

# CITY COUNCIL AGENDA PACKET

TUESDAY,  
July 6, 2004

- 6:00 P.M. EXECUTIVE  
SESSION
- 7:00 P.M. CITY COUNCIL  
REGULAR SESSION

*Please contact Chris Eppley, City Manager if  
you have any questions or need additional  
information regarding any of the staff  
reports or issues contained on the agenda.  
Thanks!!*



## PUBLIC MEETING NOTICE KEIZER CITY COUNCIL

FAKED

### NOTICE OF EXECUTIVE SESSION

NOTICE is hereby given that the City Council of the City of Keizer will meet in executive session on **Tuesday, July 6<sup>th</sup>, 2004 beginning at 6:00 p.m.**

The Executive Session is being held pursuant to ORS 192.660(2)(i) – To review and evaluate, pursuant to standards, criteria, and policy directives adopted by the governing body, the employment related performance of the city manager.

The Executive Session will be held at Keizer City Hall, 930 Chemawa Road NE, Keizer, Oregon. This location is accessible to the disabled. Please contact City Hall if special arrangements are necessary.

Questions regarding this session may be directed to Chris Eppley, City Manager at 390-3700, extension 102.

Dated this 1<sup>st</sup> day of July, 2004.

Tracy L. Davis, CMC  
City Recorder

**Notice for Information Purposes Only.**

*The Oregon Public Meeting Law authorizes governing bodies to meet in executive session in certain limited situations. An executive session is defined as any meeting or part of a meeting of a governing body which is closed to certain persons for deliberations on certain matters as defined by ORS 192.660. These sessions are closed to the public. The media may attend the session, unless the Oregon State Statutes specifically prohibits media attendance. The governing body is not allowed to take any final action or make any final decisions during the executive sessions. Any final action or decision must be made after returning or at the next regularly scheduled meeting.*

**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**

**A G E N D A**  
**KEIZER CITY COUNCIL**  
**EXECUTIVE SESSION**

**Tuesday, July 6, 2004**

**6:00 p.m.**

**Keizer City Hall**

**Keizer, Oregon 97303**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. DISCUSSION**

- a. Pursuant to ORS 192.660(2)(i) – To review and evaluate, pursuant to standards, criteria, and policy directives adopted by the governing body, the employment related performance of the City Manager.

**4. ADJOURN**

***Upon request, auxillary aids and/or special services for those with disabilities will be provided. To request services, please contact us at (503) 390-3700 or through Oregon Relay 1-800-735-2900 at least two working days(48 hours) in advance.***

***The Oregon Public Meeting Law authorizes governing bodies to meet in executive session in certain limited situations. An executive session is defined as any meeting or part of a meeting of a governing body which is closed to certain persons for deliberations on certain matters as defined by ORS 192.660. These sessions are closed to the public. The media may attend the session, unless the Oregon State Statutes specifically prohibits media attendance. The governing body is not allowed to take any final action or make any final decisions during the executive sessions. Any final action or decision must be made after returning or at the next regularly scheduled meeting.***

**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***

**A G E N D A**

**KEIZER CITY COUNCIL**

**REGULAR SESSION**

**Tuesday, July 6, 2004**

**7:00 p.m.**

**Robert L. Simon Council Chambers  
Keizer, Oregon 97303**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. FLAG SALUTE**

**4. PUBLIC TESTIMONY**

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

**5. PUBLIC HEARINGS**

- a. Text Amendment – Case No. 04-08 – Industrial Business Park (IBP) Zone
- b. Liquor License Application – Expressions
- c. Liquor License Application – Radiance Salon and Spa
- d. **RESOLUTION** – Forming Everwood Meadows Street Lighting Dist  
**ORDINANCE** – Spreading Assessments to Everwood Meadows Street Light District

**6. COMMITTEE REPORTS**

- a. Salem Area Transit District Presentation – High Priority Transit District

**7. OTHER BUSINESS**

This time is provided to allow the Mayor, Council members or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.

- New Business
- Old Business



**8. ADMINISTRATIVE ACTION**

- a. **ORDER** – Approving Master Plan/Subdivision, Major Variance and Sign Variance for Keizer Station Area A – Village Center
- b. **River Road North Speed Reduction (Lockhaven to Northern City Limits)**

**9. CONSENT CALENDAR**

- a. **RESOLUTION** – Authorizing Mayor to Sign City Manager Contract Amendment
- b. **RESOLUTION** – Appointing City Recorder Pro tem
- c. **RESOLUTION** – Authorizing the City Manager to Enter Agreement for Annual Street Resurfacing Project
- d. **RESOLUTION** – Approving Engineer's Report for Megan Lee Properties Street Lighting District

**10. WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

**11. AGENDA INPUT**

**July 12, 2004**

**12:00 p.m. City Council Work Session**

- Water Rates/COSA

**July 19, 2004**

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

- Review of City Noise Ordinance – Variance Process

**August 2, 2004**

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

**12. ADJOURN**

Upon request, auxiliary aids and/or special services will be provided. To request services; please contact us at 503-390-3700 or through Oregon Relay 1-800-735-2900 at least two working days (48 hours) in advance.



July 6, 2004

# **AGENDA ITEM 5a**

**Text Amendment - Case No. 04-08 - Industrial  
Business Park (IBP) Zone**

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF RECOMMENDATION**

**TEXT AMENDMENT TO THE KEIZER DEVELOPMENT CODE  
INDUSTRIAL BUSINESS PARK (IBP) ZONE**

**Text Amendment Case No. 04-08**

**TO:** Mayor Christopher and Keizer City Council

**FROM:** Nate Brown, Community Development Director *NWB*

**THROUGH:** Chris Eppley, City Manager

**SUBJECT:** Text Amendment Case No. 04-08; Industrial Business Park Zone

**DATE:** July 1, 2004

**I. SUMMARY and BACKGROUND OF PROPOSED TEXT AMENDMENT**

The issue before the City Council is shall the text of the Keizer Development Code, Section 2.113.02.N.2.b, be amended. Specifically, the Chemawa Station LLC has requested the removal of the word "contiguous" from the following section:

**N. Flexible Space Uses**

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

b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district. "IBP district" is defined as *contiguous*, IBP zoned property including any internal public streets.

The current language requires the calculation of "Flex Space" (when used for retail uses) to be limited to 2% of gross land area. Based on land area, the current language would allow

Area A Sports Center a total of 32,400 square feet (2% of 37.2 acres). Area D would be limited to 13,677 square feet of flex space retail uses (2% of 15.7 acres).

The Chemawa Station LLC has requested the removal of the word "contiguous" from the ordinance in order to pursue the development of up to 38,000 sq ft of retail space. The effect of this would be to limit the amount of retail flex space in Area A to just 8,000 sq ft.

The proponents of the text change cite equity issues as well as proximity to Chemawa Rd and the freeway as reasons to allow more flexibility in locating the allowed retail flex space within the Keizer Station. No overall increase in the total amount of flex space within the Keizer Station was proposed or considered.

The equity factor centers around the fact that the Volcanoes Stadium area is large, which in turn, when added to the land area of the Sports Center, gives an added 17,950 sq ft of retail flex space to that area (2% of 20.60 acres). There is no similar benefit to "Area D".

Staff concerns center around the fact that the smaller "Area D", if the applicant were to develop all of the retail space they envisioned, would place a severe limitation on the property in Area A" and would violate the stated objectives of the IBP zone. Staff does agree that an adjustment is reasonable due to the facts previously stated; that a balance should be sought to balance the retail flex space allotment.

As a balance to the two concerns, equity and IBP objectives, staff feels that a compromise of allowing either area to develop a maximum of 32,400 sq ft, as long as the total allowed retail flex space remains no greater than that allowed in the total Keizer Station IBP zoned area. This would meet the objectives of the IBP zone as well as creating equity between the two areas.

The issue has been discussed with representatives of Northwest National LLC, and they have not stated any objections to the proposal.

The proposal was considered by the Planning Commission at their regularly scheduled meeting on May 12, 2004. The Commission recommended approval, by a vote of 3 to 1, of the removal of the word "contiguous" and adding the language "within the Keizer Station. In no case shall each contiguously zoned IBP district within the Keizer Station exceed 32,400 square feet of Flexible Use Space as set forth in sub section 1.a through d." to read as follows:

b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district. "IBP district" is defined as contiguous; IBP zoned property within the Keizer Station, including any internal public streets. In no case shall each contiguously zoned IBP district within the Keizer Station exceed 32,000 square feet of Flexible Use Space as set forth in sub-sections 1.a through d.

## **II. FINDINGS AND CONCLUSIONS**

- A. The proposal would modify the existing language in Section 2.113 allowing a better balance of retail flex space as identified in the section between the two areas of IBP zoned property.
- B. The decision criteria for legislative text amendments are found in Section 3.111.03 of the Keizer Development Code. The specific criteria, together with staff's recommendations, are noted below:

- 1. Impact of the proposed amendment on land use and development patterns within the City, as measured by:

- a. Traffic generation and circulation patterns;

FINDINGS: The proposed amendment does not have any impact on traffic generation or circulation patterns within the City because total amount of retail flex space in the Keizer Station remains unchanged.

- b. Population concentrations;

FINDINGS: The proposed amendment does not impact population concentrations within the City, again due to the fact that the amendments are consistent with the uses and patterns already established as well as the fact that the area amounts remain unchanged.

- c. Demand for public facilities and services;

FINDINGS: The proposed amendment does not impact the demand for public facilities or services within the City.

- d. Maintenance of public health and safety;

FINDINGS: The proposed amendments are consistent with the levels of service established for the affected area, do not alter those standards, and do not adversely affect the protections already in place.

- Level of park and recreation facilities;

FINDINGS: The proposed amendment will not negatively impact the level of park and recreation facilities in the city due to the fact that the development of this area under the amended zone will be consistent with that prior to such amendments. Through the establishment of landscaped open areas and the improvement of the regional trail system, the level of park and recreation facilities will be improved.

e. Economic activities;

FINDINGS: The proposed amendment may improve economic activities in the city as the amended zone text will allow more effective use of the properties in the affected area and will provide better opportunity to meet changing economic conditions.

f. Protection and use of natural resources;

FINDINGS: The proposed text amendment does not affect the protection of natural resources in the area or the City due to the fact that such protections are, and will continue to be, in place for the affected areas. There are no mapped waterways, wetlands or sensitive areas within the affected properties.

g. Natural hazards and constraints;

FINDINGS: The proposal does not alter the protections from natural hazards already in place in the areas affected.

i: Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs;

FINDINGS: The proposal is consistent with and does not alter any special purpose plans or programs.

2. **A demonstrated need exists for the product of the proposed amendment.**

FINDINGS: The proposal allows effective use of the property being developed within the Keizer Station Area "D" and addresses the need to establish greater equity between the areas within the Keizer Station which are zoned IBP.

3. **The proposed amendment complies with all the applicable Statewide Planning Goals and administrative rule requirements.**

FINDINGS: This action will occur entirely within the City limits; no goal exceptions are required. Compliance with the Statewide Land Use Goals is reviewed below:

**Goal 1 - Citizen Participation:** Consistent with local requirements, the application requires a public hearing with the final decision resting with the City Council. Citizens will have an opportunity to comment and testify. The proposal was considered by the Planning Commission at their May 12, 2004 regularly scheduled meeting where they approved the proposed amendments.

**Goal 2 - Planning:** The application is being reviewed consistent with the procedures in the acknowledged Comprehensive Plan and Keizer Development Code.

**Goal 3 - Farm Land:** The proposal does not restrict or prohibit uses on properties utilized for agricultural purposes.

**Goal 4 - Forest Land:** The proposal does not involve land located within designated forest land.

**Goal 5 - Natural Resources:** The proposed text amendment does not affect the natural resource protections already in place.

**Goal 6 - Air, Water and Land Quality:** The proposed text amendment does not adversely affect the Air, Water and Land Quality in the area due to the fact that the uses are consistent with those already allowed in the current language.

**Goal 7 - Natural Hazards:** The proposed text amendment does not affect the protections from natural hazards which are already in place.

**Goal 8 - Recreation:** The proposed text amendment does not have a negative impact on recreational activities or uses within the City.

**Goal 9 - Economic Development:** The proposed amendment may improve economic activities in the City, as the amended zone text will allow more effective use of the properties in the affected area.

**Goal 10 - Housing:** The proposed text amendment does not affect the level of housing availability in the planning area.

**Goal 11 - Public Facilities:** This proposal facilitates the improvement of public facilities by allowing appropriate support facilities, consistent with proper limitations, to be developed in the area.

**Goal 12 - Transportation:** The proposal does not impact this goal.

**Goal 13 - Energy Conservation:** This proposal does not impact this goal.

**Goal 14 - Urbanization:** The proposal is consistent with the text already in place.

**Goal 15 - Willamette Greenway:** The proposal does not impact this goal.

**Goal 16 to 19 - Estuarine Resource, Coastal Shorelands, Beaches and Dunes, and, Ocean Resources:** This proposal does not involve property subject to these goal requirements.

Based on the above findings, staff concludes the proposal does not violate the Statewide Land Use Goals.

4. The amendment is appropriate as measured by at least one of the following criteria:
- a. It corrects identified error(s) in the provisions of the plan.
  - b. It represents a logical implementation of the plan.
  - c. It is mandated by changes in federal, state, or local law.
  - d. It is otherwise deemed by the Council to be desirable, appropriate, and proper.

FINDINGS: The proposed text amendments will create a better balance in the distribution of uses within the affected areas, and will maintain the established purposes of the Industrial Business Park zone.

Based on the above findings, staff concludes the proposal complies with decision criteria for the proposed text amendment in the Keizer Development Code.

### **III RECOMMENDATION**

It is recommended that the City Council open the public hearing, receive testimony, close the public hearing and deliberate on the information received.

It is further recommended that the City Council direct staff to prepare an ordinance for Council approval modifying the text of K.D.C. Section 2.113 Industrial Business Park Zone, as set forth in the staff recommendation.





# **AGENDA ITEM 5b**

**Liquor License Application - Expressions**

**July 6, 2004**

**CITY COUNCIL MEETING:** July 6, 2004

**AGENDA ITEM NUMBER:** \_\_\_\_\_

**TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

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

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

**SUBJECT: EXPRESSIONS LIQUOR LICENSE APPLICATION  
OFF-PREMISES SALES**

**BACKGROUND:**

On June 10, 2004 Cathryn Thiessen submitted an application for a Off-Premises Sales liquor license for Expressions located at 3632 River Road North, Keizer, Oregon.

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. No responses have been received as of the writing of this report.

On June 14 a request was sent to the Keizer Police Department to conduct a background check on the applicants and calls for service at this location. The response is attached to this report. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned and has no comment on the application.

ORS 471.166 requires the City to make a recommendation within thirty (30) days of receipt of the application.

**RECOMMENDATION:**

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council approve the application for a Off-Premises liquor license for Expressions under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall then be forwarded to the Oregon Liquor Control Commission.



# KEIZER POLICE

1982

City Council Meeting of \_\_\_\_\_

Agenda Item No. \_\_\_\_\_

To: Mayor and City Council  
Thru: Chris Eppley, City Manager  
From: Marc Adams, Chief of Police  
Rita Powers, Police Support Supervisor  
Subject: Expressions and Radiance Salon & Spa

**Issue:** Shall the City Council approve the liquor license application of Expressions and Radiance Salon & Spa, 3632 River Rd. N., Keizer, Oregon 97303.

## Background

There were 2 calls for service at the address of 3632 River Rd N, between June 1, 2003 and May 31, 2004. Neither were in conflict with the ordinance. The applicant Cathryn L. Thiessen, AKA Gibbs; AKA Younger has no Oregon 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 of the liquor license for Expressions and Radiance Salon & Spa, 3632 River Rd. N., Keizer, Oregon.

# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION



PLEASE PRINT OR TYPE

Application is being made for:

## LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)  
☐ Commercial Establishment  
☐ Caterer  
☐ Passenger Carrier  
☐ Other Public Location  
☐ Private Club  
☐ Limited On-Premises Sales (\$202.60/yr)  
☒ Off-Premises Sales (\$100/yr) with Tasting  
☐ with Fuel Pumps  
☐ Brewery Public House (\$252.60)  
☐ Winery (\$250/yr)  
☐ Other: \_\_\_\_\_

## ACTIONS

- ☐ Change Ownership  
☒ New Outlet  
☐ Greater Privilege  
☐ Additional Privilege  
☐ Other: \_\_\_\_\_

Applying as:

- ☐ Individuals ☐ Limited Partnership ☐ Corporation ☒ Limited Liability Company

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By:

(signature)

(date)

Name:

Title:

OLCC USE ONLY

Application Rec'd by: John Coy

Date: 6-2-04

90-day authority: ☐ Yes ☐ No

1. Applicant(s) [See SECTION 1 of the Guide]

① Bradley LLC ③ \_\_\_\_\_

② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): Expressions

3. Business Location: 3632 N River Road Keizer OR 97303  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: PO Box 13189 Salem OR 97309  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-393-7200 503-763-8950  
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: \_\_\_\_\_ Type of License: \_\_\_\_\_

8. Former Business Name: NA

9. Will you have a manager? ☐ Yes ☒ No Name: \_\_\_\_\_  
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? Keizer  
(name of city or county)

11. Contact person for this application: Cathryn L Thiessen 503-409-4301  
(name) (phone number(s))  
3632 N River Road Keizer OR 97303 503-763-8950 CLTHIESSEN@comcast.net  
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date 3/25/04 ③ \_\_\_\_\_ Date \_\_\_\_\_

② \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_ Date \_\_\_\_\_

1-800-452-OLCC (6522)

www.olcc.state.or.us

(rev. 09/02)

# OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION



Please Print or Type

Applicant Name: Bradley LLC Phone: 503-393-7200

Trade Name (dba): Expressions

Business Location Address: 3632 N River Road

City: Keizer ZIP Code: 97303

## DAYS AND HOURS OF OPERATION

### Business Hours:

Sunday 11:00 to 5:00  
Monday 10:00 to 8:00  
Tuesday 10:00 to 8:00  
Wednesday 10:00 to 8:00  
Thursday 10:00 to 8:00  
Friday 10:00 to 8:00  
Saturday 10:00 to 6:00

### Outdoor Area Hours:

Sunday \_\_\_\_\_ to \_\_\_\_\_  
Monday \_\_\_\_\_ to \_\_\_\_\_  
Tuesday \_\_\_\_\_ to \_\_\_\_\_  
Wednesday \_\_\_\_\_ to \_\_\_\_\_  
Thursday \_\_\_\_\_ to \_\_\_\_\_  
Friday \_\_\_\_\_ to \_\_\_\_\_  
Saturday \_\_\_\_\_ to \_\_\_\_\_

The outdoor area is used primarily for:

- ☐ Food service ☐ Food service until \_\_\_\_\_ PM  
☐ Alcohol service ☐ Alcohol service until \_\_\_\_\_ PM  
☐ Enclosed, how \_\_\_\_\_

The exterior area is adequately viewed and/or supervised by Service Permittees.

\_\_\_\_\_  
(Investigator's Initials)

Seasonal Variations: ☐ Yes ☒ No If yes, explain: \_\_\_\_\_

## ENTERTAINMENT

Check all that apply:

- ☐ Live Music ☐ Karaoke  
☐ Recorded Music ☐ Coin-operated Games  
☐ DJ Music ☐ Video Lottery Machines  
☐ Dancing ☐ Social Gaming  
☐ Nude Entertainers ☐ Pool Tables  
☐ Other: \_\_\_\_\_

## DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday \_\_\_\_\_ to \_\_\_\_\_  
Monday \_\_\_\_\_ to \_\_\_\_\_  
Tuesday \_\_\_\_\_ to \_\_\_\_\_  
Wednesday \_\_\_\_\_ to \_\_\_\_\_  
Thursday \_\_\_\_\_ to \_\_\_\_\_  
Friday \_\_\_\_\_ to \_\_\_\_\_  
Saturday \_\_\_\_\_ to \_\_\_\_\_

## SEATING COUNT

Restaurant: \_\_\_\_\_ Outdoor: \_\_\_\_\_  
Lounge: \_\_\_\_\_ Other (explain): \_\_\_\_\_  
Banquet: \_\_\_\_\_ Total Seating: \_\_\_\_\_

### OLCC USE ONLY

Investigator Verified Seating: \_\_\_\_\_ (Y) \_\_\_\_\_ (N)  
Investigator Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 3/25/04

1-800-452-OLCC (6522)  
www.olcc.state.or.us



# **AGENDA ITEM 5c**

**Liquor License Application – Radiance Salon and Spa**

**July 6, 2004**

**CITY COUNCIL MEETING:** July 6, 2004

**AGENDA ITEM NUMBER:** \_\_\_\_\_

**TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

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

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

**SUBJECT: RADIANCE SALON AND SPA LIQUOR LICENSE  
APPLICATION - LIMITED ON-PREMISES SALES**

**BACKGROUND:**

On June 10, 2004 Cathryn Thiessen submitted an application for a Limited On-Premises Sales liquor license for Radiance Salon and Spa located at 3632 River Road North, Keizer, Oregon.

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. No responses have been received as of the writing of this report.

On June 14 a request was sent to the Keizer Police Department to conduct a background check on the applicants and calls for service at this location. The response is attached to this report. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned and has no comment on the application.

ORS 471.166 requires the City to make a recommendation within thirty (30) days of receipt of the application.

**RECOMMENDATION:**

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council approve the application for a Limited On-Premises liquor license for Radiance Salon and Spa under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall then be forwarded to the Oregon Liquor Control Commission.



1982

# KEIZER POLICE

City Council Meeting of \_\_\_\_\_

Agenda Item No. \_\_\_\_\_

To: Mayor and City Council  
Thru: Chris Eppley, City Manager  
From: Marc Adams, Chief of Police  
Rita Powers, Police Support Supervisor  
Subject: Expressions and Radiance Salon & Spa

**Issue:** Shall the City Council approve the liquor license application of Expressions and Radiance Salon & Spa, 3632 River Rd. N., Keizer, Oregon 97303.

## Background

There were 2 calls for service at the address of 3632 River Rd N. between June 1, 2003 and May 31, 2004. Neither were in conflict with the ordinance. The applicant Cathryn L. Thiessen, AKA Gibbs; AKA Younger has no Oregon 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 of the liquor license for Expressions and Radiance Salon & Spa, 3632 River Rd. N., Keizer, Oregon.



# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION



PLEASE PRINT OR TYPE

Application is being made for:

## LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)  
☐ Commercial Establishment  
☐ Caterer  
☐ Passenger Carrier  
☐ Other Public Location  
☐ Private Club  
☒ Limited On-Premises Sales (\$202.60/yr)  
☐ Off-Premises Sales (\$100/yr)  
☐ with Fuel Pumps  
☐ Brewery Public House (\$252.60)  
☐ Winery (\$250/yr)  
☐ Other: \_\_\_\_\_

## ACTIONS

- ☐ Change Ownership  
☒ New Outlet  
☒ Greater Privilege  
☐ Additional Privilege  
☐ Other: \_\_\_\_\_

Applying as:

- ☐ Individuals ☐ Limited Partnership ☐ Corporation ☒ Limited Liability Company

FOR CITY AND COUNTY USE ONLY  
The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: \_\_\_\_\_  
(signature) (date)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

OLCC USE ONLY

Application Rec'd by: *[Signature]*

Date: 6-2-04

90-day authority: ☐ Yes ☒ No

1. Applicant(s): [See SECTION 1 of the Guide]

① Bradley, LLC ③ \_\_\_\_\_

② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): Radiance Salon & Spa

3. Business Location: 3632 N River Road Keizer OR 97303  
(number, street, rural route, (city) (county) (state) (ZIP code)

4. Business Mailing Address: PO Box 13189 Salem OR 97309  
(PO box, number, street, rural route, (city) (state) (ZIP code)

5. Business Numbers: 503-393-6800 503-763-8950  
(phone, (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: \_\_\_\_\_ Type of License: \_\_\_\_\_

8. Former Business Name: NA

9. Will you have a manager? ☐ Yes ☒ No Name: \_\_\_\_\_  
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? Keizer  
(name of city or county)

11. Contact person for this application: Cathryn L. Thiessen 503-409-4301  
(name) (phone number(s))  
3632 N River Road Keizer OR 97303 503-763-8950 CLTHIESSEN@comcast.net  
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① *[Signature]* Date 3/25/04 ③ \_\_\_\_\_ Date \_\_\_\_\_

② \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_ Date \_\_\_\_\_

1-800-452-OLCC (6522)

www.olcc.state.or.us

(rev. 09/02)

OREGON LIQUOR CONTROL COMMISSION  
BUSINESS INFORMATION



Please Print or Type

Applicant Name: Bradley LLC Phone: 503-393-6800

Trade Name (dba): Radiance Salon & Spa

Business Location Address: 3632 N River Road

City: Keizer ZIP Code: 97303

**DAYS AND HOURS OF OPERATION**

Business Hours:

Sunday 11:00 to 5:00  
Monday 10:00 to 8:00  
Tuesday 10:00 to 8:00  
Wednesday 10:00 to 8:00  
Thursday 10:00 to 8:00  
Friday 10:00 to 8:00  
Saturday 10:00 to 6:00

Outdoor Area Hours:

Sunday \_\_\_\_\_ to \_\_\_\_\_  
Monday \_\_\_\_\_ to \_\_\_\_\_  
Tuesday \_\_\_\_\_ to \_\_\_\_\_  
Wednesday \_\_\_\_\_ to \_\_\_\_\_  
Thursday \_\_\_\_\_ to \_\_\_\_\_  
Friday \_\_\_\_\_ to \_\_\_\_\_  
Saturday \_\_\_\_\_ to \_\_\_\_\_

The outdoor area is used primarily for:

☐ Food service ☐ Food service until \_\_\_\_\_ PM  
☐ Alcohol service ☐ Alcohol service until \_\_\_\_\_ PM  
☐ Enclosed, how \_\_\_\_\_

The exterior area is adequately viewed and/or supervised by Service Permittees.

