MINUTES

KEIZER CITY COUNCIL
Monday, July 15, 1996
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:06 p.m. Roll call was taken as follows:

<u>Present:</u>
Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Jerry Watson, Councilor (arrived at 7:28 p.m.)

<u>Absent:</u>
Bob Newton, Councilor

<u>Staff:</u>
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

Randy Lawrence, 1280 Wallace Road, Keizer appeared before the Council to relay his and the neighbors concerns with a development at the end of Lawless Street. He believes this development is being built upon a wetland area. Mr. Lawrence noted the wetland area is being filled with petroleum products (asphalt). This is a major concern with the close proximity of Claggett Creek. Furthermore, he believes this development will affect the flooding of his neighborhood.

John Morgan, Community Development Director explained this is a five lot subdivision with four of the lots being on the eastern side of Claggett Creek on the ridge. He noted the developer has obtained the necessary permits and it is being monitored at this time. Mr. Morgan added he will examine the type of fill being used in this development.

Mayor Koho urged Mr. Lawrence to present his concerns to the Claggett Creek Task Force.

FMAGIC

There was no further public testimony to come before the Council.

COMMITTEE REPORTS

Mayor Koho announced the Vietnam Veterans Moving Wall will be visiting the Salem-Keizer area on July 26 and 27th. He encouraged everyone to visit this replica in honor of those who lost their lives in the war.

PROCLAMATION - VIETNAM VETERANS DAY

Mayor Koho presented the proclamation to Darryl Smith and other representatives of the veterans.

Mr. Smith presented the Mayor with a book entitled "The Wall".

VOLUNTEER OF THE QUARTER AWARD

Charles Stull, Chief of Police announced Rosemary Emmerich has volunteered numerous hours to the Keizer Police Department over the last two years. Chief Stull thanked Ms. Emmerich for her contributions.

Mayor Koho presented Ms. Emmerich with a silver platter for her volunteer efforts.

KEIZER RESERVE OFFICER SWEARING IN CEREMONY

Chief Stull introduced Mark Banks as the newest Reserve Officer to the Keizer Police Department.

Shannon Johnson, City Attorney issued the oath of office to Reserve Officer Mark Banks.

CLAGGETT CREEK TASK FORCE REPORT

Mayor Koho noted Bob Vian, Chair of the Claggett Creek Task Force was not present at this time. The report will be delayed until a future meeting.

COUNCIL LIAISON REPORTS

Councilor Miller reported the **Parks Advisory Board** met on July 11, 1996. At this meeting, Kevin Wickman, Parks Director announced he has resigned to accept a new position with the Keizer Fire District. Councilor Miller also announced the agenda for the August meeting will include a presentation on the proposed Skate Board Park.

Councilor Watson was unavailable to report on the recent **Planning Commission** meeting.

There were no further liaison reports to come before the Council.

PUBLIC HEARINGS

Mayor Koho opened the public hearing.

J'S RESTAURANT LIQUOR LICENSE APPLICATION

Dotty Tryk, City Manager reported this is a new liquor license application for J's Restaurant. As required by the Ordinance notification has been sent to the surrounding property owners with one letter of opposition being received. The Keizer Police Department and Keizer Planning Department have also reviewed this application with no reason for denial being found. City Manager Tryk recommended the Council receive testimony and consider approval of this application.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Keller moved to recommend approval of the liquor license application for J's Restaurant and forward the recommendation to the Oregon Liquor Control Commission. Mayor Koho seconded the Motion.

Councilor McGee inquired of the large number of false alarms occurring at the restaurant. Mayor Koho noted a representative of the restaurant was not present at this time.

Responding to a question by Councilor Beach, City Manager Tryk stated she believed the restaurant will be expanding to become a dinner house.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee and Miller (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton and Watson (2)

APPEAL OF ZONE CHANGE CASE NO. 96-02 (RICHARD BECK)

Mayor Koho opened the public hearing.

Shannon Johnson, City Attorney reviewed the applicable criteria and procedures for this hearing. There were no objections or conflicts of interest voiced at this time.

John Morgan, Community Development Director reported this is a requested zone change from Commercial Retail - Limited Use (CR-LU) to Commercial Retail (CR) on property located at 4710 River Road North. The limited use overlay zone was placed on the property in 1992 by the Council when considering development of a Pizza Hut Restaurant at the site. Since the restaurant did not materialize, the applicant, Richard

Beck has requested a zone change to develop a general purpose retail building. Mr. Beck has indicated the Dazy Maze consignment clothing store is a signed tenant for the building.

Mr. Morgan noted the hearings officer granted the zone change with conditions of approval. Three of these conditions are being appealed by Mr. Beck. These conditions include:

- The Hearings Officer did not remove the Limited Use Overlay designation, but instead limited the use to a retail clothing store.
- The Hearings Officer reimposed the condition to build a sound wall similar to the one built by Taco Bell.
- The Hearings Officer prohibited the development of a joint driveway with Taco Bell or any connection between the two properties.

