the Keizer Merchants Association and other business groups to encourage cooperation among commercial enterprises along N. River Road and Cherry Avenue in establishing guidelines, goals and funding sources for public and private improvements.

D. PLAN DIAGRAM AND SPECIAL LAND USE POLICIES

1. FINDINGS

a. General

1. A land use plan has been prepared for the City of Keizer which reflects the goals and policies of the Comprehensive Plan. See Figure 2. The vacant buildable acres by land use type are:

(a) Single-family residential	861.5 acres

(b) Multi-family residential	168.1 acres
(c) Commercial	126.1 acres
(d) Industrial	231.1 acres
(e) Schools/Semi-public	89.0 acres
(f) Parks/open space	115.0 acres
(g) Major streets	97.4 acres
Total	1,688.2 acres

2. The distribution of vacant buildable land by land use type was guided by the land use needs analysis summarized in Table 2. Parcel configuration and size, existing land use, natural features and desired urban form also influenced the plan.

3. Lands devoted to multi-family residential uses exceed the range of acres needed. This was done in order to:

   (a) Encourage additional multi-family uses beyond the lands needed based on market trends and regional objectives.

   (b) Encourage the construction of more affordable housing by keeping the available supply of multi-family lands ahead of expected demand. A 10 year supply of vacant buildable land is provided in excess of expected demand.

   (c) Encourage a more compact and efficient land use pattern which makes good use of existing and future public facilities and public transportation.

4. Response to alternative urban growth alternatives and land use patterns during public workshops, presentations to citizen, business groups and property owners, and town hall meetings supported the land use plan in concept.

2. GOALS AND POLICIES

a. **General Goals**

1. Provide appropriately designated vacant builable land in adequate quantities to meet the forecast needs of Keizer to 2005.

2. Provide a development pattern which:

(a) Encourages stabilization of existing neighborhoods.

(b) Encourages affordable housing.

(c) Creates a new town center for Keizer.

(d) Creates new employement opportunities in Keizer.

(e) Preserves open space areas along Claggett Creek, and the Willamette River.

b. Low-Density Residential

1. Allow single-family residential uses as the predominant land use type in low-density residential areas.

2. Ensure that:

(a) Land use is predominantly single-family residential, with as many as 8 units per gross acre.

(b) A variety of housing types are allowed in this category such as detached, attached, duplex and manufactured housing. The zoning and subdivision ordinance will more specifically describe structural types. In this district, each residential unit will be on a single lot.

(c) Schools, neighborhood shopping facilities, parks and churches are allowed in this category subject to conditional use criteria to be defined in the zoning ordinance.

c. Medium and High Density Residential

1. Allow a mix of housing types in this category in two general levels of residential density:

(a) Medium density-over 8 and up to 16 units per gross acre.

(b) High density-over 16 units per gross acre.

Identify criteria and location for these two sub-categories in the zoning ordinance.

2. Allow attached, duplex and multiple housing in this category.

3. Allow a 10-year surplus of vacant buildable land in this category.

4. Schools, neighborhood shopping facilities, parks and churches are allowed in this category subject to conditional use criteria to be defined in the zoning ordinance.

d. **Commercial**

1. Provide for retail-office centers:

(a) Allowed uses are department stores, offices, other retail facilities, and medium and high density housing.

(b) A retail-office center should:

(1) Be from 20 to 50 acres in size.

(2) Have direct access from one or more arterial streets.

(3) Be centrally located to existing and future residential neighborhoods.

(4) Provide facilities and services to Keizer as a primary market.

(5) Not encourage traffic through residential neighborhoods.

(c) A retail-office center will be located west of N. River Road and north of Olson Street at the McNary Activity Center.

2. Provide for an employment area service center:

(a) Allowed uses are retail, service and office uses related to nearby industrial districts, and area commercial uses serving the traveling public such as restaurants, hotels, conference centers and shopping facilties.

(b) A employment area service center should:

(1) Be from 20 to 50 acres in size.

(2) Have direct access from I-5 and an arterial street.

(3) Provide facilities and services to adjacent industrial areas and to the traveling public.

(4) Not encourage traffic through residential neighborhoods.

(5) Be a unified district with coordinated circulation, parking and landscaping, not a collection of small unrelated commercial developments.

(c) An employment area service center will be located near the Chemawa Interchange in the Chemawa Activity Center.

3. Provide for strip commercial developments in areas where this is the predominant existing land use:

(a) Allowed uses are retail, service and office, and are largely oriented to automobile traffic.

(b) Strip Commercial will be located along North River Road generally south of Claggett Street, and along Cherry Avenue.

(c) Expansion of this district beyond the boundaries shown on Figure 2 will not be allowed.

(d) Ensure that future improvements and land use changes in the area provide adequate sound, light and visual buffers to adjacent residential areas. When design review is feasible, buffering and other visual methods will be required to reduce the impact on adjacent residential areas.

(e) Work with existing businesses, property owners and residents to establish an access policy along N. River Road so that the number of driveways can be reduced, and traffic flows and safety improved.

(f) Work with existing businesses, property owners and residents to establish a sign policy along N. River Road.

(g) Encourage and support local businesses and property owners to organize and promote the district. Investigate the Oregon Main Street Program as a vehicle to encourage stabilization, revitalization and growth in the district.

4. Provide for neighborhood commercial centers:

(a) Allow shops and services which are easily accessable to residential areas, and are used frequently by neighborhood residents.

3. Require that new developments and major improvements in the special policy area are aware of the possible noise and odor impacts which may arise from the operation of the Willow Lake Sewage Treatment Plant.

4. Coordinate and participate with the City of Salem in studies to establish the feasibility, plan for and finance improvements to expand and remove the potential adverse conditions at the sewage treatment plant. If such studies are implementable, initiate a special land use study of the special policy area, and amend the comprehensive plan and zoning ordinance as appropriate.

5. Discourage subdivision of existing parcels within the special policy area until the completion of the studies noted above.

6. Continue the agricultural zoning in the special policy area until the completion of the studies noted above.

h. Activity Centers

1. Designate Activity Center overlay districts for:

   (a) McNary Activity Center
   (b) Chemawa Activity Center

   The purpose of the activity center overlay is to encourage a mix of intensive land uses emphasizing transit and pedestrian activity, and to allow flexibility of development regulations.

2. Require that design plans for each activity center are prepared and approved <u>before</u> specific development applications in the activity centers are approved. The land use designations shown on Figure 2, and on the zoning map before a design plan is adopted, are generalized and will be refined during the development of design plans. Transfer of development rights within activity centers are allowed, and encourage the use of planned developments. Design plans will be prepared for entire activity centers, not individual parcels or for individual projects.

3. Assume a leadership role in preparing design plans. The planning process should involve property owners, interested developers, residents, and other affected jurisdictions. Once a design plan is prepared, adopt it as a part of the Comprehensive Plan.

4. Require that design plans include:

   (a) Market feasibility, phasing, and marketing plan for anticipated uses.

(b) Development plan showing location and amount of land uses, location of major transportation facilities, location of major public facilities, location of parks, open space, public lands and other public uses, phasing plan.

(c) Design guidelines describing standards for public improvements, structures, landscaping, site development.

(d) Implementation and financing plan.

5. Establish the following objectives for the McNary Activity Center.

(a) Primary uses are retail-office center, public park and open space lands including the 50-acre lake, medium and high density residential.

(b) Integrate the McNary Golf Course, lake, public open spaces, civic center, and Claggett Creek corridor for public access and enjoyment.

(c) Encourage mixed use developments and multi-use structures. Within the district, pedestrian circulation and access should be emphasized.

(d) Provide for adequate off-street parking and loading, and public transportation facilities.

6. Establish the following objectives for the Chemawa Activity Center:

(a) The primary uses are regional service center, light industry, hotel/motel and supporting facilities, convention facilities, and retail shopping facilities.

(b) Improve access to the district and Lockhaven Drive. Coordinate transportation improvements with the industrial district to the north.

i. Resource Conservation Areas

1. Establish overlay districs to provide for natural resource protection and natural hazard safeguards:

(a) Willamette Greenway. Policies are included in Section A of this chapter.

(b) Resource Conservation. Policies are included in Section A of this chapter.

j. 100-year Floodplain

1. Establish an overlay district to regulate development within the 100-year floodplain. Policies are included in Section A of this chapter.

k. Keizer Dike

1. Establish an overlay district to regulate development on or near the dike. See Section A of this chapter.

E. PUBLIC FACILITIES TO SUPPORT DEVELOPMENT

1. FINDINGS: GENERAL

a. General

1. The City of Keizer provides sanitary sewer, water, drainage, parks, police protection, local streets and general government services within the existing city boundary. Education services are provided by School District 24J, and fire protection is provided by the Keizer Rural Fire Protection District and Marion County Fire District #1.

2. Sewage treatment is provided by the City of Salem through a services agreement which expires in 1991.

3. Approximately 40 percent of the vacant buildable land within the city has existing sewer and water service designed to serve the area. Within the served area, the Comprehensive Plan diagram provides for:

   (a) Approximately 50 percent of needed housing.

   (b) Approximately 30 percent of needed commercial land.

   (c) Approximately 30 percent of needed industrial land.

4. Urban expansion accomplished through in-filling within and adjacent to existing development in an orderly, unscattered fashion permits new development to utilize existing utilities, services and facilities or those which can be easily extended.

5. Several major development projects are pending in the area near McNary golf course and gravel pit. This area is adjacent to currently served areas, and requires the extension of major public facilities.

6. The Clear Lake area in north Keizer has areas where on-site septic systems have failed. The DEQ has determined that the long-term solution is to provide sanitary sewer service.

7. Currently, no sewer service is available in areas designated for industrial development. The economic development objectives of the City are directly related to the extension of major public facilities to these areas.

8. The cost of providing basic key services and facilities to existing and future development in Keizer is significant.

9. The Salem Area Transportation Study (SATS) is a comprehensive regional transportation plan, and provides policies, standards, implementation programs and coordination for transportation improvements. The City of Keizer has participated in the development of the plan.

10. Response to alternative urban growth alternatives during public workshops, presentations to citizen, business groups and property owners supported residential, commercial and industrial growth in Keizer.

2. GOALS AND POLICIES: GENERAL

a. General Goals

1. Plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

2. Provide and encourage a safe, convenient and economic transportation system.

b. General Policies

1. Reduce generally the amount of public subsidy for public utilities, services and facilities in new development.

2. Restrict extension of major public facilities such as sewer and water to areas outside the Urban Growth Boundary, except for cases where exception to Goals 11 and 14 can be secured, when agreed to by the City of Salem and Marion County.

3. Require that long-term planning for major pubic facilities be based on logical, functional boundaries. These boundaries may be outside the urban growth boundary, but such lands will not be needed for development until after 2005.

4. Encourage development in areas already served by major public facilities before extending services to unserved areas.

5. Establish as a high priority the extension of public facilities to the McNary Activity Center.

6. Establish as a high priority the extension of interim public facilities, especially sanitary sewers to areas in Clear Lake having failing on-site disposal systems.

7. Establish as a medium priority the extension of public facilities to the Chemawa Activity Center.

8. Establish as a low priority the extension of public facilities to the special policy area around the Willow Lake Sewage Treatment Plant.

9. Ensure that sewer and water services are provided at an urban level of service comparable to similar services provided throughout the Salem/Keizer urban area.

10. Continue to cooperate and participate with other jurisdictions in the region for the provision of regional services such as sewage treatment, solid waste disposal, public transportation, and other services of regional concern.

11. Ensure that public facility and service planning and implementation are consistent with the Urban Growth and Growth Management policies of this Plan.

12. Continue to participate in the SATS, and ensure that the periodic updating of the plan recognizes the most current forecasts for population and employment growth, and other policies of this plan.

13. Prepare at the time of the first periodic review after acknowledgment a Public Facilities Plan.

6. GOALS AND POLICIES: SANITARY SEWER, WATER AND DRAINAGE

a. General Goals

1. Provide and maintain public utilities, services, and facilities in an orderly and efficient manner.

2. Support public facility extensions when new development provides its own financing. The cost of new growth should, to the extent possible, be borne by the new growth itself.

b. Water Policies

1. Adopt the water system master plan (1980) as an element of this comprehensive plan, and utilize the recommended improvements within the developed area.

2. Update the water master plan within two years of gaining comprehensive plan acknowledgement. Utilize the existing master plan as a guide until the updating is completed.

c. Sanitary Sewer Policies

1. Adopt the Keizer Area Sanitary Sewer Master Plan Update, (1984) as an element of this comprehensive plan, and utilize the recommended improvements.

2. Encourage and participate in a regional effort to find solutions for sewage treatment and disposal. Solutions should be equitable for all users in the region.

d. Drainage Policies

1. Adopt the drainage master plan (1982) as an element of this comprehensive plan, and utilize the recommended improvements.

2. Update the drainage master plan at the time of the first periodic review after comprehensive plan acknowledgement. The update should include currently undeveloped areas within the plan.

   (a) The updated drainage master plan should include a careful analysis of the impact of a storm drainage system on Claggett Creek and Labish Ditch and other natural drainage features throughout Keizer.

Chemawa Activity Center Plan

Adopted by the City Council
September 7, 1993

City of Keizer, Oregon

1. INTRODUCTION

The Chemawa Activity Center, located at the intersection of Chemawa Road and I-5, represents the gateway to the Community and a significant development opportunity for the region. The Keizer Comprehensive Plan recognized this opportunity, and calls for a mix of light industry, hotel/motel, conference center, retail and supporting uses. See Figure 1.

A major shopping center developer evaluated several potential sites in the Salem/Keizer area in 1987, including the Chemawa area. An Activity Center plan was drafted and included in the City of Keizer's proposed local periodic review order. The plan was withdrawn when the developer decided not to invest in the region, and the local periodic review order needed additional work. Later in 1990, another developer conducted preliminary efforts to option much of the area and study the potential for a shopping center. Property owners, City officials and the community have had high expectations, but have been disappointed as exciting prospects have not materialized.

The Keizer Planning Commission focused on the Chemawa area in early 1993, and produced an Outline of Issues and Ideas which is included in the Appendix. This working document illustrates the opportunities for the area, the land use and infrastructure issues which need to be addressed, and the requirement for strong public/private leadership to implement the Activity Center Plan.

2. PURPOSE of the ACTIVITY CENTER PLAN

This Activity Center Plan establishes City policy to guide the intense development allowed by the 1987 Keizer Comprehensive Plan and Zoning Ordinance for the Chemawa Activity Center. The purpose of the Activity Center Plan is to establish policies for a mix of land uses, to identify basic public facilities needed to handle anticipated growth, and to develop a financial strategy to pay for necessary improvements.

This document represents a Phase 1 plan for the Chemawa Activity Center. In considering the possible land uses for the area, the Planning Commission noted that light industrial uses may one of several acceptable primary uses. A shift from light industrial will require major changes to the Keizer Comprehensive Plan and delay adoption of the Chemawa Activity Center Plan. The Phase 1 plan:

1. Implements the Comprehensive Plan,

2. Defines a broad vision for the Chemawa Activity Center which is consistent with the current Comprehensive Plan land use designations and provides for flexibility,

3. Identifies the basic public facilities which will support a range of potential uses,

4. Considers short-term regulations to assure that future opportunities are preserved, and

5. Identifies the public and private roles to achieve this vision.

6. Sets the stage for more detailed economic analysis, planning, and implementation.

Additional phases of this plan may be undertaken as new opportunities are identified.