\_\_\_\_\_  
(Investigator's Initials)

Seasonal Variations: ☐ Yes ☒ No If yes, explain: \_\_\_\_\_

**ENTERTAINMENT**

Check all that apply:

- |                                            |                                                 |
|--------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Live Music        | <input type="checkbox"/> Karaoke                |
| <input type="checkbox"/> Recorded Music    | <input type="checkbox"/> Coin-operated Games    |
| <input type="checkbox"/> DJ Music          | <input type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing           | <input type="checkbox"/> Social Gaming          |
| <input type="checkbox"/> Nude Entertainers | <input type="checkbox"/> Pool Tables            |
|                                            | <input type="checkbox"/> Other: _____           |

**DAYS & HOURS OF LIVE OR DJ MUSIC**

Sunday \_\_\_\_\_ to \_\_\_\_\_  
Monday \_\_\_\_\_ to \_\_\_\_\_  
Tuesday \_\_\_\_\_ to \_\_\_\_\_  
Wednesday \_\_\_\_\_ to \_\_\_\_\_  
Thursday \_\_\_\_\_ to \_\_\_\_\_  
Friday \_\_\_\_\_ to \_\_\_\_\_  
Saturday \_\_\_\_\_ to \_\_\_\_\_

**SEATING COUNT**

Restaurant: \_\_\_\_\_ Outdoor: \_\_\_\_\_  
Lounge: \_\_\_\_\_ Other (explain): \_\_\_\_\_  
Banquet: \_\_\_\_\_ Total Seating: \_\_\_\_\_

**OLCC USE ONLY**

Investigator Verified Seating: \_\_\_\_\_ (Y) \_\_\_\_\_ (N)

Investigator Initials: \_\_\_\_\_

Date: \_\_\_\_\_

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: \_\_\_\_\_ Date: 3/25/04

1-800-452-OLCC (6522)  
www.olcc.state.or.us



# **AGENDA ITEM 5d**

**Everwood Meadows Street Lighting District**

**July 6, 2004**

**COUNCIL MEETING:** \_\_\_\_\_

**AGENDA ITEM NUMBER:** \_\_\_\_\_

**TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY  
CITY MANAGER**

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

**SUBJECT: PUBLIC HEARING – FORMING AND SPREADING ASSESSMENTS TO  
EVERWOOD MEADOWS STREET LIGHTING LOCAL IMPROVEMENT  
DISTRICT**

**ISSUE:**

On December 12, 2003 the developer of Everwood Meadows subdivision filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R2004-1478 on April 5, 2004 to initiate formation of a street lighting local improvement district and direct the City Engineer to make a survey and file a report. On May 3, 2004 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to the proposed assessments. Notice of public hearing stating the intention to form the district and to assess for the lighting improvements, was distributed as required under City of Keizer Ordinance 94-278.

**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 an 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:**

Open the public hearing to first consider oral objections and written remonstrances to formation of Everwood Meadows Street Lighting Local Improvement District. 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. If remonstrances are not received, close the public hearing and consider adoption of the Resolution forming the lighting district. If Council forms the district, consider adoption of the proposed assessment ordinance.

**CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON**

**Resolution R2004-\_\_\_\_\_**

**FORMING EVERWOOD MEADOWS STREET LIGHTING**

**LOCAL IMPROVEMENT DISTRICT**

WHEREAS, the City of Keizer has adopted a Resolution initiating the formation of Everwood Meadows Street Lighting Local Improvement District; and

WHEREAS, the City Council has adopted a Resolution approving the City Engineer's Report for Everwood Meadows 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 Everwood Meadows 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 Everwood Meadows Street Lighting Local Improvement District.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Recorder

1 **BILL NO.** \_\_\_\_\_

**ORDINANCE NO. 2004-** \_\_\_\_\_

2  
3 **A BILL FOR**

4  
5 **AN ORDINANCE SPREADING ASSESSMENTS TO**  
6 **EVERWOOD MEADOWS STREET LIGHTING LOCAL**  
7 **IMPROVEMENT DISTRICT**  
8

9  
10 Section 1. FINDINGS. The City Council of the City of Keizer makes the  
11 following findings:

- 12 a. The City Council did heretofore declare its intention to install street lights to  
13 serve an area known as Everwood Meadows Street Lighting Local  
14 Improvement District which is described as follows:

15 Everwood Meadows - identified on the  
16 assessors map 06 3W 26BA - tax lot 12800,  
17 12900, 13000, 13200, 13300, 13400, 13500,  
18 13600, 13700, 13900, 14000, 14100, and  
19 14200 in the City of Keizer, County of Marion,  
20 State of Oregon;  
21

22 which includes the installation of three (3) - 100-watt high pressure sodium  
23 flat lens luminaries and one (1) -150-watt high pressure sodium flat lens  
24 luminaries mounted on six-foot long mast arms and attached to 30 foot  
25 gray fiberglass poles located within the subject local improvement district,  
26 all in accordance with the City Engineer's Report for Everwood Meadows  
27 Street Lighting Local Improvement District.

- 28 b. The total initial estimated cost of Everwood Meadows Street Lighting Local  
29 Improvement District is \$1022.22.  
30 c. The per space/lot assessment formula was used for this district.  
31 d. The improvements in the district have been or will be constructed as  
32 provided in the Engineer's Report.

- e. Notice was duly mailed to the benefited property owners on June 21, 2004.
- 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 Everwood Meadows 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 Everwood Meadows 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 Everwood Meadows 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 "Everwood Meadows Street Lighting Local Improvement District":

|                                   |                 |
|-----------------------------------|-----------------|
| 3 - Poles and 100 Watt Luminaries | \$518.04        |
| 1 - Pole and 150 Watt Luminaries  | \$190.68        |
| Engineering Costs                 | \$210.00        |
| Administrative Fee                | <u>\$103.50</u> |
| Total Estimated Assessments       | \$1022.22       |

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.



1 c. Mode of Collecting Assessments. Assessments for Everwood Meadows  
2 Street Lighting Local Improvement District shall be collected pursuant to  
3 ORS 223.866.

4 d. Lien on Property. The assessment shall be entered as a lien against the  
5 benefited property in the City Lien Docket.

6  
7 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

8  
9 SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

10  
11  
12 \_\_\_\_\_  
13 Mayor

14  
15 \_\_\_\_\_  
16 City Recorder  
17  
18  
19



PRELIMINARY ASSESSMENT ROLL

EVERWOOD MEADOWS SUBDIVISION  
STREET LIGHTING DISTRICT

\*Assessors Map 06 3W 26BA

| <u>Tax Lot #:</u> | <u>Owners Name and Address</u>                                                        | <u>Cost per Lot</u> | <u>Lots</u> | <u>Assessment</u> |
|-------------------|---------------------------------------------------------------------------------------|---------------------|-------------|-------------------|
| 12800             | ANDERSON HOMES INC<br>PO BOX 20935<br>KEIZER, OR 97307                                | \$68.15             | 1           | \$68.15           |
| 12900             | THOMAS, ANDREW P &<br>THOMAS, ANGELLA J<br>946 HENNING WY N<br>KEIZER, OR 97303       | \$68.15             | 1           | \$68.15           |
| 13000 -<br>13200  | ANDEV, LLC<br>PO BOX 21148<br>KEIZER, OR 97307-1148                                   | \$68.15             | 3           | \$204.45          |
| 13300             | HOFFMAN, ADAM &<br>HOFFMAN, CHRISTINE<br>294 CRYSTAL SPRINGS LN N<br>KEIZER, OR 97303 | \$68.15             | 1           | \$68.15           |
| 13400 -<br>13500  | ANDEV, LLC<br>PO BOX 21148<br>KEIZER, OR 97307-1148                                   | \$68.15             | 2           | \$136.30          |
| 13600             | CRAGER, RICHARD &<br>CRAGER, SHERRY<br>989 LEEWARD CT N<br>KEIZER, OR 97303           | \$68.15             | 1           | \$68.15           |
| 13700 -<br>13900  | ANDEV, LLC<br>PO BOX 21148<br>KEIZER, OR 97307-1148                                   | \$68.15             | 3           | \$204.45          |
| 14000             | ALVAREZ, RAUL R &<br>ALVAREZ, DORA G<br>PO BOX 20010<br>KEIZER, OR 97307              | \$68.15             | 1           | \$68.15           |

| <u>Tax Lot #</u> | <u>Owners Name and Address</u>                          | <u>Cost per Lot</u> | <u>Lots</u> | <u>Assessment</u> |
|------------------|---------------------------------------------------------|---------------------|-------------|-------------------|
| 14100            | ANDEV, LLC<br>PO BOX 21148<br>KEIZER, OR 97307-1148     | \$68.15             | 1           | \$68.15           |
| 14200            | BEHLING, JOY J<br>7382 PARKPLACE NE<br>KEIZER, OR 97303 | \$68.15             | 1           | \$68.15           |

TOTAL ASSESSMENT: \$1022.22





July 6, 2004

# **AGENDA ITEM 6a**

**Salem Area Transit District Presentation – High  
Priority Transit Corridor**

**COUNCIL MEETING:** July 6, 2004

**AGENDA ITEM NUMBER:** \_\_\_\_\_

**TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

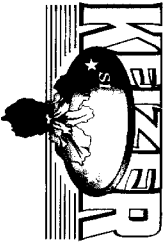
**THROUGH: CHRIS EPPLEY  
CITY MANAGER**

**FROM: NATE BROWN  
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: SALEM AREA TRANSIT DISTRICT PRESENTATION**

**ISSUE:**

Glen Hadley from the Salem Area Transit District will attend the meeting to update the Council on the High Priority Transit Corridor.



July 6, 2004

# AGENDA ITEM 8a

**ORDER - Keizer Station Master Plan**

**COUNCIL MEETING:** July 6, 2004

**AGENDA ITEM NUMBER:** \_\_\_\_\_

**TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY  
CITY MANAGER**

**FROM: NATE BROWN  
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: ORDER – APPROVING MASTER PLAN/SUBDIVISION, MAJOR  
VARIANCE AND SIGN VARIANCE FOR KEIZER STATION AREA A –  
VILLAGE CENTER**

**ISSUE:**

On June 21, 2004 the City Council held a public hearing, received testimony, and closed the public hearing. At the conclusion of deliberation, the Council directed staff to prepare an Order Approving Master Plan/Subdivision, Major Variance and Sign Variance for Keizer Station Area A – Village Center. The Order is attached to this report.

**RECOMMENDATION:**

It is recommended the Council adopt the attached Order Approving Master Plan/Subdivision, Major Variance and Sign Variance for Keizer Station Area A – Village Center.



**CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON**

**ORDER**

**IN THE MATTER OF THE APPLICATION OF NORTHWEST NATIONAL LLC FOR APPROVAL OF THE KEIZER STATION MASTER PLAN/SUBDIVISION (AREA A-VILLAGE CENTER), MAJOR VARIANCE AND SIGN VARIANCE**

**The City of Keizer orders as follows:**

**Section 1. THE APPLICATION.** This matter came before the Keizer City Council on the application of Northwest National LLC for a master plan/subdivision, major variance and sign variance for the Keizer Station Plan - Area A (Village Center).

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

**Section 3. PUBLIC HEARING.** A public hearing was held on this matter before the Keizer City Council on and June 21, 2003. The following persons either appeared at the City Council hearing or provided written testimony on the application before the Council:

- 1) Chuck Sides, Northwest National LLC, Developer
- 2) Jeff Benner, Developer's Architect
- 3) Chris Stanley, Developer's Transportation Consultant
- 4) Ross Day, Attorney for Property Owners Robert and Marilyn Lowery
- 5) Jim Shomeyer, Neighbor

**6) Jerry Walker, Volcanoes Stadium**

**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 interests, bias, evidence presented or testimony taken at the hearing. Objections were raised regarding ex parte contacts. The alleged contacts were cured on the record.

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

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

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

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

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

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

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2004.**

**SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**City Recorder**

## EXHIBIT "A"

### Evidence

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

City Attorney Shannon Johnson summarized the applicable criteria statement. No objections to notice, conflicts or ex parte contacts were declared.

Mayor Christopher opened the Public Hearing for the Addendum Keizer Station Master Plan - Area A. City Attorney, Shannon Johnson, stated that the applicable criteria for the quasi-judicial case is set forth in the staff report, but because the staff report was lengthy he would not be reading it, but copies were available. There were no objections to not reading the entire list of criteria and they were considered waived. He continued that testimony and evidence directed toward the criteria in this application must meet the criteria set forth into which you believe apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the Parties an opportunity to respond to that issue precludes appeal to Land Use Board of Appeals based on that issue. He asked if there were any objections as to notice, opportunity to be heard, jurisdiction, conflict of interest, or bias or prejudice of the Councilors. If so, they should be raised at this time. If there are any ex parte contacts or bias that need to be disclosed they should be disclosed at this time. There was no response to this. Mr. Johnson noted that the entire Community Development file in addition to the documents before the Council is before the Council for review and is considered placed into the record without objection.

Community Development Director, Nate Brown pointed out that the composite drawing includes the transportation system, landscaping plan, street lighting, and plans for the plazas including the tree retention. It does not have the subdivision or signage requirements which are under consideration. Mr. Brown called attention to: 1. A memo dated June 21, 2004, from Public Works Director, Rob Kissler, which should be added as an addendum to the conditions that are already identified as an addendum as a cover to the staff report. 2. A memo submitted by Oregon Department of Transportation and pointed out that Dan Fricke was in the audience and would be willing to answer questions. Mr. Brown noted that the application consists of four separate applications: (1) The Master Plan, (2) the Subdivision required to divide the parcels, (3) the Setback Variance for some of the buildings under consideration, and (4) a sign variance. Keizer Development allows these to be rolled into one decision for ease of processing. Director Brown stated that the application represents a positive representation of some great assets to the community with many amenities such as plazas, a trail system, landscaping which will take place with both the public and private development of the facility. What is proposed is almost 1,000,000 square feet of commercial and industrial space representing some significant and complex issues. Rather than review all 68 conditions of the staff report and addendums, Mr. Brown presented a major overview of the four different applications and the issues addressed through the conditions. The Master Plan is significant. Staff has tried to insure that amenities proposed are those required, and that some aspects and impacts to neighboring properties are addressed. For

example a sight and sound obscuring wall shall be constructed between the residential properties and that of Area B.

Mayor Christopher pointed out that, because the sight and sound obscuring wall for Area B has to do with the transportation system that is benefitting Area A, it was being addressed this evening. Mr. Brown confirmed this and noted that Area B will undergo a Master Plan process which will be submitted as the areas are developed. Regarding the subdivision, there were concerns over compliance with area requirements in the EG zone which specifies a complex balance between commercial and industrial properties. The southwest corner of the parcel had been shown as industrial, but included the car wash and service station which are not listed as industrial uses but as commercial. The developer has indicated that they will modify the plan pursuant to. Mr. Brown noted that he is confident that the issues will be worked out on the subdivision in a manner that will legally comply with all the requirements of the zone for that balance of commercial/industrial. Basically, that requirement would be that some of the small lots on the proposal would have to be combined with other lots in order to comply with requirements.

Mr. Brown noted that the applicant has submitted a request for major variance for yard setbacks. The justification for the variance in most cases is because the Master Plan requires that they accommodate the eventual build-out of Radiant Drive and with the subdivision, they dedicate the right-of-way necessary to accommodate that eventual build-out. That extra wide right-of-way width placed a burden on the developer for developable space. Extra-large setbacks required by the EG zone are not necessary because we are only building the road width necessary to accommodate the foreseeable future traffic through the year 2008. Staff supports the request for a variance with the exception of the request from tenant space B. This request is to surround the building with a drive-through, but staff recommends that that aspect of the request be denied. Mr. Brown then addressed the Sign Variance Request which would apply throughout the entire development adding that staff supports the approach they have granted. They are basically limiting the amount of free-standing signage that will be throughout the development and staff feels that is an appropriate trade for granting additional height and area on an identifying sign to the development. However, staff is recommending that the height of the sign be limited to the same height as the Volcano Stadium and Woodburn Mall signs. Mr. Brown added that the developer is agreeable to this.

Director Brown noted that one of the conditions staff recommends is that the circulation system, particularly the pedestrian system be amended to better connect it to the remainder of the pedestrian transportation. Staff recommends that the west side of the new road "A" have an additional sidewalk installed. Developer will address this issue with the Council because they feel there are some significant constraints by the railroad tracks which present safety problems and it is questionable how much pedestrian traffic there would be in the area because there is pedestrian circulation along Radiant Drive as it connects to Lockhaven. Other conditions are acceptable to the developer.

Councilor Moir asked if the points brought up in the ODOT letter had been reviewed. Mr.

Brown responded that ODOT indicates that they have reviewed this carefully and indicated that they are supportive as long as the documentation has been submitted and that it complies with all state requirements and all state required permits have been obtained. Chris Eppley thanked ODOT, Dan Fricke and Tony Martin specifically, for their responsiveness in working through this and getting a comment to the City in a timely manner.

Councilor Smith questioned if the variance for setbacks is approved, would there be room to expand the road in the future. Mr. Brown responded that the right-of-way required now is for the eventual build-out, so with this approval all right-of-way necessary will be established. The building would not be next to the sidewalk, there would still be appropriate setback. There would be reduced setback at that point, it would be reduced from 20 feet to 10 feet so there would not be a sidewalk next to the building.

Councilor Lee questioned if the lease with the Volcanoes had been checked pertaining to requirements regarding Radiant Drive. City Manager Chris Eppley responded that contact has been maintained with the Volcanoes over the last four years regarding this project and he has no doubt that they would be willing to work with the City on future alignments. Councilor Lee asked for additional explanation on Road C. Mr. Brown responded that Road C is necessary to provide internal circulation. By establishing Road C, a portion of land was carved off some parcels. If that is a public right-of-way, it creates a parcel that does not meet the dimensional or area requirements of the EG zone because of size, depth or width requirements. City Manager Chris Eppley followed up that the reason it is developed on a public easement as opposed to right-of-way, is that allows them to retain ownership of the ground and count that area as part of a lot size so it remains in one parcel. The road that will be built will feel like a public road and the City will maintain ownership and maintenance of it.

Chuck Sides, 2555 Hollywood Drive, Salem, complimented staff on all the hard work that has been done on the project and added that it was his hope that the Council will vote to move forward because time is of the essence and the concept has to be approved in order to meet the next movement forward.

Jeff Benner, 5000 SW Meadows Road, Suite 430, Lake Oswego, the designer of the master plan explained that what has been done over the last four years is a culmination of a lot of hard effort: a Site Plan that takes into account everything that has been addressed in the Keizer Master Plan requirements, criteria created by the developer and by others. There are two (and possibly three) tenants who are signed and ready to move forward on this project with many to follow.

Councilor Gaynor inquired as to the location of the sign. Mr. Benner showed him the location on the map and continued that initially in the first Urban Renewal hearing it was located in a different location, but it has been moved away from the park and is being treated as an identifying sign element. Councilor Moir questioned Tepper Lane and the pedestrian underpass, the landscaping along the back of the buildings, and access points for pedestrians that would be using Tepper to get to the stores if they didn't want to come down to the proposed realignment of

Radiant Drive. Mr. Benner responded that he was not sure of exactly what the future plans are for the PGE property but concerning the area of the planned entertainment/sports facilities, they are in planning, but every effort is being made to make good pedestrian connections not only to the baseball field but to the entertainment they hope to provide. Concerning Tepper Lane there is an underpass under the railroad tracks. They will actually bring them, they will border along an 8-foot sidewalk eastward, they will go past a loading and be connected into the front of "Major One" and they can actually traverse to "Anchor 2" and "Anchor 1" or they can connect to "Majors 2, 3 and 4". There are other connections that move laterally throughout the site to the shops buildings and those buildings across the street.

Councilor Smith noted that with the orientation of the buildings the Keizer Stadium and a future entertainment sports complex will be looking at the back of buildings (blank walls, loading docks, garbage bins, etc.). She asked if landscaping was planned to make it more attractive. Mr. Benner responded affirmatively and showed some different pictures. He added that there will be a significant amount of articulation and undulation in the building wall, variation in heights and tower-like elements, 12-foot screen walls, character adding details and landscaping.

Councilor Walsh asked what Tepper would look like at completion. Mr. Benner replied that it would have a  $\frac{1}{4}$  street improvement so on the south edge there would be a finished street with the bike lane, landscaping, and the 8-foot sidewalk, but it would not be improved on the north side. Mr. Brown added that the conditions require only the south side of Tepper be fully improved, that the cross section of Tepper is  $\frac{1}{4}$  width and constructed at collector street standards to accommodate the heavy truck traffic that is anticipated, but at this point there is no requirement because the other half of the street will be acquired when the other side develops. Councilor noted that if the other side of the street would not have a bike lane until development occurs on that side so bikes could use the other side to get to the east side of the development, but on the way home the bikes would have to fight with the anticipated truck traffic without a bike lane. Mr. Brown pointed out that Tepper lane will be closed off to through traffic. Mr. Walsh pointed out that it would be designated for bikers, it will go through for bikes and since there are loading areas, there will be trucks.

Rob Kissler stated that it is legal for a bicycle to ride on a 12-foot lane going westbound toward Tepper. There will be a transition at the end of Tepper Lane on the westernmost portion for a turnaround to accommodate both emergency services. The transition will also allow for bicycles and pedestrians to continue west under Tepper Lane. Currently development code standards do not require improvements on the north side of Tepper Lane. Additionally, at the time of the construction of Volcano Stadium the city constructed a gravel walking path on the north side of Tepper to give pedestrians an opportunity to stay off the roadway. Mr. Kissler added that he would not want to lead Council into thinking that there was ever going to be any development on the north side of Tepper, at least on the frontage of the BPA because he does not anticipate that use being changed any time soon. It is unfortunate that when the BPAs developed that years ago that they weren't required to do some frontage improvements. So the short answer is that they are not required to construct a bike path, but if Council wishes there may be some ways to do that with other funding and incorporate at least a bike path on that side. It would take some work with utility relocation and a property owner who would be willing to work with the

city on placing that bike path along a potential part of their frontage. Mr. Walsh added that if this is the area we are encouraging everyone from the Gubser neighborhood to come into via alternative transportation, there should be a safe way to return home, especially with truck traffic. He encouraged exploring the completion of the route through whatever means available.

Responding to questioning from Mr. Eppley, Mr. Brenner said that he thought the 8-foot sidewalk on the south side of Tepper Lane was dedicated right-of-way and a 12-foot sidewalk could be built which is the ODOT standard for a multi-use path in that area. This would take care of the bike lane issue. Mr. Benner requested approval of the Master Plan and the subdivision map with the caveat that he will work closely with staff for the next four days to make sure that a subdivision map is created that is acceptable to the city. Although they would like to be granted the variance on Anchor B they understand that with respect to all the conditions for approval including the signs, they are in favor of the compromise. Mr. Benner noted the concern over pedestrian traffic coming eastbound on the north side of Chemawa where they cross Road A and move northerly. Nate Brown had suggested providing the pedestrian connection adjacent to the railroad tracks on the west side of Road A and have that as a direct connection to Anchor 1. Mr. Benner stated that his firm believes that people coming from Lockhaven/Chemawa will use Radiant. This sidewalk will provide direct access to the center. It is thought that the sidewalk in question would not have high usage. Other sidewalks could be provided on the south side, but conditions from ODOT and the railroad that prevent crossings where necessary. It is also thought that northbound pedestrians would most likely drop down into the project along the south side of Anchor A. In conclusion, Mr. Benner stated that a connection can be provided that will connect Anchor A and Anchor 1.

Chris Stanely, Kittleson & Associates, 610 SW Alder, Portland, stated that the pedestrian crossings details will be worked out with the City and ODOT. There are many components and factors that come into play. The original plan was right-in right-out movements which did not allow pedestrian crossings across Chemawa. To cross, pedestrians will currently cross in different locations. A diagonal crossing is being evaluated. Typical they are done where there is an "all pedestrian" phase at a signal so pedestrians can cross at both 90° and 45° but it is definitely a design specific solution for this project. Mr. Brown added that staff has not considered or evaluated any of the details of such a proposal. Mr. Stanley continued by addressing the bikeway on Tepper Lane. He described the character of Tepper Lane as a dead end of street so the volumes will be low. From this standpoint there should be flexibility to provide bicycle facilities including a multi-purpose path. Another option would be no striping on the street so it operated so the cars and the street share the same travelway.

Council recessed for 10 minutes.

Ross Day, 7831 St. Charles Street NE, Keizer made a couple of procedural objections: (1) with regard to jurisdiction, he will reserve the right to raise the issue on further appeal and (2) during the last recess he witnessed numerous ex parte contacts were not declared on the record which is required to do immediately when session reconvenes. He then stated that he is privileged



to serve on the Keizer Planning Commission. He continued that during this process he was arguably, outside of the developer, the biggest proponent of the Keizer Station Plan and he still is. However, he did not attend the meeting in his capacity as a Planning Commissioner. Instead he attended as attorney for Robert and Marilyn Lowery, property owners alongside Chemawa Lane. They own 5 or 6 tax lots which are within the scope of this Master Plan. Keizer Development Code is very clear; it states that the only people who get to apply are the property owners or their agents, authorized agents, or a successor in interest. The applicants are neither. This application is not properly before the council today. The jurisdictional question is also an issue of criteria because part of the criteria for submitting an application requires that submitter to be a proper applicant. Mr. Day directed Council to Johnston vs. City of Albany 34 LUBA 32, 1998 Case which has nearly identical facts. A Master Plan by developers was submitted to the City of Albany; City approved it; it included some property which was not owned by the developers at the time and as a result the LUBA reversed and remanded the decision.