Mr. Morgan pointed staff supports the applicant's appeal on the three conditions with specific suggestions to make the conditions more workable.

In reviewing each of the conditions, Mr. Morgan suggested the first condition to limit the development to a retail clothing store be modified to retain the limited use overlay to allow only permitted uses in the Commercial Retail (CR) zone with the following exceptions:

- food stores
- gasoline service stations
- eating and drinking places
- vehicle sales and secondary repair
- recreational vehicle parks
- miscellaneous amusement and recreation services
- automotive parking
- automotive dealers
- adult entertainment business
- liquor store

Mr. Morgan pointed out these uses would cause the greatest impacts to the neighborhood. However, in discussion with the applicant, Mr. Beck has requested food stores and eating and drinking establishments be allowed to provide maximum flexibility for his building. In compromise, Mr. Morgan suggested allowing food stores and eating and drinking places with limitations; no drive through windows allowed or the sale or serving of alcoholic products.

The next condition requires the construction of a sound wall along the eastern boundary of the property. Mr. Morgan believes this conditions should be eliminated due to the type of use proposed. He noted the zoning ordinance requires a six-foot fence/wall/hedge along with a three-foot wide landscaping strip to separate commercial from retail uses.

The third condition deals with the access to the property. In reviewing the staff policy to minimize the number of driveways on River Road, Mr. Morgan indicated the design includes a joint driveway with Taco Bell as well as a connection between the properties for an exit on Linda Avenue. In recent discussions with the property owners, city staff and the applicant, a compromise was reached to make the driveway on River Road right in/right out only and the primary driveway be on Linda Avenue.

In conclusion, Mr. Morgan recommended the Council amend conditions one to change the uses allowed, amend condition seven to eliminate the requirement for a sound wall, condition eight be amended to the agreed upon access route and condition nine be dropped.

Responding to an inquiry by Councilor Miller, Mr. Morgan pointed out there is parking on the east and south side adjacent to the driveway with the building in the front. This complies with the draft development code encouraging retail buildings to be towards the front of the property. In addition, Mr. Morgan noted there is a utility vault located at the site of the proposed joint driveway.

Councilor Watson noted Linda and Maine Avenue are dead end streets with the only access onto a major street, River Road. He explained he is interested in the feasibility of exploring alternatives to providing access to these streets at the east end to Dearborne.

Providing testimony to the Council were:

Richard Beck, 4485 River Road S, Salem explained he is the applicant in this matter. Mr. Beck presented a blueprint showing the design and layout of his proposed development. The building is located on River Road and access was designed as required in the Taco Bell driveway permit. Mr. Beck agreed with the recommended driveway/access pattern as relayed by Mr. Morgan. He believed the access on Linda Avenue would not affect the neighborhood.

In reviewing the history of this case, Mr. Beck pointed out in 1992 he requested a zone change to allow the construction of a pizza hut restaurant. The zone change was granted with limitations. However, the pizza hut corporation backed out of their plans and the parcel remained zoned Commercial Retail - Limited Use. Mr. Beck indicated he wishes to construct a retail development that will be an asset to the City. He noted the signed tenant, Dazy Maze is a 29 year old business with a good reputation in the community. However, he wishes to retain the flexibility in the other uses as well.

Furthermore, Mr. Beck noted the property adjacent to his is also zoned Commercial Retail - Limited Use. The property owners of this parcel have requested that a sound wall not be constructed between the parcels to allow future commercial development. They have only requested a privacy fence be installed until that time. Mr. Beck submitted a packet of information containing a letter from the adjacent property owners supporting his endeavors as well as other business and property owners in the City.

In reviewing the zoning ordinance and the limited overlay use definitions, Mr. Beck believed the layout of his plan will not allow many of the uses. He noted the intent of the limited use overlay zone is to maximize the number of acceptable used so the use of the property is not unnecessarily limited. Mr. Beck concluded this commercial development meets the guidelines as outlined in the zoning ordinance.

Responding to an inquiry from Councilor Miller, Mr. Morgan stated he is hesitate to create a list of exempted uses that have the greatest impact. It would be difficult to evaluate the uses without specific criteria. City Attorney Johnson noted the Council is limited to laying out specific uses, however the uses can be limited by defining specific exclusions, such as eating and drinking places without a drive up window.

Mr. Beck noted he does not object to limiting the food store and eating and drinking uses as stated by Mr. Morgan.

Councilor Miller indicated he is concerned with allowing flexibility for Mr. Beck while controlling the impact on the neighborhood regarding traffic and noise.

In response to a question from Councilor Miller, Mr. Beck indicated he would not be opposed to limiting the exit on Linda Avenue to a left turn only.