3. THE COMPREHENSIVE PLAN FRAMEWORK

3.1 The Activity Center Plan Area

The Activity Center Plan covers the area designated as the Chemawa Activity Center in the Keizer Comprehensive Plan. The area is an "urban transition" district: existing single-family dwellings on large lots are mixed with small farms, nurseries and other agricultural uses. Approximately 10 percent of the land area is developed. (See Figure 1)

The Keizer Comprehensive Plan establishes general land use patterns and policies for this area. North of Lockhaven Drive, Area A is designated Commercial and Campus Light Industrial. Area B is also designated for light industrial uses. South of Lockhaven Drive, Area C is designated for light industrial uses. Policies in the Keizer Comprehensive Plan determine that an employment area service center should be located within the Chemawa Activity Center, and require that Activity Center plans are prepared and approved before specific development applications in the activity center are approved.

The land use designations shown on Figure 2 in the Keizer Comprehensive Plan, and on the zoning map before an Activity Center plan is adopted, are generalized and will be refined during the preparation of Activity Center plans. Transfer of development rights within activity centers are allowed and planned developments are encouraged. Activity Center plans will be prepared for entire activity centers, not individual parcels or for individual projects.

3.2 Comprehensive Plan

The Keizer Comprehensive Plan identifies several policies for the Chemawa Activity Center:

1. Primary uses are employment area service center, light industry, hotel/motel and supporting facilities, convention facilities, and retail shopping facilities.

2. Improve access to the district and Lockhaven Drive. Coordinate transportation improvements with the industrial district to the north.

An Employment Area Service Center is to be located near the Chemawa Interchange in the Chemawa Activity Center. Policies for Employment Area Service Centers are stated in the Plan:

1. Allowed uses are retail, service, and office uses related to nearby industrial districts, and area commercial uses serving the traveling public such as restaurants, hotels, conference centers and shopping facilities.

2. A employment area service center should:

   a. Be from 20 to 50 acres in size.

   b. Have direct access from I-5 and an arterial street.

   c. Provide facilities and services to adjacent industrial areas and to the traveling public.

   d. Not encourage traffic through residential neighborhoods.

   e. Be a unified district with coordinated circulation, parking and landscaping, not a collection of small unrelated commercial developments.

3. An employment area service center will be located near the Chemawa Interchange in the Chemawa Activity Center.

This Activity Center Plan is intended to implement these policies.

4. CHEMAWA ACTIVITY CENTER PLAN

4.1 Role of This Plan

The Chemawa Activity Center Plan will be adopted as an element of the Keizer Comprehensive Plan. All development activity within the area will be reviewed and approved in accordance with the provisions of this Plan. The Comprehensive Plan will be revised concurrent with the adoption of this Plan to acknowledge and incorporate it.

The Plan has 16 policies which are found in subsections below. These are the functional components of this Plan, and all development proposals will be evaluated based on these policies. All material in this Plan other than the policies is description and analytical and is subservient to the policies. Recommended actions and strategies found in the Plan provide direction for additional work tasks necessary to implement this Plan.

4.2 Summary

The Chemawa Activity Center Plan calls for the future development of a dynamic, attractive mixed use area incorporating a mix of retail, office, service commercial, public and semi-public, and light industrial uses near the I-5 Chemawa interchange. South of Lockhaven Drive, Ridge Drive will require realignment to better serve adjacent land uses and solve traffic conflicts at Lockhaven. The intersection of Chemawa Road and Lockhaven Drive will be closed.

North of Lockhaven Drive, basic public facilities such as sanitary sewer, water, drainage, and streets must be provided to serve a mix of commercial and light industrial uses. These public facilities are located and designed in a way that allows some flexibility in the amount and location of specific commercial developments, and permits the City to respond to individual development opportunities as they occur. Major improvements to the Radiant Drive/Lockhaven Drive intersection will be required, as will future improvements to the I-5 Chemawa on and off ramps.

In order for the Activity Center Plan to be realized, the City of Keizer must take an aggressive posture regarding public facility planning and financing. The City should pursue many economic development structures, including possibly designating the Chemawa area as an Urban Renewal District or creating a Community Development Corporation, and should utilize tax increment funds, as well as development fees and assessment fees to finance needed public improvements. Grants and loans from the Oregon Economic Development Department should also be pursued.

It is also imperative the City of Keizer take an aggressive economic development posture, taking leadership and partnership with the private sector in marketing and developing the properties within the Activity Center.

4.3 The Plan Area

The Comprehensive Plan identifies the area within the Chemawa Activity Center. These lands, when the Plan was adopted in 1987, were those lands within the City where more detailed planning and development was required. Since the Comprehensive Plan was adopted, the area south of Chemawa Road east of the railroad was annexed. This area is approximately 20 acres, and was originally acquired by ODOT for construction of the I-5/Chemawa interchange. Because this area is a significant vacant parcel located adjacent to the I-5 interchange, it is appropriate to include it within the Chemawa Activity Center.

Action:

1. *The Chemawa Activity Center designation shown in the Keizer Comprehensive Plan shall be amended to include the ODOT property southwest of the I-5 interchange.*

4.4 Land Use and Circulation Concept

Three land use scenarios for the Chemawa area were evaluated in terms of transportation and public improvement impacts and Comprehensive Plan policies. The Appendix includes a description of the scenarios considered. There is not a significant difference among the scenarios for the need for sanitary and storm sewers, water supply and distribution and local streets. Any of the scenarios could be viable at the Chemawa location, but market forces and developer preference will largely determine the future of the Activity Center Plan area. A flexible plan is needed which outlines the public intent for the area while allowing developers and property owners a wide range of development options.

Based on the consideration of transportation and public improvement impacts and Comprehensive Plan policies, Scenario B is recommended as the general land use mix for the Chemawa Activity Center. A land use and circulation plan concept is shown which provides needed flexibility to allow a wide range of development options, and to accommodate the land use mix described at the end of this section. (See Figure 2)

Area A: Radiant Drive

This area includes approximately 100 acres and extends from Tepper Lane south to Chemawa Road. In Area A, Radiant Drive is realigned to the west providing direct access to service commercial, retail and hotel/conference center uses located at the southern end of the area. This new street would extend to Tepper Lane along the existing railroad tracks serving the BPA facility. Depending on developer and user preference, the hotel and service commercial areas could be transposed. Office uses are proposed north of the commercial area. A loop road is proposed to extend from Radiant Drive to the eastern part of the area, and connecting to Tepper Lane at the intersection of the existing Radiant Drive. A new east-west road is proposed which will connect the realigned Radiant Drive to the new loop road. This new street will provide access to light industrial uses located in the northern portion of Area A, and to the general industrial area north of Tepper Lane. The location of the proposed street system permits some flexibility for the specific location of different land uses.

Policies:

1. *The land use and circulation concept described above and shown on the concept diagram shall guide all future development activity in the area.*

2. *The future use of this area consistent with the land use and circulation concept shall be retained and protected by continuing the Urban Transition (UT) zoning designation. The UT zone shall remain until public facilities including streets, sanitary sewer, water and drainage improvements described in this Plan are provided.*

Area B: North of Lockhaven

This area includes approximately 13 acres, and is located north of Lockhaven Drive. The predominant land use is planned for light industrial, but medium and high density housing may also be considered at a later date.

The need to keep this area as part of the Activity Center should be a top priority for consideration during the detailed planning process resulting from the adoption of this Plan. If it appears there is no need to use the land for a significant use that requires City intervention, such as assembly of parcels, provision of infrastructure, or promotion through the City's economic development efforts, then the land should be removed from consideration. In this case, a subsequent planning process will need to be immediately undertaken to determine the best future Comprehensive Plan land use designation for the area.

<u>*Policies:*</u>

1. *The future land use shall be campus light industrial.*
2. *The future use of this area shall be retained and protected by continuing the Urban Transition (UT) zoning designation. The UT zone shall remain until public facilities including streets, sanitary sewer, water and drainage improvements described in this Plan are provided.*
3. *The number of vehicle access points on Lockhaven Drive shall be minimized. Combining access points for adjacent parcels shall be required .*
4. *A minimum spacing standard for vehicle access points shall be 400 feet apart along an arterial street and 200 feet along a collector street.*
5. *The need to keep the area in the Activity Center shall be a first priority for consideration in subsequent planning processes following adoption of this Plan.*
6. *If the land is removed from the Activity Center, then it should be immediately studied for determination of the appropriate Comprehensive Plan land use designation.*

Area C: West of Railroad

Area C includes approximately 37 acres south of Lockhaven Drive and west of the Railroad. The predominant land use is planned for light industrial, but medium and high density housing, recreation or commercial uses may also be considered at a later date.

The need to keep this area as part of the Activity Center should be a top priority for consideration during the detailed planning process resulting from the adoption of this Plan. If it appears there is no need to use the land for a significant use that requires City intervention, such as assembly of parcels, provision of infrastructure, or promotion through the City's economic development efforts, then the land should be removed from consideration. In this case, a subsequent planning process will need to be immediately undertaken to determine the best future Comprehensive Plan land use designation for the area.

The circulation system in Area C consists of the realignment of the intersection of Chemawa Road to the west to form an intersection on Lockhaven Drive opposite McLeod Lane. This proposed circulation system in Area C presents the opportunity for a simple rail crossing and local street access to

Area D. Because of the need for a major signalized intersection at Radiant Drive, and the heavy turning volumes anticipated between that intersection and the freeway ramps, access from Area D directly to Lockhaven is not recommended.

Policies:

1. *The future land use shall be campus light industrial.*
2. *The future use of this area shall be retained and protected by continuing the Urban Transition (UT) zoning designation. The UT zone shall remain until public facilities including streets, sanitary sewer, water and drainage improvements described in this Plan are provided.*
3. *The number of vehicle access points on Lockhaven Drive shall be minimized. Combining access points for adjacent parcels shall be required .*
4. *A minimum spacing standard for vehicle access points shall be 400 feet apart along an arterial street and 200 feet along a collector street.*
5. *The need to keep the area in the Activity Center shall be a first priority for consideration in subsequent planning processes following adoption of this Plan.*
6. *If the land is removed from the Activity Center, then it should be immediately studied for determination of the appropriate Comprehensive Plan land use designation.*

Area D: ODOT Property

This area includes approximately 20 acres originally acquired by ODOT for construction of the I-5/Chemawa interchange. The area is identified for future transportation use including park and ride facility, and transit center. Limited supporting commercial uses may also be provided.

Policies:

1. *The future land use shall be campus light industrial.*
2. *The future use of this area shall be retained and protected by continuing the Urban Transition (UT) zoning designation. The UT zone shall remain until public facilities including streets, sanitary sewer, water and drainage improvements described in this Plan are provided.*

4.5 Public Improvements

The Chemawa Activity Center will require a full range of public improvements in order to develop to the densities called for in this Plan. A discussion of public improvement issues and requirements is included in the Appendix. A public facilities plan was prepared for the Chemawa Activity Center in 1988, and subsequently updated and included in the City's Public Facility Plan. A summery of all projects and their estimated cost is also found in the Appendix.

The public facility plan for the Chemawa Activity Center is described below.

Transportation Facilities

The Chemawa Interchange area is quickly developing into a major transportation hub. At this intersection automobiles are served by Interstate 5, by Salem Parkway as a major access to downtown Salem and the Capitol Mall, and by Lockhaven, Chemawa, and Hazelgreen as east/west arterials. Transit and car and vanpools are served by the future park and ride on the ODOT property and by the immediate access to major travel routes. Finally, passenger rail service will interface with the area via the near-term development of high-speed rail on the Southern Pacific tracks immediately east of the interchange, and via the future rail link between the interchange and downtown Salem and the Capitol Mall along the Burlington Northern tracks.

This "hub" of travel activity provides a strong catalyst for the top-quality economic development of the interchange area. It also is a function that should be strengthened and supported through this Plan. Major areas of planned improvements are discussed below.

Street Improvements

The Activity Center Plan has been developed to provide for a traffic circulation pattern which will provide for a minimum of conflicts on the major arterial. Specific planned changes include:

1. The Radiant Drive intersection with Chemawa Road will require signalization.

2. Chemawa Road's intersection with Lockhaven will be closed, with traffic rerouted north on McLeod to access Lockhaven at this newly signalized and improved intersection.

3. Radiant Drive will be disconnected from Lockhaven and realigned to connect with the intersection of McLeod and Chemawa. This will provide a continuous north/south collector route through the entire area while solving a traffic problem at Lockhaven.

4. Chemawa Road will require widening between the I-5 off-ramps and Radiant Drive. The widening will allow turn lanes from Chemawa Road to Radiant Drive to be constructed.

5. The off ramp from I-5 North bound to Chemawa Road westbound may require widening to handle two left turn lanes. A new signal head and restriping would also be required.

6. Restriping at the southbound approach to I-5 and the Salem Parkway from Chemawa Road will also be required.

As part of the I-5 interchange reconfiguration discussed above, the completion of an undercrossing under Lockhaven linking Area A and Area D is planned. This access is important in order to fully integrate park-and-ride and other transit transfer functions planned for Area D with the rest of the Activity Center. It also is important to the area south of Lockhaven with the realignment of Radiant to the west.

Public Transit

As the Chemawa Activity Center develops the present public transit operation will be adjusted in two major ways. As the area becomes more of a destination for shopping, employment, and transfer to other modes of travel, the Transit District will need to adjust routing and scheduling to best meet the needs of those accessing the area. Second, the interchange will serve as a central transfer facility to allow access to express service to downtown Salem and the Capitol Mall, as well as intercity service to Portland.

The ODOT property, Area D, has been identified for a park and ride facility. This facility will be a multi-modal transfer center serving local and regional bus service, and carpool and vanpool service.

The Burlington Northern Railroad line runs between Eugene and Portland and passes through the center of the Chemawa Activity Center. Both Keizer and Salem have set public policy in their respective Comprehensive Plans to acquire this right-of-way and to reuse it as a transportation corridor. It is possible to develop rail service, such as a trolley, between the Chemawa Activity Center and Downtown Salem. Since the tracks currently exist, rail service cost between Salem downtown and the Chemawa Activity Center would be minimal. The opportunity to connect these two shopping areas by rail could open up innovative financing alternatives as well as provide a regional attraction. This corridor may also be utilized for pedestrian and bicycle links.

The High-Speed Rail Project between Eugene and Vancouver, British Columbia is proposed for the Southern Pacific Railroad line which runs east of I-5. A potential station is identified at Chemawa Road. A link between the station and the Activity Center would enhance both areas.

Pedestrian/Bicycle Circulation

All public roadways within the Activity Center will be built with sidewalks as per the present City of Keizer standards. Bicycle paths would be developed in accordance with the present bicycle path plan for the Salem/Keizer area. Modification to the plan could be made where the City felt that additional bicycle provisions should be provided to provide access to commercial areas.

Sewer and Water Facilities

No major sewer projects are proposed to serve areas B and C. Service to Area A will require the construction of the Labish trunk from the intersection of North River Road and Wheatland Road to a point approximately in the center of Area A. The line will have the capacity to serve other presently unserved areas of Keizer.

Proposed is the construction of a 10 inch water main from the intersection of Lockhaven Drive and McLeod Lane to a new well in Area A. This extension will provide the basis for domestic water service and fire protection. Future extensions of this system to the North will provide service to the light industrial area north of the activity center.

Storm Drainage Facilities

Development of the activity center will require construction of major storm drainage systems. The system which would serve Area C and a portion of Area B was shown on the Keizer Master Storm Drain Plan. The system which serves the balance of Area B and Area A is proposed to be constructed to Labish Ditch. Local detention basins are not shown but would be required as development occurs as per the City's present policy of requiring stormwater detention.