The Lowerys still own their property despite the condemnation threats that are being levied against them. They have lived there since 1946 and operated the nursery for 30 years. They are not the applicants here today, however the application involves their property. Accordingly, this application should have never have been accepted, but right now is not properly before the council. Mr. Day stated that his concern is not only with the process but also with the rights of the Lowerys. The reason for the haste in moving this application forward is that within 7 days of June 30th the developers can request the Keizer Urban Renewal Agency to institute condemnation proceedings, presumably against the only two property owners who have not sold. This is not the appropriate use of the condemnation authority which is a tremendous authority and should not be used lightly. Mr. Day represented that he and the Lowerys would fight this as long as they have to. It is a simple matter of fairness to the Lowerys. The matter is not properly before the council, the council does not have the authority to approve it, although it may be approved and an appeal will be filed and it will be back before the Council.

Councilor Smith mentioned that she was at the nursery a year ago and the two gentlemen who sold the plants to her indicated that they were leasing or buying the business from the Lowerys. She noted that last summer Mr. Lowery was not there and questioned if he had leased or sold the business. Mr. Day responded that to the best of his knowledge Mr. Lowery still owns the nursery.

Councilor Walsh asked Shannon Johnson about declaring exparte contacts or any contacts. Mr. Johnson responded that the hearing was recessed technically and it probably should have been held more as a joint discussion. He suggested that if any Councilor speaks, the exparte contacts should be declared at this time. He explained that an exparte contact would be anyone (including another Councilor) who was spoken to as well as the nature of it. The reason for that is that theoretically during break all members should have left the room and not discussed the issue, but it makes the most sense to get up and look at the pictures and while people are standing around, talk about what you see in the pictures. Technically, however, that is an exparte contact because the record is not open and the tape is not running. To just say you had the exparte

contact is not enough, because objectors don't know what you learned from that and cannot make appropriate rebuttal. So he suggested that Council members declared them and put them on the record at this time.

Councilor Moir declared two exparte contacts: 1) Joel Stein of the Keizer Fire Department about Tepper Lane and the turnaround for the fire vehicles to see if that met their standards and he informed her that they did. 2) Jerry Walker of the Keizer Volcanoes; about future possibilities for the development of the area north of the area being reviewed tonight and accesses into that area. She did not finish the conversation because she brought the City Manager in and left.

Councilor Walsh declared five exparte contacts: 1) Jerry Walker about Tepper Lane and some improvements there; 2) Mr. Jensen discussing and pointing at the sign and expanding the path to 12 feet. Mr. Jensen had commented about the expense of adding an additional 4 feet and that was discussed. 3) Mayor Christopher and Jerry Walker joined the conversation with Mr. Jensen and they all tried to figure out how big 68 feet was because the height of the sign is 68 feet. They were outside trying to compare different trees measuring them against the 10-foot tall basketball hoops and trying figure out how many basketball hoops it would take and came to the conclusion that the second tree next to the white house is probably closest to 68 feet so that would be about the size of the sign. 4) Councilor Gaynor and Councilor Lee about the path and sign. 5) Joel Stein with the Fire District who mentioned Tepper Lane and how it would be nice to find an alternative path for fire trucks to get to the back side of the Keizer Station, perhaps under the underpass which was an idea that he proposed several months ago, and they discussed that a little. ( Mayor Christopher stated that she was in on the tree discussion).

Councilor Gaynor stated that his exparte contact was with: 1) Chris Eppley after he finished talking about the traffic patterns by Station A. Mr. Gaynor stated that he had an area where he like to walk his dog and he wanted to know if it would be possible to get a path up to the corner and he could go across the street heading north and connect to the same bicycle path to the one that now goes under because he didn't want to go down the hill and back up again, and he thought others might feel the same. However, Mr. Eppley had informed Councilor Gaynor that if that was done, the pedestrians would interfere with the traffic flow on Chemawa Road because they would be pushing the button. Councilor Gaynor asked if the pedestrians could be ignored and Mr. Eppley had said no, there has to be a button for a pedestrian walkway. 2) Chris Stanley with Kittleson about the 68-foot sign and that he liked the sign.

Councilor Smith declared one exparte contact with former Councilor McGee with discussion centering around the Budget.

Councilor Lee declared that he wandered around listening to everyone but his exparte contact was with: 1) Richard Walsh taking part in the tree debate regarding the sign. 2) Former Councilor McGee and Councilor Smith with some mention as to how many people were going to be speaking at the Public Hearing this evening. 3) Larry Epping who stated he was here to learn more about it. They spoke about how exciting the project is. 4) Councilor Gaynor and Shannon

Johnson regarding the location of the sign. City Attorney Shannon Johnson encouraged anyone in the audience, including Mr. Day, to question the councilors on their exparte contacts.

Jim Shomeyer, 2328 Aldene Court NE, Keizer stated he attended the meeting to get clarification on the site and boundary wall that will be along the property lines on Site B, the entrance road of the project. He also wanted to know how tall it would be and questioned what would be done with the sewer cleanout behind the property. He asked for insight because it affects his property value. Nate Brown explained that it would be at the rear of all of the residential properties that abut Area B. He continued that it is the desire of the City to work with the property owners and that because Radiant Drive is depressed the need for the wall might be better indicated by working with individual property owners and what their desire is. Those details have not been defined specifically. Council might wish to direct staff to work with individual property owners that abut the rear property line, which staff would be willing to do. Mr. Brown continued that the wall depends on site characteristics: the ones along the freeway are higher than something within the city. Mr. Shomeyer added that he wanted to have input regarding the wall because some residents will have lights coming into the back of their house, as well as sound pollution and foot traffic. Originally it was supposed to be a landscape barrier rather than a wall, which he didn't like either. Some neighbors like the wall idea, but he noted he couldn't speak for all of them. Mr. Brown explained that the Development Code requires that lighting be directed away from residences, so that issue will be addressed. When the Master Plan is developed for that area, the lighting will be considered. Regarding the landscape buffer vs. the wall, the landscape buffer typically does not attenuate sound very well, and the concern has been for the privacy of those people. There will be a large amount of traffic on Radiant, so a wall is being required. Details of the specific wall will depend on a lot of factors. Contact with the landowners will come at the direction of Council. Councilor Smith noted that a wall of this nature was an effective means of blocking sound. The Lockhaven Sound wall (10-12 feet high) might be a good example for Mr. Shomeyer to look at. Chris Eppley added that because the site has unique characteristics and the road will depress below ground level for a significant portion of it, the wall might have less impact in some areas than others, so the site will need to be evaluated specifically and property owners will be worked with. The City does not want to build more wall than necessary but wants to assure residents in the area that they will be protected from sight and sound.

Jerry Walker, 6604 Rimrock Court NE, Keizer with the Salem-Keizer Volcanoes noted he had no idea he was involved in exparte contacts. He added that he has had a lot of discussion with the developers and he commended them for their work. He added that much work has been done to get people out of the Volcano Stadium parking lot and onto the roads that go through the development. The way it looks right now on the drawing presented, it will not work. Because of this he has met with the developer several times over the last month and they have come up with three very good alternatives, two of which are very good, that he would like them to present assuming that it is part of the Master Plan. None of these alternatives are shown on the map, possibly because it is a fairly recent development. He added that he understood that it was the developer's intent to have it included and, therefore, it should be discussed tonight so the Council

knows how we are going to get all the people out of the stadium. Part of the problem has been the lack of time to focus the last week or so since he had about 11,000 people over for dinner this past weekend and had spent a lot of time preparing for that so was unable to maintain contact as well as normal. He concluded that this would be an appropriate time to see how people would be directed out of the stadium. The way the drawing looks right now, it shows only one lane of traffic leaving Volcano Stadium and that created his initial concern and led to the discussions which he had with the developers because one lane of traffic leaving the stadium will not work. They do, however, have a couple of good plans that will work so maybe Chris Stanley could speak to that point now.

Chris Stanley joined Mr. Walker and reported that based on meetings with the Volcanoes a few sketches were provided to Jerry Walker to review to ensure that the stadium will be able to accommodate the games and other special events and that people will be able to easily and efficiently get in and out. Radiant Drive was evaluated and additional capacity was added specifically to accommodate stadium events. The next question was with Radiant Drive being realigned, how would it connect to the stadium. Several alternatives were developed to be evaluated. Because there are several factors that must go into that evaluation, such as utilities and plans for the area to the north, Mr. Stanley's recommendation was not to choose an alternative at this time because it might become something that is difficult to build, but he would recommend that the Council allow the work with the Volcanoes to continue so that whatever is built is to their satisfaction. Mr. Stanley stated that currently Radiant Drive dead ends into the middle of the stadium parking lot. The new plan shifts it to the west so the driveway out of the stadium is somewhat offset. The current exit out of the stadium accommodates two lanes out, one continuing straight down Chemawa and the other one continues right onto Tepper. As part of the plan, the vehicular access down Tepper is going to be eliminated which will be a better solution because it will reduce stadium traffic across the railroad and through the neighborhood. That means two exit lanes will be required in order to maintain the same capacity. There is redundancy in the system by adding a second southbound lane on Radiant to the first signal and there are alternative routes throughout so there is a lot of flexibility. The addition of the traffic signals will improve safety particularly at Chemawa where there will be signalized access points instead of the current unsignalized ones. Work with the stadium involves connecting this road that currently tees into Tepper with the stadium. Ultimately there is a lot of discussion about the possibility of extension to the north for some long range planning with the City, what development will go in, etc. When the applications come in this will be something that must be designed into it. The focus was on guaranteeing continued capacity but does not limit possibilities. One of the options investigated was widening of Tepper Lane so that there are two lanes out of the parking lot up to where Radiant intersects and then continue southward. One of the constraints here is the width, because there is currently a power line on the north side of Tepper Lane. Another option is to provide two lanes into the southern area of the parking lot and another option is to provide two more lanes into the central area of the parking lot. Some of the issues that will need to be addressed with that is property ownership, the power line in the area and making sure that when the connection is made into the parking the striping and the configuration of the parking lot for the Volcanoes facilitates access. Mr. Stanley concluded stating that they will continue to refine the

constraints and work with Mr. Walker to ensure that the alternative is both build able and will operate well.

Councilor Walsh inquired if signals could be tailored to the ball games or timed to give priority to the ball game people. Mr. Stanley responded that that has been something the city has said from the beginning; they want Radiant Drive to be a priority roadway. That people traveling throughout the area and particularly to/from the stadium want the through movements to have little delay. The infrastructure has been designed accordingly and the traffic signals along Radiant will be interconnected so that when one signal is approached it will turn green so through movements will receive priority. Mr. Stanley added that he anticipates that a specific signal phasing plan will be done for stadium events only so that when the games let out, people leaving the stadium will have even greater priority. As it is the light will stay green until someone comes to the side street, but a specific plan will probably be developed that increases the green time even further to maximize the ability to get access.

Mr. Walker stated that he would be pleased with any type of approval that is subject to or conditioned upon creating that link to the Volcano Stadium parking lot. Apparently it is not defined accurately yet, but it is very important.

Mayor Christopher closed the public hearing.

## **EXHIBIT "B"**

### **Criteria and Standards**

**The criteria and standards relevant to the application are found in the Keizer Development Code (KDC). The specific criteria are set forth below:**

- 1. Keizer Station Master Plan**
- 2. KDC 3.113.04 (KSP Master Plan)**
- 3. KDC 2.119 (Employment General Zone)**
- 4. KDC 2.302 (Street Standards)**
- 5. KDC 2.303 (Off Street Parking and Loading)**
- 6. KDC 2.305 (Transit)**
- 7. KDC 2.306 (Storm Drainage)**
- 8. KDC 2.307 (Utilizations)**
- 9. KDC 2.308 (Signs)**
- 10. KDC 2.309 (Site and Landscaping Design)**
- 11. KDC 2.313 (Development Standards)**
- 12. KDC 2.419 (Service Stations) 2.420 (Automotive Services)**
- 13. KDC 3.108 (Subdivision) 3.110 (Development Standards for Land Divisions)**
- 14. KDC 3.105.05 (Major Variance)**
- 15. KDC 2.308.10 ( Sign variance)**

**No other specific criteria and standards were raised at the hearing.**

## **EXHIBIT "C"**

### **FACTS**

**A. APPLICANT/OWNER:** \_\_\_\_\_ Northwest National, LLC

**B. AGENT:** W & H Pacific, Rick Martin

**C. PROPERTY LOCATION :**

The subject property is located at the Chemawa/Interstate 5 interchange. The subject property consists of Area A (Village) of the Keizer Station Plan, a parcel owned by the City and located in Area B (identified on Marion County Tax Assessor's Map No. as Township 6 South Range 3 West, Section 36BC, Lot 06000); and other property located in Keizer Station Plan Area B.

**D. EXISTING PARCEL SIZE:** The subject property contains approximately 96 acres.

**E. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:**

The site has street frontage onto Chemawa Road, Lockhaven Drive, Tepper Lane, Radiant Drive, Ridge Drive, and McLeod Lane, which are public streets. I-5 and the Chemawa Interchange are immediately east of the site. Public water is available to the subject site. Public sanitary sewer service is currently available north of the site. Public bus transit is provided by Salem Area Transit with Route numbers 4 and 9 currently serving the intersection of Lockhaven and McLeod. Route #4 services the School for the Deaf, Cherriots Administrative Office, Keizer, and Whiteaker Middle School.

**F. PLAN DESIGNATION AND ZONING:**

The subject property is designated Special Planning District on the Comprehensive Plan Map and is zoned EG (Employment General) for the parcels in "Area A" and CM (Commercial Mixed Use) for those in "Area B".

**G. ADJACENT ZONING AND LAND USES:**

The site is bordered on the north by Tepper Lane, Interstate 5 (I-5) to the east, Portland and Western Railroad to the west, and Chemawa Road to the south. A residential neighborhood is located on the west side of the railroad tracks, and Tepper Lane crosses the tracks, providing street access between the subject property and the neighborhood. Industrial properties, electrical utility facilities, and the baseball stadium lie to the north of Tepper Lane. The surrounding properties are zoned RS – Single Family Residential to the west, IG – Industrial General to the north, and IBP – Industrial Business Park to the northeast and south.

## **H. PROPOSAL:**

The proposal consists of four related applications, which are Keizer Station Master Plan, preliminary Subdivision plat; a Major Variance for building setbacks for seven (7) buildings; and, a Sign Variance. These four applications are described in more detail below:

Originally, a Comprehensive Plan Map Amendment/Zone Change application was applied for to accommodate the adjustment necessary for the placement of "Anchor 1". Analysis of the zoning showed that the southern half of the Portland General Electric property was zoned EG with the Keizer Station Plan and a zone change was unnecessary.

### **Keizer Station Village Center Master Plan**

#### **Land Uses**

Development within the site includes 758,810 square feet of commercial/retail building area, 3.12 acres of park land, 799,110 of specified uses (KDC 2.119.07.B), five plazas ranging in size from approximately 2,750 to 4,900 square feet, and bike and pedestrian pathways. The site is grouped into three distinct planning districts:

- **Power Center:** northern half of the site. Includes anchor buildings 1 through 3, major tenant buildings 1 through 7, retail buildings 1 through 4, and restaurant buildings 1 through 4. These buildings will include, but are not limited to, tenant uses such as home improvement, variety, clothing, home furnishings and electronics, office products, crafts, home accessories, books, small in-line shops and restaurants, sit-down restaurants, and drive-thru restaurants.
- **Neighborhood Center:** located between Radiant Drive and the northern portion of the site. Includes anchor buildings A through B, shop buildings A through C, and pad restaurant buildings A and C. These buildings will include but not be limited to such things as grocery, drug store, food court, sit-down restaurants and neighborhood shops and services.
- **Area south and east of Radiant Drive:** Includes a major commercial office building, hotel, sit-down restaurants, drive-thru restaurants, fuel center, and other related commercial uses.

Three parks, totaling 3.12 acres, are proposed:

- **Chemawa Park (1.10 acres)** is located outside the master plan area, between the relocated ODOT access control fence along Chemawa Road, road A and B and lot 1. It will act as the village center entry point for pedestrians. Amenities include open space lawn area, ornamental shrubs and trees, benches, tables, trash receptacles, and pedestrian scale lighting fixtures.



- Central Park (.97) is located adjacent to I-5, at the east end of the site. The park surrounds a 0.28 acre wetland area and will combine existing native vegetation with ornamental plants and trees, and plaza/hardscape amenities. Plaza construction and amenities will include: concrete pavers and poured in place concrete; a range of concrete finishes from standard broom finish to colored stamped patterns; natural stone faced retaining wall to define the wetland area and relationship to the park/plaza area; benches, tables and movable chairs; and bollards, cast iron tree grates, trash receptacles and movable planters. A multi-use shelter/gazebo will create a community gathering space for special events throughout the year.
- Tower Park (1.05 acres) is located in the northeast corner of the Village Center. It has an open space environment consisting of lawn and ornamental shrubs and trees to create an informal park. Design elements will include benches, picnic tables, trash enclosures and a pedestrian pathway that connects the overall Village Center pedestrian circulation system to the Volcanoes baseball stadium complex to the North of the site.

Five plazas are proposed in order to offer outdoor use opportunities. Amenities include seating, tables, articulated plaza features, trellises, water features, specialty lighting, and more intense landscaping. The plazas are located between shop A and B, between pad C and shop C, south of major 7, between retail 2 and 3, and south and east of major 4.

### **Circulation**

The internal street system allows for vehicular travel within the site as well as providing access to and from major arterial streets to the south (Chemawa Road), west (Lockhaven), and access to the existing and future sports facilities to the north. There will be approximately two miles of new public roads and three new bridges.

Internal streets will have a boulevard feel with tree lined streets, landscape medians, and low-impact street lighting. All streets are proposed with bicycle lanes in each direction and eight-foot wide pedestrian sidewalks, separated from the street with a five-foot landscape buffer. As a result of safety concerns, certain specific areas do not have sidewalks. Radiant Drive is the primary through street and will be depressed for a portion to allow it to pass under the railroad and Roads A and C. Tepper Lane will be widened to accommodate a local street improvement. An additional nine feet of right-of-way for a half-street width of 24 feet will be dedicated. A pedestrian underpass at Tepper Lane will provide a pedestrian and bicycle connection from the adjacent neighborhood to the development.

A system of internal pedestrian walkways to building structures is proposed. These connections vary in width from five feet to twelve feet and connect to larger articulated building entrance plazas, varying in width from 10 feet to 16 feet, and the larger outdoor plaza areas.

## **Water Service**

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

## **Sanitary Sewer**

Sanitary sewer service will be provided through a connection to the existing 21-inch sewer main at the intersection of the existing Radiant Drive and Tepper Lane at the existing ball field entrance. The public sewer main will be extended to the south along the realigned Radiant Drive, within the right of ways for streets A, B and C and within dedicated public right of ways. Each lot will be provided with at least one sewer service connection.

## **Storm Drainage**

Storm drainage facilities will be provided within the public roadway system to collect and convey runoff from the development. The project area is identified as a critical drainage basin, requiring higher runoff control standards. The public storm drain system will provide an overcapacity conveyance system. Each private lot will provide water quality treatment and detention of its storm water runoff.

## **Landscaping**

Most of the existing deciduous trees are a combination of alder, ash, poplar, maple, birch, oak, unidentified sucker and common orchard fruit and nut trees. Existing evergreen trees include cedar, fir, pine, and sequoia. Twelve significant evergreen and two deciduous trees have been incorporated into the new site plan. A grove of aspen and ash/alder have been preserved within the wetland delineation area (Tract A). The landscape master plan shows a proposed ratio of 7.7 new trees for every one tree removed.

## **Subdivision Proposal**

The subdivision request is to subdivide 95.7 acres (currently 39 lots) into a 14-lot and 3-tract commercial/industrial area.

## **Major Variance**

The applicant is requesting Major Variance approval for the building setbacks for buildings labeled as Pad 'A' and 'C' and Restaurant '1', '2', '4', and '5'. The Keizer Development Code has a minimum setback of twenty (20) feet for Industrial Uses within the EG Zone. The applicant is proposing to allow a minimum setback of 12 to 14 feet. In addition, a Major Variance is requested from the building setbacks for Shop 'A' and Anchor 'B'. The Keizer Development Code requires a minimum setback of ten (10) feet and a

maximum setback of twenty (20) feet for commercial uses whereas the applicant is requesting a setback of 31 to 33 feet.

### **Sign Variance**

The applicant is requesting a Variance for the sign height. The Keizer Development Code has a maximum height limitation of 20 feet. The applicant is proposing a tenant directory sign that is 68 feet in overall height.

## **II. COMMENTS**

### **AGENCY COMMENTS:**

The Public Works Department has submitted a memorandum with extensive comments and recommendations regarding the proposal (Exhibit 2).

### **OTHER COMMENTS:**

The Keizer Fire District has submitted the requirements of the Uniform Fire Code and are attached to this report (Exhibit 3)

The city received The comments from City of Salem Development Services, Portland General Electric, Marion County Planning, and citizens., and citizens are also attached to this report (Exhibit 4).

### **III. FINDINGS – KEIZER STATION MASTER PLAN**

#### **Introduction**

This master plan application is the first proposal submitted following the adoption of the Keizer Station Plan and the related Keizer Comprehensive Plan and Development Code (KDC) amendments. A master plan is subject to a Type II-B procedure (KDC 3.101.02), which includes a public hearing and decision by the City Council. Following City Council approval of a master plan, subsequent city review of the project design and construction details shall be completed as part of the building permit approval process.

#### **Objections By Lowerys**

Oregonians in Action Legal Center submitted a letter dated June 21, 2004 indicating that they represent Robert and Marilyn Lowery. The Lowerys reside on property located in the Area A-Village Center. Such letter, in part, argues that Keizer Development Code (KDC) Section 3.201.04 requires in essence that the owner or agent of the owner are the only ones that can submit a Master Plan application for the subject property. However, in the adoption of KSP Master Plans, including all Master Plan elements, the applicant need not own or control all of the land.

KSP Implementation procedures "Land Use Reviews" states in relevant part the following:

"This Plan calls for the development of Master Plans for Area A - Village Center, Area A - Sports Center, Area B, and Area D. In Area C, a Master Plan is only required for development of two or more lots/parcels. The Master Plans are to be reviewed and approved by the City Council through a Type II-B review process in accordance with the Keizer Station Plan design guidelines. These Master Plans are to be publicly or privately prepared representing the development proposal for a given area. It is recognized that the applicant of the Master Plan for an area may not own or control all the land within the Master Plan boundary. All property owners in each area are encouraged to join together as co-applicants. However, to properly plan development and provision of public facilities and services, the master plan shall still cover all the area in appropriate detail based on ownership. For those portions not owned or controlled by an applicant, the Master Plan shall focus on a cohesive interconnected system of planned public facilities and shall set general design guidelines to be used throughout the Master Plan area. Amendments to an approved Master Plan shall require City Council approval. Subdivision approval shall be based upon the applicable zone and applicable KDC Section 3.108 requirements.

The Master Plans will be developed and considered in accordance with the requirements of the Activity Center Overlay provisions (KDC Section 2.125 of the Keizer Development Code). Individual areas may require a detailed transportation system design plan as a requirement of Master Plan approval. Once a Master Plan is adopted,

individual buildings and uses must receive building permit approval. As part of the building permit process, the proposal will be evaluated for compliance with the adopted Master Plan, zone standards, and applicable design standards as referenced in the Keizer Development Code. In the case of conflicts between the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards will apply.

- In order to establish the Type II-B procedures, KDC Section 3.101.02 is amended and shown in Attachment B.
- In order to establish the criteria for Type II-B review, KDC Section 3.113 is added as shown in Attachment C.” (Emphasis supplied)

KSP, p. 10

In turn, Attachment B (Summary of Application Types) states:

“The following actions are processed under a Type II-B procedure:

“1. Keizer Station Master Plans, Subdivision and Partitioning.”

KSP, Attachment A, page 1.

Master planning of the KSP area was determined by the City Council to be necessary for cohesive development of the area and to achieve the economic development purposes of the KSP. As is clear from the above quoted provisions, master planning includes public facilities planning as well as subdivision or partition approval. No one has contended otherwise. Moreover, it is also clear from the above quoted provisions that any conflict between the KSP provisions and the development code are resolved in favor of the KSP.

The Council finds that KDC 3.201.04 does not apply to the KSP Master Plan application. The council finds that the approval contemplated in this proceeding is the approval of the contemplated KSP Master Plan including all of its elements to realize the objectives of the KSP.

Master Plans are subject to the Type II-B process and the Type II-B process as quoted above expressly contemplates that all owners may not submit or approve of the master plan application. Nevertheless, a master plan is required by the KSP. Further, in the Master Plan approval process, the City expressly required that all property be included to ensure the KSP area is developed as a cohesive whole. It is axiomatic that the master plan approval process specified in the KSP is not subject to collateral attack here.