Under the noted exceptions listed in the staff report, Mr. Beck stated he only wished to modify the food store and eating and drinking establishments exemptions. He specified the food store should be modified to convenience store and the eating and drinking establishments modified to fast food restaurants.

James Cassidy, 733 Linda Avenue NE, Keizer stated he did not wish to provide testimony at this time.

Jeffrey King, 7365 Park Place Drive, Keizer noted he drives River Road several times per day and believes this development would be an asset to the City. He understands the zoning limitations, however he believes the applicant and the city can reach a compromise on this issue.

Ruth Jacobs, 1349 Hidden Creek Drive NE, Keizer indicated she is the owner of the Dazy Maze consignment shop and supports the applicant in his request for the zone change. She believes the traffic from her store will not cause a significant impact on the neighborhood.

Gary Ryder, 663 Linda Avenue, Keizer believes Mr. Beck's plan is viable and will not have a negative effect on the neighborhood. However, Mr. Ryder noted there are some concerns with the allowable uses especially the eating and drinking establishments. If this is allowed, it will eliminate all of the original effort done in 1992. Mr. Ryder pointed out the mandatory construction of the sound wall was out of concern to protect the quality of life in the neighborhood.

Mr. Ryder agreed with Councilor Miller in not altering the list of exceptions for allowable uses. He believes this would be the position of all the residents along Linda Avenue.

Bev Ryder, 663 Linda Avenue, Keizer stated she supports the testimony of Gary Ryder.

In closing, **Mr. Beck** urged the Council to support his development and grant the requested zone change. He believes this development would be an benefit to the community.

There was no further testimony to come before the Council.

Responding to a question from Councilor Miller, Mr. Morgan noted if the list of exceptions is not altered, Mr. Beck would have to file for another zone change. He further noted the food store exception has a broad list of types including health food or pet food. Therefore, if food stores are allowed this could result in a convenience store unless the Council places some restriction on the food store. Mr. Morgan suggested allowing food store but prohibiting the sale of alcohol.

Mayor Koho agreed there could be exclusions for no liquor license or drive through windows allowed on the parcel.

Councilor Beach believes the applicant should be given as much flexibility in developing this parcel. He concurred with the Mayor in placing the restrictions on alcohol and drive-through windows.

Councilor Beach moved to direct staff to come back with an Order for consideration on August 5, 1996 as outlined in the staff report with the exception of removing the prohibitions against food stores and eating and drinking places and instead adding a prohibition against liquor license and drive through windows. This includes the revised driveway plan as agreed upon by staff and the applicant. Mayor Koho seconded the Motion.

Councilor Watson voiced his concern with the adjoining parcel of property which was involved in the 1992 zone change that is not part of this hearing.

Councilor McGee questioned the fee paid by the applicant to appeal the hearings officers order, especially when staff supports the appeal. Mr. Morgan responded the fee of $100 will be returned.

Councilor Miller noted he is concerned with the future development of the property if it is sold to another party. He supported keeping the prohibitions for eating and drinking places and food stores.

Councilor Miller moved to amend the Motion to include on the list of exclusions food stores and eating and drinking places. Councilor McGee seconded the Motion.

The amendment to the Motion failed as follows:

AYES: McGee, Miller and Watson (3)
NAYS: Beach, Keller and Koho (3)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

The main Motion passed as follows:

AYES: Beach, Keller, Koho and McGee (4)
NAYS: Miller and Watson (2)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

Mayor Koho recessed the public hearing until August 5, 1996 at 7:00 p.m.

CHEMAWA ACTIVITY CENTER PLAN

Mayor Koho reopened the hearing continued from June 17, 1996.

Councilor Keller reiterated his role as Chamber of Commerce President and his residence in the Gubser Neighborhood Association should not be reviewed as a conflict of interest in this matter. He has removed himself from all discussion on this issue in both of those capacities.

John Morgan, Community Development Director directed the Council's attention to the staff report which outlines and summarizes the issues on the plan. He pointed out staff is recommending the Council endorse the Planning Commission's proposal for fifteen acres of retail north of Lockhaven. He centered his staff report on the public benefit this plan will provide during the next twenty years.

In summarizing the public benefit for transportation, Mr. Morgan indicated a thirty acre retail development will generate more traffic all day long raising the overall traffic flow on Lockhaven and other streets. Reducing the commercial acreage by fifteen acres will temper the day long traffic volumes but will create higher peak volumes. However, Mr. Morgan noted there are Transportation Demand Management (TDM) strategies to deal with these impacts. The infrastructure financing may be easier to finance with a larger retail development due to the higher land sale values, however the City may not need to play any role in this either way. Mr. Morgan further pointed out by expanding the Industrial Business Park (IBP) area by fifteen acres may result in a greater number of higher paying jobs which in turn will support families and households in Keizer.