Public Improvement Policies:

1. *The public improvement plan outlined above and included in the City's Public Facilities Plan, shall be incorporated as part of this Plan.*

2. *A comprehensive transportation plan shall be prepared by the City. This transportation plan shall consider traffic circulation within the Activity Center and to I-5, and alternative modes. The transportation plan will refine project activities previously described in this Plan.*

3. *The comprehensive transportation plan described above shall include a financing plan. The financing plan shall identify potential funding sources, and a cost-sharing strategy for all new development.*

4.6 Phasing and Interim Improvements

The transportation and public facility requirements noted above will be required to support full development of the Chemawa Activity Center. However, interim improvements may be possible to support early phases of development. These interim improvements should be identified as specific development applications are considered by the City. In no case, however, should interim improvements preclude the later development of transportation and public facility projects as outlined above, and all new development should be required to participate in funding these longer-term projects.

Policy:

1. *Interim improvements public improvements shall not preclude the later development of transportation and public facility project adopted as part of this Plan.*

ACTIVITY CENTER PLAN LAND USE MIX

Land Uses	Net Acres
Area A	
Public, Semi-Public	
Major Streets	16.7 Acres
Detention Basin	3.0 Acres
PGE Site	2.5 Acres
RR Roadway	.8 Acre
Power Line ROW	2.0 Acres
Subtotal Public	**25.0 Acres**
Campus Light Industrial	**25.5 Acres**
Commercial	
Hotel/Conference Ctr.	3.6 Acres
Office	4.8 Acres
Service Commercial	6.6 Acres
Retail Commercial	34.5 Acres
Subtotal Commercial	**49.5 Acres**
Total Area A	**100.0 Acres**
Area B	
Public Streets	0.5 Acres
Campus Light Industrial	12.5 Acres
Total Area B	**13.0 Acres**
Area C	
Public Streets	6.2 Acres
Campus Light Industrial	30.8 Acres
Total Area C	**37.0 Acres**
Area D	
Campus Light Industrial	20.0 Acres
Total Area D	**20.0 Acres**
Total All Areas	**170.0 Acres**

5. FINANCIAL AND IMPLEMENTATION STRATEGY

Implementation of the Activity Center Plan cannot be accomplished without targeting substantial sources of revenue for recommended projects. Commitment of City resources and energies will also be required. If the City truly wants to encourage economic development, it must enthusiastically support and promote the effort, it must commit adequate staff resources, it must be willing to commit public funds, it must be willing to exercise its legal rights for the benefit of the community, it must be flexible and able to respond quickly to changing conditions, and perhaps most importantly, it must be willing to take chances in pursuit of a vision. The Activity Center Plan is the blueprint for that vision.

5.1 Financial Strategy

Based on the examination of the local revenue options described in the Appendix and considering other federal, state and regional sources, it was found that:

> Federal revenue sources could substantially contribute to the implementation of needed projects. However, these revenue sources could not meet total revenue needs and under any circumstance, local revenue would need to match the federal funds.
>
> The development community can contribute through land dedications to the betterment of the area. LID's and service fees are proven methods of providing sewer and water service when done in conjunction with development.
>
> The public improvement problems in the Activity Center Plan area require a comprehensive approach and tax increment financing provides such a comprehensive approach. This financing method can accomplish needed improvements quickly, and can have long-term, positive impacts on the total assessed value of the City. However, with Measure 5 limitations on tax increment funding, as interpreted by the Oregon Supreme Court, there may be serious limitation on the capability to use these fund. Equivalent tax rates for urban renewal activities must be counted in the $10.00 per thousand limitation. Therefore, there is concern about counting on tax increment financing as the financial foundation of this project.
>
> State of Oregon Economic Development Funds may be appropriate for development of the infrastructure to serve the Activity Center. These funds are primarily used when there is a clear showing of positive economic impacts, especially in the creation of jobs. The thrust of this Plan is to create such an impact, and therefore Economic Development funds become an important part of the financing strategy.
>
> In conclusion, no single source of funds can be targeted as the way to pay for needed infrastructure improvements.

Financial strategy:

1. *Use federal, state, and regional revenue sources, particularly in the area of transportation, to the fullest extent possible.*

2. *Continue the current use of service fees and LID's to provide various utilities where practical.*

3. *Encourage developers and local property owners to be responsible for outright dedication of needed public right of way.*

4. *New development continues to be responsible for on-site public improvements and connections to the main systems specified in the Activity Center Plan.*

5. *Tax increment financing shall be considered as a major method of raising the local share of revenue needed to complete projects listed in the Activity Center Plan.*

6. *Economic Development Funds from the State of Oregon should be pursued in earnest as a primary source of infrastructure funding. As part of the overall financing plan, the City shall begin pursuit of these funds.*

7. *During the process of establishing a tax increment financing district, contract for an independent financial analysis which will include assessed value projections, and a revenue forecast. Should a TIF district not be feasible, the City will propose an alternate financial program, recognizing that such a program could have the affect of retarding and/or restructuring recommended projects.*

8. *After adoption of the Activity Center Plan, the City will develop detailed engineering, design and financing priorities and adopt a financial program according to the requirements of Oregon Law. Improvement projects that have broad public benefit and require comprehensive construction approaches should be included in the public component this major capital improvement project.*

9. *Establish or expand City service responsibility as necessary to provide for continuous maintenance and operation of the storm drainage and other systems.*

5.2 Marketing Strategy

In addition to adopting the Activity Center and preparing the necessary planning, engineering and financial work necessary to establish a tax increment financing district, the City should conduct the following marketing activities.

Marketing Strategy:

1. *Conduct on economic evaluation of the mix of development types which represent the highest and best use for the Activity Center area, and which have the best prospect of obtaining market support in short, and longer-range horizons.*

2. *As a principal part of the economic evaluation, determine if the land west and/or south of the railroad tracks is appropriate for removal from the Activity Center.*

3. *Using the information from the economic evaluation, work with local economic development and other interested citizen groups to identify high priority companies and developments suitable for the interchange location.*

4. *Based on this evaluation of development types, and expressed preferences among various development types, identify major developers and end users active in, or likely to be interested in development in the region.*

5. *Prepare an information package outlining the market opportunities in the Chemawa area location, the requirements imposed on developments in the area, and the levels of assistance which might be made available through the City, or the urban renewal agency.*

6. *Send information packages to representatives of targeted developers or users, promoting economic development opportunities in the Activity Center area.*

7. *Send information packages to commercial real estate brokers in the Keizer-Salem and Portland areas, to local Chambers of Commerce, and to representatives of the Oregon Economic Development Department.*

8. *In addition to the traditional marketing steps outlined in items 1-5, the City, or the Renewal Agency, in cooperation with property owners in the Activity Center area could prepare a form of solicitation for development proposals in the Activity Center area. This solicitation would identify market opportunities, cite the availability, price and terms for land, state any requirements imposed on the development, and note any assistance available through the City, or the Redevelopment Agency. Interested developers could be invited to submit proposals for evaluation by the City, the Renewal Agency, or an appointed citizens panel.*

<u>Steps in implementing the Marketing Strategy</u>

1. *Retain an economist to do a low-level "highest and best use" analysis of the Activity Center area.*

2. *When the highest and best use analysis is completed, prepare a development and marketing strategy paper, defining the types of used desire by the City, and their preferred location within the Activity Center area.*

3. *Define the level of assistance, if any, the City, or urban renewal agency is willing to extend to attract various types of developments to the Activity Center.*

4. *Prepare market and demographic information about the Keizer market, and relevant information about the Activity Center site.*

5. *Prepare a marketing brochure for the Activity Center incorporating at least the demographic and site specific information from item 4. This brochure might include desired uses, and level of assistance, or those might be incorporated into a more detailed report to be used for follow up on initial expressions of interest.*

6. *With the assistance of the economic consultant, area brokers, and other knowledgeable sources, prepare a target list of parties to receive the marketing package.*

7. *Identify a central source at the City for distributing the marketing information, and receiving inquiries about the Activity Center.*

8. *Send the brochure to the targeted list of brokers, developers, and end users.*

9. *Establish a procedure for handling inquiries, and for request for City and/or urban renewal financial assistance to developers.*

5.3 Activity Center Plan Approval

The Chemawa Activity Center Plan is to be implemented through the zoning and subdivision process.

Actions:

1. *Adopt the land use designations as shown on Figure 3 as the Comprehensive Plan land use designations for the Activity Center. All commercial uses shown on Figure 3 (Hotel/Conference Center, Office, Service and Retail) shall have a commercial designation in the Comprehensive Plan.*

2. *Once this Activity Center Plan is approved, individual development applications will be subject to the provisions of Chapter 46-Activity Center Overlay of the City of Keizer Zoning Ordinance. Specific zoning designations will be proposed for areas within the Activity Center Overlay subject to section 46.03(a)(4), and approved by the City.*

3. *Adopt the following development standards in addition to the standards contained in the City of Keizer Zoning Ordinance:*

    a. *Outdoor storage of materials and equipment is prohibited in all commercial areas except in conjunction with residential uses where the storage shall be screened from view from the street and adjacent properties by a sight obscuring fence, wall or hedge.*

    b. *The following uses shall not be permitted in retail and office areas: gasoline service stations, vehicle sales and secondary repair, recreational vehicle parks, and all conditional uses listed in Section 28.02 of the Zoning Ordinance, except 12 and 13.*

ISSUES and PROBLEMS

Traffic and Circulation

Main arterial access for the Chemawa Activity Center will be via I-5 and Chemawa Road. Present access to these arterials is adequate to handle the existing volumes of traffic. As the Activity Center develops, traffic volumes will increase to the extent that major improvements to the transportation system will be required. The design plan anticipates growth in traffic in the area and is developed in such a way as to provide for that growth.

The Activity Center is divided by the Oregon Electric Railroad tracks. The present rail traffic in this area is quite low, which minimizes interruptions to through traffic. New crossings of the railroad should be kept at a minimum. The present access to the activity center on the east side of the railroad (Area A) is provided by Radiant Drive. This access is approximately 800 feet west of the signalized off ramp from I-5. It is anticipated that additional accesses to Chemawa Road between Radiant Drive and I-5 will be disfavored by ODOT. The Radiant Drive access will become the main entrance to the activity center on the north. The large volumes of traffic using this access will create the need for a signalized intersection. The design plan provides for a boulevard type street for the Radiant Drive access. It is proposed that a divider island be used along the Radiant Drive arterial to the first main side street. The right of way needs for the southerly 1800 feet will be approximately 120 feet. The right of way proposed will accommodate two north bound lanes, one north bound bike path, two south bound left turn lanes and one south bound right turn lane and one south bound bike path.

Main power distribution lines along the east side of the railroad present additional challenges for determining the final placement and width of the Radiant Drive arterial.

Additional access to area A is available from Tepper Lane. This roadway presently serves the residential areas west of Area A and the Bonneville Power and P.G.E. substations. It is not anticipated that the traffic volumes will be large from the residential areas west of the railroad to Area A via Tepper Lane. The Keizer Comprehensive Plan indicates a future roadway from Area A to North River Road which would provide for additional access. The design plan provides for improving Tepper Lane to a collector standard along the north line of Area A.

The I-5 - Salem Parkway access to Area A will require a high volume of left turn movements form the northbound off ramp of I-5 to Chemawa Rd. and from the southbound Radiant Drive Boulevard to I-5 on Chemawa Road.

Public Facilities/Utilities

The Chemawa Activity Center will require full municipal services to develop fully. The City of Keizer provides water service, sewer service, street and storm drainage maintenance, police service and other city services. The Keizer Fire District provides fire protection to this area of the City of Keizer. Portland General Electric Company provides power service to this area of Keizer. Northwest Natural Gas Company provides gas service to all of Keizer. Telephone service is available to the area as is cable TV.

The City of Keizer is currently undertaking a revision of it's master water plan. The plan currently being used as a guide by the city was developed by the Keizer Water District prior to the incorporation of the city when a large portion of the activity center was not under the District's jurisdiction. The design plan assumes that a new water main will be constructed along Lockhaven Drive to serve the activity center. In addition, it is anticipated that a new source of water supply in Area A will be developed (see Figure 4). Areas B and C are presently served by the City's water system. Some minor upgrading of the system in this area is proposed.

The City of Keizer has adopted a master sewer plan update to guide the city in decisions regarding sanitary sewer service. The master sewer plan proposes a major sewer trunk to be constructed along Labish Ditch to provide sewer service to Area A as well as portions of the city in the Clearlake area (see Figure 4). Areas B and C presently have sewer service available with only minor modifications required.

A master storm drainage plan for portions of the city of Keizer was developed for the Keizer Sewer and Drainage District in 1980. The plan identified several major drainage projects that would be necessary to serve the activity center. Area A was not included in the drainage study. The design plan provides for a storm drainage system that uses elements of the previous study as well as a drainage system to Labish Ditch which would serve as an outlet for Area A. It is assumed that the City will continue it's present policy of requiring on-site detention to reduce the impact of large storm peaks.

Land Use and Ownership

The Activity Center Plan area contains approximately 150 acres, with the majority of the district located north of Lockhaven Drive and east of the Oregon Electric Railroad Line. Currently, approximately 50 housing units are located within the district, distributed about evenly along Radiant Drive and Chemawa Road. Approximately 83 properties are owned by about 55 different parties. The great majority of land area, about 80-90 percent, is in some form of agricultural use or vacant.

The size, shape and location of existing properties are not appropriate for a coordinated mixed-use development. Land acquisition will be necessary to consolidate small properties into larger development sites. Additionally, the existing local streets in the area, Radiant Drive and Chemawa Road, run diagonally through both north and south areas, resulting in land areas poorly shaped for commercial and industrial development. Relocation and improvement of these streets will be necessary to support future development, and to create workable development sites.

Future Demand for Land

The opening of Chemawa Interchange makes vacant land adjacent to the interchange attractive for commercial and industrial development. Forecasts prepared for the Comprehensive Plan estimate that 311 to 358 acres of commercial and industrial land will be needed during the next twenty years. Approximately 42 percent of the commercial and industrial development expected in the city is located in the Activity Center Plan area.

In the, a major commercial center developer has conducted market and feasibility studies for a development at a freeway interchange just south of Keizer. These studies have indicated that a major commercial development can be supported by the region, and that a freeway interchange is the best location for such a development. The Chemawa Activity Center has also been evaluated, and the developer has shown interest in both intersection locations. Other developers and economic development experts have concluded that the Chemawa Activity Center is an attractive location for commercial and industrial development. The primary factors influencing development at this location will be the growth and health of the regional economy, availability of adequate land at a reasonable price, planned or constructed transportation and public facilities necessary to support development, and positive public policy.

No specific development proposal or single developer has committed to the Activity Center Plan area. Therefore, a range of development options including several land use scenarios were prepared for the Activity Center Plan including a range of land use mixes.

Keizer considers the current Activity Center Plan proposal to be conceptual in nature. Further development of detail would be completed as part of the zoning process once a specific development proposal had committed itself to the area. A flexible plan is needed to support and attract future development proposals.

LAND USE SCENARIOS

Three land use scenarios were prepared for the Activity Center Plan area which represent a range of land use mix. Light industrial development was assumed for each scenario in Area C south of Lockhaven Drive and Area B west of the railroad line. A mix of light industrial and commercial uses were assumed for Area A north of Lockhaven Drive. The following scenarios describe land use options for the Activity Center Plan area.