As the KSP provisions explain, the specific provisions of the KSP prevail over the more general provisions of the city code. Here, the master plan application includes all of the contemplated elements, including streets, public facilities, open space, parking, subdivision and variances. At the time of actual KSP development under the Master Plan provisions, the property must be owned by the developer, or it must be acquired by the city or Urban Renewal agency. The City Council finds it is feasible for the city

to exercise its authority of eminent domain to acquire any property necessary to allow the implementation of the KSP approved Master Plan.

The KSP and the ability to achieve the purposes of the KSP through the KSP process has been explained and determined by both the city council and the city urban renewal agency in the comprehensive analysis of the KSP. Adopting the Master Plan is necessary to achieve the purposes of the KSP.

The city and its urban renewal agency determined that the KSP and its processes were necessary to provide economic development opportunities to the city and its citizens. The findings supporting the KSP decision adopting urban renewal for the KSP area explain:

"The City Council finds the lack of development in the CACP area particularly troubling because no development occurred through the 1990s, the decade with the greatest economic growth in recent history." "The City of Keizer and the Urban Renewal Agency of the City of Keizer entered into a 'Nonexclusive etc to the end of that sentence.

Finally, the City determined the best way to achieve the objectives of the City and the City's urban renewal agency was through the KSP and the KSP development process as follows:

"The applicant for the [adoption of the KSP amendments] is the City \* \* \*. Northwest National LLC is the City's choice of developer to bring the economic objectives of this decision to fruition." KSP Findings page 7.

The Master Plan has been presented by Northwest National LLC as contemplated to achieve these economic development objectives.

It is important to underscore what the findings supporting KSP explained after listening to citizen testimony in countless public hearings:

"The biggest deterrent to realizing economic growth in Keizer is the lack of commercially zoned property." KSP Findings page 68.

"If nothing is done, the lack of commercial land will seriously inhibit Keizer's economic development potential in the near and long term." KSP Findings page 69.

"The KSP includes requirements for Master Planning, which is a planning tool available to encourage vacant or underutilized land to be aggregated and developed as a whole. Therefore, through the tool of zoning designations and master planning, the sites in the KSP alone are capable of delivering the suitable sites having the size and locational and other characteristics that the [economic opportunities analysis] identifies." KSP Findings page 76.

While the City prefers that the Master Plan be implemented in a collaborative process, the City's authority of eminent domain allows it to complete the Master Plan in order to complete the KSP. Completion of the KSP is respectful of the countless hours of citizen testimony, planning commission, city council, city urban renewal agency, SKAPAC and the time of others in crafting the KSP.

The KSP including its findings were affirmed by both Land Use Board of Appeals and the Oregon Court of Appeals and it is inappropriate and unfair to revisit that decision at this late date. The City will not do so.

### **Master plan Criteria**

The criteria that apply to a master plan range from overall master plan objectives and arrangement of uses to landscaping, site planning, and architectural details. The master plan application provides the information required by the KDC. Because this project will occur over a number of years involving buildings for tenants which are not known at this time, not all of the specific building design details are available as part of the master plan review. The concepts that are presented will however provide a basis for specific building permit review and administrative approval.

As a result, this staff report focuses primarily on the proposed master plan concepts submitted by the applicant and the overall objectives of the Keizer Station Plan and related KDC provisions. Many of the design details will be evaluated during the building permit process. It is important for the City Council's master plan decision to provide clear guidance regarding the desired outcome of the many design decisions that will be part of building permit approval for the improvements.

In addition to the Keizer Station Plan and KDC, the applicant and the city entered into a Development and Disposition Agreement (DDA) on November 6, 2003, which supplements the adopted city plan and code requirements. The provisions of the DDA, which are relevant to this process, are covered in a separate section of this report.

- A. The Review Criteria for the Keizer Station Master Plan are listed in Section 3.113.04 of the Keizer Development Code (KDC). The criteria and findings are listed below:

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

The purpose and objectives for Area A – Village Center, are identified on page 15 of the Keizer Station Plan and are listed below.

- a. Purpose: The Village Center will provide the opportunity to establish a true economic activity center that will focus on offering a variety of industrial and commercial

activities. Key issues that will need to be considered as Area A – Village Center develops include:

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

## **FINDINGS:**

The proposed development in Area A includes approximately 898,000 square feet of floor area offering a combination of commercial and industrial uses as specified in the EG zone (discussed later in this report).

The applicant's traffic consultant, City Staff, the City's traffic engineer, and City engineer (plans have been forwarded to the Oregon Department of Transportation (ODOT)) have evaluated the impact of this development on the transportation system. The street design is based upon the input from traffic and transportation planning professionals from each of these parties.

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

No information has been provided regarding phasing for the development shown.

b. Objectives: Development in Area A – Village Center will be focused on achieving the following objectives:

- Provide a northern gateway to Keizer;
- Develop a variety of employment opportunities;
- Create a focal point for commerce and community activities;
- Establish a place for multiple activities;
- Provide a gateway to sports activities; and
- Be a source of employment opportunities.

## **FINDINGS:**

The landscaping and pathway improvements along Chemawa Road and I-5 and a "Welcome to Keizer" monument sign in the northwest quadrant of the I-5/Chemawa Road interchange will create a gateway to the city if developed aesthetically and in accordance to landscape design industry standards and maintained appropriately.



The proposed mix of commercial and IBP uses on the site will clearly provide new and varied employment opportunities. Although the proposed master plan will provide the desired employment, the current design appears to fall short of the objectives to provide a focal point for community and multiple activities, and a gateway to sports activities (primarily the baseball park to the north). The arrangement and orientation of buildings, plazas, and open space provides a scattered assortment of amenities and public spaces, which are separated by significant distances. This results in a development with sidewalks but without any meaningful pedestrian orientation or scale. One must keep the size of the site and some of the proposed buildings in mind when evaluating the site. For example, the three buildings in the northwest portion of the site (Anchors 1 and 2 and Major 1) have a combined frontage of almost ¼ mile. In its proposed configuration, visitors will almost surely drive – even between stores. The following issues can be improved with refinement of the plan that has been submitted for master plan approval. To meet objectives stated above, the following need to be adjusted on the Site Plan as approved by Community Development Director

– Pedestrian street along Radiant esp. from the Street A intersection to Tepper

– Gateway to ball park

- Rearrange/improve plazas/open spaces to be more effective public areas so that there are better opportunities for effective pedestrian use.
- Clustering complementary uses/spaces along Radiant Dr. to enhance greater convenience (e.g., between office bldg. and restaurants, hotel and park)
- Improved pedestrian connections generally and provide an more inviting pedestrian gateway into the site via Radiant and Street A such as including re-orienting the office building to take advantage of the park amenities.

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

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

If a conflict exists between standards within the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards shall be applied.

The applicable zone within the subject site is General Employment (EG). Sections 2.119.02 through 2.119.07 identify the various uses allowed in the EG zone as well as the required mix of industrial and commercial uses. Sections 2.119.08 through 2.119.10 define the development standards, dimensional standards, height, setback, coverage and landscaping requirements, and design standards. Section 2.119.10 states that all

development in the EG zone must comply with the applicable standards identified in the KDC including, but not limited to, the following:

|               |                                          |
|---------------|------------------------------------------|
| Section 2.3   | General Development Standards            |
| Section 2.301 | General Provisions                       |
| Section 2.302 | Street Standards                         |
| Section 2.303 | Off-Street Parking and Loading           |
| Section 2.305 | Transit Facilities                       |
| Section 2.306 | Storm Drainage                           |
| Section 2.307 | Utility Lines and Facilities             |
| Section 2.308 | Signs                                    |
| Section 2.309 | Site and Landscaping Design              |
| Section 2.310 | Development Standards for Land Divisions |
| Section 2.312 | Yard and Lots Standards                  |
| Section 2.315 | Development Standards                    |
| Section 2.4   | Special uses                             |
| Section 2.419 | Service Stations                         |
| Section 2.420 | Auto Services                            |

## **SECTION 2.119 GENERAL EMPLOYMENT**

**2.119.02 through 2.119.07** identify the use requirements for the EG zone, including the permitted, special permitted, and use restrictions, which apply to the site. A minimum of 25% of the land area must be devoted to industrial uses listed in Sections 2.119.03 and 2.119.04.

**FINDINGS:** The applicant has identified the proposed industrial (subject to 25% minimum requirement) and commercial (up to 75% maximum) use types for the site. The uses proposed under the industrial and commercial categories comply with the KDC requirements.

**2.119.09.B. Minimum Lot Dimension Requirements.** Within the acreage identified for commercial uses, at least eighty percent (80%) of the lots must have a minimum lot area of 20,000 sq. ft., minimum average width of 100 ft. and minimum average depth of 100 feet. The remainder of the lots must have a minimum lot area of 10,000 sq. ft., minimum average width of 75 ft. and minimum average depth of 75 feet. Lots or tracts created only for the purposes of providing a right-of-way or dedicated utilities, public drainage facilities or open space are exempt from the lot size and shape standards of this section.

**FINDINGS:** The subdivision plan submitted as part of the application complies with the minimum lot dimensions.

**2.119.10 Development Standards Height, Setback, Coverage, and Landscaping Requirements.** For commercial development, the standards are as follows:

- **Building standards, maximum height: 100 ft., maximum lot coverage: 85%**
- **Building setbacks, street-side: 10 feet minimum and 20 feet maximum for commercial uses and 20 feet minimum for industrial uses; Side/Rear not adjacent to a residential zone, none; and adjacent to a residential zone, 40 feet.**
- **Minimum landscaping, percent of lot coverage: 15%**

**FINDINGS:** Eight buildings or footprints do not meet these requirements:

- Pads A and C, Restaurants 1, 2, and 4, do not meet the street side setbacks for industrial uses.
- Shops A and Anchor B do not meet the street side setbacks for commercial uses.
- Restaurant 5 shows a building envelope line that does not meet the Industrial setbacks.

As a result, a variance has been requested to allow amended setbacks for these buildings. The variance and related findings are covered later in this report.

- c. Alternative maximum setback option for large commercial uses. Commercial buildings that exceed 100,000 square feet of floor area are exempt from the maximum setback requirements identified in Section 2.119.10.A provided the pedestrian system connects buildings on the site to all adjacent properties.

**FINDINGS:** Anchor stores 1 and 2 and Major store 1 provide adequate pedestrian walkways except that a pedestrian crossing should also be provided to cross Street B next to Retail 1. Anchor 3 should have a walkway connecting to the perimeter pathway along the I-5 right-of-way.

**Anchor 1 and 3, and the building that contains Anchor 2, while able to be setback greater from the street due to their size, still require the same level of pedestrian access. The application meets the criterion only if conditioned as set forth herein.**

## **SECTION 2.302 STREET STANDARDS**

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

**FINDINGS:** The proposed development features three new public streets within the development and the realignment of the existing Radiant Drive to pass under the existing railroad tracks to connect to Lockhaven Drive between McLeod Lane and the railroad crossing. The location, width and grade of the proposed streets are designed to promote public convenience and safety for the commercial development.

All new public streets shall be constructed to the requirements of the City of Keizer Department of Public Works Design and Construction Standards and in conformance with the final Transportation Impact Analysis adopted for the Keizer Station Plan. Tepper Lane shall be constructed as a ¼ width street designed to Collector Street standards with an appropriate turnaround at the west end accommodating emergency vehicles. All other streets shall be designed to arterial standards in terms of structural section and geometrical configuration. Preliminary construction specifications and plans for all transportation mitigation measures necessary to satisfy the improvements identified in the "Transportation Impact Analysis, Keizer Station Plan" for all street construction, including retaining walls, fencing, landscaping, sidewalks, signing, etc. shall be submitted to the Department of Public Works for review prior to submitting final plans for approval. The Department of Public Works will review the proposed plans and make recommendations for any additional work and coordination with other development in the area as needed.

The Public Works Department comments include specific conditions of approval.

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

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

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

- a. A future street plan demonstrates that adequate access and connectivity is provided from the adjacent parcel(s).
- b. The development potential of the adjoining parcel(s) is (are) limited due to physical or jurisdictional constraints to such a degree that connectivity is unreasonable or impracticable.

**FINDINGS:** The proposed development provides the necessary street and pedestrian/bicycle connections to adjoining properties. It will include construction of an underpass under the BNRR as well as an underpass of Chemawa Road, "Road B" and Radiant. Additionally, other off-site improvements have been identified in the Transportation Plan developed for the Keizer Station Plan. These improvements include, but are not limited to, construction of an extension of Radiant Drive to Lockhaven Drive and continuing to Chemawa Road to a point south of the intersection of Chemawa Road and McLeod Lane, construction of a pedestrian undercrossing of the BNRR at Tepper Lane, and other improvements necessary to provide compliance with the adopted Keizer Station Plan adopted Feb. 3, 2003. Additionally, a regional multi-use pathway has been identified on the Keizer Station Village Center Master Plan. The path location shall be coordinated with the Area D development, ODOT and the Keizer Community Development Department. The path shall be of Portland Cement Concrete and constructed to a width of 12 feet.

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

**FINDINGS:** The proposed realignment of Radiant Drive shall be in alignment with the existing street by continuation of the existing centerline. The proposed streets are all through streets and do not create "T" intersections.

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

**FINDINGS:** Tepper Lane will dead-end at the railroad tracks to the west. Tepper Lane shall be constructed as a ¾ width street designed to Collector Street standards with an appropriate turnaround at the west end accommodating emergency vehicles and shall safely accommodate east/west bicycle and pedestrian traffic separated from vehicular traffic.

**2.302.03.E. Intersection angles.** Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 60 degrees shall require special intersection designs. Streets shall have at least 50 feet of tangent adjacent to intersections unless topography requires lesser distances. Intersections that are not at right angles shall have minimum corner radii of 15 feet. Major arterial intersections shall have curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 20 feet.)

**FINDINGS:** The proposed new streets are designed to be linear extensions at right angles. The street intersections must have a curb radius of no less than 35 feet.

**2.302.03.F. Existing Streets.** Whenever existing public streets adjacent to or within a tract are of a width less than the street design standards, additional right-of-way shall be provided at the time of subdivision, partitioning, or development.

**FINDINGS:** Additional right-of-way is proposed on existing streets that are at a width less than street design standards. Tepper Lane shall be constructed as a ¼ width street designed to Collector Street standards with an appropriate turnaround at the west end accommodating emergency vehicles.

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

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

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

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

**2.302.03.K. Frontage Streets.** If a development abuts or contains an existing or proposed arterial or collector street, the City may allow frontage streets, or may require reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to preserve the capacity and safety of the collector or arterial street.

**FINDINGS:** No frontage streets are proposed.

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

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

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

1. Street trees shall be planted at a ratio of no less than one tree per 30 feet of property frontage. Street trees shall conform with the list of acceptable trees included in the City's Street Tree Ordinance. Installation of street trees shall be included in any improvement agreement covering the installation of public facilities and services on a property.
2. Planting strips shall be planted and maintained in predominantly living groundcover materials with hard surfaces consisting of bricks, pavers, rocks, decorative concrete work, etc., only being included as part of an overall landscape design where living plant material is predominant. In no case shall asphalt be used within the planting strip.

**FINDINGS:** The conceptual landscaping plan (Sheets LO1-4) indicates that street trees shall be planted with 30-foot spacing using one or more of 13 identified varieties. The plan specifies 1 ¼ inch caliper sizes. ~~Although this caliper is the minimum city requirement, the staff recommends that a~~ minimum caliper of 2 inches should be used in areas subject to damage along walkways and streets. First, a significant number of trees are proposed for removal (Sheet TO1 of Exhibit '5'), and providing larger specimens will help offset the impact of losing these trees. Second, 1 ¼ inch caliper trees are very small and much more susceptible to damage and vandalism.

Ground cover is indicated, but not specified in the conceptual landscaping plan. This information shall be required as part of building permit approval.

## **SECTION 2.303 OFF-STREET PARKING AND LOADING**

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

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

- **Hotel: 1 space per guest room**

**FINDINGS:** Although this criterion standard may be satisfied, parking area calculations have not been provided by the applicant. Documentation of this requirement shall be made as part of this master plan approval.

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

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

**FINDINGS:** Except for a description of bicycle parking in the plaza areas, no information has been provided regarding bicycle parking. The applicant shall be expected to meet these standards as part of building permit approval with each individual building. In keeping with the design requirements of the KSP, Bicycle parking facilities shall be interesting, and must consist of more than simple pole structures.

**2.303.08.B Bicycle Parking Development Requirements**

- 1. Space Size.** Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum four foot aisle.
- 2. Location.** All bicycle parking areas shall be within 100 feet of a building entrance and located within a well-lit area.
- 3. Rack Design.** Bicycle racks must be designed to secure the bicycle frame and at least one wheel, and, accommodate a locking device. Racks, lockers or other related facilities shall be securely anchored to the ground or to a structure. As an alternative, the bicycle spaces can be provided within a secured compound.
- 4. Access.** Access to a public right-of-way and pedestrian access from the bicycle parking area to the building entrance must be provided.

**FINDINGS:** No information has been provided regarding bicycle parking. The applicant shall be expected to meet these standards as part of building permit approval. In accordance with the design requirements, bicycle parking facilities shall be interesting and shall consist of more than



simple pole structures.

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

**FINDINGS:** Sufficient paved areas and designated loading area are provided on-site throughout the project area in a manner, which is appropriate for the size and character of the buildings and businesses they contain (Sheet AO1). (See Exhibit '8')

**2.303.11 Parking and Loading Area Development Requirements**

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

**FINDINGS:** Pavement conforming to adopted City of Keizer standards shall be required as part of the building permit process.

**B. Parking Spaces**

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

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

**FINDINGS:** The proposal appears to meet these requirements, but without noted dimensions and plan scales of 1"= 60' and 1"= 100', the parking space dimensions must be verified during the building permit review process.

**C. Aisle** The following minimum aisle dimensions shall apply:

- 1. Without adjacent parking:**
  - b. One-way: 12 feet**
  - c. Two-way: 22 feet**
- 2. With adjacent parking:**

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

**FINDINGS:** The proposal appears to meet these requirements, but without noted dimensions and plan scales of 1"= 60' and 1"= 100', the driveway dimensions must be verified during the building permit review process. Due to the high volume of traffic, aisle width in parking areas shall be increased to the industry design standards of 24 feet.

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

**FINDINGS:** The only residential zoning is on the west side of the railroad tracks. Almost all of the parking proposed will be located internally or along I-5. Some parking is provided on the west side of Major 1, but is over 100 feet east of any residential properties. In addition, this parking area does have perimeter landscaping.

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

**FINDINGS:** The residential properties to the west are separated by the railroad right-of-way. The proposed lighting plan demonstrates that the proposed site lighting will not cast any light or glare toward these properties.

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

**FINDINGS:** The site plan shows that one tree has been supplied in parking areas for every eight parking stalls. Unless necessary to adjust the spacing in order to preserve an existing tree this requirement shall be a strict condition of approval.

- G. Traffic Flow.** Service drives to off-street parking areas shall be designed and

**constructed to allow flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.**

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

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

**FINDINGS:** The entrances all appear to have adequate vision clearance. The specific location and mature size of the plants listed in the preliminary landscaping plan could potentially interfere with vision clearance. The final choice of landscaping materials during the building permit approval stage should be made so that minimal maintenance will be necessary to maintain adequate site distance.

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

**FINDINGS:** This is a design detail, which is not shown in the submitted plans, however, will be provided as part of the building permit review.

## **SECTION 2.305 TRANSIT**

### **2.305.01 Location Requirements**

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

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

**4. The proximity of other transit ridership generators.**

**FINDINGS:** The applicant shall work with the Transit District to ensure compliance with these requirements, making adjustments where necessary to accommodate the needs of the district.

**2.305.02 Design Requirements**

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

**FINDINGS:** The applicant shall work with the transit District to ensure compliance with these requirements, making adjustments where necessary to accommodate the needs of the district.

**SECTION 2.306 - STORM DRAINAGE**

**2.306.05.A General Standards** All development shall be planned, designed, constructed and maintained to:

- 1. Protect and preserve existing natural drainage channels to the maximum practicable extent;**
- 2. Protect development from flood hazards;**
- 3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;**
- 4. Assure that waters drained from the development are substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeded, phasing of grading;**
- 5. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;**
- 6. Provide dry wells, french drains, or similar methods, as necessary to supplement storm drainage systems;**
- 7. Avoid placement of surface detention or retention facilities in road rights-of-way.**

**FINDINGS:** The developer has submitted plans indicating the present drainage patterns and

runoff characteristics. The property is within a critical drainage basin and strict compliance with city ordinances will be necessary. No increase in runoff will be allowed as development occurs.

Prior to any development of the subject property an overall storm water master plan including invert elevations, pipe sizes, detention calculations, water quality measures and an approved point of discharge shall be submitted to the Department of Public Works for approval. A point of discharge has been identified on the ODOT system in Interstate 5. ODOT approval shall be required for water quality, conveyance systems and points of discharge.

Storm water detention will be required for this site. All storm water including roof drains are to be connected to an approved system designed to provide adequate drainage for proposed new driveways, parking lots and other impervious surfaces. Where on-site detention is planned, adequate covenant, conditions and restrictions (CCR) shall be recorded to alert future owners/developers that detention and/or treatment shall be required to be constructed to the standards in effect at the time of building permit application.

A grading and drainage plan shall be developed for the subject property including proposed lot corner elevations. Details shall include adequate conveyance of storm water from adjacent property across the subject property.

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

The applicant submitted a preliminary storm drainage plan along with the master plan application. The Public Works Department reviewed the drainage plan and their comments are included in the *Conditions* section, (Exhibit E), of this staff report.

## **SECTION 2.307 UTILITY LINES AND FACILITIES:**

### **2.307.02 Standards**

- A. Impact.** The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site.

**FINDINGS:** It is a development requirement that the applicant locate, design, install and maintain all utility lines and facilities with the minimum feasible disturbance to soil and site and shall comply with best management practices for erosion control and vegetation protection.

- B. Water.** All development that has a need for water service shall install water facilities and grant necessary easements pursuant to the requirements of the City.

**FINDINGS:** The applicant submitted a master water system plan showing proposed routes of

public water mains, fire hydrants and individual services. Prior to submittal of final construction plans the applicant's engineer shall arrange for a pre-design conference to discuss water main sizing, meter sizing and locations, fire hydrant locations, fire sprinkler line locations and easement width for all public lines located outside of proposed right of ways. Final location of all meters shall be approved by the Keizer Department of Public Works. To provide for adequate peak consumption and fire protection requirements it has been determined that additional public facilities will be required including but not limited to elevated storage facilities, wells, connection to existing mains on the west side of the BNSF right of way, and any other off-site construction required to provide required peak flows to the proposed development. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways. Dedication of property to the City shall be required for any wells or storage facilities developed. Any system development charges for water system improvements will be those in place at the time of individual service connections. Final development plans shall be reviewed by the Keizer Fire Department with regard to access and adequate location of fire hydrants prior to any issuance of public works construction permits by the City of Keizer. The Public Works Department reviewed the master water system plan and their comments are included in the *Conditions* section, (Exhibit E). ~~of this staff report.~~

- C. **Private Utilities.** All development that has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.

**FINDINGS:** It is a development requirement that the electricity, gas and communications services shall be installed pursuant to the requirements of the district or company serving the development.

- D. **Sanitary Sewers.** All development that has a need for public/private sanitary sewers shall install the facilities pursuant to the requirements of the city. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.

**FINDINGS:** The subject property is located outside of the original Keizer Sewer District and therefore an acreage fee is required. The current acreage fee is \$7,460.00 per gross acre prior to platting of the subdivision. The acreage fee applied will be the fee in place at the time of development of the property. The Master Sewer Plan provides for a sewer trunk line to be constructed through the subject property with adequate size and depth to provide for additional capacity for areas located within the original sewer district west of the BNSF railroad. Additionally, Area D, south of Chemawa Road shall be served with a sewer trunk line to be constructed along with the proposed under crossing of Chemawa Road. A review of the construction plans for the subject property will be required to assure that capacity of the master plan sewer trunk lines is not exceeded. The Public Works Department comments include specific conditions of approval related to sanitary sewers.

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

**FINDINGS:** A street lighting master plan has been proposed. A street lighting district shall be created while under the control of the developer to provide for adequate street lights along the frontage of all new street rights of way. Decorative lighting approved by the Department of Community Development which meets street standards requirements shall be used.

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

**FINDINGS:** All easements shall be located in the appropriate locations based on actual approved plans. No final plat shall be approved prior to approval of construction plans including easement widths and locations.

## **SECTION 2.308 SIGNS**

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

- 1. Total allowed area. For wall, canopy and projecting signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center. Free standing signs are permitted only as set forth below and in Section 2.308.08.C.**

**FINDINGS:** The proposal demonstrates compliance with all requirements of the sign code with regard to wall, canopy and projecting signs, and has indicated that there will be additional consistency standards implemented as private lease/sale agreements which would be above the requirements of the sign code.

- 2. Free-standing Sign. For each integrated business center, 1 free-standing sign per street frontage not to exceed 100 square feet in area. Free-standing signs shall not exceed one sign on each frontage and shall be oriented to face the traffic flow on the street upon which they front.**

**FINDINGS:** The applicant is proposing to seek a variance which would allow a sign in excess of 100 square feet, which will be addressed as part of the sign variance.

**3. Maximum sign height:**

Wall and canopy signs shall not project above the parapet or roof eaves.  
Free-standing signs: 20 feet.

**FINDINGS:** The applicant is proposing to place a sign in excess of 20 feet which will be addressed with the sign variance information in this report.