Mr. Morgan indicated the abundant amount of money being spent on the River Road and Cherry Avenue corridors would be threatened by allowing the additional retail land at the interchange. It could take away from the vitality of the business community along River Road. In reviewing the testimony during these hearings, Mr. Morgan indicated by allowing thirty acres of retail, there may be a benefit if the infrastructure can be privately financed and developed. However, there are no assurances this would occur.

Mr. Morgan mentioned there has been some discussion on reducing the number of retail acreage to twelve, which would not include the hotel. This may be the threshold between creating a regional draw which may compete with the River Road corridor. Mr. Morgan recommended the Council allow testimony and direct staff to prepare the necessary documentation for the September 3, 1996 meeting.

Responding to an inquiry by Councilor Beach, Mr. Morgan noted a multi-screen theater complex would be allowed in the commercial area. However, the recommended 150-unit hotel could be built in the IBP zone instead of the commercial area.

Presenting testimony to the Council were:

Rodney Stubbs, Eldred Realty, 3460 Dogwood Lane South, Salem recounted he has been working with the NW Chemawa Property Owners Association on this issue. He distributed a master plan prepared by his company PlanTek for developing the Radiant Drive neighborhood. Mr. Stubbs explained his definition of acreage is *net developable property; property that is not encumbered with an easement or right of way*. In reviewing the plan, Mr. Stubbs pointed out the features of this plan include a simple street layout, reduction of the commercial zoned land to less than fifteen acres, included the motel/hotel complex in the IBP zone, eliminate the requirement to build a 150-room convention hotel in the commercial area, and restrict the ground floor building foot print to 50,000 square feet or less.

Mr. Stubbs indicated the advantage of the plan is the efficient and effective use of land within the urban growth boundary. This land is restricted by 24.5 percent due to quasi-public ownership and the power line easements and the reduction by the existing and proposed dedicated streets. This plan increased the net developable land to 112.2 acres. Furthermore, Mr. Stubbs noted this plan reduces the total project costs from 10.3 million to 6.6 million. In turn this reduces the long term maintenance cost to the City by 49.4 percent.

The benefits to the plan include a sixteen year restriction on the development of this area is lifted, the traffic generation can be investigated on a case by case basis, the employment base for Keizer will be increased and diversified, property values will be increased which should result in lower residential real estate taxes and the residential neighborhoods located west of the area will be buffered by approximately 350 feet of setback. Mr. Stubbs noted the light, glare, noise, odor and other environmental issues and impacts are addressed in the Keizer Development Code.

The plan also includes a master plan analysis which shows the differences between the FFA/Planning Commission recommendation and this plan. Mr. Stubbs pointed out his plan decreases the number of existing and proposed dedicated streets.

Councilor Keller confirmed the PlanTek plan requests 13.99 net developable land in the commercial zone.

Responding to a concern from Councilor McGee, Mr. Morgan pointed out there are four proposals at this time; the red draft plan notes thirty acres of gross acreage for retail, the FFA proposal involves gross acreage with a substantial amount of land involved with street dedication and right of way. However, the Planning Commission's recommendation is fifteen gross acres of commercial without the street pattern as recommended by the FFA proposal. Finally, there is the PlanTek proposal of 13.99 net acres, which is closest to the Planning Commission recommendation. The difference between the Planning Commission proposal and the PlanTek proposal is the inclusion of the 150 hotel rooms in the commercial area.

Mr. Morgan mentioned the transportation recommendations are based upon gross acreage - thirty acres of retail and the balance IBP. However, they are very comparable with those presented by Mr. Stubbs.

Councilor Beach expressed his appreciation for the report prepared by Mr. Stubbs. He believes their is room for compromise in both the recommendation by the Planning Commission and the property owners.

Councilor Watson voiced his concern with the difference in the definitions and numbers being discussed.

Mr. Stubbs estimated 13.99 net acres of retail will be sufficient if the hotel is built within the IBP zone.

Dorothy Cofield, 12725 SW 66th Avenue, Portland explained she is the attorney representing the Chemawa NW Property Owners Association. In referring to the comments made by Councilor Watson, she noted the PlanTek report shows 136,750 square feet of gross useable floor area without any acreage set aside for a convention/hotel site. The FFA/Planning Commission recommendation shows 77,710 square feet of gross useable floor area with 4.14 acres of convention/hotel area. Clearly the PlanTek report shows more retail area, however this is a reduction from previous requests.

Councilor Miller explained the Planning Commission recommendation is for fifteen acres gross of commercial which includes approximately five acres for a hotel. The Chamber of Commerce has recommended ten acres gross commercial retail and five acres for the hotel. The compromise in the staff report suggests twelve acres commercial with the hotel being built in the IBP zone.