Scenario A

This scenario is based on designating approximately 35 percent of Area A for light industrial uses, with the remaining area designated for a variety of commercial uses. A hotel/conference center and related commercial uses such as restaurants, would need about 8 acres, office uses about 8 acres, and low density retail shopping uses about 24 acres. The retail center may be enclosed, or may be a series of smaller centers or single-user buildings.

Scenario B

Approximately 25 percent of Area A is designated for light industrial uses, with a greater area used for commercial purposes. A hotel/conference center and related commercial uses would need about 7 acres, office uses about 7 acres and a high density retail shopping facility about 35 acres. This scenario assumes an enclosed shopping center is developed in Area A, with supporting commercial and office uses located nearby.

Scenario C

Scenario C provides for about 7 acres of light industrial uses in Area A, with the majority of the area devoted to commercial uses. The same scale of hotel, office and support commercial uses are assumed here as with the other scenarios. The retail commercial uses with this scenario could take a variety of different forms. A closed or enclosed shopping center is possible, along with single-user structures with their own access and parking. A similar retail center is developing in the East Delta Park area in Portland. Many of the single-user operations are discount stores offering durable goods such as building materials, appliances and furniture. These structures are often used for warehousing merchandise as well as selling goods to the public.

SUMMARY OF LAND USE SCENARIOS

Land Uses	Scenario A	Scenario B	Scenario C
Area A			
Public/Semi-Public	25 Acres	25 Acres	25 Acres
Light Industrial	35 Acres	25 Acres	7 Acres
Hotel/Confer. Ctr.	4 Acres	4 Acres	4 Acres
Office	8 Acres	7 Acres	8 Acres
Service Commercial	4 Acres	4 Acres	4 Acres
Retail Commercial	24 Acres	35 Acres	52 Acres
Total Area A	**100 Acres**	**100 Acres**	**100 Acres**
Area B			
Light Industrial	**13 Acres**	**13 Acres**	**13 Acres**
Area C			
Public/Semi-Public	6 Acres	6 Acres	6 Acres
Light Industrial	31 Acres	31 Acres	31 Acres
Total Area C	**37 Acres**	**37 Acres**	**37 Acres**
Totals	**150 Acres**	**150 Acres**	**150 Acres**

PROJECT IMPROVEMENTS and COSTS

A. Street Construction

1. Radiant Drive Boulevard	$ 287,200
2. Signalization of Radiant Drive @ Chemawa Road	159,500
3. Balance of street system in Area A	625,400
4. Improvements to Lockhaven	
Between I-5 and Radiant Drive	229,700
Between McLeod Lane and Radiant Drive	204,20
Improvements to signals at on and off ramps	108,500
5. Signal at McLeod Lane	127,600
6. Roadway Improvement within Area C	523,300
Subtotal Street Construction	**$2,265,400**

B. Storm Drainage Construction

1. Storm drain trunk system Area A	$ 772,200
2. Storm drain trunk system Area B	439,900
Subtotal Storm Drainage	**$1,266,100**

C. Sanitary Sewer Construction

1. Trunk Line to serve Area A	**$ 1,266,100**

D. Water System Construction

1. Well and distribution	**$478,600**

TOTAL COST	**$5,401,200**

FINANCING ALTERNATIVES

Local Improvement District

A Local Improvement District (LID) is a method used to finance public improvements and facilities by distributing the costs of the improvements to surrounding property owners. This tool has the advantages of insuring that all the benefiting property owners pay an equitable amount towards an improvement, and it allows property owners to finance their assessment over time at attractive interest rates. The disadvantage is that if property owners do not benefit from the improvement, the costs may be a substantial economic burden.

Tax Increment Financing

Tax Increment Financing is a vehicle made available under the provisions of Oregon's Urban Renewal Statutes. Once a governmental body adopts an urban renewal plan, a statement of the total true cash value of all the real and personal property in a renewal area is made and it is called the "frozen base." The "frozen base" is used to calculate tax increment proceeds that go the to local renewal agency. Property tax revenues from the frozen base still are distributed to local taxing bodies, but during the life of the Urban Renewal Plan, the local renewal agency will receive tax revenues from any increase or "increment" in true cash value in the renewal area. These "increment" funds can be used for public improvements and other purposes specified in the local Urban Renewal Plan prepared for a specific area. An advantage of this method is that needed up-front improvements such as sewers, water and streets can be financed by bonds repaid by tax increment funds.

Systems Development Charge and Donations

Traditionally, developers have constructed, at their expense, streets, water supply and sewage systems, and drainage systems within their developments. Donation of land for public right of way and improvements is also typical. All new development, however, creates additional public costs. Some of these are capital costs such as utilities, schools and the like. Others are operating costs such as police and fire protection and general government. A systems development charge is a method to assess the off-site impacts caused by a development, and require the development to pay for these impacts which are related to and benefiting the development.

Municipal Bonds and Special Tax Levy

Municipal bonds are issued to finance public capital improvements, and represent public borrowing from a financial institution with repayment and interest specified by an agreement. Bonds are typically backed by a municipality's taxing power. A special tax levy is usually needed, requiring a public election to approve the added property tax needed to retire the bonds. This method may not be reliable for public improvements in a largely undeveloped area where the improvements do not directly benefit the majority of voters.

IBP - INDUSTRIAL BUSINESS PARK

CLASSIFICATION OF USES: Most permitted, special, and conditional uses are classified with reference to the Standard Industrial Classification (SIC), Manual, Numbers in parenthesis following a use designation indicate that the use is listed and described under the number in the SIC. Where particular activities otherwise included under a SIC category are excluded from the permitted, a special, or conditional uses, those particular activities are listed, preceded by the words, "BUT EXCLUDING" following the more general category from which they are excluded. Particular activities thus excluded may or may not be listed in other sections of this chapter. The IBP zone may be utilized in conjunction with overlay zones which may include use and development standards which are more restrictive than those found in this chapter.

PERMITTED USES. The following uses, when developed under the general development standards in this zoning code applicable to the IBP district and to all such uses, generally, are permitted in the IBP district:

a) Agriculture forestry and fishing;

   i) Agricultural production-crops (01);

b) Manufacturing;

   i) Canned and preserved fruits and vegetables

   ii) Grain mill products

   iii) Bakery products

   iv) Beverages

   v) Miscellaneous food preparations and kindred products

   vi) The manufacture of meat products but excluding both meat packing plant and any on site abattoirs and slaughtering, rendering of fats, processing of hides and maintenance of live animals or fowl.

   vii) Textile mill products

   viii) Apparel and other finished products made from fabrics and similar products.

   ix) Wood kitchen cabinets.

   x) Nailed and lock corner wood boxes and shook.

   xi) Wood products, not elsewhere classified

   xii) Furniture and fixtures

   xiii) Paperboard containers and boxes

   xiv) Printing, publishing, and allied industries

   xv) Drugs

   xvi) Soaps detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations.

   xvii) Miscellaneous plastic products

- xviii) Leather and leather products BUT EXCLUDING leather tanning and finishing
- xix) Glass products, made of purchased glass
- xx) Pottery and related products
- xxi) Metal cans and shipping containers
- xxii) Cutlery, hand tools, and general hardware
- xxiii) Heating equipment, except electric and warm air; and plumbing fixtures
- xxiv) Fabricated structural metal products
- xxv) Screw machine products, and bolts, nuts, screws, rivets, and washers
- xxvi) Metal forgings and stampings
- xxvii) Metalworking machinery and equipment
- xxviii) Special industry machinery, except metalworking machinery
- xxix) Pumps and pumping equipment
- xxx) Office, computing, and accounting machines
- xxxi) Electrical and electronic machinery, equipment, and supplies
- xxxii) Transportation Equipment
- xxxiii) Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks
- xxxiv) Miscellaneous manufacturing industries

c) Transportation, communications, electric, gas, and sanitary services;

- i) Motor freight transportation and warehousing
- ii) Communication
- iii) Public Utility Structures and Buildings

d) Wholesale trade-nondurable goods BUT EXCLUDING poultry and poultry products, livestock, farm-product raw materials, not elsewhere classified, chemicals and allied products, tobacco and tobacco products, and nondurable goods, not elsewhere classified

e) Wholesale trade-durable goods BUT EXCLUDING automobiles and other motor vehicles, lumber and other construction materials, coal and other minerals and ores, construction and mining machinery and equipment and scrap and waste materials

f) Division H. Finance, insurance, and real estate subject to the following condition:

- i) Corporate, regional, or district office headquarters for any use permitted, provided that no manufacturing is conducted where not otherwise permitted in this chapter.

g) Services

i) Computer and data processing services

ii) Research and development laboratories

iii) Management, consulting, and public relations services

iv) Noncommercial educational, scientific, and research organizations

h) Public administration;

i) Fire protection

i) The uses (b) through (j), excluding c)iii) shall:

i) Be within an enclosed building; and

ii) Permit retail sales of products manufactured on the site.

j) Retail trade;

i) Eating and drinking places

k) Finance, Insurance, and Real Estate;

i) Commercial and Stock Savings Banks

ii) Mutual Savings Bank

iii) Savings and Loan Associations

iv) Personal Credit Institutions

l) Services

i) Hotels, motels, and tourist courts

ii) Child daycare services

iii) Membership sports and recreation clubs

iv) Miscellaneous services BUT EXCLUDING noncommercial educational, scientific, and research organizations

m) Transit stop shelters.

SPECIAL USES

a) The following uses, when restricted, developed and conducted as required in KDO Chapter XXX, are permitted in the IBP district:

i) Gasoline service stations

ii) The special use permitted under Subsection (a) of this Section together with the permitted uses listed under Sections (b) through (j) of this chapter shall:

a) In the aggregate be limited in area to not more than ten percent of the gross area of the IBP district in which it is located; and

b) Not be developed until not less than 25 percent of the gross area of the IBP district has received an occupancy permit issued by the City of Keizer for one or more permitted uses listed under Section (b) through (f).

FLEXIBLE SPACE USES

a) The following uses, when restricted, developed, and conducted as required in subsection (b) below, are permitted in the IBP district

i) Food Stores

ii) Apparel and Accessory Stores

iii) Furniture, Home Furnishings and Equipment Stores;

iv) Miscellaneous Retail; BUT EXCLUDING used merchandise stores

v) Business Services

vi) Miscellaneous Repair Services

vii) Miscellaneous Services

b) Where Flexible Space uses are to be developed within the IBP district, the following development limits apply;

i) 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 uses listed in subsection (a) (1)-(4).

ii) The outdoor storage area shall:

a) Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building:

b) Be enclosed with a sight-obscuring fence or wall;

c) Have at least one side conterminous with the building which it serves;

d) Have no opening within fifty feet and visible from any property boundary; and

e) Meet the other applicable requirements of this ordinance.

iii) Loading doors shall have no opening within seventy five feet and visible from any street or property boundary.

iv) Building 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.

v) All buildings shall be capable of development as flexible industrial space.

vi) 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 30,000 square feet in the IBP district. "IBP district" is defined as contiguous, IBP zoned property.

vii) The area developed in flexible space uses shall in the aggregate not exceed 30 percent of the gross area of the IBP district.

PROHIBITED USES. Within any IBP district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under this chapter.

INDUSTRIAL PERFORMANCE STANDARDS. In an IBP district no land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ), including the holding of all licenses and permits required by DEQ regulation, local ordinance, and state and federal law.

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 Community Development Director 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 (b), the Community Development Director may only require right-of-way dedication, and not improvements,

HEIGHT. Within the IBP district buildings and structures erected, altered or enlarged shall not exceed 70 feet in height, except for the area within 50 feet of any residential zone where the maximum height shall be 15 feet.

LOT AREA AND DIMENSIONS

a) Lot Area. There are no minimum lot area requirements in an IBP district.

YARDS ADJACENT TO STREETS. Within an IBP district:

a) On each lot abutting an IBP noninternal street there shall be a required yard 40 feet in depth from the adjacent right-of-way.

b) On each lot abutting an IBP internal street there shall be a required yard 20 feet in depth from the adjacent right-of-way.

c) 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.

d) All parking shall be set back at least 20 feet from each street right-of-way.

e) Not more than ten percent of the required parking may occur in any single required yard adjacent to a street.

f) Driveways shall be setback at least 20 feet from each street right-of-way, except where the driveway provides direct access to a street. (Ord No.68-83)

YARDS ADJACENT TO OTHER DISTRICTS

a) Where an IBP district 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.

b) Where an IBP district 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.

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

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

e) 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.

SIDE AND REAR YARDS. There are no side or rear yard requirements in the IBP district except:

a) As may be required under KDO 156.100 and KDO 156.110.

b) Where a side or rear yard is provided it shall:

   i) Be a required ten feet in depth;

   ii) Not include buildings, structure, parking or driveways;

   iii) Be landscaped.

c) 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.

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

OPEN STORAGE

a) 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 hedge, or a berm, 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:

b) 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;

c) Materials and equipment over six feet in height above the elevation of the storage area shall be screened by landscaping. (Ord No. 68-83)

LANDSCAPING

a) Landscaping shall meet the requirements of the Keizer Development Code as well as the following requirements :

i) 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
Canopy Trees	2	1
Understory Trees	3	2
Shrubs	5	3
Evergreens and Conifers	1	
Living Ground Cover	500 sq. ft.	500 sq. ft.

i) 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.

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:

a) Parking

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

ii) 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).

iii) A ride sharing program approved by the director of public works may satisfy five percent of the parking space requirements.

iv) Bicycle parking at a ratio of one bicycle space for each twenty vehicle parking spaces may satisfy three percent of the parking space requirements.

b) Loading.

i) All loading spaces shall be screened from adjacent property by a sight-obscuring fence, wall, hedge, or berm at least four feet in height.

ii) Loading docks and loading doors shall be screened from the street by landscaping and shall be offset from driveway openings.

LIGHTING. Exterior lights 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:

a) Completely shielded from direct view, or

b) Not greater than five foot candles.

City of Keizer, Oregon
930 Chemawa Rd. N.E.
P.O. Box 21000
Keizer, Oregon 97307-1000

July 10, 1996

Jack Fry, Administrator
Lewis King, Facility Manager
Chemawa Indian School
3700 Chemawa Road NE
Salem, OR 97303

Gentlemen:

Thank you for taking the time last week to meet with City Manager Dotty Tryk and me about the Chemawa Indian School property located within the Keizer City Limits south of Lockhaven and west of Salem Parkway. This letter will summarize our conversation concerning the City's work to develop a master plan for the entire area including your property and your processes to plan for the future of this parcel.

There are three major elements of the City's draft Chemawa Activity Center Plan which we discussed. These are summarized below along with our understanding of your response to each proposal.

Park and Ride Lot

- The draft Plan anticipates the development of a 400 car park and ride lot at the south end of your property.

- You told us you cannot speak to the proposed park and ride lot and the School's potential involvement in its development as the ownership of this parcel is being debated right now. You informed us that the Bureau of Indian Affairs has given area Tribes six months to develop coalitions and proposals for joint development of the property. If such coalitions are not formed or their plans approved, control of the property returns to the School and you will have a primary role in determining the parcel's future. You indicated you would work closely with us if that opportunity develops.

Commercial Zoning

- The Plan draft shown the northern portion of the property in a Commercial Plan designation. This is to support its development for traveler oriented commercial services for both freeway traffic and those using the park and ride lot.