**4. Location:**

**a. Wall or projecting signs may project up to 2 feet from the building.**

**FINDINGS:** The applicant is proposing to comply with these requirements.

**b. Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.**

**FINDINGS:** The proposal indicates compliance with these requirements for free standing signs.

**2.309 SITE AND LANDSCAPING DESIGN**

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

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

**FINDINGS:** Although it appears that this criterion is satisfied, landscaped area calculations have not been provided by the applicant. Documentation of this requirement shall be made as part of this master plan approval.

**2.309.05 Screening and Buffering**

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



1. **Commercial and industrial uses when abutting residential uses.**
2. **Industrial uses when abutting commercial uses.**
3. **Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas. (5/98)**
4. **Outdoor storage areas.**
5. **Parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses.**
6. **At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.**

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

**FINDINGS:** The preliminary landscaping plan (Sheets LO1-4) indicates that screening will be provided along the western side of the project utilizing landscaped areas and trees. The width of the landscaped areas along with the density of the trees will provide sufficient screening for the residents on the west side of the railroad. Additional screening, through a sight and sound obscuring fence shall be provided between the residential properties and Area B of the Keizer Station Plan.

Service areas within the development are proposed to be screened with vegetation and fencing. No outdoor storage areas are proposed. The plans are not sufficiently detailed to show electrical and mechanical equipment. Parking areas are all surrounded by landscaping consisting of ground cover, shrubs, and trees. The specific screening details will need to be reviewed and approved during the building permit process.

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

1. **Planting Area:** Width not less than 15 feet, planted with the following materials:
  - a. **At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart.**

- b. At least one row of evergreen shrubs that will grow to form a continuous hedge at least five feet in height within one year of planting.
  - c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.
- 2. **Berm Plus Planting Area:** Width not less than 10 feet, developed in accordance with the following standards:
  - a. Berm form should not slope more than 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.
  - b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use.
  - c. The combined total height of the berm and hedge shall be not less than five feet.
- 3. **Wall Plus Planting Area:** Width must not be less than five feet developed in accordance with the following standards:
  - a. A masonry wall or fence not less than five feet in height.
  - b. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
- 4. **Other methods which produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the City.**

**FINDINGS:** Buffering is proposed along the western edge of the project, which is across the railroad tracks from the residences on the other side. The preliminary landscaping plan (Sheets LO1-4) is consistent with the "planting area" option noted above because it provides a continuous landscaped area with ground cover and trees.

#### **2.309.06 Planting and Maintenance**

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

**FINDINGS:** As noted above, the specific types of plants near driveway and street intersections must be reviewed in more detail during the building permit stage to ensure compliance with the

standard.

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

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

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

**FINDINGS:** Utilities are to be placed underground. No conflicts are foreseen between the preliminary landscaping plan and the utility plan.

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

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

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

**FINDINGS:** The plants proposed in the preliminary landscaping plan appear to be appropriate, given the conditions of the site. Although the proposed trees meet the minimum caliper prescribed in the KDC, trees of this size are susceptible to damage and vandalism. Those trees located in areas susceptible to damage such as along street and walkways should be increased in size to ensure survivability.

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

**FINDINGS:** As noted above, the preliminary landscaping plan calls for trees of this size, however, trees this small are easily damaged. Trees located along streets and pathways should be increased in size.

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

**FINDINGS:** This shall be a requirement of the Master Plan approval.

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

**FINDINGS:** This shall be a requirement of the Master Plan approval. Additionally, the shrub plant materials shall be planted at a spacing necessary to achieve the landscape design objectives within five years of growth.

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

**FINDINGS:** The applicant proposes ground cover spacing of 24" on center. While this may be appropriate for some species, the spacing should more appropriately be indicated as that which is needed for whatever species of ground cover is proposed, to reach full coverage by the third year of growth, in accordance with nursery standards.

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

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

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

**FINDINGS:** This will be done as necessary if any of the plants die.

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

**FINDINGS:** This shall be expected by the city.

- M. Plant Protection.** Landscape plant material shall be protected from damage due to

**heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods.**

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

## **SECTION 2.315 DEVELOPMENT STANDARDS**

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

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

**FINDINGS:** Generally, sidewalks are provided to allow safe and relatively convenient pedestrian access throughout the site. However, as mentioned earlier in this report, improvements to this system ~~must~~ could be made in two areas. The first is the location and orientation of some of the buildings along Radiant Drive. The sheer distance between buildings and uses will act to significantly discourage walking. ~~Staff recommends~~ Modifications to the site plan ~~must~~ bring uses, such as the hotel, restaurants, retail pads, parks, office building and plazas closer together and with an orientation to Radiant Drive. These requirements are set forth on p.8 This would promote walking because the distances would be more manageable, and this area would also function as a more active pedestrian center for Keizer Station Village Center.

Second, several additional walkway connections should be provided. The following pedestrian connections should also be provided in addition to what is shown on the Pedestrian Pathways Plan (Sheet AO3):

- ~~Sidewalk on the west and north side of Road A from Chemawa Road to the southern driveway to Anchor 1.~~
- A crosswalk and easterly extension of the sidewalk on Radiant Drive across Road B to the driveway near Anchor B.
- A crosswalk for the perimeter pathway at Road B.
- A sidewalk connection between the Chemawa Road/I-5 interchange and the Road B sidewalk.
- Walkway connections between the buildings on the east side of the site with the perimeter walkway along I-5.
- Walkway connection between the Radiant Drive walkway and the front of Anchor A.
- Walkway connections between restaurant and retail pads and the adjacent street sidewalks, such as Pads B, E and F, the hotel, the office building, Anchor B, and Majors 5 and 6.
- Walkway connection between Anchor 1 and Anchor A.

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

**FINDINGS:** While transit service is ultimately anticipated, route locations and stops have not been established. ~~Providing uses that are clustered more~~ Clustering uses near the streets, as ~~required~~ recommended above, will facilitate future transit use by creating more activity and easier pedestrian access.

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

**FINDINGS:** Majors 5 and 6 on Road A and the hotel do not meet this criterion. Majors 5 and 6 have an extensive frontage on Road A with little pedestrian accommodation. Improved pedestrian access ~~must~~ should be provided from these buildings to Road A. The hotel is relatively isolated from the street and other uses by its location in the middle of a site surrounded by parking. The hotel is recommended to be moved closer to the street, the park, and other complementary uses, such as restaurants. A walkway from the hotel entrance ~~shall~~ should connect to the street sidewalk and park (in addition to the perimeter walkway as mentioned above).

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

**FINDINGS:** The driveways all appear to meet this standard except for the driveway associated with Anchor B at Road A. Pedestrian crossings at streets, driveways and parking areas shall be constructed with a different paving material and texture.

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

**FINDINGS:** The general lighting proposed for the site will provide appropriate illumination for the development. Special attention is required to provide safety at the pedestrian undercrossing located at Tepper and the Railroad. Security lighting shall be provided which provides secure illumination of the undercrossing, while being directed away from the residential areas that are adjacent.

**6. Walkway Coverage.**

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

**FINDINGS:** The design concepts for some of the buildings are provided on Sheets AO7-9. These appear to comply with this criterion. Compliance with this standard must be confirmed during the building permit review.

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

**FINDINGS:** At scales of 1" = 60' or 1" = 100', this is difficult to determine, but the preliminary plans appear to be consistent with this criterion. All sidewalks within the Keizer Station Village Center are intended to serve multiple use destinations for pedestrians. In order to be consistent with the standards set in the Development Standards for walkway design all sidewalks shall be a minimum of eight feet.

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

**FINDINGS:** This will be evaluated during building permit review.

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

**FINDINGS:** The pedestrian connections ~~could shall~~ be improved as noted above. ~~In addition, it appears that more consideration should be given about creating in order to meet the criterion,~~ improved pedestrian connection leading between the center of this project and the baseball stadium

to the north is required. This would support the objective of the Keizer Station Plan to “provide a gateway to sports activities”. Additional amenities shall be required to support the pedestrian uses such as seating, public art and other points of interest.

- 10. The building permit application or Development Standards Alternative application shall designate walkways and pedestrian connections on the proposed site plan. If the applicant considers walkways are infeasible or proposed findings shall be submitted demonstrating that the walkway or connection is infeasible. The findings will be evaluated in conjunction with the building permit or Development Standards Alternative process.**

**FINDINGS:** This will be performed as part of building permit review.

#### **2.315.08.B. Building Design**

##### **1. Ground floor windows**

- b. In the EG zone, one elevation of any building with more than 100,000 square feet of floor area, which contains permitted uses listed under Sections 2.119.05 F, G, H, I, J, and K, shall have no less than 33 percent of the ground floor wall area, defined from the ground to the height of the awning, with windows or window facsimiles or other architectural features that simulate windows, display areas or doorway openings.**

**FINDINGS:** Conceptual elevations (Sheets AO7-9) for several of the proposed buildings appear to meet this standard, but compliance will need to be confirmed during permit review.

##### **2. Building facades**

- b. In the EG zone, facades facing a public street shall extend no more than 60 feet without providing a variation of building materials for buildings over 20,000 square feet. In the EG zone, no building facade shall extend for more than 400 feet without a pedestrian connection between or through the building, provided that there is a pedestrian purpose being served.**

**FINDINGS:** The concept drawings and plans indicate consistency with this criterion, and compliance will need to be confirmed during the building permit review. Specific conditions shall be addressed later in this report to ensure that the proposed design and massing of the buildings are established as a requirement.

- 3. Awnings – Awnings or canopies, shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall be constructed of canvass, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings and canopies of corrugated fiberglass or polycarbonate roofing shall be prohibited.**



**Awnings and canopies shall not be back lit.**

**FINDINGS:** The concept drawings and plans indicate compliance consistency with this criterion, and compliance will need to be confirmed during the building permit review.

#### **4. Materials and Texture**

##### **a. Building Materials.**

- 1. All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding. Metal siding as described in this section shall be allowed. (5/98) In the EG zone, all buildings shall have wood, brick, stone, architectural block, slump stone, architectural concrete or stucco siding, or vinyl siding made to look like wood siding.**
- 2. Metal siding other than corrugated or reflective material are allowed except for residential buildings housing 3 or more dwellings and buildings within the EG zone metal siding is allowed with the exception of corrugated or reflective metal.**
- 3. Plain concrete block, plain concrete, plywood and sheet press board may not be used as exterior finish materials.**

**FINDINGS:** The concept drawings and plans indicate compliance consistency with this criterion, and compliance which will need to be confirmed during the building permit review.

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

**FINDINGS:** The concept drawings and plans indicate compliance consistency with this criterion, and compliance will need to be confirmed during the building permit review.

##### **c. Roofing Material. Any roofing material is allowed including metal roofs.**

**FINDINGS:** The concept drawings and plans indicate consistency compliance with this criterion, and compliance will need to be confirmed during the building permit review.

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

**FINDINGS:** The concept drawings and plans indicate consistency compliance with this criterion,

and compliance will need to be confirmed during the building permit review.

## **SECTION 2.419 SERVICE STATIONS**

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

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

**FINDINGS:** The application complies with this requirement.

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

**FINDINGS:** The pumps and islands are proposed to be in an interior portion of the service station site.

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

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

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

**FINDINGS:** As noted above, this entire development is well screened from the residential neighborhoods located on the west side of the railroad.

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

**FINDINGS:** As noted above, the lighting plan demonstrates that light and glare will not go beyond the boundaries of the development. In addition, the railroad right-of-way provides additional distance for any light to dissipate before reaching residences.

## **SECTION 2.420 AUTOMOTIVE SERVICES**

Where permitted as a special use, automotive services are subject to the following development requirements.

- A. **Outdoor Storage.** Outdoor storage of material, parts and equipment shall be prohibited.

**FINDINGS:** No outdoor storage areas are proposed.

- B. **Screening.** The property shall be screened from every abutting residential zone or use by a 6 foot sight-obscuring fence or wall.

**FINDINGS:** The automotive services are not adjacent to the residential area, being separated by the Railroad and Road A.

## **KEIZER STATION PLAN DESIGN STANDARDS**

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

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

**FINDINGS:** These standards shall be addressed in the building permit approval process and will be binding on all structures. In addition, the Master Plan process allows flexibility for the city to apply more stringent requirements than those found within this section.

- B. **Additional Design Standards:** Development throughout Area A – Village Center will also be controlled by a set of design standards aimed at establishing an environment that promotes a coordinated approach to developing the entire 95 acres. The intent is to establish design standards in addition to the standards identified in KDC Section 2.315 that will guide future development in a manner that will achieve the development objectives for Area A – Village Center. The following Design Standards shall also apply to new development in Area A – Village Center area as part of the Master Plan approval process:

1. Gateway. In order to achieve the objective of making Area A – Village a gateway to Keizer, a gateway feature visible from I-5 shall be provided.

**FINDINGS:** This will be achieved by the proposed landscaping on the perimeter of the site and the "Welcome to Keizer" monument sign located near the Chemawa interchange.

2. **Weather protection.** Weather protection for pedestrians, such as awnings, canopies and arcades, shall be provided at building entrance(s). Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway.

**FINDINGS:** The building concepts presented for Majors 2 through 7 and Retail 2 and 3 (Sheets AO7-9) show that the applicant intends to provide these amenities. This will need to be confirmed during the building permit review process along with confirmation for all other buildings.

3. **Landscaping.** All required yards, except driveways, are required to be landscaped; that portion within the required yard, which is landscaped, may be included in the calculation to meet minimum landscape area requirements. Landscaping shall meet all applicable standards identified in Section 2.309 of the Code. In addition to landscaping provisions identified in Section 2.309, landscaping for properties within the EG zone shall be defined as follows: (2/03)

"Landscaped Area" must be native or non-native trees, vegetation, ponds, rocks, ground cover, bark chips, cinders, terraces, vegetable or flower gardens, trellises, pathways, or structural features including but not limited to fountains, reflecting pools, outdoor art work, screen walls, fences and benches, which reasonably requires and continues to reasonably require human management to distinguish the area from a natural area. (2/03)

Within the EG zone, landscape area requirements may be determined by the City Council to have a portion of landscaped or streetscaped area within the right-of-way to be included within the minimum landscape area requirement.

**FINDINGS:** The application shows a variety of significant areas that are landscaped and includes such things as a water feature at the intersection of Road A and Road B. Other features, which are not shown, but which should will be a condition of approval should will include other structural features such as benches, trellises, screen walls and outdoor art.

4. **Streetscaping.** Streetscaping is defined as pedestrian oriented improvements to property outdoors. Streetscaping may include, but not limited to, walkways with varied materials (other than plain concrete or asphalt), art features, water features, planters, benches, hanging plant baskets, and plazas. (2/03)

- (a) In accordance with Section 3.113 Keizer Station Master Plan Review, at the time of master plan approval by the Council, the Council may determine if streetscaped areas may be included in the minimum landscape area for a proposed development.

**FINDINGS:** In keeping with the intent of the overall design of the Village Center, special attention is required for the pedestrian circulation system. The application shows that pedestrian crossings at streets and parking areas are distinguished from vehicular traffic with the use of distinct patterns and different materials such as colored and patterned concrete at those crossing areas. This ~~should will~~ be a requirement/condition of the Master Plan approval.

## **KEIZER STATION PLAN TRANSPORTATION SYSTEM**

- A. Streetscape.** Radiant Drive is relocated to bisect Area A – Village Center and will provide a landscaped entry as well as providing a direct connection into Area A – Village Center. The design of Radiant Drive and internal streets shall include landscape features identified in KDC Section 2.119.10.A.4

**FINDINGS:** The area along the new location of Radiant Drive as well as the entry of the Keizer Station Plan at Lockhaven shall be landscaped according to these requirements, and shall be made a requirement/condition of approval.

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

**FINDINGS:** Traffic signals on Radiant at Roads A and B are slightly less than 600 feet, however, this design has been approved by the City Traffic Engineer. Non signalized access is limited and available evidence indicates that the volume-to-capacity ratio is met.

- C. Pedestrian circulation:**

1. The on-site pedestrian circulation system shall be continuous, connecting the ground-level entrances of primary structure(s) to the following:

- a. Streets abutting the site;
- b. Parking areas;
- c. Shared open spaces and play areas;
- d. Abutting transit stops;
- e. Any pedestrian amenity such as plazas, resting areas and viewpoints; and
- f. Adjacent buildings.

**FINDINGS:** As discussed previously in this report, there are two related issues. One relates to providing the appropriate walkways for safe and convenient pedestrian connections. With the amendments to the walkway system recommended listed in the conditions of approval, this pedestrian circulation issue will be addressed. The second issue is locating and orienting destinations (hotel, restaurants, retail, public spaces) to reduce walking distances. Clustering these activity areas along Radiant Drive would do much to improve the pedestrian "friendliness" of Keizer Station Village Center. By adjusting the building envelope locations, this can be accomplished.

- 2. There shall be at least one pedestrian connection to an abutting street frontage for each 300 linear feet of street frontage.**

**FINDINGS:** This criterion is satisfied with the modifications noted in the conditions of approval.

### **KEIZER STATION PLAN UTILITIES**

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

- A. All utilities located adjacent to Radiant Drive and connecting transportation facilities shall be located underground.**
- B. All other new utility connections and lines shall be located underground where practicable.**

**FINDINGS:** Utilities are proposed to be underground. This will be assured through the building permit and other permit review requirements.

### **KEIZER STATION PLAN PARKING**

**Parking standards for Area A** – Village Center shall follow the standards located in the corresponding base zone as well as Off-Street parking and Loading – Section 2.302. In addition to these standards, the following shall also apply:

- A. Location of parking – If the building is located within 20 feet of the Radiant Drive right-of-way, there shall be no parking or maneuvering between the building and the right-of-way.**

**FINDINGS:** All of the buildings shown on the plans comply with this criterion.

## **KEIZER STATION PLAN LANDSCAPE**

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

- A. **A coordinated landscape plan** shall be provided for the frontage portion of the Village Center along I-5 with the request for master plan approval.
- B. **Restriction on Tree Removal.** From the date of adoption of this ordinance, no trees shall be removed from any property within Area A - Village Center without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.

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

**FINDINGS:** A preliminary landscaping plan (Sheets L01-L04) (See Exhibit 9) has been provided indicating a comprehensive landscaping concept for the entire site, including the frontage along I-5 and Chemawa Road. As noted herein, landscaping plan details will be refined during the building permit review process. A tree inventory has been submitted by the applicant, which shows the majority of the existing trees cannot be saved due to the extensive change this proposal means for the property. The City Council finds the extent of the tree removal justified, and that rather than modifying the proposal to save a few more trees, it will be more productive to focus on the quality of the new trees to be planted. This is why an increase of the caliper for the new trees from 1 ¼ inches to 2 inches is recommended.

## **SECTION 3.113.04.C DEVELOPMENT STRATEGIES FOR AREA A – VILLAGE CENTER**

### **1. Pedestrian Access, Safety and Comfort**

- a. To ensure safe, direct, and convenient pedestrian circulation, development in the EG zone, shall provide a continuous pedestrian and/or multi-use path system.
- b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible.
- c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas.

- d. For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.
- e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale.
- f. For driveways that service more than 100 parking spaces, such driveway intersections with Radiant Drive shall not have any parking within twenty-five feet of the driveway intersection. This area shall be landscaped in accordance with Section 2.309 of the Keizer Development Code.
- g. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines.

**FINDINGS:** As discussed in this report and with the recommended conditions of approval, these criteria are met.

## **2. Vehicular Movement**

- a. Encourage traffic to enter and exit the development at locations other than Pepper Lane.

**FINDINGS:** With the closure of Pepper Lane to vehicular traffic as a condition of the railroad to allow the new Radiant Drive underpass, this criterion will be satisfied.

## **3. Crime Prevention and Security**

Crime prevention shall be considered in the site design through application of all of the following guidelines:

- a. **Territoriality** – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and
- b. **Natural Surveillance** – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-



- through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and
- c. **Activity Support** – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and
  - d. **Access Control** – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or
  - e. **The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines.**

**FINDINGS:** The proposed plan is generally consistent with the above criteria. As discussed above, the staff recommends that more should be done to improve the plan by clustering uses to a greater degree along Radiant Drive and by providing additional pedestrian connections as noted is required.

Regarding the natural surveillance issue, the proposed park locations are poorly integrated and significantly removed from the surrounding activities. The park and plaza along the central I-5 frontage is adjacent to Radiant Drive, parking lots, and the I-5 right-of-way. Because this area will be created around an existing wetland, it obviously cannot be moved. However, the opportunity clearly exists to shift building and parking lot locations around the park plaza to make the park an easily accessible amenity.

The open space in the far northeast corner of the property identified as Tower Park is completely isolated from other activities proposed here and the ballpark to the north. It is recommended that this area be used for parking, landscaping or other amenities to the development and the open space trails system be improved to a more significant level and which is more easily accessible to and integrated with the other activity area in the development.

#### **4. Reduced Parking**

**Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City.**

**FINDINGS:** The parking requirements must be met and calculations must be provided as part of the Master Plan approval. The applicant has not requested a reduction or waiver.

#### **5. Creating and Protecting Public Spaces**

- a. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping.**
- b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council.**

**FINDINGS:** The applicant is proposing an appropriate amount of public spaces and park, however, the staff recommends amending the site plan to better integrate the two parks along I-5 with the rest of the development to enhance their value as amenities and to create more defensible and crime-free areas.

#### **6. Human Scaled Building Design**

**Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking.**

**FINDINGS:** The proposal indicates typical elevations which are varied in texture, building materials and showing an attractive human scale in blocking and human scale design elements. The plan shows no more than fifteen feet between varied vertical elements and building materials, an average height of 23 feet punctuated frequently with various architectural accents no greater than 22 feet in width and no higher than 28 feet to the eave line. The plan shows a variety of roof lines and that a variety of materials are intended to be used which are indicated in the submitted materials, which shows cultured stone, five varieties of split face Concrete Mortar Units (CMU), as well as smooth faced CMU walls. The colors indicate compliance with the Development Standards. These details shall be made part of the requirements/conditions of the Master Plan Approval.

7. The Village within Area A shall contain a public improvement design to include a promenade/sidewalk design that may vary in width to meet a minimum width of 8 feet on both sides of Radiant Drive. The promenade/sidewalk shall be separated from the street with a landscape belt, to include decorative lighting and trees.

**FINDINGS:** The walkway facilities along Radiant Drive are generally consistent with this criterion. An extension of this walkway beyond Road B is noted above. Design constraints have led to a walkway on one side of Radiant Drive under the railroad and Road B. To enhance Radiant Drive as a primary pedestrian entry into Keizer Station Village Center, the staff recommends that the city and developer work together to provide design amenities to enhance the aesthetic appearance and pedestrian functionality of the two underpasses. Finish materials, landscaping, and lighting of these underpasses should all contribute in this regard. Finish materials shall be consistent with that of the buildings in the Village Center.

## **VI. FINDINGS - SUBDIVISION**

### **Introduction**

Normally, Aa subdivision is subject to a Type II procedure (KDC 3.101.02), which includes a quasi-judicial review by the Hearings Officer. However, the Zoning Administrator may refer any application to the City Council for public hearing and decision bypassing the Hearings Officer. Following a City Council approval of the subdivision, subsequent city review of the project design and construction details will be completed as part of the building permit approval process. However, Keizer Development Code provides that the Master Plan process includes subdivision and partitions. Therefore, this matter is properly before the Council as a Type II-B action.

The criteria that apply to a subdivision include lot size and orientation, provision of utilities, and circulation details. The subdivision application provides the information required by the KDC.

The applicant is proposing to divide the 95.7 acres into 15 developable lots and 3 open space tracts as follows:

| Lot number | Area              | Proposed buildings within lot                  | Proposed uses within lot |
|------------|-------------------|------------------------------------------------|--------------------------|
| 1          | 1.994.49<br>acres | Pad E, Pad F, Pad G, Pad H, Pad I, car<br>wash | Commercial, industrial   |
| 2          | 3.860.78<br>acres | Pad B, Pad F, Pad H, Pad I                     | Industrial               |
| 3          | 5.990.69<br>acres | Pad A, Shops A, Shops B                        | Commercial industrial    |
| 4          | .756.04 acres     | Pad A, Anchor A, Shops A, Shops B              | Commercial               |

|         |                                        |                                                                                                              |                                                   |
|---------|----------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| 5       | <u>11.80</u> <del>12.44</del><br>acres | Anchor 1                                                                                                     | Commercial                                        |
| 6       | <u>16.24</u> <del>17.81</del><br>acres | Major 1, Major 2, Major 3, Major 4,<br>Anchor 2, <del>Retail 1</del>                                         | Commercial                                        |
| 7       | <u>1.29</u> <del>1.58</del><br>acres   | <del>Retail 1</del> <u>Retail 2, Retail 3</u>                                                                | <u>Industrial</u><br>(Flex) <del>Commercial</del> |
| 8       | <u>1.84</u> <del>10.20</del><br>acres  | <del>Retail 2, Retail 3</del> <u>Anchor 3</u>                                                                | Commercial                                        |
| 9       | <u>10.39</u> <del>4.43</del><br>acres  | <del>Retail 4, Restaurant 2, Restaurant 3,</del><br><del>Restaurant 4</del> <u>Anchor 3</u>                  | <del>Commercial</del> <u>Industrial</u>           |
| 10      | <u>1.01</u> <del>2.23</del> acres      | Restaurant 1                                                                                                 | Industrial                                        |
| 11      | <u>6.91</u> <del>6.68</del><br>acres   | Major 5, Major 6, Major 7                                                                                    | Commercial                                        |
| 12      | <u>3.65</u> <del>7.88</del><br>acres   | <u>Hotel, Restaurant 5, Restaurant 4,</u><br><u>Restaurant 2, Restaurant 3, Retail 4,</u><br><u>Retail 5</u> | Industrial (w/flex space)                         |
| 13      | <u>1.39</u> <del>2.97</del><br>acres   | <u>Anchor B, Shops C, Pad C</u>                                                                              | Commercial                                        |
| 14      | <u>1.58</u> acres                      | <u>Pad C, Shops C</u>                                                                                        | <del>Commercial, industrial</del>                 |
| 154     | 5.60 acres                             | <u>Pad D, Commercial Office Building</u>                                                                     | Industrial                                        |
| Tract A | 1.25 acres                             | Central Park                                                                                                 |                                                   |
| Tract B | 1.05 acres                             | <u>Open Space</u> <del>Tower Park</del>                                                                      |                                                   |
| Tract C | 1.58 acres                             | <u>Open space</u>                                                                                            |                                                   |

## **Findings**

- A. The Review Criteria for a Subdivision is listed in Section 3.108.04 of the Keizer Development Code. The criteria and findings are listed below:

### **3.108.04.A The proposal shall comply with the applicable development standards in Section 2.405 and Section 2.3 as appropriate, including provisions for streets and utilities.**

Section 2.405 contains development standards for manufactured home parks and are therefore, not applicable in this situation. Section 2.3 of the Keizer Development Code contains the policies and standards, which guide all development approvals within the City of Keizer. Listed below are only the applicable development standards contained in Section 2.3, which are pertinent to subdivision approval:

|               |                                |
|---------------|--------------------------------|
| Section 2.302 | Street Standards               |
| Section 2.303 | Off-Street Parking and Loading |
| Section 2.305 | Transit Facilities             |
| Section 2.306 | Storm Drainage                 |

|               |                                          |
|---------------|------------------------------------------|
| Section 2.307 | Utility Lines and Facilities             |
| Section 2.308 | Signs                                    |
| Section 2.309 | Site and Landscaping Design              |
| Section 2.310 | Development Standards for Land Divisions |

**FINDINGS:** Consistency with the above KDC sections is addressed in the earlier section related to the standards under the EG zone for the Keizer Station Plan, with the exception of requirements in Section 2.310 specifically related to subdivisions. These requirements are addressed below.