Mr. Stubbs noted he is comfortable with a fourteen acre net useable area. However, he would accept a twelve acre compromise if the IBP zone remains as written. Mr. Stubbs finished reviewing cost assumptions and feasibility analysis in the plan. In the last page of the report, Mr. Stubbs explained this is a potential site plan for a silicon plant and requested input on a development of this type from the Gubser Neighborhood Association.

Responding to an inquiry from Councilor McGee, Mr. Stubbs believed the street layout of the FFA plan is close to what it should be.

Ms. Cofield submitted a memorandum to the Council outlining the NW Property Owners Associations opposition to the Planning Commission recommendations. In reviewing portions of the memorandum, Ms. Cofield explained the traffic study is not accurate and does not reflect the impact which will be generated by a retail development. She requested the City prepare an accurate traffic analysis. Ms. Cofield also noted the legality of amending the Comprehensive Plan to delete commercial inventory is an issue also.

Further referring to the memorandum, Ms. Cofield noted it not a statewide goal or policy to protect the River Road businesses from this commercial impact. In addition, there is an issue with the economic impact analysis which was included in a previous staff report. In conclusion, Ms. Cofield urged the Council to adopt the PlanTek master plan and design and continue this hearing until September 3, 1996 for any additional comments.

Responding to a question from Councilor Keller, Ms. Cofield explained the traffic analysis that has been completed is sufficient at this time. However, she requested in the final ordinance, language be included to allow mitigation of traffic issues if the impact is greater. Furthermore, this mitigation will determine if the new development is responsible for the increased traffic and possibly identify a corrective program. Ms. Cofield reiterated there will be no objection to limiting development because of traffic control as long as the state guidelines are followed.

Referring to the recommendation of the Planning Commission, Mr. Morgan explained as the developer prepares the master planning, it shall be designed so the level of service "d" is not exceeded for twenty-four hour period except for level of service "e" for a twenty minute period during the PM peak hour. If this is exceeded, the developer will be required to submit a TDM strategy which alleviates the problem.

Ms. Cofield offered her assistance in developing the language on the transportation issues.

Stan Compton, 1927 Modoc Drive NE, Keizer announced he is the chair of the River Road Redevelopment Board. At the last meeting the Board endorsed the Planning Commission and Chamber of Commerce recommendation for limiting the retail amount of land to fifteen acres in the Chemawa Activity Center. Mr. Compton indicated the urban renewal agency will spend approximately 12 to 13 million dollars to improve River Road and Cherry Avenue to create depth and a concept of a down town area. If increased retail space is allowed at the Chemawa Activity Center it may detract from the "down town" area and jeopardize the substantial investment by the City.

Mr. Compton pointed out retail employment provides less wages than manufacturing or office jobs. Therefore, increased wages will allow the residents to purchase homes and services within the City.

In conclusion, as chair of the River Road Redevelopment Board, Mr. Compton urged the Council to limit the retail acreage to fifteen acres in the Chemawa Activity Center as outlined by the Planning Commission. He pointed out this is one of the largest decisions ever faced by this City and hoped it would be made in the best interest of the citizens.

Responding to a question from Councilor Miller, Mr. Compton noted the fifteen acre recommendation included the construction of a hotel/motel complex. He further indicated a limit of twelve acres excluding the hotel has not been approved by the Board, however he believes this may be acceptable.

John Preston, 3500 River Road N, Keizer explained he is a member of the Chamber of Commerce Board and the Governmental Affairs Committee. He relayed partial results of a survey being conducted by the Chamber of Commerce.

Of the 400 residents surveyed, the results were as follows:

- 41.6% felt good about the quality of life in Keizer;
- 46.7% believed Keizer's elected officials are looking out for the best interest of Keizer;
- 79.5% agreed the City of Keizer should play a strong role in local economic development;
- 90.5% thought there should be good paying jobs for the people who live and work in Keizer;
- 45.% disagreed the City of Keizer should promote commercial development at the Chemawa Interchange;
- 58.7% agreed having manufacturing business locate in Keizer would benefit the community;
- 58.0% supported the development of a downtown Keizer;
- 45% would oppose a bond measure to fund economic development in Keizer;
- 52.2% would oppose a bond measure that would pay for street, water and sewer in order to attract business to Keizer.

Responding to a question from Councilor Miller, Mr. Preston believed the Chamber of Commerce Board may support a total of twelve acres excluding the hotel.

Manny Martinez, 1747 Meadowlark Drive NE, Keizer believed the Council had four options to consider on this issue.

1. The Council can approve the plan as recommended by the Planning Commission. This is a compromise that provides a solution to move forward with the project.
2. The Council has the authority and the power to reject the plan and send it back to the Planning Commission.
3. The Council can decide to kill the whole plan and not approve any development.
4. The Council can develop other alternatives.