Administration
Public Works
Community Development
Municipal Court
Phone 503.390.3700
Fax 503.393.9437
Police (business only)
Phone 503.390.3713
Fax 503.390.8295

Incorporated 1982
Pride, Spirit, Volunteerism

- You indicated that, while you do not fully control the property and while it may pass totally out of the ownership of the school, you could support the commercial plan if the property stays as part of the school. You indicated your intent would be to utilize the potential resources of the developments, be they financial or opportunities for education, for the betterment of the school, the students, and their educational process.

Street System

- The draft plan includes a street system involving an "underchange" with right-turn-only ramps at the Radiant and Lockhaven intersection and a undercrossing under Lockhaven just west of I-5. This street configuration will provide the best vehicle access to lands on both the north and south sides of Lockhaven. It will require right-of-way from the School for the new street, but it will also provide excellent access to the site and bring a high volume of traffic along its northern portion through the commercial development.

- You stated that this street configuration made sense and that you believed it would be appropriate to support regardless of the future use of your property.

I will appreciate hearing from you if my summary of our discussion is not correct. I will also appreciate us both keeping in close contact as these processes continue. I hope we will both be done with them within six months.

Please call me if you have any questions. Thank you for your time and consideration.

Yours truly,

John N. Morgan, AICP
Community Development Director

cc: Dotty Tryk, City Manager
City Council

KEIZER
CHAMBER OF COMMERCE
KEIZER MERCHANTS ASSOCIATION 1959-1986

Phone 393-9111

3700 River Rd. N. #4
Keizer, Oregon 97303

June 28, 1996

Keizer City Council
PO Box 21000
Keizer, Oregon 97307

Re: Chemawa Activity Center

The Keizer Chamber of Commerce wishes to go on record supporting the following positions in regards to the Chemawa Activity Center.

1. The Chemawa Activity Center and River Road Urban Renewal Project should complement and support each area, not compete for customers and community investment.

2. The Keizer Chamber of Commerce supports the Industrial Business Park concept. The IBP will generate significant increases in assessed value in our community. The IBP will allow the creation of full-time jobs. Both assessed value and jobs create community wealth and prosperity.

3. The Keizer Chamber of Commerce supports the hotel requirement.

4. The Keizer Chamber of Commerce supports the idea of retail and service businesses in the activity center that support the needs of other businesses in the IBP. A neighborhood deli is an example of a supporting business.

5. the Keizer Chamber of Commerce supports the 50,000 square foot limitation on any single retail use in the activity center.

6. The Keizer Chamber of Commerce supports the revised Planning Commission ceiling of 15 acres zoned commercial retail, including the hotel use.

7. Commercial retail over 15 acres is seen by the Keizer Chamber of Commerce as counter productive to the aims and goals of the River Road Redevelopment Board and

the Urban Renewal District which the Keizer Chamber of Commerce supports.

8. The Keizer Chamber of Commerce's greatest concerns are that our community investment in River Road will be threatened by a migration of business from River Road to the Chemawa Activity Center and that new business development on River Road would be diverted to the activity center in the future. Large areas of retail zoned land in the activity center would greatly increase the probability of such changes in Keizer. The Keizer Chamber reiterates that the two business centers be complementary and not competing.

Respectfully Submitted,

7/1/96

Sam Goesch, Chairman
Keizer Chamber of Commerce Government Affairs Committee

7/1/96

John Weeks, Vice President
Keizer Chamber of Commerce

cc: board of directors

SALEM•KEIZER PUBLIC SCHOOLS
LEARNING FOR A LIFETIME

WHITEAKER MIDDLE SCHOOL
Irene L. Fernández, Principal
1605 Lockhaven Drive NE • Salem, Oregon 97303-2099
(503) 399-3224

Homer Kearns, Superintendent

June 28, 1996

Keizer City Council
Keizer, Oregon

Dear Council:

The growth, safety and vitality of a city is important to every individual living within its boundaries. Keizer, certainly is a community that enjoys an energetic atmosphere, that is contagious and alive. It is with this in mind, that I would like to share a concern.

My concern is with the development of the Chemawa Interchange Development. This new development will be impacting the traffic that runs in front of Whiteaker Middle School. The school has made many efforts to alleviate the traffic situation that impacts us on a daily basis. This past school year, a new driveway was installed to help parents who bring their students to school on a daily basis. Our parking lot was enlarged to accommodate many automobiles, that otherwise, would be on Lockhaven during the peak hours of the morning. We have hired three crossing guards to assist our students as they cross the busy intersections of 14th and Lockhaven Dr. The thought of additional traffic being added to Lockhaven Dr. makes us quite apprehensive as to the hazards our students will be facing as they walk, ride their bikes, commute in our school buses or are brought in by their parents.

Whiteaker Middle School does not want to thwart progress, however, the traffic on Lockhaven is quite heavy now and as a school we impact the flow during the 7:30 to 8:00 a.m. period and again at 2:15 to 2:45 p.m. These times are frustrating to the motorist on Lockhaven but also quite distressing to our bus drivers that must pick up and deliver students to their home areas.

It is with this in mind, that we ask the City Council, to consider carefully the impact that a development would have on Lockhaven Dr. We would also ask that you consider the size of the development, which would make the traffic on Lockhaven Dr. a dangerous and unsafe environment for our youngsters, Keizers' children.

Sincerely,

Irene L. Fernández

Irene L. Fernandez

c: Winston Miller
Tom McMullen
John Fairchild

MEMORANDUM

DATE: July 11, 1996

TO: Mayor and Members of the City Council

FROM: Stan Compton, Chairman
River Road Redevelopment Board

SUBJECT: Chemawa Activity Center Plan - R3B Position

At its June 26, 1996 regular meeting, the River Road Redevelopment Board discussed the *Chemawa Activity Center Plan.* In light of possible impacts on existing businesses and future development in the downtown area, the Board agreed to take a position on the proposed Plan.

Attached is an excerpt from the draft minutes of that meeting, including a motion supporting the position taken by the Chamber of Commerce and by the Planning Commission. The motion was approved unanimously by those members present.

EXCERPT FROM THE MINUTES OF THE RIVER ROAD REDEVELOPMENT BOARD JUNE 26, 1996 MEETING:

ROLL CALL

The following members were present: Tim Smith, Manny Martinez, Shannon Blake-Thiess, June Abbott, and Stan Compton. Rick Curry arrived at 7:11 p.m.

Also present were: Council Liaison Carl Beach, Community Development Director John Morgan, and Recording Secretary Nona Oxe'.

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Chemawa Activity Center Plan

Mr. Compton advised that he attended the June 17 City Council continued public hearing for the Chemawa Activity Center Plan. He reported on the issues discussed at the hearing, and noted the opposing views expressed with regard to the amount of land to be designated for commercial use. The property owners would like to have 30 acres designated for retail space, creating greater opportunity for sale of the land. The Planning Commission recommended that only 15 acres be designated commercial. It was their feeling that limiting retail development at Lockhaven and Chemawa would be necessary to preserve the development of River Road and Cherry Avenue. The Chamber of Commerce supported the Planning Commission recommendation.

Mr. Compton reminded the Board of all the work and money directed toward bringing vitality to the core of Keizer with the improvements to River Road and Cherry Avenue. In light of possible impacts on existing businesses and future development in the downtown area, Mr. Compton indicated that he would like the Board to take a position on the Chemawa Activity Center Plan. He would carry the R3B recommendation to the July 15 continued public hearing.

Mr. Compton indicated his personal preference for light industrial, and no retail other than the proposed hotel and supporting services. He also could envision regional or corporate office uses. It was his opinion that retail would not only detract from River Road and Cherry Avenue, but would create part-time, low-paying jobs that would provide no support to the City.

Ms. Abbott stated that as a member of the Planning Commission she had originally opted for 10 acres commercial designation, and then had compromised for 15, a number that all the members "could live with." She indicated that she also had concerns about the impact on River Road. She could see a need for a hotel, and hoped that any development would be directed toward freeway traffic or be light industrial with supporting services. She felt that the existing ball fields could be marketed for tournaments if a hotel were close by.

Mr. Morgan posted three conceptual drawings depicting alternative amounts of commercial acreage. He responded to questions about single-use square footage allowances, and about the Planning Commission's compromise for 15 acres of commercial, which would include the proposed hotel. Mr. Morgan also answered questions about marketing prospects based on the greater amount of commercial as alluded to by the developer-interest, and comments made by them that there would be a higher infrastructure contribution with commercial development.

From a developer's standpoint, Mr. Smith agreed with the developer-interest concept for more open development choices. Noting the Planning Commission and Chamber compromise for 15 acres commercial, he could not see why R3B would want to recommend less than what the Planning Commission recommended after putting in so much work. Ms. Abbott confirmed that agreement on the compromise had come after long and hard deliberation.

There was further discussion about what would be best for Keizer, and what would be a realistic figure for commercial designation. Mr. Morgan responded to questions about the acreage that would be taken up by the proposed hotel, and the ability to do some type of retail in the IBP zoned land.

Mr. Martinez pointed out that as a member of the Planning Commission he had been critical of the project from the beginning. He was deeply concerned about possible impacts on River Road. He also felt that the City Council should be aggressive in pursuing alternative development ideas.

(Councilor Beach returned at 8:47 p.m.)

As an example of other alternatives the Council might pursue, Mr. Martinez suggested that they reach out to other development interests with the idea of possibly bringing corporate offices to the area. Another example was the possibility of the City doing a joint venture to develop a golf course at the site. Mr. Martinez' was concerned that Council might be rushing to reach a decision in order to appease the property owners, and not exploring all possible opportunities.

A discussion followed regarding Mr. Martinez' comments. It was pointed out that uses for the land had been under discussion for several years. Also that zoning must be in place in order to attract potential developers. When asked by Mr. Compton if he had anything to add, Mr. Morgan said only that he saw this as the single most important decision to be made by the Council since incorporation. Mr. Morgan also responded to questions about traffic issues and the proposed requirement for a developer-generated master plan which would include provisions to meet traffic performance standards.

Mr. Compton requested that by formal motion, the Board take a stand as to how the City Council should proceed on the activity center. He indicated that by written report he would carry the Board's position to the Council on July 15. Mr. Compton also named developers and River Road property owners he planned to contact regarding their perception of the possible impact on River Road by commercial development at the activity center.

> It was moved by Mr. Smith that the River Road Redevelopment Board support the position taken by the Chamber of Commerce and by the Planning Commission to limit the retail acreage to 15 acres in the Chemawa Activity Center, and that the 15 acres include the land allocated for the hotel. The motion was seconded by Mr. Curry.

Councilor Beach agreed with Mr. Morgan's assessment of the importance of Council's decision. He noted that Council had heard considerable testimony from both sides of the issue, and had considered the results of the traffic analysis and other impact studies. He felt that Council now wished to pause, consider all aspects, and with reasoning talk the issues through. He felt that Council had to be sensitive to the concerns of both sides in order to ensure successful urban renewal at River Road and successful development at the Chemawa Activity Center.

A lengthy discussion followed regarding the impact of the activity center on urban renewal efforts on River Road and Cherry Avenue. Ms. Abbott again recalled that many hours were spent by the Planning Commission weighing all the issues before coming up with its zoning recommendation. Mr. Smith reiterated his support for the Planning Commission's compromise recommendation for 15 acres commercial. Mr. Morgan responded to questions about infrastructure financing. He perceived that a variety of financing tools would be used. He will be recommending to Council to disregard the financing issue until after a land use plan is adopted.

Chairman Compton called for a vote on the motion on the floor.

> The motion carried, all present voting aye.

Mr. Wittenberg had high regard for Mr. Stubbs as a sales person "fighting" for the Chemawa property owners. He indicated that he would like to see R3B "fight" for River Road and Keizer. He felt that what was being proposed represented a fair arrangement.

COUNCIL MEETING: July 15, 1996

AGENDA ITEM NO: 5d

TO: MAYOR KOHO AND CITY COUNCIL

FROM: DOTTY TRYK - CITY MANAGER

THROUGH: TRACY L. DAVIS - CITY RECORDER

SUBJECT: **PUBLIC HEARING - To consider remonstrances or objections to formation of the Tecumseh Estates Street Lighting Local Improvement District and objections to an ordinance spreading assessments to Tecumseh Estates Street Lighting Local Improvement District**

ISSUE

1. Shall the City Council form the Tecumseh Estates Street Lighting Local Improvement District after conducting a public hearing to receive objections or remonstrances to its formation?

2. Shall the City Council adopt an ordinance spreading assessments in the Tecumseh Estates Street Lighting Local Improvement District after conducting a public hearing to receive written objections to the ordinance spreading those assessments to the district.

BACKGROUND

In March 1994, the Keizer City Council adopted Ordinance 94-278 relating to formation of street lighting local improvement districts within the City of Keizer.

On April 18, 1996, the developer of the Tecumseh Estates filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R96-895 on May 6, 1996 to initiate formation of a street lighting local improvement district and directing the City Engineer to make a survey and file a written report with the City Recorder. On June 3, 1996 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to proposed assessments. On June 17, 1996 notice of the public hearing and intention to form the district and assess for the lighting improvements, as required under Ordinance 94-278, were provided by mail to the property owners.

ANALYSIS

Included within the agenda packet is the proposed resolution forming the Tecumseh Estates Street Lighting Local Improvement District and setting forth the time and manner of installing the street lights within that district. If the Council decides to form the street lighting district, the next step is to proceed with an ordinance spreading assessments.

Included within the agenda packet is the proposed ordinance to spread assessments to the properties benefited by the lighting district. The ordinance provides for first annual assessments and the procedure for determining second and future annual assessments. Following the City Council's adoption of the Ordinance spreading assessments, the City authorizes the appropriate utility company to install the poles and lights. Depending on the type of poles requested by the City, it takes the utility company from two to six months to have the lights on site and operational.

FISCAL IMPACT

The City initially pays the street lighting expense to the utility company as it is billed throughout the year. The operating cost of the lights is then billed to the property owners on an annual basis, thereby recovering the City's costs for bills paid throughout the year. In addition, the bills include the cost of the City Engineer's Report in the first year, and a 8.5% administrative charge in the first and subsequent years to recover the City's cost for administering the lighting districts. All funds are budgeted through the Utility Fund.

RECOMMENDATION

1. Open the public hearing to first consider oral objections and written remonstrances to formation of the Tecumseh Estates Street Lighting Local Improvement District.

2. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are presented to the Council at the public hearing, close the hearing and suspend formation of the district for six months.

3. Consider other objections to the formation of the district. The Council may suspend formation of the district without remonstrance of owners of two-thirds (2/3) of the land if the Council deems that action appropriate.

4. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are not presented to the Council at the public hearing, or other valid objections to formation are not presented, then consider objections to the scope, design or equipment proposed for the district.

5. After consideration of objections of the plans for the district, and if it appears that the Council will form the district, Council should next consider written objections to the proposed assessments which were filed with the City.

6. Close the public hearing.

7. Consider adoption of the resolution officially forming the lighting district.

8. If council forms the district, consider adoption of the proposed assessment ordinance. Council may adopt, correct, modify or revise the assessment against each lot in the district according to special and peculiar benefits accruing to the lot.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R96-_____

FORMING THE TECUMSEH ESTATES STREET LIGHTING

LOCAL IMPROVEMENT DISTRICT

WHEREAS, the City of Keizer has adopted a Resolution initiating the formation of Tecumseh Estates Street Lighting Local Improvement District; and

WHEREAS, the City Council has adopted a Resolution approving the City Engineer's Report for Tecumseh Estates Street Lighting Local Improvement District; and

WHEREAS, notice of public hearing to consider formation of street lighting district was mailed as required by Ordinance 94-278; and

WHEREAS, the City Council conducted a public hearing to receive objections and remonstrances to the formation of the street lighting district; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Tecumseh Estates Street Lighting Local Improvement District is hereby formed, and that the street lights shall be installed within a reasonable time and in the manner set forth in the City Engineer's Report for Tecumseh Estates Street Lighting Local Improvement District.