### **SECTION 2.310 - DEVELOPMENT STANDARDS FOR LAND DIVISIONS**

- B. Minimum lot area.** Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.

**FINDINGS:** Section 2.119.09 specifies the dimensional requirements for lots within the EG zone. For commercial lots, at least 80% must have a minimum lot size of 20,000 square feet, with a minimum average width and depth of 100 feet. The remainder 20% must have a minimum lot size of 10,000 square feet, with a minimum average width and depth of 75 feet. Of the seven lots that have exclusively commercial uses, all are over 20,000 square feet in size and all have average width and depths of over 100 feet. The commercial uses meet the code criteria.

For industrial lots, at least 80% must have a minimum lot size of 3 acres, with a minimum average width and depth of 350 feet. The remainder 20% must have a minimum lot size of one acre, with a minimum average width and depth of 150 feet.

~~Of the six lots that have exclusively industrial uses, three, or 50%, have lots sizes over 3 acres. Two of the industrial sites (lots 2 and 3) are less than one acre and do not have minimum average width or depths of 150 feet. Lot 12 is 3.65 acres, but does not have an average minimum width of 350 feet. The industrial uses do not meet the code criteria.~~

~~Two of the lots (1 and 14) have both industrial and commercial uses. If commercial criteria were followed, both lots would meet the commercial criteria. If industrial criteria were followed, lot 1 would increase the percentage of industrial lots over 3 acres to 57%, which is still less than the required 80%. This lot would meet the minimum average lot width and depth requirements. Lot 14 also meets the minimum average lot width and depth requirements. If lots 1 and 14 were considered industrial, the criteria would not be met.~~

- C. Lot width and depth.** The depth of a lot or parcel shall not be more than 3 times the width of the parcel, with the following exceptions:

- 1. Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet with no dimension less than 6 feet**

of semi-private outdoor living space for each unit.

2. **Individual lots for single-family attached dwelling units shall be designed so that lot depth is not greater than 3 1/2 times lot width.**
3. **Parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions.**

**FINDINGS:** The depth of each lot ~~appears to average~~ less than three times the width of each lot. This criterion is met.

- D. **Access. All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone.**

**FINDINGS:** All ~~commercial~~ lots provide a minimum street frontage of 100 feet. Of the industrial lots, lot 3 has a street frontage of 120 feet, which is less than the required minimum lot width of 150 feet. The industrial uses do not meet the code requirement.

- E. **Lot Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than 1/2 the dimension of the front lot line.**

**FINDINGS:** The side lines of the lots run at right angles to the right-of-way lines upon which the lots face for almost all of the lots. The one exception is the side lines of lots 5 and 6 which follows the driveway. The rear lot lines are not less than 1/2 the dimension of the front lot line in any case. This criterion has been met.

- F. **Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 2.302.04 of this Code.**

**FINDINGS:** Section 2.302.04 states that utility easements shall be between five and 10 feet adjacent to the right of way. The width may be increased as determined by the Department of Public Works on a case by case basis. The width of the utility easements range from 15 feet to 50 feet within each lot, based on the preliminary plat provided by the applicant. The Department of Public Works comments state that "all easements to be located in the appropriate locations based on actual approved plans. No final plat shall be approved prior to approval of construction plans including easement widths and locations."

## **2.310.04 Additional Design Standards For Subdivisions**

### **A. Standards for Blocks**

1. **General:** The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography.
2. **Sizes:** Blocks should not exceed 600 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet.

**FINDINGS:** The realignment of Radiant Drive and the construction of the three new roads will be to arterial standards in terms of structural section and geometric configuration. The distance between the intersections is more than 600 feet and less than 1,800 feet. The blocks have been laid out to provide adequate building sites for the proposed uses, convenient access and circulation, and safety of traffic signals. Multiple entrances off the streets are provided within each block to serve the various uses proposed. These entrances are adequately spaced to provide convenient access and circulation. Entrances into the blocks are located away from street intersections and should not provide conflicts with the intersections.

- B. Traffic Circulation.** The proposed subdivision shall be laid out to provide safe and convenient vehicle, bicycle and pedestrian access to nearby residential areas, transit stops, neighborhood activity centers such as schools and parks, commercial areas, and industrial areas; and to provide safe and convenient traffic circulation. At a minimum, "nearby" is interpreted to mean uses within ¼ mile which can be reasonably expected to be used by pedestrians, and uses within 1 mile of the subdivision boundary which can reasonably be expected to be accessed by bicyclists.

**FINDINGS:** This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.302.B and Section 2.315.08A.1. The criterion has been met with conditions.

- C. Connectivity.** To achieve the objective in B., above, the Director may require the following:

1. **Stub Streets:** Where the potential exists for additional residential development on adjacent property.
2. **Pedestrian/Bicycle Accessways:** Public accessways to provide a safe and

efficient connection from a residential area to nearby residential areas, transit stops, neighborhood activity centers, including schools, parks, shopping centers, other community services and other commercial and industrial areas when such connections are not available by streets and when a pedestrian must go at least one quarter of a mile out of his or her way to make that connection using the street system.

**FINDINGS:** This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.315.08.A.1 and Section 2.315.08.A.9. The criterion has been met with conditions.

**D. Design Standards. Pedestrian/bicycle accessways shall meet the following design standards:**

- 1. Minimum dedicated width: 10 feet**
- 2. Minimum improved width: 10 feet**
- 3. Maximum length: 250 feet. A clear line of vision for the entire length of the accessway shall be required.**
- 4. Lighting shall be provided illuminating any walkway exceeding 150 feet in length to a level where the system can be used at night. Lighting shall be included in the lighting district(s) established for the subdivision.**
- 5. The accessway shall be designed to prohibit vehicle traffic.**

**FINDINGS:** At scales of 1" = 100', this is difficult to determine, but the pathway along Interstate 5 and along Radiant Drive appear to be consistent with the criterion. The pathway along Interstate 5 appears to be 12 feet wide and the bike and pedestrian access along Radiant Drive appear to be 18 feet wide. The pathway running through Chemawa Park connecting Chemawa Road and Road A to Road B appears to be 8 feet. This pathway should be increased to be 12 feet wide, consistent with the pathway along Interstate 5. The pathways shall be designed to prohibit vehicle traffic and shall include lighting.

**2.310.06 - Improvement Requirements - Subdivisions**

- A. Frontage Improvements. Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.303 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such**



**other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.**

**FINDINGS:** This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.302.A. The criterion has been met with conditions.

**B. Project Streets.** All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.302.

**FINDINGS:** This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.302. The criterion has been met with conditions.

**C. Monuments.** Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.

**FINDINGS:** This is a development requirements and a condition of subdivision approval.

**D. Bench Marks** Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.

**FINDINGS:** This is a development requirements and a condition of subdivision approval.

**E. Surface Drainage and Storm Sewer System.** Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas. Drainage shall be designed to avoid impacts on adjacent property.

**FINDINGS:** This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.306. The criterion has been met with conditions.

**F. Sanitary Sewers.** Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.

**FINDINGS:** This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.307.02.D. The criterion has been met with conditions.

**G. Water System.** Water lines with valves and Fire District approved fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be

**installed and operating prior to start of combustible construction.**

**FINDINGS:** This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.307.02.B. The criterion has been met with conditions.

**H. Sidewalks.** Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision.

**FINDINGS:** Sidewalks are proposed along both sides of Radiant Drive, Road A, Road B, and Road C. Tepper Lane is recommended by the Public Works Department to be constructed as a ¼ width street and therefore is proposed to have sidewalks on one side of the street only. However, separated bicycle and pedestrian lanes are required as stated on page 14 (Future Extension of Streets) of these findings. Additional sidewalks are proposed as conditions of approval as noted in Section III, Keizer Station Master Plan, findings for Section 2.315.08.A.

**I. Street Lights.** The installation of street lights is required at locations determined to be appropriate by the City and shall be of a type required by City standards.

**FINDINGS:** This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.307.02.E. The criterion has been met with conditions.

**J. Street Signs.** The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City and shall be of a type required by City standards. Each street sign shall display the one hundred block range. Street signs shall be installed prior to obtaining building permits.

**FINDINGS:** This is a condition of subdivision approval. No building permits will be issued until all required street signs are installed.

**K. Public Works Requirements.** All facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works.

**FINDINGS:** This is a condition of subdivision approval. Public Works comments are included under *Recommendations and Conditions* of the Keizer Station Master Plan section of this staff report. These comments are applicable to the subdivision application.

**L. Curb Cuts.** Curb cuts and driveway installations, excluding common drives, are not required of the subdivider, but if installed, shall be according to the City standards.

**FINDINGS:** All curb cuts and driveway installations shall be constructed according to City standards.

**M. Street Trees.** Street tree planting is mandatory where a planting strip is part of the

**street design. Plantings shall conform to Section 2.302.03 (M).**

**FINDINGS:** This criterion has been addressed under Section III, Keizer Station Master Plan, findings for Section 2.302.M. The criterion has been met with conditions.

**N. Grading and Fills. All grading which results in fill in excess of 3 feet located within the identified building envelope on a subdivision lot or parcel must be engineered.**

**FINDINGS:** This is a development requirement and a condition of subdivision approval.

**SECTION 3.108.04.B Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved.**

Section 2.119.9 of the Keizer Development Code contains the dimensional standards and density standard for the EG zone.

**FINDINGS:** Consistency with KDC Section 2.119.9 is addressed in Section III, Keizer Station Master Plan, findings for section 2.119 and this section, findings for section 2.310.

**SECTION 3.108.04.C Adequate public facilities shall be available and shall serve the existing and newly created parcels.**

**FINDINGS:** Public sewer and water are available and will be extended to serve the subdivision. Section 2.301.03 requires the following public facilities to be provided: fire hydrants, street improvements, water hook-up, sewer hook-up, storm drain, and street lights. No development permit, including building permit, shall be approved or issued unless the improvements are provided prior to occupancy or operation.

## **2. FINDINGS - MAJOR VARIANCE**

- A.** The Review Criteria for a Major Variance is listed in Section 3.105.05 of the Keizer Development Code. The criteria and findings are listed below.
- 1.** **The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.**

**FINDINGS:** The subject property is zoned EG. In general, the surrounding uses are commercial/retail. The placement of restaurants and most office type uses are permitted within the EG zone. The setback requirements for Industrial Uses within the EG zone are to provide for and ensure compatibility with adjacent uses, provide areas for outdoor storages, incidental sales,

and access for the transport of bulk materials where the noises, lights, odors, and traffic hazards associated with permitted uses will not conflict with local and collector streets. The applicant is requesting to reduce the maximum setback for industrial uses to approximately 12 to 14 feet for "Pad A and C", and "Rest 1, 2, 4 and 5". In addition, an increase is requested to the minimum ten foot setback for commercial uses to approximately 31 to 33 feet for "Shops A" and "Anchor B".

**MAJOR VARIANCE FOR "PAD A AND C", AND "REST 1, 2, 4 AND 5":**

The surrounding uses are commercial/retail in general. The uses proposed on the subject properties are permitted within the IG zone, however they are more commercial related than industrial. Normally, the access requirements for industrial type uses are greater than those required for commercial/retail uses. However, many permitted industrial uses are also found within the permitted commercial/retail uses whose access and storage requirements are not as great as the majority of industrial uses. This is the case within this area as the proposed use for these building pads is for restaurants. Therefore, the setback requirements do not meet the needs of the proposed businesses. Therefore, staff finds this request can satisfy the above criterion. The variance is the minimum necessary for this use. This criterion is met.

**MAJOR VARIANCE FOR "SHOP A":**

The applicant's statement indicates that there is an overhead power line easement along the north side of the building. The applicant's subdivision plat shows a 100 foot easement running east and west along the north side of the property. Seventy five feet of the easement is within the right of way leaving an additional twenty-five feet of easement within the parcel containing "Shop A" reducing the building lot frontage by twenty-five feet. Therefore, staff recommends approval of this request. Due to this, this criterion is met.

**MAJOR VARIANCE FOR "ANCHOR B":**

The applicant's statement indicates that the request for a 31 foot setback along the northerly and easterly side of this pad is to accommodate a bank drive thru. This pad is located at a major intersection within "Area A" and does not meet the "pedestrian friendly environment" nor maintain the stated purposes of the Keizer Station Plan. Staff cannot support this variance request and therefore does not recommend approval of this request. Unlike the previous variance requests, there is no justifiable position for the variance. This criterion is not met.

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

**MAJOR VARIANCE FOR "PAD A AND C", AND "REST 1, 2, 4 5" AND "SHOP A":**

**FINDINGS:** At staff's request, the right of way was expanded in "Area A" to accommodate future needs as well as maintaining the purpose of the Keizer Station Plan. The applicant states that this requirement is a burden placed upon the applicant and that allowing this variance will provide a more pedestrian friendly appearance. This criterion is met.

**MAJOR VARIANCE FOR "ANCHOR B":**

**FINDINGS:** The applicant has not shown why the standard imposes an undue burden, nor has it been shown that it is greater than the impacts the variance would cause. This criterion has not been met.

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

**MAJOR VARIANCE FOR "PAD A AND C", AND "REST 1, 2, 4 5" AND "SHOP A":**

**FINDINGS:** The surrounding properties are zoned EG which allows a mixture of Commercial and Industrial Uses. The uses proposed are permitted within the EG zone, however they are more retail related than industrial. Since the surrounding areas are being developed as commercial/retail and will have similar setback requirements, the approval of this variance will not be unreasonably detrimental to property or improvements in the neighborhood. The structures will be located outside of any vision clearance areas. Therefore, staff finds this request can satisfy the above criterion.

**MAJOR VARIANCE FOR ANCHOR B:**

**FINDINGS:** The intent and purpose of the set back is to give a buffer for aesthetic purposes. The drive-thru proposed for Anchor B will cause the loss of effective buffer. This criterion is not met.

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

**MAJOR VARIANCE FOR "PAD A AND C", AND "REST 1, 2, 4 5" AND "SHOP A" AND ANCHOR "B":**

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

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

**MAJOR VARIANCE FOR "PAD A AND C", AND "REST 1, 2, 4 5" AND "SHOPS A", AND "ANCHOR B":**

**FINDINGS:** Staff cannot find any significant affects upon the health or safety of persons working or residing in the vicinity if the variance request is granted. Therefore, staff concludes this request meets with the above criteria. This criterion is met.

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

**MAJOR VARIANCE FOR "PAD A AND C", AND "REST 1, 2, 4 5" AND "SHOP A":**

**FINDINGS:** The intent and purpose for the setback requirements for Industrial Uses within the EG zone is to ensure their compatibility with adjacent uses, to provide areas for outdoor storage, incidental sales, and access for the transport of bulk materials where the noises, lights, odors, and traffic hazards associated with permitted uses will not conflict with local and collector streets. The surrounding uses are commercial/retail in general. The uses proposed are permitted uses within the IG zone; however they are more retail related than industrial. The access requirements are not as great as a majority of industrial uses therefore the setback requirements do not meet the needs of these businesses. Since the surrounding area is being developed as commercial/retail and will have similar setback requirements there will be no adverse impacts. The structure will be located outside any vision clearance areas. Therefore this request can satisfy the above criterion.

**X. RECOMMENDATION FOR MAJOR VARIANCE APPLICATION** for "Anchor B" is that the Community Development Director for the City of Keizer recommends **DENIAL** of the Major Variance application. Findings in support of this decision can be found above.

**XI. RECOMMENDATION AND CONDITIONS FOR MAJOR VARIANCE APPLICATION** for "Pads A and C", and "Rests 1, 2, 4 5" and "Shop A"

1. Unless otherwise specifically modified by this decision, development of the structure shall comply with remaining requirements of the Keizer Development Code.
2. The applicant shall meet all requirements of the Marion County Building Division.
3. The applicant shall locate the proposed structures substantially as indicated on the submitted site plan and shall maintain a minimum setback of 12 to 14 feet from the property line adjacent to Radiant or "Road B".
4. The construction of this structure must be completed within one year of the final date of this decision. This approval is only valid when the construction is completed by June 21, 2005.

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

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

## **XII. FINDINGS – SIGN VARIANCE**

A. The Review Criteria for a sign variance is listed in Section 2.308.10 of the Keizer Development Code. The criteria and findings are listed below:

1. **There are unique circumstances of conditions of the lot, building or traffic pattern such that:**
  - a. **The existing sign regulations create an undue hardship;**
  - b. **The requested variance is consistent with the purpose of this chapter as stated in Section 2.308.01; and**
  - c. **The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter.**

**FINDINGS:** The location of such a major development along the I-5 corridor creates special needs which the limitation of the freestanding signs to 20' in height would create an undue hardship

for visibility at speeds anticipated on the interstate highway. By developing an over-all signage program which limits other freestanding signs throughout the complex the intent of the sign code will be met to provide attractive, visible, and useful signage throughout the complex. By allowing an increase in size and height of a location sign and restricting the freestanding signs elsewhere, compensation for those conditions will achieve the purposes of the sign code.

**2. The granting of the variance shall not:**

- a. Decrease traffic safety nor detrimentally affect any other identified items of public welfare.**
- b. Result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance.**
- c. Be the result of a self-imposed condition or hardship.**

**FINDINGS:** The need of height increase along I-5 is comparable to the same needs experienced by the nearby Volcanoes Stadium, as well as the regional mall at the City of Woodburn. In both circumstances, the needs for visibility were thoroughly evaluated and limited in height to 50'. By granting a variance greater than 50' this would create an advantage for this development that is not enjoyed by a neighboring property. Therefore the height should be limited to 50' in height. By granting a variance in height to a maximum of 50' while granting the requested signage area, the applicant would be treated equitably with others.



## **EXHIBIT "D"**

### **Justification**

**The applicant has the burden of proving that the application meets relevant standards and criteria to be applied in the particular case. The applicant, Northwest National LC has requested approval of a Master Plan/Subdivision, Major Variance and Sign Variance for Area A-Village Center of the Keizer Station Plan area.**

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

**The applicant has met its burden of showing compliance with all the applicable criteria, except as noted below. The Master Plan/Subdivision request includes the industrial and commercial mix envisioned by the creation of the employment general (EG) zone when the KSP was adopted. As properly conditioned, the Master Plan/Subdivision presents a vibrant and energetic vision for the Village Center. The KSP goals of a northern gateway to Keizer, a focal point for commerce and community activities, and a source of employment opportunities are enhanced and realized by this proposal. The criteria has been satisfied with the aid of appropriate conditions.**

**Major variance requests involve the setbacks for certain buildings in the industrial portion of the plan. Because of the placement of electrical easements and because of the commercial nature of these buildings, it is appropriate to allow the variances for the most part. However, the variance criteria were not met for Anchor "B" structure. The justification put forth by the applicant was not sufficient to meet the required criteria. Therefore, that variance request is denied.**

**The Sign Variance requested a 68 foot high free-standing sign for the development. The City Council finds that such a sign is not appropriate, but because of the adjacent I-5 freeway and the fact of the speed of the vehicles and topography require a larger sign, grant a free-standing sign of 50 feet high. However, other signage in the development shall be minimized accordingly. As conditioned, the signage requests meet the code criteria and the goals of Keizer Station Plan.**

**The proposal, accept as noted herein meets the applicable criteria and is approved.**

## **EXHIBIT "E"**

### **Action**

**The City of Keizer hereby ORDERS as follows:**

**The request for Major Variance Anchor B is hereby DENIED.**

**The Master Plan/Subdivision, remaining Major Variance and Sign Variance requests are GRANTED subject to the following conditions:**

### **PUBLIC WORKS CONDITIONS:**

#### **SANITARY SEWERS:**

The subject property is located outside of the original Keizer Sewer District and therefore an acreage fee is required. The current acreage fee is \$7,460.00 per gross acre prior to platting of the subdivision. The acreage fee applied will be the fee in place at the time of development of the property. The Master Sewer Plan provides for a sewer trunk line to be constructed through the subject property with adequate size and depth to provide for additional capacity for areas located within the original sewer district west of the BNSF railroad. Additionally, Area D, south of Chemawa Road shall be served with a sewer trunk line to be constructed along with the proposed under crossing of Chemawa Road. A review of the construction plans for the subject property will be required to assure that capacity of the master plan sewer trunk lines is not exceeded. Additionally, the following conditions shall be applied:

1. Prior to development of the subject property, a master sewer plan for the proposed development shall be submitted to the Department of Public Works for review and approval. The plan shall include proposed rim and invert elevations. The entire project shall be served by an existing 18" trunk sewer line adjacent to Keizer Stadium.
2. City of Salem approval for both sewer trunk lines and local sewers is required. Permits from the City of Salem shall be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer for review and determination of compliance with the City's Master Sewer Plan for the area.
3. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
4. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.
5. It will be the responsibility of the developer's engineer to locate any existing wells

(including those on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. Any conflicts between existing wells and proposed sanitary sewers shall be resolved by the developer prior to issuance of public works construction permits.

#### **WATER SYSTEM:**

6. The developer has submitted a master water system plan showing proposed routes of public water mains, fire hydrants and individual services. The master plan is generally acceptable to the Public Works Department, however, prior to submittal of final construction plans the developer's engineer shall arrange for a pre-design conference to discuss water main sizing, meter sizing and locations, fire hydrant locations, fire sprinkler line locations and easement width for all public lines located outside of proposed right of ways. Final location of all meters to be approved by the Keizer Department of Public Works. To provide for adequate peak consumption and fire protection requirements it has been determined that additional public facilities will be required including but not limited to elevated storage facilities, wells, connection to existing mains on the west side of the BNRR right of way, and any other off-site construction required to provide required peak flows to the proposed development. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways. Dedication of property to the City shall be required for any wells or storage facilities developed. Any system development charges for water system improvements will be those in place at the time of individual service connections.
7. Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to any issuance of public works construction permits by the City of Keizer.
8. It will be the responsibility of the developer to abandon all existing wells prior to site grading in accordance with the rules of the Oregon State Water Resources Department unless the City has determined that water rights are available in some cases that could be transferred to municipal use by the city.

#### **STORM DRAINAGE IMPROVEMENTS:**

9. The developer has submitted plans indicating the present drainage patterns and runoff characteristics. The property is within a critical drainage basin and strict compliance with city ordinances will be necessary. No increase in runoff will be allowed as development occurs. Prior to any development of the subject property an overall storm water master plan including invert elevations, pipe sizes, detention calculations, water quality measures and an approved point of discharge shall be submitted to the Department of Public Works for approval. A point of discharge has been identified on the ODOT system in Interstate 5. ODOT approval shall be required for water quality, conveyance systems and points of discharge.

10. Storm water detention will be required for this site. All storm water including roof drains are to be connected to an approved system designed to provide adequate drainage for proposed new driveways, parking lots and other impervious surfaces. Where on-site detention is planned, adequate covenant, conditions and restrictions (CCR) shall be recorded to alert future owners/developers that detention and/or treatment shall be required to be constructed to the standards in effect at the time of building permit application.
11. A grading and drainage plan shall be developed and approved for the subject property including proposed lot corner elevations. Details shall include adequate conveyance of storm water from adjacent property across the subject property.
12. If it is anticipated that the property will develop in phases, prior to any development, a phasing plan shall be submitted to indicate how the storm water management will be developed to provide service to each area.
13. The developer shall submit to the Department of Public Works a master plan for erosion control for the entire site and shall provide adequate protection for existing vegetation. The master plan shall be approved by the Department of Public Works. Prior to any development, including site grading, the applicant shall obtain an NPDES permit from the Oregon Department of Environmental Quality.
14. The drainage plan for the project includes a proposed storm drain pump station for a portion of the realigned Radiant Drive. The street section requiring pumping shall be minimized to the fullest extent possible. The Department of Public Works shall determine the criteria for design of the station. The developer's engineer shall provide three sets of an approved operation and maintenance manual for the station including a provision for emergency or standby operation. The developer shall also submit a plan for financing the annual operation and maintenance expense of the station.