In explaining his final point, Mr. Martinez believed the fifteen acres is not an exact amount necessary only a compromise to bring the Commission to an agreement. He suggested forming a task force to study the other possible alternatives for this area to determine if the fifteen or a higher number would be appropriate. Mr. Martinez pointed out there is not an analysis that supports the fifteen acre recommendation. He added this amount could also harm the development on River Road and Cherry Avenue.

Mr. Martinez believed this project has been pushed through too rapidly and there is a lack of input and review. He noted this is a very important area as the gateway to Keizer.

Mayor Koho objected to Mr. Martinez comments this has pushed through too rapidly. He indicated this plan has been discussed way to long and it is time for the Council to make a decision.

Mary Blohn, 1337 Meadowlark Drive NE, Keizer believed a longer time frame is needed to research development for the Chemawa interchange. She suggested a citizen committee be formed to investigate possible businesses desirable for the area. Furthermore, assistance from the State Economic Development Board could be used. Ms. Blohn believed the investment in the River Road area will be beneficial to Keizer over the years. She urged the Council not to proceed with a plan that will harm the beauty of that area.

Malcomb Blohn, 1337 Meadowlark Drive NE, Keizer noted he supported the testimony of his wife, Mary Blohn.

Mary Hupy, 5099 River Road N, Keizer stated as owner of a Keizer business and a member of the Chamber of Commerce board she fully supported the recommendation made by the board to limit the retail to fifteen acres including a hotel. Ms. Hupy urged the Council in making their decision to keep in mind the interest of the 27,000 residents of the City.

Jan Moch, 733 Maine Avenue, Keizer noted as a employee of Whiteaker Middle School and a parent of a student she is concerned with the potential traffic impacts this development will cause on Lockhaven Drive. She believes any substantial retail development will cause negative traffic impacts on Whiteaker and the Lockhaven residents.

Ms. Moch confirmed Whiteaker is the largest among middle schools in the state with an approximate enrollment of 1236 students. Traffic safety is a major interest and any potential development will only further expand these concerns. Ms. Moch further explained an additional middle school will not be considered for the Keizer area until after the year 2000.

Responding to a question from Councilor McGee, Ms. Moch noted the school board is aware of these safety issues as a result of the increased student enrollment. However, traffic issues from potential development should not be ignored.

Elaine Smith, 2157 Waltman Court NE, Keizer believed the plan presented by PlanTek is drastically different from the recommendation of the Planning Commission. In reviewing the plan, Ms. Smith estimated the total amount of retail land to be 20.82 net acres or almost 25 gross acres. This is a large difference between the fifteen acres recommended by the Commission. Furthermore, the PlanTek plan recommends 136,750 square feet of commercial area, which is double the recommendation by the Commission. Ms. Smith pointed out the Planning Commission was very concerned with development potentials of this size whicht would directly compete with the uses along River Road. Ms. Smith indicated the report assumes the property owners will be responsible for all improvements in the area. She noted this is not the case as outlined by the staff.

Ms. Smith explained the Planning Commission did not intend to create a moratorium, only to propose doing a traffic impact analysis targeting mitigation as the key. Using TDM strategies will help reduce traffic in this area and it should be considered as an alternative.

In conclusion, Ms. Smith pointed out most of the recommendations voiced by various community organizations and individuals have recommended fifteen acres of retail space as a compromise. She urged the Council to listen to these recommendations.

Councilor Watson thanked Ms. Smith for her continued comments and input on this issue.

Dale Nason, 2200 Chemawa Road N, Keizer reiterated his previous request to remove area "c" from the Chemawa Activity Center plan. He believes the most compelling reason to do this is due to the focus on the commercial and industrial development on the north side of Lockhaven Drive. Mr. Nason noted several zoning alternatives have been discussed for this area with the present recommendation being a combination of single and multi-family residential. He is unsure how this fits into the full activity center plan. Mr. Nason believes the areas south of Lockhaven has different economic concerns than those north.

Councilor McGee indicated the needs of this area are uniquely different than those of the other areas. He believes this area warrants special discussion and attention.

Emil Valich, 6625 Radiant Drive N, Keizer believed the Council should not allow the same type of businesses as presently located on River Road in the Chemawa Activity Center area.

Mayor Koho pointed out once the area is zoned commercial retail, the City lacks control of the type of businesses which are located in this area.

Bill Wolf, 4055 Gary Street N, Keizer stated as a member of the Planning Commission he wished to comment on the PlanTek plan. The testimony of Ms. Smith covered some of his concerns with the difference between the recommended retail space. Mr. Wolf pointed out the plan presented by FFA was not the recommendation of the Planning Commission and should not be confused. Mr. Wolf believes twelve acres of retail area without the hotel would be workable.

Mr. Wolf also indicated the PlanTek plan differs in the recommended square feet of the ground floor building in the commercial zone. There is a difference in the footprint term.