PASSED this _____ day of _______________, 1996.

SIGNED this _____ day of _______________, 1996.

____
Mayor

____
City Recorder

BILL NO.______ **ORDINANCE NO. 96-______**

A BILL FOR

AN ORDINANCE SPREADING ASSESSMENTS TO TECUMSEH ESTATES STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

Section 1. FINDINGS. The City Council of the City of Keizer makes the following findings:

a. The City Council did heretofore declare its intention to install street lights to serve an area known as Tecumseh Estates Street Lighting Local Improvement District which is described as follows:

Tecumseh Estates - Tax Lot 400 in the SW 1/4 of Section 36; Township 6 South Range 3 West, W.M. in the City of Keizer, County of Marion, State of Oregon;

which includes the installation of five (5)-100-watt high pressure sodium luminaries mounted on 4-foot long mast arms attached to 25-foot aluminum poles located within the subject local improvement district, all in accordance with the City Engineer's Report for Tecumseh Estates Street Lighting Local Improvement District.

b. The total initial cost of the Tecumseh Estates Street Lighting Local Improvement District is $1454.08.

c. The per space/lot assessment formula was used for this district.

d. The improvements in the district have been or will be constructed as provided in the Engineer's Report.

e. Notice was duly mailed to the benefited property owners on June 17, 1996.

f. A meeting of the City Council was held at the time and place fixed by public notice for the purpose of considering any such written objections to the proposed assessments.

g. No written objections to the proposed assessments were filed.

h. The Council has considered the matter and determined that construction of said improvements was and is of material benefit to the City, and all the property to be assessed therefore will be specially benefited by the improvements in the amounts shown on the assessment roll.

NOW, THEREFORE, the City Council of the City of Keizer ordains as follows:

Section 2. <u>ASSESSMENTS</u>.

a. <u>First Annual Assessment.</u> It is hereby determined that the share of the cost of the improvements for the Tecumseh Estates Street Lighting Local Improvement District for each parcel and property benefited thereby for the first annual assessment is the amount set opposite the description of each piece or parcel of land as described in Tecumseh Estates Street Lighting District Assessment Roll as set forth in Exhibit "A" attached, and that each piece or parcel of land benefited by the improvements, to the full extent of the amount so set opposite such piece or parcel and that the respective amounts represent the proportionate benefits of said improvements to said respective parcels of property, and the Council does hereby declare that each of the parcels of property described in Tecumseh Estates Street Lighting District Roll as set forth in Exhibit "A" attached is hereby assessed the first annual assessment amount set opposite each respective description.

i. Summary of first annual assessment costs for formation of the lighting district to serve the area known as "Tecumseh Estates Street Lighting Local Improvement District":

5 - Poles and Luminaries	$1069.20
Engineering Costs	$294.00
Administrative Fee @ 8.5%	$ 90.88
Total Assessments	$1068.07

ii. The Recorder of the City of Keizer is hereby directed to send a notice of first annual assessment to each owner of assessed property by mail within ten (10) days after this Ordinance levying the first annual installments is passed. The notice shall include information that an application to make installment payments may be filed with the City if the assessment is collected directly from the property owner and not pursuant to ORS 223.866.

b. Second and Subsequent Annual Assessments. After a municipal lighting district has been formed in accordance with City of Keizer Ordinance 94-278, the second and subsequent annual assessments shall be spread by Resolution which may include changes in the mode of collecting the assessment. The method of assessment and notification for subsequent annual assessments shall be determined in accordance with City of Keizer Ordinance 94-278.

c. Mode of Collecting Assessments. Assessments for Tecumseh Estates Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

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d. Lien on Property. The assessment shall be entered as a lien against the benefited property in the City Lien Docket.

PASSED this _______ day of ____________________________, 1996.

SIGNED this _______ day of ____________________________, 1996.

____
Mayor

____
City Recorder

PRELIMINARY ASSESSMENT ROLL

TECUMSEH ESTATES
STREET LIGHTING DISTRICT

*Assessors Map 6 3W 36CC

Tax Lot #	Owners Name and Address	Cost per Lot	Lots	Assessment
400	Procell, Sharon <Sayer, Robert L. 1830 Chemawa Rd. NE	$69.24	21	$1,454.08

TOTAL ASSESSMENT $1,454.08

COUNCIL MEETING: July 15, 1996

AGENDA ITEM NO: 5e

TO: MAYOR KOHO AND CITY COUNCIL

FROM: DOTTY TRYK - CITY MANAGER Dotty

THROUGH: TRACY L. DAVIS - CITY RECORDER

SUBJECT: **PUBLIC HEARING - To consider remonstrances or objections to formation of the Jacobe Estates Street Lighting Local Improvement District and objections to an ordinance spreading assessments to Jacobe Estates Street Lighting Local Improvement District**

ISSUE

1. Shall the City Council form the Jacobe Estates Street Lighting Local Improvement District after conducting a public hearing to receive objections or remonstrances to its formation?

2. Shall the City Council adopt an ordinance spreading assessments in the Jacobe Estates Street Lighting Local Improvement District after conducting a public hearing to receive written objections to the ordinance spreading those assessments to the district.

BACKGROUND

In March 1994, the Keizer City Council adopted Ordinance 94-278 relating to formation of street lighting local improvement districts within the City of Keizer.

On April 18, 1996, the developer of the Jacobe Estates filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R96-896 on May 6, 1996 to initiate formation of a street lighting local improvement district and directing the City Engineer to make a survey and file a written report with the City Recorder. On June 3, 1996 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to proposed assessments. On June 17, 1996 notice of the public hearing and intention to form the district and assess for the lighting improvements, as required under Ordinance 94-278, were provided by mail to the property owners.

ANALYSIS

Included within the agenda packet is the proposed resolution forming the Jacobe Estates Street Lighting Local Improvement District and setting forth the time and manner of installing the street lights within that district. If the Council decides to form the street lighting district, the next step is to proceed with an ordinance spreading assessments.

Included within the agenda packet is the proposed ordinance to spread assessments to the properties benefited by the lighting district. The ordinance provides for first annual assessments and the procedure for determining second and future annual assessments. Following the City Council's adoption of the Ordinance spreading assessments, the City authorizes the appropriate utility company to install the poles and lights. Depending on the type of poles requested by the City, it takes the utility company from two to six months to have the lights on site and operational.

FISCAL IMPACT

The City initially pays the street lighting expense to the utility company as it is billed throughout the year. The operating cost of the lights is then billed to the property owners on an annual basis, thereby recovering the City's costs for bills paid throughout the year. In addition, the bills include the cost of the City Engineer's Report in the first year, and a 8.5% administrative charge in the first and subsequent years to recover the City's cost for administering the lighting districts. All funds are budgeted through the Utility Fund.

RECOMMENDATION

1. Open the public hearing to first consider oral objections and written remonstrances to formation of the Jacobe Estates Street Lighting Local Improvement District.

2. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are presented to the Council at the public hearing, close the hearing and suspend formation of the district for six months.

3. Consider other objections to the formation of the district. The Council may suspend formation of the district without remonstrance of owners of two-thirds (2/3) of the land if the Council deems that action appropriate.

4. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are not presented to the Council at the public hearing, or other valid objections to formation are not presented, then consider objections to the scope, design or equipment proposed for the district.

5. After consideration of objections of the plans for the district, and if it appears that the Council will form the district, Council should next consider written objections to the proposed assessments which were filed with the City.

6. Close the public hearing.

7. Consider adoption of the resolution officially forming the lighting district.

8. If council forms the district, consider adoption of the proposed assessment ordinance. Council may adopt, correct, modify or revise the assessment against each lot in the district according to special and peculiar benefits accruing to the lot.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R96-_____

FORMING THE JACOBE ESTATES STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

WHEREAS, the City of Keizer has adopted a Resolution initiating the formation of Jacobe Estates Street Lighting Local Improvement District; and

WHEREAS, the City Council has adopted a Resolution approving the City Engineer's Report for Jacobe Estates Street Lighting Local Improvement District; and

WHEREAS, notice of public hearing to consider formation of street lighting district was mailed as required by Ordinance 94-278; and

WHEREAS, the City Council conducted a public hearing to receive objections and remonstrances to the formation of the street lighting district; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Jacobe Estates Street Lighting Local Improvement District is hereby formed, and that the street lights shall be installed within a reasonable time and in the manner set forth in the City Engineer's Report for Jacobe Estates Street Lighting Local Improvement District.

PASSED this _____ day of _______________, 1996.

SIGNED this _____ day of _______________, 1996.

____
Mayor

____
City Recorder

BILL NO.______ **ORDINANCE NO. 96-______**

A BILL FOR

AN ORDINANCE SPREADING ASSESSMENTS TO JACOBE ESTATES STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

Section 1. FINDINGS. The City Council of the City of Keizer makes the following findings:

a. The City Council did heretofore declare its intention to install street lights to serve an area known as Jacobe Estates Street Lighting Local Improvement District which is described as follows:

Jacobe Estates - Tax Lot 4600 in the SW 1/4 of Section 25; Township 7 South Range 3 West, W.M. in the City of Keizer, County of Marion, State of Oregon;

which includes the installation of four (4)-100-watt high pressure sodium luminaries mounted on 4-foot long mast arms attached to 25-foot aluminum poles located within the subject local improvement district, all in accordance with the City Engineer's Report for Jacobe Estates Street Lighting Local Improvement District.

b. The total initial cost of the Jacobe Estates Street Lighting Local Improvement District is $1068.07.

c. The per space/lot assessment formula was used for this district.

d. The improvements in the district have been or will be constructed as provided in the Engineer's Report.

e. Notice was duly mailed to the benefited property owners on June 17, 1996.

f. A meeting of the City Council was held at the time and place fixed by public notice for the purpose of considering any such written objections to the proposed assessments.

g. No written objections to the proposed assessments were filed.

h. The Council has considered the matter and determined that construction of said improvements was and is of material benefit to the City, and all the property to be assessed therefore will be specially benefited by the improvements in the amounts shown on the assessment roll.

NOW, THEREFORE, the City Council of the City of Keizer ordains as follows:

Section 2. ASSESSMENTS.

a. First Annual Assessment. It is hereby determined that the share of the cost of the improvements for the Jacobe Estates Street Lighting Local Improvement District for each parcel and property benefited thereby for the first annual assessment is the amount set opposite the description of each piece or parcel of land as described in Jacobe Estates Street Lighting District Assessment Roll as set forth in Exhibit "A" attached, and that each piece or parcel of land benefited by the improvements, to the full extent of the amount so set opposite such piece or parcel and that the respective amounts represent the proportionate benefits of said improvements to said respective parcels of property, and the Council does hereby declare that each of the parcels of property described in Jacobe Estates Street Lighting District Roll as set forth in Exhibit "A" attached is hereby assessed the first annual assessment amount set opposite each respective description.

i. Summary of first annual assessment costs for formation of the lighting district to serve the area known as "Jacobe Estates Street Lighting Local Improvement District":

4 - Poles and Luminaries	$855.36
Engineering Costs	$140.00
Administrative Fee @ 8.5%	$ 72.71
Total Assessments	$1068.07

ii. The Recorder of the City of Keizer is hereby directed to send a notice of first annual assessment to each owner of assessed property by mail within ten (10) days after this Ordinance levying the first annual installments is passed. The notice shall include information that an application to make installment payments may be filed with the City if the assessment is collected directly from the property owner and not pursuant to ORS 223.866.

b. Second and Subsequent Annual Assessments. After a municipal lighting district has been formed in accordance with City of Keizer Ordinance 94-278, the second and subsequent annual assessments shall be spread by Resolution which may include changes in the mode of collecting the assessment. The method of assessment and notification for subsequent annual assessments shall be determined in accordance with City of Keizer Ordinance 94-278.

c. Mode of Collecting Assessments. Assessments for Jacobe Estates Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

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d. <u>Lien on Property</u>. The assessment shall be entered as a lien against the benefited property in the City Lien Docket.

PASSED this _______ day of _________________________, 1996.

SIGNED this _______ day of _________________________, 1996.

____
Mayor

____
City Recorder

PRELIMINARY ASSESSMENT ROLL

JACOBE ESTATES
STREET LIGHTING DISTRICT

*Assessors Map 6 3W 25

Tax Lot #	Owners Name and Address	Cost per Lot	Lots	Assessment
4600	Jacobe, Kenneth R. 2403 Tepper Lane NE	$106.81	10	$1,068.07

TOTAL ASSESSMENT $1,068.07

MINUTES

KEIZER CITY COUNCIL
Monday, June 17, 1996
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:07 p.m. Roll call was taken as follows:

Present:
Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Bob Newton, Councilor
Jerry Watson, Councilor

Staff:
Dotty Tryk, City Manager
John Morgan, Community Development Director
Charles R. Stull, Chief of Police
Wally Mull, Public Works Director
Kim Krause, Finance Officer
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

COMMITTEE REPORTS

KEIZER COMMUNITY POLICING REDISTRICTING

Charles Stull, Chief of Police reported the community policing program was initiated in November 1993 with the City being broken into three districts. These districts were determined using the 1992 total number of calls for service and the grids established by the Keizer Fire District. During the last few months, the department has evaluated these districts to determine if the best policing services are being provided to the citizens. Currently the districts are geographically different in size as well as unporportioned population wise.

The goal in developing a new plan was to balance the geographical areas, population and calls for service. Chief Stull noted the new plan establishes twelve reporting grids within the three districts. Each district will have an officer assigned to a specified grid. The department believes this will better serve the citizens of Keizer.

Chief Stull noted in the past District One has had the highest calls for service, however a large percentage of these are part three crimes. During the next seventy-seven days the department has devised a plan to increase the number of personnel to address these crimes and problems in this area. Utilizing the school resource officers during this time and reorganizing the detective and traffic teams, Chief Stull believes the calls of service and crimes can be reduced.

The Community Policing Committee has reviewed this revised plan and fully endorsed the implementation. Chief Stull indicated the revisions will affect the memberships of district one and two community policing committees, however he does not note any negative impact.

Chief Stull recommended the Council endorse the revised districts and the plan to reduce the number of calls for service over the specified time period. He pointed out a full evaluation will be provided to the Council upon completion.

Councilor Watson expressed his concern with the equality within the districts in the number of calls for service.

Chief Stull pointed out the new district one will encompass two entire neighborhood associations which will be of great assistance in decreasing the calls for service. Furthermore, if the redistricting plan is not effective, it will be reevaluated upon completion of the seventy-seven day time period.

Councilor Keller, as Council liaison to the Community Policing Committee, endorsed the plan which utilizes the current resources to address the calls for service and problem areas.

Councilor McGee noted he was impressed with the process used to create this plan and looked forward to a report after the completion of the trial period.

Councilor McGee moved to support the staff recommendation of the Community Policing redistricting plan and evaluate it for seventy-seven days. Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

COUNCIL LIAISON REPORTS

Councilor Watson reported the **Planning Commission** met on June 12, 1996. The agenda included an overview of several projects, such as the River Road design plan, the Cherry Avenue design plan and the Chemawa Activity Center plan. Also the changes to the development code and the Willow Lake study were discussed. In addition, the Keizer local transportation plan was introduced with a presentation from a representative of the Council of Governments. Several public forums will be scheduled on this issue. Councilor Watson pointed out the Commission is involved in many large projects at this time.