#### **TRANSPORTATION:**

15. The proposed development requires construction of an underpass under the BNRR as well as an underpass of Chemawa Road. Additionally, other off-site improvements have been identified in the Transportation Plan developed for the Keizer Station Plan. These improvements include but are not limited to, construction of an extension of Radiant Drive from the BNRR tracks South Westerly through Area B to Lockhaven Drive and continuing to Chemawa Road to a point north of the intersection of Chemawa Road and McLeod Lane, construction of a pedestrian undercrossing of the BNRR at Tepper Lane, and other improvements necessary to provide compliance with the adopted Keizer Station Plan adopted Feb. 3, 2003. Additionally, a regional multi-use pathway has been identified on the Keizer Station Village Center Master Plan. The path location shall be coordinated with the Area D development, ODOT and the Keizer Community Development Department. The path shall be of Portland Concrete Cement and constructed to a width of 12 feet.

16. All new public streets shall be constructed to the requirements of the City of Keizer

Department of Public Works Design and Construction Standards and in conformance with the final Transportation Impact Analysis adopted for the Keizer Station Plan. Tepper Lane shall be terminated at the Railroad and shall be constructed as a ¼ width street designed to Collector Street standards with an appropriate turnaround at the west end accommodating emergency vehicles. In addition, Tepper Lane shall have facilities to safely accommodate eastbound and westbound bicycle and pedestrian traffic which is separated from vehicular traffic. All other streets shall be designed to arterial standards in terms of structural section and geometrical configuration. Preliminary construction specifications and plans for all transportation mitigation measures necessary to satisfy the improvements identified in the "Transportation Impact Analysis, Keizer Station Plan" for all street construction, including retaining walls, fencing, landscaping, sidewalks, signing, etc. shall be submitted to the Department of Public Works for review prior to submitting final plans for approval. The Department of Public Works will review the proposed plans and make recommendations for any additional work and coordination with other development in the area as needed.

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

#### **GENERAL:**

18. Adequate access shall be provided that meets the needs of Keizer Station and the KSP transportation system.
19. A queuing plan for Phase 1 of the Development (assuming 2008 build out of Areas A and D) shall be submitted to the department of Public works for approval prior to Construction Plan Review. This analysis will determine the needed lane configurations.
20. Phase 1 improvements will require the closure of Ridge Drive at Chemawa Road and Chemawa Road at Lockhaven Drive. A suitable connection between Ridge Drive and the intersection at Chemawa Road and McLeod Lane will be required. Figure 17 in the April 2004 final Transportation Impact Analysis indicates a connection suitable to the Department of Public Works. The Department of Public Works will consider other alternative street alignments depending on Area C development patterns.
21. A separate Railroad sensitivity analysis is required for Phase 1 improvements (assuming 2008 build out of Areas A and D) as outlined in the TIA dated April 2004 on page 21.
22. A street lighting master plan shall be developed. A street lighting district shall be created while under the control of the developer to provide for adequate street lights along the frontage of all new street rights of way. Decorative lighting approved by the Department of Public Works shall be used.
23. Construction permits are required by the Department of Public Works prior to any public

facility construction. Contact the City Engineer's office at 390-7402 for the necessary permit information that is required.

24. A Pre-design meeting with the City of Keizer Department of Public Works will be required prior to the Developer's Engineer submitting plans to either the city of Keizer or the City of Salem for review.
25. Street opening permits are required for any work within the City right-of-way that is not covered by a Construction Permit.
26. Facility phasing plans and arrangements for reimbursing developers for providing additional capacity to serve future development shall be approved by the Keizer Department of Public Works and the City Council.
27. All easements are to be located in the appropriate locations based on actual approved plans. No final plat shall be approved prior to approval of construction plans including easement widths and locations.
28. An improvement agreement or other acceptable form of guarantee for all required construction shall be in place prior to construction permits being issued or the final subdivision plat approval.

**KSP and KDC COMPLIANCE:**

29. Prior to approval of any building permits, the applicant shall submit a phasing plan for Community Development Director approval.
30. The landscaping and pathway improvements along Chemawa Road and I-5 and a "Welcome to Keizer" monument sign in the northwest quadrant of the I-5/Chemawa Road interchange shall be provided as shown in the application or as modified by the conditions of approval. The final landscaping and pathway plans shall be approved by the Community Development Director prior to installation. These landscaping and pathway improvements and the "Welcome to Keizer" sign shall be provided in conjunction with the first building permit approved for the development.
31. The land area devoted to industrial and commercial uses, as required in KDC 2.119 EG Zone shall be met and maintained within Area A - Village Center. The land area calculation shall be based upon the land area of the subdivision lots and the uses occupying them. Commercial and industrial uses shall not jointly occupy a single lot.
32. Except as approved in the variance application, all KDC dimensional requirements for building heights, lots, and setbacks shall be met.
33. Anchor stores 1 and 2 and Major store 1 shall provide a pedestrian crosswalk to cross Road

B next to Retail 1. Anchor 3 shall provide a walkway connecting to the perimeter pathway along the I-5 right-of-way.

34. Street names and numbers shall conform to the established standards and procedures in the City. Street names shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No final plat shall be released without approved street names. Due to the significance of this development as a landmark of the City of Keizer, street names should also receive approval of the City Council.
35. Street trees shall be planted with 30-foot spacing using one or more of 13 identified varieties. A minimum caliper of 2 inches shall be used for street trees and all other trees in areas subject to damage near pathways, walkways and streets. A final street tree planting plan shall be approved by the Community Development Director prior to planting. All the other landscaping standards of the KDC shall be met.
36. Ground cover and shrubbery shall be planted in conformity with the KDC and industry standards as approved by the Community Development Director, and shall reach full coverage by the third year of growth.
37. Parking shall be provided as required by KDC 2.303. Parking driveway aisles shall be a minimum of 24 feet wide. A plan documenting compliance with parking requirements shall be provided as part of the Master Plan approval for the Community Development Director's Master Plan approval. Verification shall be provided during building permit review.
38. Bicycle parking shall be provided as required by KDC 2.303.08. In addition, the bicycle rack design shall provide secure support for bicycles and the ability to lock bicycles securely. The bicycle rack design, installation, and locations shall be approved by the Community Development Director prior to installation.
39. Sufficient paved areas and designated loading areas shall be provided in accordance with KDC 2.303.10.
40. Pavement shall be provided for all driveway, loading, and parking areas as required by KDC 2.303.11.
41. A tree shall be planted for every eight lineal parking spaces not located adjacent to a building in accordance with KDC standards.
42. A minimum of 15% of the gross land area for Commercial uses and 20% for Industrial uses shall be devoted to landscaping in commercial developments. This requirement shall be satisfied for development within each of the individual lots of the proposed subdivision. To provide for adequate vision clearance the landscaping material shall be selected to provide for the maintenance of adequate site distance.
43. Buffering shall be provided along the western edge of the project, in a manner, which is

consistent with the proposed preliminary landscaping plan (Sheets LO1-4.). Electric and mechanical equipment shall be screened with vegetation and fencing. The final landscaping plan shall be approved by the Community Development Director prior to planting.

44. Irrigation system plans shall be submitted for approval as part of the building permit review process. Approved irrigation systems shall be installed prior to issuance of an occupancy permit.
45. The site plan shall be amended to locate the hotel, commercial office building, restaurants, retail pads, parks, and plazas closer together with an orientation to Radiant Drive. Of primary importance will be to locate buildings within 10 to 25 feet of Radiant Drive and to locate active uses adjacent to and buildings oriented toward Central Park (Tract A). Central Park must be adjacent to active areas and/or visually accessible from adjacent buildings. The amended plan shall be approved by the Community Development Director.
46. Tower Park (Tract B) is of virtually no open space value. The applicant shall provide plans for Community Development Director approval to provide off-setting open space, plaza, area, and/or public amenities in more advantageous locations within the development. The amenities to be provided shall include, but not be limited to, seating, pedestrian gathering places, public art, plaza connections, exercise stations, and other points of interest.
47. The following pedestrian connections and improvements shall be provided in addition to what is shown on the Pedestrian Pathways Plan (Sheet AO3) for Community Development Director approval:
  - A crosswalk and easterly extension of the sidewalk on Radiant Drive across Road B to the driveway near Anchor B.
  - A crosswalk for the perimeter pathway at Road B.
  - A sidewalk connection between the Chemawa Road/I-5 interchange and the Road B sidewalk.
  - Walkway connections between the buildings on the east side of the site with the perimeter walkway along I-5.
  - Walkway connection between the Radiant Drive walkway and the front of Anchor A.
  - Walkway connections between restaurant and retail pads and the adjacent street sidewalks, such as Pads B, E and F, the hotel, the office building, Anchor B, and Majors 5 and 6.
  - Pedestrian crosswalks at streets, driveways and parking lots must be constructed with colored, stamped concrete pavement treatment (or equivalent as approved by the Community Development Director to clearly identify all crosswalks).
  - Public amenities shall be installed to support pedestrian uses including those along the multi-use path. The amenities to be provided shall include, but not be limited to, seating, pedestrian gathering places, public art, plaza connections, exercise stations, and other points of interest.
  - Walkway connection between Anchor 1 and Anchor A.



48. The Village within Area A shall contain a public improvement design to include a promenade/sidewalk design that meets a minimum sidewalk width of 8 feet. The promenade/sidewalk design may vary in width to meet a minimum width of 8 feet on both sides of Radiant Drive. The area of Radiant Drive which is depressed below grade shall be installed with the sidewalk on one side only. All promenade/sidewalks shall be separated from the street with a landscape belt, to include decorative lighting and trees.
49. Majors 5 and 6 shall provide improved pedestrian access to Road A in accordance with KDC 2.315.08.A.3.
50. Driveway crossings shall be a maximum of 36 feet wide.
51. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. The lighting plan shall be approved by the Community Development Director.
52. The proposed site lighting will not cast any light or glare toward the residential properties to the west.
53. Building design elements including ground floor windows, facades, awnings and materials shall satisfy KDC 2.315.08.
54. The elevations of all buildings shall be varied in texture, building materials and shall create a very human scale in blocking and incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements, an average height of 23 feet punctuated frequently with various architectural accents no greater than 22 feet in width and no higher than 28 feet to the eave line. A variety of materials, varied at the same frequency as the architectural elements, shall be used and shall conform to the samples in the submitted materials. These materials shall incorporate cultured stone, five varieties of split face Concrete Mortar Units (CMU's), as well as smooth faced CMU walls. The colors used shall be in compliance with the Development Standards.
55. The application includes design concepts for some of the buildings within the development. Final building designs shall conform with the design concepts submitted with the application, and shall be reviewed by the Community Development Director for compliance with applicable KDC design standards as part of the building permit review.
56. The city and developer shall work together to provide design amenities to enhance the aesthetic appearance and pedestrian functionality of the two underpasses. Finish materials, landscaping, and lighting shall be consistent with that of the buildings in the Village Center.
57. Streetscape features shall be constructed and shall include seating, outdoor art, a significant water feature at the intersection of Road A and Road B as shown on the application materials, awnings and trellises, and interesting bicycle facilities.

58. Maintenance of the open space tracts, plazas, and pathways shall be the responsibility of an association of all property owners of the Village Center.
59. Construction specifications (e.g., base rock, pavement thickness) for the separate pathways shall be subject to Public Works Department approval in accordance with Keizer City Standards.
60. Maintenance of the "Welcome to Keizer" sign shall be the responsibility of the City of Keizer.
61. The Plan shall conform to the requirements of all other State and Special District requirements.
62. During construction, residential properties shall be protected from impacts of noise at unreasonable hours, unreasonable dust, and safety concerns, and shall conform to Keizer city requirements regulating such impacts.
63. The development of the Village Center shall comply with all conditions of the Development Disposition Agreements and all other contractual obligations to the City of Keizer.
64. The applicant shall work with the Transit District to ensure compliance with the requirements found in Section 2.305 of the KDC.
65. In addition to the development standards of Utility Lines and Facilities - Section 2.307 the following standard shall apply to new utilities: A.) All utilities located adjacent to Radiant Drive and connecting transportation facilities shall be located underground. B.) All other new utility connections and lines shall be located underground where practicable.
66. A sight and sound obscuring wall shall be constructed of Concrete Masonry Units or equivalent between the residential properties and the northern border of Area B.
67. Car wash and any automobile service station uses are allowed only as a special permitted use.
68. A portion of Road C shall be located in a public easement, constructed to City of Keizer road standards, and maintained by the City of Keizer.
69. The applicant shall be required to submit documentation demonstrating compliance with all applicable federal, state and local requirements. This shall include all conditions adopted by the City Council which apply to this Master Plan. These shall be submitted to the Community Development Director for verification and final approval.

**CONDITIONS FOR MAJOR VARIANCE APPLICATION for "Pads A and C", and "Rests 1, 2, 4,5" and "Shop A"**

70. Unless otherwise specifically modified by this decision, development of structure shall comply with the remaining requirements of the Keizer Development Code.
71. The applicant shall meet all requirements of the Marion County Building Division.
72. The applicant shall locate the proposed structures substantially as indicated on the submitted site plan and shall maintain a minimum setback of 12 to 14 feet from the property line adjacent to Radiant or "Road B".
73. The construction of the structures must be completed within one year of the final date of this decision. This approval is only valid when the construction is completed by June 21, 2005.

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

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

**CONDITIONS FOR SIGN VARIANCE APPLICATION**

74. Unless otherwise specifically modified by this decision, development of the structure shall comply with the remaining requirements of the Keizer Development Code.
75. The applicant shall meet all requirements of the Marion County Building Division.
76. The signage of the Keizer Station, Area A Village Center shall be limited to the signage indicated in Exhibit 5 and the related specific drawings.
77. The height of the locational sign shall be limited to 50 feet in height; area of signage shall be allowed up to 400 sq ft on this sign. All other freestanding signs shall be limited to those size and heights as indicated on the plans submitted.

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

conditions thereon.

**TRANSFER OF VARIANCE:** The variance request shall automatically transfer to any new owner or occupant subject to all conditions of approval. It is the responsibility of the applicant and property owner to provide information to any new property owner(s) regarding this variance request and any conditions of approval.

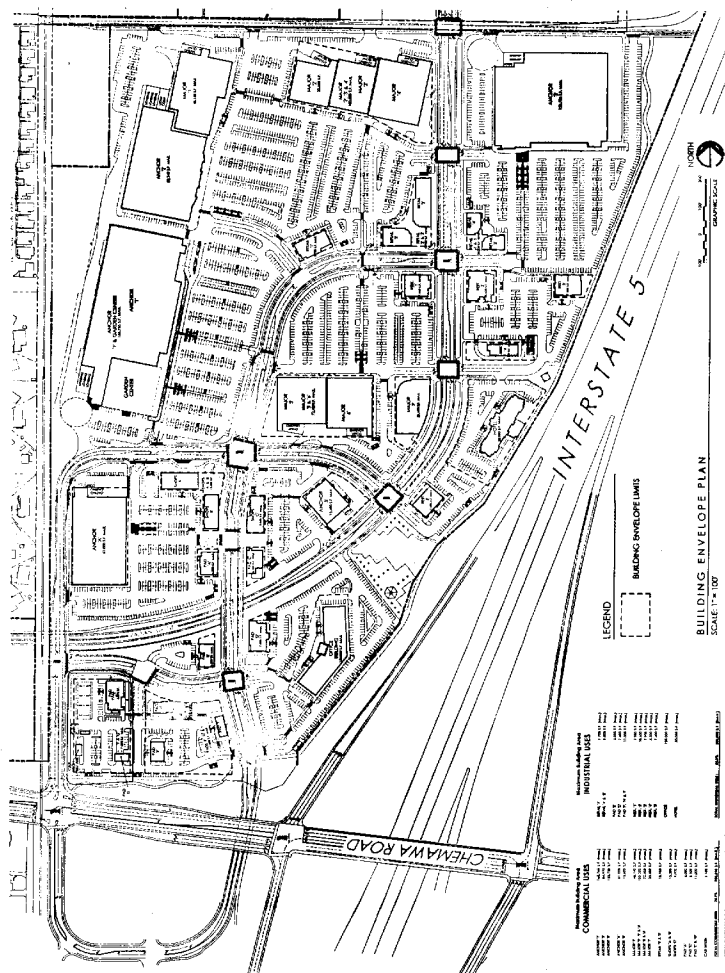
78. Unless expressly specified otherwise within these conditions, the on-site and off-site improvements shall be constructed in substantial conformance with the attached Exhibits and their related documents:

1. Building Envelope Plan
2. Site Plan (Site Area by Use)
3. Public Improvement Plans
4. Landscape Plans
5. Signage Site Plans

79. This land use action is approved on the basis that no future variances will be allowed.

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

EXHIBIT  
1



LEGEND  
BUILDING ENVELOPE LINES

**COMMITMENT DATA**

| Item              | Quantity      | Unit           | Value              |
|-------------------|---------------|----------------|--------------------|
| Site Preparation  | 10,000        | Sq. Yd.        | \$1,000,000        |
| Foundation        | 10,000        | Sq. Yd.        | \$1,000,000        |
| Structure         | 10,000        | Sq. Yd.        | \$1,000,000        |
| Interior Finishes | 10,000        | Sq. Yd.        | \$1,000,000        |
| Exterior Finishes | 10,000        | Sq. Yd.        | \$1,000,000        |
| Landscaping       | 10,000        | Sq. Yd.        | \$1,000,000        |
| Utilities         | 10,000        | Sq. Yd.        | \$1,000,000        |
| Other             | 10,000        | Sq. Yd.        | \$1,000,000        |
| <b>Total</b>      | <b>10,000</b> | <b>Sq. Yd.</b> | <b>\$1,000,000</b> |

**PERMITTING DATA**

| Item         | Quantity      | Unit           | Value              |
|--------------|---------------|----------------|--------------------|
| Permit Fees  | 10,000        | Sq. Yd.        | \$1,000,000        |
| Impact Fees  | 10,000        | Sq. Yd.        | \$1,000,000        |
| Other Fees   | 10,000        | Sq. Yd.        | \$1,000,000        |
| <b>Total</b> | <b>10,000</b> | <b>Sq. Yd.</b> | <b>\$1,000,000</b> |

BUILDING ENVELOPE PLAN  
SCALE 1" = 100'

UPDATED: 7/01/04  
REVIEW SUBMITTAL: 3/20/04

**Northwest National, LLC**  
2045 NW 11th Street  
Portland, OR 97209  
Phone: 503.588.1000 Fax: 503.588.1007

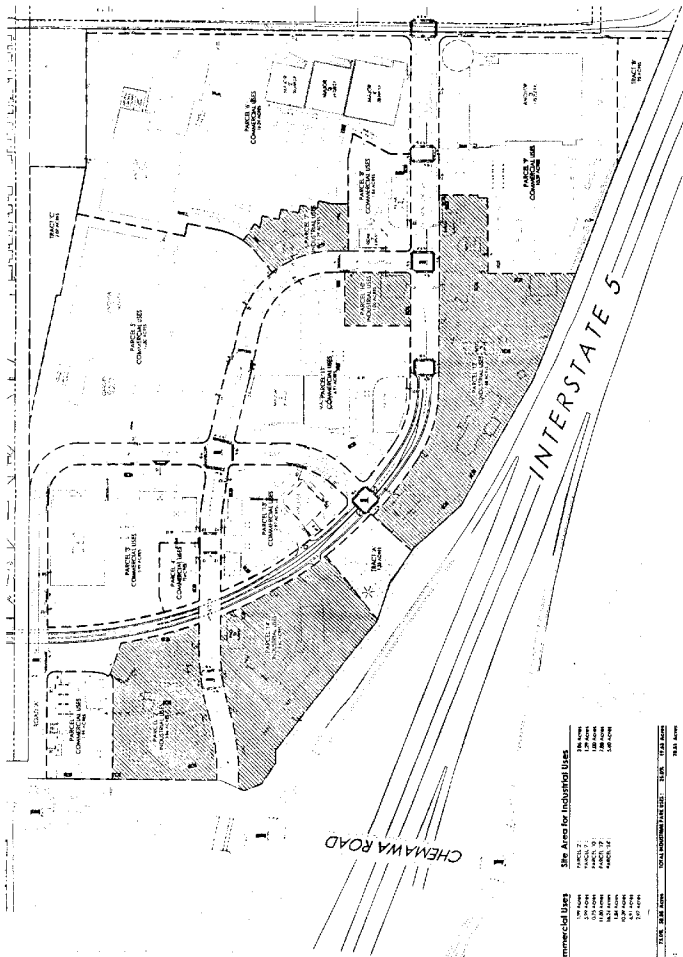
**RPS Development Company, Inc.**  
1000 NE Oregon Street  
Portland, OR 97232  
Phone: 503.588.1007 Fax: 503.588.1007

**Master Plan**

**Keizer Station Village Center**  
Keizer, Oregon

**BANNER ASSOCIATES**  
3000 N. W. 10th Ave.  
Suite 200  
Portland, OR 97228  
Phone: 503.588.1007 Fax: 503.588.1007

**A04**



UPDATED: 7/01/04  
REVIEW SUBMITTAL: 3/30/04



**BENNER  
STANGE  
ASSOCIATES**  
ARCHITECTS P.C.  
SUITE 300 W. HARRISON RD.  
JULIE, IL 60150  
QUART, CHICAGO, IL 60622  
TEL: (773) 721-1234  
FAX: (773) 721-1235  
www.bennerstange.com

A07.1

0 100  
GRAPHIC SCALE

NORTH

SITE PLAN - ( SITE AREA BY BUILDING USE )

Keizer Station Village Center  
Keizer, Oregon  
Master Plan

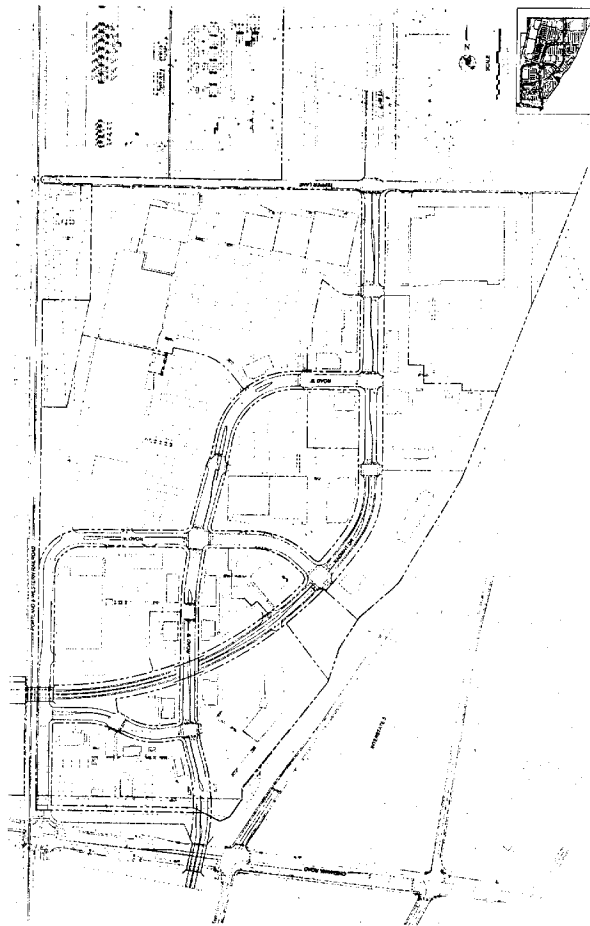
Northwest National, LLC

© 2001 John Wiley & Sons, Inc.