Mr. Morgan explained in the Planning Commission recommended no single use greater than 50,000 square feet in the commercial retail area which impacts office as well as retail. The PlanTek document suggests a building with a foot print of 50,000 square feet. This would allow a multi-story retail building.

Mr. Wolf agreed the TDM strategy could be used in the review process and not intended to halt development. He further noted that it would not be appropriate to replace the Planning Commissions document with this plan or incorporate the language at this stage of the process.

In conclusion, Mr. Wolf noted area "c" has not been discussed recently, however he feels the recommendations for this area are positive.

Jeanne Johnson, 1285 Centennial Court SE, Salem explained she is the daughter of Mildred Hayes who resides on Radiant Drive in the Chemawa Activity Center area. Ms. Johnson voiced her frustrations with the amount of time it has taken to reach a conclusion on this issue. She urged the Council to move forward.

Ms. Johnson indicated the residents of the area were under the assumption the FFA plan was the recommendation of the Planning Commission and therefore responded accordingly.

Mayor Koho noted the FFA plan was not the recommendation forwarded to the Council by the Planning Commission.

Ms. Johnson stated the residents were unaware of a meeting held by the Planning Commission in which a recommendation was voted upon. Therefore, this was the only plan responded to by the residents.

There was no further testimony to come before the Council.

Councilor Miller suggested the Council reach consensus on certain areas and then request staff to prepare the appropriate documents for review. Responding to an issue raised during the testimony by Mr. Martinez, Councilor Miller indicated developers will not spend a substantial amount of money to acquire the property if the net return is not realistic. Therefore, he does not feel the need to create a task force to study the alternatives.

Councilor Miller proposed recommending twelve gross acres of retail area excluding the hotel. He further requested a recommendation from the staff regarding the footprint for a building which is distinguishes between office and retail. Councilor Miller believed an agreement on the acreage amount will assist in coming to a final conclusion on this plan.

Responding to a question from Councilor McGee, Mr. Morgan pointed out a developer who needs additional retail land could request a Comprehensive Plan amendment and zone change.

Councilor McGee voiced his concern that setting a precise amount of land may be detrimental to the plan. He further indicated the public benefit of this development should be for the entire community not just a portion. Councilor McGee noted as a compromise he could support Councilor Miller's recommendation.

Councilor Watson pointed out the Council has concurred with several elements of the plan. He believed there is an agreement that some kind of development will occur at the Chemawa interchange area, with quality as an important issue. He also noted it is time to make a decision after the amount of time this plan has been discussed.

Councilor Watson further explained the Council has an obligation to the general public, property owners and citizens to protect all of their rights. In addition, the traffic issues are of great importance and he believes the projected long term impacts are underestimated.

Councilor Watson added he would support the staff recommendation with minor changes. Using gross acres, he suggested limiting the retail space to fifteen acres. However, at the discretion of the developer, the hotel could be removed from this area and the commercial area be reduced to ten acres. Furthermore, he does not feel comfortable with the footprint number as recommended. Councilor Watson felt these changes are conservative while allowing flexibility to the developer.

Councilor Keller indicated he has tried to keep a historical perspective throughout all of the discussions on this plan. He noted the Urban Renewal Agency will be investing 13 million dollars to improve River Road and Cherry Avenue during the next few years. This is an important investment in the community and hopes any activity at the Chemawa interchange will not be a deterrent. In reviewing several past documents, Councilor Keller pointed out the number of references made to avoid developments similar to those along River Road. These are pointed out in the lessons learned by other various communities which destroyed their downtown areas. Councilor Keller supported the recommendation of allowing fifteen acres of retail which includes the hotel complex.

Mayor Koho explained as a residential community, careful consideration in adopting this plan is essential. He hoped the Council would not be remembered for any negative impact this development may cause, such as traffic impacts, retail closures, or impairment of the downtown area. Therefore, he does not support intensive development. Mayor Koho pointed out the testimony of the Chamber of Commerce, Planning Commission and other various groups who agreed with the limited number or retail acres at the activity center is very important to the decision being faced by the Council. He suggested limiting the number of retail acres to twelve, excluding the hotel complex. Furthermore, Mayor Koho urged the Council to consider traffic management with the utmost of care.

Councilor Beach noted it is very important to clarify the amount of acreage as net or gross so there is no misunderstanding. He indicated he is not as concerned with the number of acres allowed as he is the potential development possibilities. Councilor Beach stated his overall intent is not to harm the investments made on River Road, Cherry Avenue or Lockhaven Drive. Furthermore, the traffic impacts will also be of great importance.

Councilor Miller reiterated his suggestion for allowing twelve acres of retail is a gross figure rather than net. He confirmed his desire to remove the hotel from the retail area. This will not allow any flexibility when determining the actual amount retail space used for the hotel complex.