There were no further reports to come before the Council.

PUBLIC HEARINGS

Mayor Koho opened the public hearing.

RESCINDING CLAGGETT CREEK CEMETERY COMP PLAN/ ZONE CHANGE/ CONDITIONAL USE PERMIT

Shannon Johnson, City Attorney reviewed the applicable criteria and procedure in this case, which included the conditions of approval previously granted.

In response to a request by Mr. Johnson, no objections or conflicts of interest were raised.

John Morgan, Community Development Director pointed out this is an unusual case in which the Council will consider rescinding the conditional use permit previously granted on August 7, 1995. The comprehensive plan and zone change also granted in 1995 are not subject to this recinsion. However, Mr. Morgan requested the Council initiate the new comprehensive plan and zone change process setting a public hearing for July 1, 1996. These changes would result in a change to the land use map from Civic to Low Density Residential and a zone change from Public (P) to Residential Single Family (RS).

Mr. Morgan pointed out the conditional use permit for the 3.59 acres located immediately north of Claggett Cemetery included screening conditions, set backs requirements and a specific time frame for completion. These conditions have not been met after numerous requests by staff for compliance. Mr. Morgan believes the initial deal between the property owner and the Claggett Creek Cemetery Association has been voided.

Offering testimony to the Council were:

Jeff Jackson, 6889 Westridge Court N, Keizer pointed out he is the president of The Ridge Homeowners Association which is opposed to returning this property to single family residential zoning. He noted the Association desires this area be expanded for cemetery use and hoped the Cemetery Association and the property owners would conclude the deal in the near future. Due to several unknown issues, Mr. Jackson requested the City Council delay any action on this matter for a period of ninety days in order to allow further discussions to take place.

Responding to an inquiry by Councilor Miller, Mr. Jackson noted he cannot confirm the Cemetery Association is uninterested in pursuing purchase of this property. However, he believed the continuance will provide ample opportunity for negotiations to resume.

Mr. Morgan stated he believed the negotiations between the Cemetery Association and property owners was finished.

Mike Hoffman, 6849 Westridge Court N, Keizer pointed out upon purchase of his property, he was informed this area would be developed as a cemetery. Based on recent rumors, he believes the property owners intend to construct multi-family residences, which he objects to. Mr. Hoffman noted he purchased the lot in October of 1994 prior to the zone change, however the cemetery use was portrayed during acquisition of his lot.

Responding to a procedural question from Councilor McGee, Mr. Morgan noted this is a semi-public use for a parcel of property which was subject to specific conditions. Therefore, staff is requesting Council initiate the process based on the complaints received from the adjacent property owners.

George Lyman, Keizer Funeral Home, 4365 River Road N, Keizer noted he is the past president of the Claggett Cemetery Association and is associated with a company who owns several mortuaries and cemeteries around the world. He estimated there will be sixty-million seniors over the age of 55 by the turn of the century. Keizer must prepare and preserve land for the burial of the residents.

Responding to a comment from Councilor Newton, Mr. Lyman believes the property in question should be developed by a private individual or the City as a cemetery. Mr. Lyman noted negotiations on the subject property started four years ago to expand the present cemetery. Difficulties were encountered in determining who would maintain control in overseeing the selling of burial plots.

Mr. Lyman recommended the City grant a time extension to determine if there are any alternatives left to be discussed. He believes it will be unfortunate not to pursue development of this land as a cemetery.

Councilor Watson expressed his opinion the property owners are playing economic games on this issue.

Mr. Lyman pointed out this property was annexed into the City specifically for the development of a cemetery.

Gordon Haagland, 7288 Parkterrace Drive NE, Keizer noted he is the owner of the lot directly adjacent to the proposed cemetery property. Upon purchase he was led to believe the only use for this parcel was a cemetery. Mr. Haagland is very concerned with the potential development of multi-housing if the zoning is changed.

Leon Croteau, 7575 Hunsaker Road, Turner pointed out he is the owner of the parcel of property in question.

Responding to a question by Councilor Keller, Mr. Croteau indicated he is opposed to holding this matter over for additional negotiations with the Claggett Cemetery Association. During the last four years negotiations have continued with the Association to no avail. Mr. Croteau requested the Council proceed with the revoking of the conditional use permit and the changing of the zoning designation. Furthermore, Mr. Croteau indicated there is an interested party ready to purchase the property for development.

There was no further testimony to come before the Council.

Councilor Miller moved to continue the public hearing until the second meeting in October (October 21, 1996). Mayor Koho seconded the Motion.

Councilor Miller indicated he would like to provide an opportunity to allow the parties to discuss the negotiations further. It will also provide the residents of the area to become informed on possible future uses. Councilor Miller pointed out this parcel is necessary to provide additional cemetery space in Keizer.

Councilor Watson voiced his concerns with the process used in this matter. He noted the applicant does not wish to continue negotiations with the Cemetery Association and believes the City should move forward with the zone change hearing.

Councilor Keller reiterated it is important to preserve additional land for cemetery use within the City.

Councilor McGee implied this one-acre parcel will not solve the entire future need of cemetery land within the City. However, any chance of retaining this possible land resource should be considered.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Newton (6)
NAYS: Watson (1)
ABSTENTIONS: None (0)
ABSENT: None (0)

RESOLUTION - ADOPTION OF 1996-97 BUDGET, MAKING APPROPRIATIONS AND LEVYING TAXES

Mayor Koho opened the public hearing.

Dotty Tryk, City Manager reviewed the committee approved and Council modified budget for fiscal year 1996-97. She requested two additional changes based on the timing of two capital improvements; construction of the water reservoir and the Lockhaven street improvements. These actions would increase the fiscal year 97 beginning fund balance in the water facilities reserve by $270,000 and the reservoir line item by an equal amount and increase the beginning fund balance in the street fund by $375,000 and the street improvement line item by the same amount. City Manager Tryk indicated the tax rate will be approximately $1.55 per $1000 of assessed value.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Keller moved a Resolution Adopting the FY 97 Budget, Making Appropriations and Levying Taxes. Councilor Miller seconded the Motion.

Councilor McGee indicated the volunteer recognition awards have been previously taken from the miscellaneous line item. He requested a line item be created entitled volunteer recognition for this purpose.

Councilor McGee moved to amend the Motion to remove $1500 from the Administration Miscellaneous Expense line item and a new line item created for this amount entitled Volunteer Recognition. Mayor Koho seconded the Motion.

The amendment to the Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

The Motion as amended passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CHEMAWA ACTIVITY CENTER PLAN

Mayor Koho reopened the hearing continued from May 20, 1996.

Councilor Keller announced he is the president of the Keizer Chamber of Commerce, however he did not attend the meeting in which a presentation was given and the Chamber's position was determined on the Chemawa Activity Center. He did not feel this would create a conflict of interest for him on this issue.

John Morgan, Community Development Director reported this public hearing was first opened on February 20, 1996 and has been continued several times over the last few months. One reason for the continuation was to develop a quick response design through the Land Conservation and Development Commission. This process involved two public forums conducted by the consultant, George Crandall. Based on these meetings, the Planning Commission revised their recommendation to lower the number of retail area from 30 acres to 15 acres.

In reviewing the traffic issues, Mr. Morgan indicated the traffic engineer has determined there are some possibilities to assist in the management of traffic. The most notable is the deletion of the traffic signal at Radiant and Lockhaven Drive and the creation of an underpass that would carry the traffic under Lockhaven Drive. Other plans include the dual exit ramps off

Interstate Five and the creation of a five-lane roadway through the McLeod signal. Mr. Morgan concluded traffic is manageable with these options.

Mr. Morgan pointed out the design detail of the plan is not imperative at this time, however a decision on the vision and desires for this area should be determined. He indicated the amount of retail acreage in the activity center will impact the property values, potential funding resources for building infrastructure, traffic, job availability and type, the current business base within the community, the potential for economic growth in existing commercial areas, and many other factors.

Responding to a question from Councilor Keller, Mr. Morgan noted in the original Chemawa Activity Center plan draft was developed in 1987 or 1988 by Bill Peterson and John Spencer. This plan was not adopted at that time. In 1993, the adopted plan did not reanalyze the land uses numbers.

Mr. Morgan added development of this area will cause a traffic impact on Lockhaven Drive, however the amount of retail or the determined uses for the area will determine how severe the impact will be.

Mr. George Crandall of Fletcher-Farr-Ayotte, an urban designer, who was assigned to prepare the quick response design plan. He showed a slide presentation entitled "Building Better Communities" which was presented in one of the public forums. This slide show included general applications for communities anywhere.

Mr. Crandall pointed out during the preparation of the quick response design three concerns were noted; the large amount of retail area at the interchange, the potential traffic problems for the interchange area and the long term vision for the community. He described the potential impact a commercial development would have on the present commercial businesses along River Road. Furthermore, retail development would increase the traffic congestion compared to an office industrial use. Mr. Crandall announced a town center should be discussed or determined to focus long term planning issues.

Mr. Crandall and another association from the Fletcher-Farr-Ayotte firm displayed three potential design maps showing retail area at ten, fifteen and thirty acres.

Responding to a question from Councilor Watson, Mr. Crandall indicated a regional development such as a hotel, theater or other uses that would serve the road side traveler, would not provide competition or a distraction from the River Road core area. Furthermore, Mr. Crandall believed the likelihood of traffic problems will be decreased if the retail area is reduced to fifteen acres and the prescribed uses as recommended.

Mr. Morgan noted according to the traffic engineer, five lanes will be required on Lockhaven through the McLeod signal. This may cause an increase in traffic farther west causing delays at 14th and River Road. These projections were based upon the regional transportation model prepared by the Council of Governments. In addition, the traffic engineer utilized the traffic analysis prepared by Kampe and Associates and Kittleson and Associates.

Commenting on an inquiry from Councilor McGee, Mr. Crandall noted there is not a rule of thumb in determining the tax generation potential or returns. However, he believes there are forms of development that may generate a substantial amount of revenue and some that would not. In addition, Mr. Crandall indicated the key entry way to Keizer is at the interchange and the quality of that development will reflect on the entire community. This quality will determine the revenue and economic potential. Mr. Crandall also pointed out the existing retail along River Road is precious and should be preserved.

Councilor Newton noted with the potential growth of the metro area, the development along the interchange could be valuable to others as well as Keizer, especially if a high speed rail system is implemented in the future.

Marty Matiskainen, Planning Commission Chair, 1771 Stonehedge Drive NE, Keizer reported the Commission has worked long on the development of a plan for the Chemawa Activity Center. There has been continuing debate by the Commission in making the recommendations being forward to the Council. He requested the Council consider this plan as a working document not the final recommendation. Mr. Matiskainen noted the development of the facilities of the area should be done by the developer rather than the City. In conclusion, Mr. Matiskainen urged the Council to come to a closure and adopt a final plan in the near future.

Dorothy Cofield, Attorney for the Chemawa NW Property Associations, 12725 SW 66th Avenue, Portland and Rodney Stubbs, Eldred Realty, 1860 Hawthorne Avenue NE, Salem appeared before the Council. Ms. Cofield indicated the Council and staff have been very helpful in working together to come to agreement on some points.

Mr. Stubbs indicated the property association has not requested commercial development north of the PGE easement line which would reduce the possibility for a large regional shopping center. In addition, Mr. Stubbs noted he understands the traffic concerns, however he feels the study done by the Council of Governments is not accurate or reflective of the potential traffic impacts. He suggested the City obtain a traffic analysis report designed to project the actual growth over the next twenty years. This should be used as the basis for making any transportation or development decisions.

Referring to a real estate demand report prepared in January of 1996, Mr. Stubbs noted employment vitality in an area is crucial. He believes allowing only fifteen acres of retail will not be adequate to preserve an employment base. Furthermore, the demand for business park space will decrease in the coming years.

Mr. Stubbs stated financing options are limited for the City to provide the needed infrastructure to the area. Therefore, the plan must be investor friendly to construct the necessary improvements. Mr. Stubbs pointed out there may be development difficulties associated with the property near the BPA power easements.

Responding to a question from Councilor Keller, Mr. Stubbs believes development in the industrial area would be ideal for a major power company who could afford to absorb the high development costs in the beginning.

Mayor Koho pointed out he is a member of the Board of Directors for Salem Electric. He requested the City Attorney investigate any potential conflict of interest if this use is targeted.

Councilor Watson questioned the benefit residents of Keizer will receive if the retail space is allowed at thirty acres. The business owners will avail, however they may not be residents dealing with the traffic impacts.

Mr. Stubbs noted the community will benefit by having a quality development that will remove the present blight from this area. In order to have a quality development, the investor must be convinced it will be a solid investment for the future. He further noted a residential development would be a greater impact to the traffic problems than a commercial or industrial development.

In response to a question from Councilor McGee, Mr. Stubbs stated he would prepare a report on the difference in tax generation between commercial retail and business park concept. Mr. Stubbs believed fifteen acres of retail would be restrictive and urged the Council to consider thirty acres to maintain full flexibility in any potential development. He also noted this is the last undeveloped urban interchange between British Columbia and Mexico.

Councilor Miller requested Mr. Stubbs prepare a map of the area showing restrictions associated with the BPA powerlines, traffic patterns and the desired uses. He believed an accurate traffic study would also be beneficial.

Mr. Stubbs noted a competent traffic report would cost approximately $20,000. He believed the traffic engineers report is adequate considering the base information from the Council of Governments model is outdated. He estimated this could take as long as six-months to complete.

Councilor Miller noted he is concerned a major decision on this area will be made lacking competent traffic information.

Dorothy Cofield announced the project outlined in the February Chemawa Activity Center draft plan is agreeable to the property owners of the area. This includes the thirty acres of commercial retail with the balance being industrial park. Ms. Cofield noted that she has discussed items of disagreement in the plan with staff. However, she agreed the traffic impact is a major concern. She requested the inclusion of language in the plan noting transportation will be improved with development paying the proportionate share for impacts generated. Ms. Cofield added that fifteen acres of retail is not feasible for any potential developer of this area. Furthermore, this contradicts the 20 to 50 acres of commercial as recommended in the Comprehensive Plan. This amount was not changed during the periodic review in 1992.

In addition, Ms. Cofield requested the standards for the Industrial Business Park be similar to those adopted by the City of Salem. She also noted the River Road development has not been a factor to this point.

Responding to a question from Councilor Beach, Mr. Stubbs indicated if a maximum commercial allowance could work for the area, however he cautioned this could open the doors for an undesirable retail development.

Mayor Koho commented on the number of negative impacts at other major interchanges in Oregon, he requested a report on some of the successful developments.

Sam Goesch, 1338 Marigold Street N, Keizer announced as the Chair of the Chamber of Commerce Govemmental Affairs Committee, he has been chosen to relay the recommendation and position recently voted upon by the Chamber board.

The position of the Chamber of Commerce is as follows:

- The Chemawa Activity Center and the River Road project should complement and support each area, not compete for customers or community investment.
- Supports the Industrial Park concept.
- Supports the hotel requirement.
- Supports the idea of retail and services businesses in the activity center.
- Supports the 50,000 square foot limitation on any single retail use.
- Supports the revised Planning Commission ceiling of fifteen acres being zoned commercial retail including the hotel use. This would be counter productive to the goals of the River Road Redevelopment Board.

In conclusion, Mr. Goesch announced the greatest concems are that our community investment in River Road will be threatened by a migration of business from River Road to the Chemawa Center and new business development along River Road would be diverted to the activity center in the future.