Councilor McGee concurred gross acreage is the appropriate way to discuss the allowable retail area.

Councilor Watson commented the net figures contained in the PlanTek proposal is almost thirty gross acres as indicated in the original Chemawa Activity Center plan. By using the gross acreage and allowing fifteen acres, including the hotel this will give the developer the needed flexibility to maximize the development. In conclusion, he added he would be unable to support the suggested twelve acres excluding the hotel complex.

Responding to an inquiry from Councilor Keller regarding the potential impact between ten and twelve acres excluding the hotel, Mr. Morgan stated it would increase retail development by approximately 20,000 square feet.

Mayor Koho moved to direct staff to prepare the necessary amendments to the Chemawa Activity Center Plan - Part II, the necessary ordinances and findings amending the Comprehensive Plan and the IBP zone which would permit the hotel/motel in it and then adopt the Planning Commission and staff report which would include eleven (11) acres of gross commercial retail excluding the hotel/motel and close the public hearing with the record being left open until the September 16, 1996 Council meeting Councilor McGee seconded the Motion.

Mayor Koho requested the documents prepared by staff be distributed at least ten days prior to the Council meeting to allow written comment. He indicated it may be necessary to reopen the hearing at that time.

Councilor McGee voiced his support for the motion noting the acreage amount could be considered an artificial number at this time.

Councilor Watson indicated he could also support the motion, however he requested the language in the IBP zone require the hotel complex.

Mr. Morgan reported the Planning Commission recommendation requires a hotel/motel complex. This is included as part of the motion when adopting the Planning Commission recommendation.

Councilor Beach suggested Mr. Stubbs prepare a cost analysis of the proposed eleven gross acre possibility.

Councilor Miller voiced his frustration with the proposed eleven acres rather than twelve and the possible detriment to any potential development.

The Motion passed as follows:

AYES: Keller, Koho, McGee, and Watson (4)
NAYS: Beach and Miller (2)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

TECUMSEH ESTATES STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

Mayor Koho opened the Public Hearing.

Dotty Tryk, City Manager reported the developer of the Tecumseh Estates subdivision filed a petition to form a street lighting district. The Council initiated the district on May 6, 1996 and adopted the engineer's report on June 3, 1996. Notice has been provided to the interested parties. City Manager Tryk reported there were no remonstrances received.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Mayor Koho moved a Resolution forming the Tecumseh Estate Street Lighting Local Improvement District. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

Mayor Koho moved an Ordinance spreading assessments to the Tecumseh Estates Street Lighting Local Improvement District. Councilor Watson seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

JACOBE ESTATES STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

Mayor Koho opened the Public Hearing.

Dotty Tryk, City Manager reported the developer of Jacobe Estates subdivision filed a petition to form a street lighting district. The Council initiated the district on May 6, 1996 and adopted the engineer's report on June 3, 1996. Notice has been provided to the interested parties. City Manager Tryk reported there were no remonstrances received.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Mayor Koho moved a Resolution forming Jacobe Estate Street Lighting Local Improvement District. Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

Mayor Koho moved an Ordinance spreading assessments to Jacobe Estates Street Lighting Local Improvement District. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

RESOLUTION - AMENDING R96-908 - LEVYING TAXES

City Manager Tryk reported a one dollar rounding error was found on Resolution 96-908 levying taxes for the 1997 fiscal year. She requested the resolution be amended showing the tax base as $756,562 rather than $756,563.

Mayor Koho moved a Resolution Levying Taxes for the FY 97 Adopted Budget and Amending R96-908. Councilor Watson seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

CONSENT CALENDAR

The consent calendar consisted of the following:

a. Approval of June 17, 1996 Regular Session Minutes

Mayor Koho moved for approval of the item on the consent calendar. Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, and Watson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

OTHER BUSINESS

**Mayor Koho announced Lem Wade has been appointed to serve on the Regional Economic Development Commission. This replaces former member Michael Muniz.

**Reponding to an inquiry from Councilor Keller, Mr. Morgan reported the Claggett Creek Cemetery issue will be discussed at an upcoming Council meeting. Staff is awaiting correspondence from the property owners.

**Councilor Watson reminded the Council to decide on their appointments to the Library Task Force. His appointment will be Stan Compton.

**Councilor McGee inquired of the requirement of any potential developer in the Chemawa Activity Center area to purchase municipal water.

Wally Mull, Public Works Director reported there are rules and regulations which will require them to hook up to our water system. He will provide a copy of this for Councilor McGee to review.

**City Manager Tryk announced she will be out of the office during the first part of next week.

There was no further other business to come before the Council.

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 12:09 a.m.

Tracy L. Davis
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Jerry Watson

Councilor #4 - Carl Beach

(absent)
Councilor #2 - Bob Newton

Councilor #5 - Al Miller

Councilor # 3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

August 19, 1996