Mr. Goesch noted there were three trends that have compromised community core areas; rise of the interstate highway system, suburban growth and the development of big box retailers. The market area in Keizer is not substantial, therefore there would not be a significant need for the large area in the Chemawa Activity Center. Furthermore, the market area in Keizer is consumable goods rather than larger retail.

Mr. Goesch highlighted the recent retail investment and development occurring in Keizer. These include Creekside Shopping Center, Tarter's Auto Repair, Wittenberg purchase of the River/Chemaw Road property, Schoolhouse Square, Keizer Saw and Mower, Safeway, Shari's Restaurant, Taco Bell, Sandwich Express, Century 21, Craft World and Knechts. He pointed out very few of these are located south of Sunset Drive. Therefore, if a substantial amount of retail is allowed, the market will never develop for the southem portion of Keizer.

During a Chamber luncheon meeting, there was overwhelming support for a city center or core area. Mr. Goesch announced a community questionnaire is being developed to gain input on economic development.

Mr. Goesch indicated there has been several changes to the Comprehensive Plan during the last few years. The community continues to change and therefore this plan can change as well. Mr. Goesch also noted there is an abundance of retail space available in the area, therefore thirty additional acres would not be beneficial. Retail development will not provide an abundance of employment opportunities for the citizens.

In closing, Mr. Goesch urged the Council to protect the community interest in River Road. He encouraged the adoption of a plan and move forward with developing this area.

Responding to a question from Councilor McGee, Mr. Goesch noted commercial development on Cherry Avenue, Inland Shores and others will cease when the Council determines there is a risk to the community. This is the purpose of zoning regulations. He added the Chamber's recommendation of fifteen acres was the maximum amount they thought should be allowed.

Mr. Goesch indicated the Chamber reached their recommendation after a presentation by Community Development Director John Morgan and reviewing other information presented. However, Mr. Morgan did not influence the decision in recommending the fifteen acre retail maximum.

Councilor Watson thanked Mr. Goesch for his comments. He requested staff investigate the procedure and rationale for making changes to the Comprehensive Plan.

Mary Hupy, Keizer Florist, 5099 River Road North, Keizer stated she is a business owner on River Road and also a member of the Keizer Chamber of Commerce. She is concerned with the impacts this development may have on the River Road area. Ms. Hupy pointed out the empty retail space already available along River Road. She urged the Council to take their time to consider this very important issue.

Greg Lamb, 2323 Latona Drive N, Keizer addressed the Council as a representative of the Gubser Neighborhood Association. He reminded the Council of the Association's concern with potential general industrial development adjacent to the neighborhood and also the traffic impact to the residential neighborhood. Mr. Lamb offered the Association's assistance in moving this decision forward.

Tony Palucci, 3838 3rd Avenue N, Keizer noted he is a business owner along River Road and fully supports the Chamber of Commerce position. He believed if a substantial amount of retail is allowed at the interchange, the area along River Road will suffer tremendously. He relayed information on other areas which have allowed development outside the downtown core area and have suffered for this decision. Mr. Palucci urged the Council not to let this happen to the city of Keizer and limit the amount of retail to fifteen acres.

Elaine Smith, 2157 Waltman Court NE, Keizer noted as a member of the Keizer Planning Commission she fully supports the recommendation of limiting the fifteen acres of retail. Furthermore, she supports to establish a level of service standards at the intersections on Lockhaven Drive. Ms. Smith believes it would be better to have more industrial land in this area to provide jobs for the residents. These will provide a higher pay than retail employment.

Ms. Smith reviewed the statutes regarding moratoriums and the possibility of adopting a public facility strategy. She submitted a copy of these laws for the record. Ms. Smith also noted the possibility of a park and ride on the east side should be determined. She understands the frustrations of the property owners, however this is one of the largest decisions Keizer will ever make.

Karen Trucke, 6330 14th Avenue NE, Keizer noted Keizer consists of multiple neighborhoods wedged between the river, freeways and farm land with a "strip" through the center. The lack of a future plan for how Keizer should look and be in the future will make it impossible to recover. Ms. Trucke stated even though she has been gone from the area for several years, Keizer is still home. She believed there has been a change in the downtown core area during her absence. Ms. Trucke pointed out the development is moving north which leaves the southern portion to suffer.

Ms. Trucke also voiced her concern with widening Lockhaven Drive to five lanes. This will ruin the livability of the community.

Allen Marshall, 2041 SW 58th Avenue, Portland advised he represents the owners of the LaBish Stables on Radiant Drive. He supports the adoption of the Salem Industrial Business Park zone for the Chemawa Interchange area. He believes the power easements will be an issue in any potential development, however conditional uses could be granted for property surrounding the power lines. Mr. Marshall also indicated retail development would be beneficial to the residents to provide additional dollars for the community.

Jim Jacks, 6727 Fenwick Court N, Keizer thanked the Council for the undergrounding of the power lines along River Road and the sign regulations which makes Keizer a more livable community. Mr. Jack explained the city of Newberg recently allowed retail development outside the downtown core area and is now suffering for this decision. He believes this may happen to Keizer if the vision is not right and additional commercial retail is allowed at the interchange area. Mr. Jack also raised concerns with the traffic impact on Lockhaven Drive any potential development may cause. He noted this is the gateway to the City and should not be muddled.

Jean Johnson, daughter of Mildred Hayes of 5197 Radiant Drive NE, Keizer expressed her concern with the traffic flow and movement along River and Chemawa Roads. She believes Chemawa Road could be utilized for an entryway to "downtown" Keizer. Ms. Johnson urged the City to move forward with adoption of this plan.

Richard Rawlins, 7020 Lardon Road NE, Salem advised the Council he is a property owner in the Chemawa Activity Center area. He urged the Council to move forward and make some decisions on this issue. The delay projects a negative image of the City.

Mayor Koho recessed the public hearing until Monday, July 15, 1996 at 7:00 p.m.

ADMINISTRATIVE ACTION

MARION COUNTY BUILDING CODE ADMINISTRATION AGREEMENT

John Morgan, Community Development Director reported a subcommittee consisting of Council members, staff and representatives of the building industry interviewed applicants to provide a building code administration service to the City. This group has recommended negotiating a new agreement with Marion County to provide these services. Mr. Morgan reviewed the reasons for making this decisions as outlined in his staff report. The proposal includes the entire program being housed at City Hall with an in-house employee. The fees generated by this program will be used to cover these expenses.

Councilor Keller supported the program as presented except for the employee being placed on the City payroll. He noted during recent budget discussions, the Council announced there would not be any additional employees added except for the parks maintenance worker.

Mr. Morgan indicated this is part of the agreement proposed by the County to transfer this service to Keizer. It would be classified as a Building Code Technician.

Councilor McGee noted as a member of the subcommittee, he remembered the addition of a county employed clerk not a technician. He requested this issue be returned to the subcommittee for further exploration.

In response to a concern expressed by Councilor Miller, City Manager Tryk indicated if the level of building and development decreases, the hours will be reduced. She further noted this will provide better customer service for the developers in Keizer.

Councilor Miller reiterated he would not support the creation of a new position within the City. He further noted he was concerned with the lack of an agreement to review at this time.

Mr. Morgan noted Marion County was not comfortable with the lack of supervision a county employee would have while working in Keizer.

Mayor Koho directed staff to return this issue to the subcommittee for further exploration.

RESOLUTION - ADOPTING SUPPLEMENTAL BUDGET AND MAKING APPROPRIATIONS FOR FISCAL YEAR 1995-96

Dotty Tryk, City Manager reported there are a couple of changes to 95-96 fiscal year budget which required a supplemental budget. The two activities are associated with the Parks Improvement Fund and the City Hall Facilities Fund.

Mayor Koho moved a Resolution Adopting a Supplemental Budget and Making Appropriations for Fiscal Year 1995-96. Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

RESOLUTION - TRANSFERRING APPROPRIATIONS FOR FISCAL YEAR 1995-96

Dotty Tryk, City Manager reported this action would increase the contractual services in the parks fund and increase the amount in the materials and services in the 9-1-1 fund to cover the expense of the study.

Councilor Keller moved a Resolution Transferring Appropriations for Fiscal Year 1995-96. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

RESOLUTION - SETTING FORTH CHANGE IN COMPENSATION FOR UNREPRESENTED EMPLOYEES

Dotty Tryk, City Manager reported the Council reviews the compensation for the employees in order to adjust for an increase in the cost of living. The consumer price index for urban wage earners estimates an increase to be 2.88%.

Councilor McGee moved a Resolution Setting Forth a Change in the Classification and Compensation Plan by Amending Certain Unrepresented Classifications and a Change in Compensation for all Employees effective July 1, 1996. Mayor Koho seconded the Motion.

Responding to an inquiry by Councilor Newton, City Manager Tryk indicated there are no other changes in the resolution other than the wage increase.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

KEIZER LITTLE LEAGUE PARKING LOT PAVING

Dotty Tryk, City Manager reported information has not yet been received from the Little League Association. This item will be tabled until further information is received.

CONSENT CALENDAR

The consent calendar consisted of the following:

a. LaEstrellita Restaurant Liquor License - Change of Ownership

b. RESOLUTION - Election to Receive State Shared Revenues

c. RESOLUTION - Certifying the City Provides Four or More Services

d. Approval of June 3, 1996 Regular Session Minutes

e. Approval of June 10, 1996 Work Session Minutes

Councilor Keller moved for approval of the items on the consent calendar. Mayor Koho seconded the Motion.

Councilor Miller noted he will be abstaining from voting on the minutes due to his absence at the meeting.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

OTHER BUSINESS

●Mayor Koho announced there will be a meeting on Wednesday, June 19, 1996 with representatives from the City of Salem and Marion and Polk Counties to discuss recreational opportunities for children in the community. He invited other members of the Council to attend.

●Councilor Beach voiced his appreciation for the clean up work on the south entry gateway.

●Councilor Beach also voiced his appreciation for the monthly budget variance report prepared by the Finance Officer.

●Councilor Beach further inquired of the number of officers involved in the Sportsman Tavern gambling arrest.

●Councilor Miller voiced his concern with the recent flyer distributed on the wetland inventory. He noted he was concerned with the language used regarding permission to access citizen's property.

John Morgan noted he would relay these concerns to the Council of Governments who published the flyer.

●Councilor Newton inquired of the street improvements on 15th Avenue.

Wally Mull, Public Works Director reported this is an unimproved street which should be improved in the near future by the developer.

●Councilor Keller reminded everyone of the moving of the Keizer School Building on Sunday, June 23rd.

●Councilor McGee requested the Public Works Department investigate options for building or filling gaps on sidewalks using street funds.

WRITTEN COMMUNICATION There was no written communication to come before the Council.

AGENDA INPUT Mayor Koho noted the agenda input items.

ADJOURNMENT The meeting was adjourned at 11:59 p.m.

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Tracy L. Davis
City Recorder

APPROVED:

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Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Jerry Watson	Councilor #4 - Carl Beach
Councilor #2 - Bob Newton	Councilor #5 - Al Miller
Councilor # 3 - Jim Keller	Councilor #6 - Jerry McGee

Minutes approved:

____

CITY COUNCIL MEETING: July 15, 1996

AGENDA ITEM NUMBER: 6a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DOTTY TRYK Dotty
CITY MANAGER

SUBJECT: RESOLUTION AMENDING R96-908 LEVYING TAXES

BACKGROUND:

In the resolution adopted by Council making appropriations and levying taxes there is a $1 error in the amount of the tax base. State law does not allow rounding. Therefore the tax base amount should be $756,562 not $756,563. The attached resolution corrects this error.

This action is not on your agenda as I was just informed of the error today. In order to avoid having to file an extension on the budget filing, I am requesting that you act on this resolution tonight.

RECOMMENDATION:.

It is recommended that the resolution be adopted.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

RESOLUTION NO. R96-_______

LEVYING TAXES FOR THE FY'97 ADOPTED

BUDGET AND AMENDING R96-908

BE IT RESOLVED that the Council of the City of Keizer hereby levies the taxes provided for in the adopted budget in the aggregate of $1,840,198, and that these taxes are hereby levied upon the assessed value as of 1 a.m. July 1, 1996, on all taxable property within the city. The following allocation and categorization subject to the limits of section 11b, article XI of the Oregon Constitution make up the above aggregate levy:

GENERAL FUND	Subject to the General Government Limitation
Operating Levy within the 6% limitation	$ 756,562
One Year Operating Levy	1,083,636
TOTAL TAX LEVY	$1,840,198

BE IT FURTHER RESOLVED that this action amends Resolution 96-908

PASSED this ______ day of ____________________, 1996.

SIGNED this ______ day of ____________________, 1996.

____
Mayor

____
City Recorder

City of Keizer, Oregon

PUBLIC HEARING SIGN UP SHEET

PUBLIC HEARING RE: J's RESTAURANT LIQUOR LICENSE APPLICATION

DATE: JULY 15, 1996 **TIME:** 7:00 p.m. **AGENDA ITEM #** 5a

BEFORE THE: KEIZER CITY COUNCIL **PLACE:** ROBERT L. SIMON COUNCIL CHAMBERS

(PLEASE PRINT)

NAME	ADDRESS	GENERAL	PROPONENT	OPPONENT
[illegible]	[illegible]		X	

City of Keizer, Oregon

PUBLIC HEARING SIGN UP SHEET

PUBLIC HEARING RE: JACOBE ESTATES STREET LIGHTING DISTRICT

DATE: JULY 15, 1996 **TIME:** 7:00 p.m. **AGENDA ITEM #** 5e

BEFORE THE: KEIZER CITY COUNCIL **PLACE:** ROBERT L. SIMON COUNCIL CHAMBERS

(PLEASE PRINT)

NAME	ADDRESS	GENERAL	PROPONENT	OPPONENT

No testimony

Jd

City of Keizer, Oregon

PUBLIC HEARING SIGN UP SHEET

PUBLIC HEARING RE: TECUMSEH ESTATES STREET LIGHTING DISTRICT

DATE: JULY 15, 1996 **TIME:** 7:00 p.m. **AGENDA ITEM #** 5d

BEFORE THE: KEIZER CITY COUNCIL **PLACE:** ROBERT L. SIMON COUNCIL CHAMBERS

(PLEASE PRINT)

NAME	ADDRESS	GENERAL	PROPONENT	OPPONENT

no testimony

[illegible]

CITY COUNCIL MEETING: July 15, 1996

AGENDA ITEM NUMBER: 6a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DOTTY TRYK Dotty
CITY MANAGER

SUBJECT: RESOLUTION AMENDING R96-908 LEVYING TAXES

BACKGROUND:

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This action is not on your agenda as I was just informed of the error today. In order to avoid having to file an extension on the budget filing, I am requesting that you act on this resolution tonight.

RECOMMENDATION:.

It is recommended that the resolution be adopted.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

RESOLUTION NO. R96-________

LEVYING TAXES FOR THE FY'97 ADOPTED BUDGET AND AMENDING R96-908

BE IT RESOLVED that the Council of the City of Keizer hereby levies the taxes provided for in the adopted budget in the aggregate of $1,840,198, and that these taxes are hereby levied upon the assessed value as of 1 a.m. July 1, 1996, on all taxable property within the city. The following allocation and categorization subject to the limits of section 11b, article XI of the Oregon Constitution make up the above aggregate levy:

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One Year Operating Levy	1,083,636
TOTAL TAX LEVY	$1,840,198

BE IT FURTHER RESOLVED that this action amends Resolution 96-908

PASSED this _______ **day of** ______________________, **1996.**

SIGNED this _______ **day of** ______________________, **1996.**

____
Mayor

____
City Recorder