Telephone: 503-568-7099 Fax: 503-588-4497  
**SRPS Development Company, Inc.**

its U.S. high heaven road  
the Nevada, CR 17128

EXHIBIT  
3a



Preliminary Public Street Improvements

PC01

Northwest National LLC

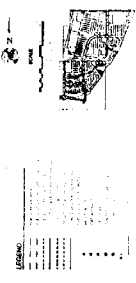
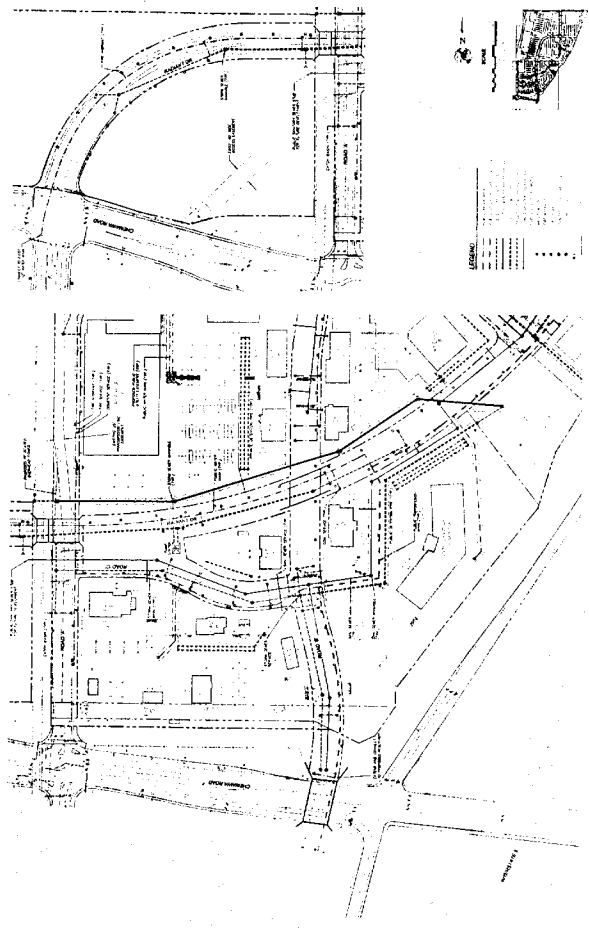
2000 NW 10th Ave, Suite 100  
Keizer, OR 97138  
Phone: 503.325.1111  
Fax: 503.325.1112  
Email: info@nw-nl.com  
Website: www.nw-nl.com

Public Improvement Plan

Keizer Station Village Center  
Keizer, Oregon

WMH  
ARCHITECTS

1000 NW 10th Ave, Suite 100  
Keizer, OR 97138  
Phone: 503.325.1111  
Fax: 503.325.1112  
Email: info@wmh-arch.com  
Website: www.wmh-arch.com



Freeman Public Utility Plan



# Public Improvement Plan Keizer Station Village Center Keizer, Oregon

Northwest National LLC  
1000 NE Oregon Street  
Portland, Oregon 97232  
503.255.1234  
www.nwnatl.com

Prepared by  
RPS Development Company, Inc.  
1111 SW 10th Avenue  
Portland, Oregon 97204  
503.255.1234

PC05

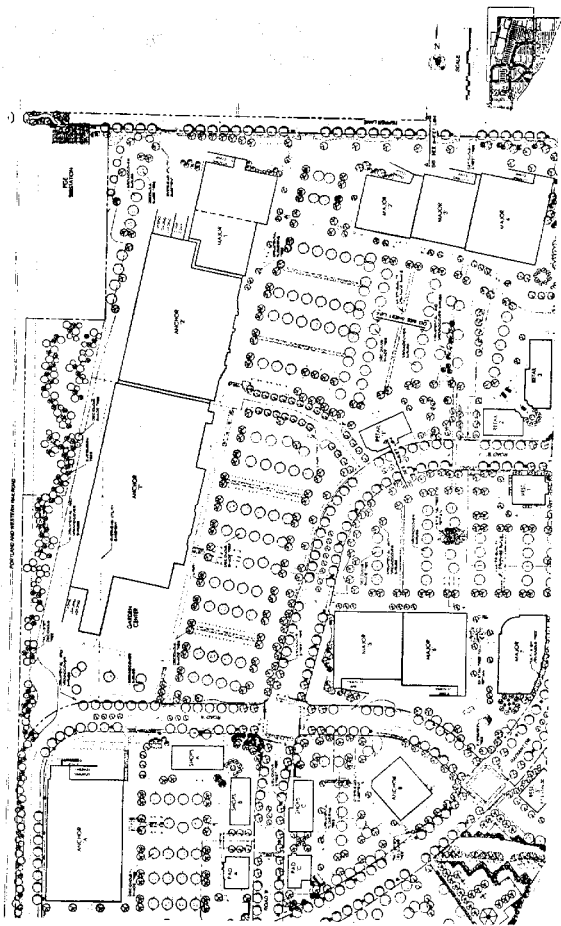




Keizer, Oregon



107

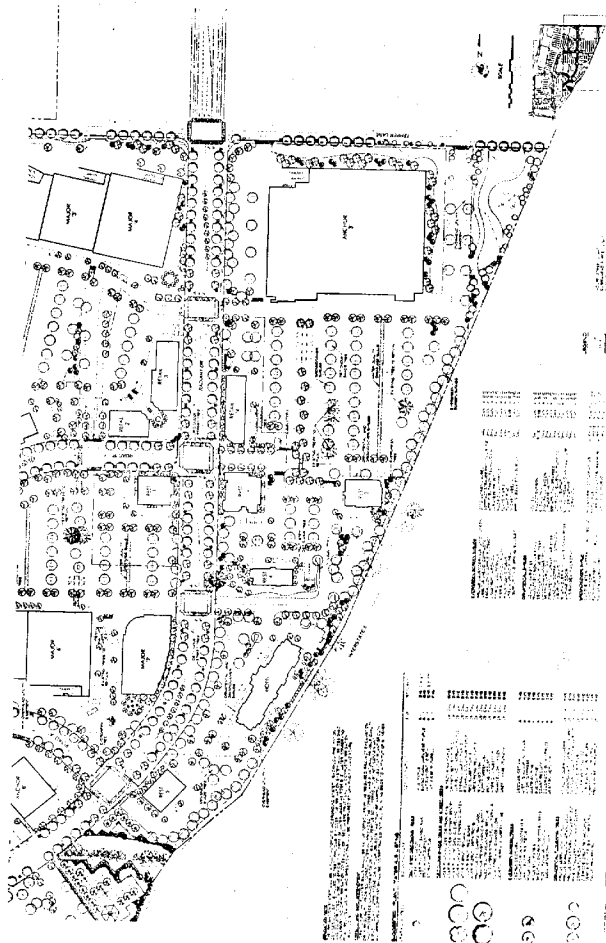


Preliminary Landscape Plan



Master Plan  
Keizer Station Village Center  
Keizer, Oregon

Northwest National, LLC  
10000 NE 10th Avenue, Suite 100  
Portland, Oregon 97220  
P/S Development Company, Inc.  
10000 NE 10th Avenue, Suite 100  
Portland, Oregon 97220



Primary Landscape Plan



# Master Plan

## Keizer Station Village Center

Keizer, Oregon

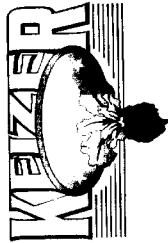
L03

Northwest Station, LLC

2700

P&amp;S Development Company, Inc.





July 6, 2004

# **AGENDA ITEM 8b**

**River Road North Speed Reduction (Lockhaven to  
Northern City Limits)**

**CITY COUNCIL MEETING:** \_\_\_\_\_

**AGENDA ITEM NUMBER:** \_\_\_\_\_

**TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY  
CITY MANAGER**

**FROM: ROB KISSLER  
DIRECTOR OF PUBLIC WORKS**

**SUBJECT: RIVER ROAD SPEED REDUCTION**

**DATE: JUNE 30, 2004**

**BACKGROUND:**

The Public Works Department requested a speed investigation along River Road North of Lockhaven to the Northern most City Limits. The current posted speed is 45 mph except for an 800' stretch south bound River Road just North of Lockhaven which is posted at 35mph. Upon conclusion of the speed investigation by the Oregon Department of Transportation, the requested reduction in speed of 5mph was not recommended, but could be contested. Public Works staff contested the results, formally requesting a 5 mph reduction in speed. ODOT has granted and recommends the speed zone change.

Council makes the final decision on speed reductions or increases as the official road authority.

**ATTACHMENTS:**

Speed Investigation Data and Map  
Letter to ODOT contesting results  
ODOT letter authorizing speed reduction

**FISCAL IMPACT:**

Funds are available in the 04/05 Street Fund Budget for costs associated with changing signs.

**RECOMMENDATION:**

Staff recommends Council deliberate this issue and direct staff to impose the speed reduction as authorized or notify ODOT Council recommends no change at this time.

**OREGON DEPARTMENT OF TRANSPORTATION  
REPORT OF SPEED ZONE INVESTIGATION  
N. Commercial St./N. Liberty St./N. River Road  
Salem Highway to 0.18 mile north of Parkmeadow Drive  
City of Salem / City of Keizer  
July 28, 2003**

CITY

**Recommendation:** Rescind existing Speed Zone Order No. 1234D, dated September 30, 1996 and establish speed zoning as described below:

|                                                            | <u>Existing</u> | <u>Recommended</u>  |
|------------------------------------------------------------|-----------------|---------------------|
| <b>Not Investigated</b>                                    |                 |                     |
| <b><u>On N. Commercial Street (one way southbound)</u></b> |                 |                     |
| <b><u>Section A</u></b>                                    |                 |                     |
| From: Salem Highway                                        | 35 mph          | 35 mph <u>2/</u>    |
| To: N River Road                                           |                 |                     |
| <b><u>On N. Liberty Street (one way northbound)</u></b>    |                 |                     |
| <b><u>Section A</u></b>                                    |                 |                     |
| From: Salem Highway                                        | 35 mph          | 35 mph <u>2/</u>    |
| To: N River Road                                           |                 |                     |
| <b><u>On N. River Road</u></b>                             |                 |                     |
| <b><u>Section A</u></b>                                    |                 |                     |
| From: N Commercial Street                                  | 35 mph          | 35 mph <u>2/</u>    |
| To: 150 feet south of Plymouth Drive                       |                 |                     |
| From: 150 feet south of Plymouth Drive                     | 35 mph          | 35 mph <u>1/ 3/</u> |
| To: Lockhaven Avenue                                       |                 |                     |
| <b>Investigated</b>                                        |                 |                     |
| <b><u>On N. River Road</u></b>                             |                 |                     |
| <b><u>Section B</u></b>                                    |                 |                     |
| From: Lockhaven Avenue                                     | 45 mph          | 40 mph <u>3/</u>    |
| To: 0.18 mile north of Parkmeadow Drive                    |                 |                     |

1/ Except that in the following school exception section(s), the designated speed shall be 20 mph as per provisions of ORS 811.105 or ORS 811.123:

2/ City of Salem

3/ City of Keizer

**Historical Background:**

|                             |                                                                  |
|-----------------------------|------------------------------------------------------------------|
| Investigation requested by: | Rob Kissler, Public Works Director, City of Keizer               |
| Requested Speed:            | Section B: 40 mph                                                |
| Previous Action:            | Established Speed Zone Order No. 1234D, dated September 30, 1996 |

**Investigation:****Section A****Section B**

Section Length  
 85% Speed  
 2001 Accident Rate\*  
 2001 Average Daily Traffic  
 Culture Type & Density  
 Horizontal Alignment  
 Vertical Alignment  
 Curve Signs & Speed Riders  
 Existing Posted Speed  
 Recommended Speed

N

O

T

1.70 mile  
 47 mph  
 0.68  
 23,680  
 Light Residential  
 4 curves  
 Mildly Undulating  
 Partially Posted  
 45 mph  
 40 mph

\* Accidents per Million Vehicle Miles

**Roadway Data:**

Surface  
 Width  
 Lanes  
 Parking  
 Shoulders  
 Intersecting Streets  
 Paved  
 Stopped  
 Signalized

I

N

V

E

S

Bituminous  
 25 - 67 feet  
 2-5 w/CLTL  
 Prohibited  
 0 - 5 feet paved/partly curbed/bike lanes  
 13  
 13  
 13  
 1

**Accident Data:**

T

Study Period  
 Total Accidents  
 Injuries  
 Fatalities  
 2001 Accidents  
 2001 Accident Rate (R)  
 2001 State Rate (r) 1/  
 Deviation (R-r)

I

G

A

T

E

1/1/99 - 12/31/01  
 35  
 24  
 0  
 10  
 0.68  
 -  
 -

**Spot Speed Data:**

D

85% Speed  
 Pace Limits 2/  
 % in Pace  
 Maximum Speed  
 Posted Speed  
 % Exceeding Posted Speed  
 Computed Speed 3/  
 Recommended Speed

47 mph  
 38 - 47 mph  
 79 %  
 56 mph  
 45 mph  
 23%  
 47 mph  
 40 mph

1/ No Comparable State Rate

2/ Ten-mile-per hour range containing the largest number of sampled vehicles

3/ 85% speed

**Factors Influencing Recommendation:**

85 % speed, pace limits, culture type and density.

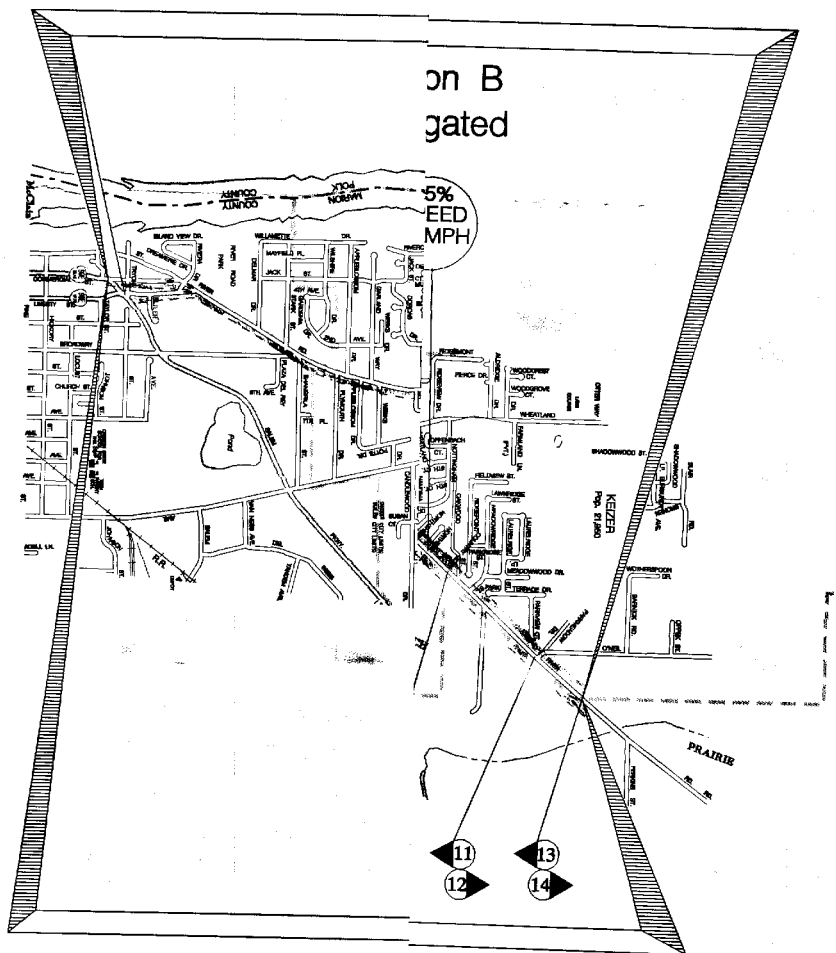


# N. Commercial St./N. Liberty St. City of Salem / City of Keosauqua



on B  
gated

5%  
EED  
MPH



SCALE

0 100 200 300 FEET

LEGEND

|  |                                  |
|--|----------------------------------|
|  | 20 MPH                           |
|  | 25 MPH                           |
|  | 25 MPH When Children Are Present |
|  | 30 MPH                           |
|  | 35 MPH                           |
|  | 40 MPH                           |
|  | 45 MPH                           |
|  | 50 MPH                           |
|  | 55 MPH (STAT)                    |

CITY LIMITS



# Oregon

Theodore R. Kulongoski, Governor

## Department of Transportation

Transportation Building

355 Capitol St. NE

Salem, Oregon 97301

May 12, 2004

FILE CODE:

Rob Kissler  
Director of Public Works  
City of Keizer  
930 Chemawa Road NE  
Keizer, OR 97307-1000

Dear Rob,

Your letter dated March 20, 2004 indicates the City's objection to proposed speed zoning on N River Road in the City of Keizer.

After review of your concerns with ODOT's speed zone proposal, we have changed our speed zoning recommendation to establish a 40 MPH speed zone from Lockhaven Avenue to 0.18 mile north of Parkmeadow Drive. Please refer to the attached report.

Enclosed is a copy of Speed Zone Order by Delegated Authority No. J7450 dated May 12, 2004 establishing this speed zone. Please notify this office of the date the signs have been installed by returning the enclosed copy of this letter.

If you have any further questions, please contact me at (503) 986-3609.

Sincerely,

*Paul Davis*

Paul Davis  
Traffic Investigations Coordinator

|                 |      |
|-----------------|------|
| SIGNS INSTALLED |      |
| By              | Date |
| Signature       |      |

Copy with Enclosure to:

Kathy McConnell, Region 2 Traffic Investigator

Eric Destival, Assistant Traffic Engineer, City of Salem

PD/cwc



# City of Keizer

Phone: (503) 390-3700 • Fax: (503) 393-9437  
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

March 20, 2004

Paul Davis, Investigations Coordinator  
Oregon Dept. of Transportation  
Traffic Management Section  
355 Capitol Street NE  
Salem, OR 97301-3871

Dear Mr. Davis

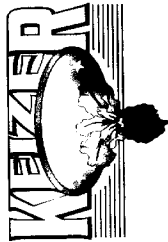
The City of Keizer Public Works and Police Departments have reviewed your speed survey along River Road from Lockhaven Drive to the North City Limits. Your letter dated August 13, 2003 indicates the speed survey was conducted from N. Commercial and Liberty along River Road to just north of Parkmeadow, however the enclosed map reflects the area studied is from Lockhaven Drive to the North City Limits along River Road. I'm assuming the map is correct and Section B of the map concludes that the 85% speed is 47 mph during your study period.

The City is still concerned about the peak hour volumes and speed along this corridor of River Road. Accesses to River Road in this stretch have increased due to residential and multi family developments. The City requests the Speed Control Board or State Traffic Engineer consider a lowering of the 45mph speed to 40 mph in all or a portion of the investigated section.

Mr. Davis, I apologize in my late response to your findings letter and analysis. If I can answer any questions, please contact me.

Sincerely:

Rob Kissler  
Director of Public Works



July 6, 2004

# **AGENDA ITEM 9a**

**RESOLUTION - Authorizing the Mayor to Sign City  
Manager Contract Amendment**

**CITY COUNCIL MEETING: June 7, 2004**

**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: *AMENDMENT OF CITY MANAGER'S EMPLOYMENT CONTRACT***

The Mayor asked me to prepare a contract amendment for the City Manager. Such contract amendment was to include a \$350.00 per month car allowance. The employment contract amendment and resolution authorizing the Mayor and Council President to sign such amendment is attached. The amendment deletes the current section regarding mileage reimbursement and replaces it with the car allowance.

The amendment also adopts Council policy regarding the City Manager salary being determined by the salary matrix. Finally, the notice for extension is changed to June 15 each year to coincide with budget discussions. (A copy of the City Manager's Contact is Enclosed)

**RECOMMENDATION:**

Review the resolution and employment contract amendment and take appropriate action.

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

ESJ/tmh  
attachments

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2004-\_\_\_\_\_

3 AUTHORIZING THE MAYOR AND COUNCIL  
4 PRESIDENT TO ENTER INTO THE CITY MANAGER  
5 CONTRACT AMENDMENT

6 WHEREAS, Christopher C. Eppley and the City of Keizer entered into that  
7 certain Employment Contract dated April 17, 2000;

8 WHEREAS, the City Council and Christopher C. Eppley have concluded it is  
9 appropriate to amend such Employment Contract;

10 NOW, THEREFORE,

11 BE IT RESOLVED by the City Council of the City of Keizer that the Mayor and  
12 Council President are hereby authorized to enter into that certain employment contract  
13 amendment, a copy of which is attached as Exhibit "A" and by this reference  
14 incorporated herein.

15 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

16 SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

17 \_\_\_\_\_  
18 Mayor

19 \_\_\_\_\_  
20 City Recorder

**AMENDMENT OF  
EMPLOYMENT CONTRACT  
BETWEEN  
CHRISTOPHER C. EPPLEY  
AND THE  
CITY OF KEIZER**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between CITY OF KEIZER, hereinafter referred to as the "City," and Christopher C. Eppley, hereinafter referred to as "City Manager."

WITNESSETH:

WHEREAS, the parties named above entered into that certain Employment Contract dated April 17, 2000; and

WHEREAS, the parties have agreed to amend the Employment Contract as set forth below;

NOW, THEREFORE, in consideration of the mutual promises contained in the Employment Contract and herein, the parties agree as follows:

**SECTION 1. TERM.**

The term of the Employment Contract is extended to June 30, 2005. Pursuant to Section 13 of the Contract, City Council may give written notice of one (1) year contract extensions. Such notice shall not require formal contract amendment.

**SECTION 2. SALARY.**

Section 2 of the Employment Contract is amended as follows:

The City shall pay City Manager at a monthly salary rate of ~~\$5,113.00; after 6 months of service, \$5,424.00; and, after 1 year of service, \$5,587.00 upon completion of satisfactory job performance pursuant to the salary matrix adopted by the City and at such Range and Step as determined by the Council.~~ The salary rate will be reviewed annually and may be adjusted by the City Council without formal amendment of this Contract. Such salary rate may only be reduced if the reduction is proportionate to salary reductions which are part of a uniform plan affecting all non-represented city employees. City

Manager shall receive any cost of living adjustments received by the Department heads during the period of this Agreement.

### SECTION 3. AUTOMOBILE.

Section 9 of the Employment Contract is deleted and replaced by the following:

The City Manager shall be given a vehicle allowance in the amount of \$350.00 per month. Such allowance shall be in lieu of any mileage reimbursement. City Manager shall pay all necessary and appropriate withholdings on such amount.

### SECTION 4. EXTENSION OF AGREEMENT.

Section 13 of the Employment Contract is amended as follows:

This Contract is for the term set forth above in Section 1. This Contract may be extended for additional terms of one (1) year each by written notice provided by the City Council to City Manager on or before ~~April~~ June 15 of each year of this Contract. The terms and conditions of any such extension shall be determined by the City Council in consultation with the City Manager. An affirmative vote of the City Council is required to extend this Contract. If such notice is not given on or before ~~April~~ June 15 of each year of this Contract, the parties acknowledge that this Contract will terminate on the date set forth in Section 1.

### SECTION 5. CONTRACT TO REMAIN IN FORCE.

Except as specifically amended herein, all other terms of the Employment Contract shall remain in full force and effect.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

THE CITY OF KEIZER,  
an Oregon municipal corporation

By: \_\_\_\_\_  
Lore Christopher, Mayor

\_\_\_\_\_  
Christopher C. Eppley

By: \_\_\_\_\_  
Council President



**EMPLOYMENT CONTRACT  
BETWEEN  
CHRISTOPHER C. EPPLEY  
AND THE  
CITY OF KEIZER  
MARION COUNTY, OREGON**

THIS AGREEMENT, is made and entered into this 17<sup>th</sup> day of April, 2000, by and between CITY OF KEIZER, hereinafter referred to as the "City," and Christopher C. Eppley, hereinafter referred to as "City Manager."

**WITNESSETH:**

WHEREAS, City Manager is desirous of serving as the City Manager of the City and to perform all duties required by that office; and

WHEREAS, the City is desirous of securing a City Manager to administer and direct the City's policies and programs under the general supervision of the City Council; and

WHEREAS, the City and City Manager believe that a written Employment Contract is necessary to describe specifically their relationship and to serve as the basis of effective communication between them as they fulfill their governance and administrative functions in the operation of City government;

NOW, THEREFORE, in consideration of the mutual promises contained herein, the City hereby employs City Manager as the City Manager in and for said City, and City Manager hereby accepts such employment upon the terms and conditions as set forth below.

**SECTION 1. TERM:**

This Agreement shall commence on May 30, 2000, and terminate on June 30, 2003.

Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City or City Manager to terminate this Agreement at any time subject only to the provisions herein relating to termination.

**SECTION 2. SALARY:**

The City shall pay City Manager at a monthly salary rate of \$5,113.00; after 6 months of service, \$5,424.00; and, after 1 year of service, \$5,587.00, upon completion of satisfactory job performance. These salary rates will be reviewed annually and may be adjusted by the City. City

Manager shall receive any cost of living adjustments received by the Department heads during the period of this Agreement.

### SECTION 3. MOVING EXPENSES

City Manager shall be reimbursed up to a maximum of \$4,000.00 for moving expenses for he and his family in their move from Tonganoxie, Kansas, to Keizer, Oregon. City Manager will take at least three bids for this work to be completed and will obligate himself to accept the lowest bid. Should City Manager leave the employ of the City within 12 months after commencing work, a pro-rata amount of the reimbursed moving expenses will be due and payable back to the City.

### SECTION 4. DUTIES:

City Manager agrees to perform the functions and duties of City Manager as specified in the Keizer City Charter and as specified in the job description for City Manager, and to perform such other duties and functions as the City Council shall assign from time to time.

### SECTION 5. PROFESSIONAL GROWTH OF CITY MANAGER:

The City encourages the continuing professional growth of City Manager through City Manager's participation in:

- (a) Seminars and courses offered by public or private educational institutions including the International City/County Management Association (ICMA); and
- (b) Informational meetings with other persons whose particular skills or backgrounds would serve to improve the capacity of City Manager to perform City Manager's professional responsibilities for the City.

Upon prior approval by the City Council, City Manager's reasonable expenses for such continuing professional growth activities will be paid by the City, in accord with the City's normal policies and practices. The City Council will give due consideration to City Manager's paid attendance at the annual ICMA conference.

## SECTION 6. EVALUATION:

At least once each fiscal year, the City Council and City Manager shall meet for the purpose of evaluating the performance of City Manager and expressing, in writing, recommendations and observations. The evaluation will be in accord and take into consideration the responsibilities of City Manager as listed in the City Charter. The meeting shall be held as provided by Oregon law. The parties will endeavor to conduct the first such evaluation meeting before April 15. The City Manager will be responsible for scheduling this meeting.

## SECTION 7. CONTRACT OBLIGATIONS AND LEAVE TIME:

This Contract is for employment on a full-time, full-year basis. City Manager shall be required to render 12 months of full and regular service to the City during each year of this Contract, except that the City Manager shall be entitled to paid time off (holidays, vacations, sick leave, etc.) with accrual, accumulation, and limitations consistent with City policies, as may be modified from time to time.

## SECTION 8. FRINGE BENEFITS:

The City Manager shall receive the fringe benefit package as is provided by City policies, as may be modified from time to time by the City. City Manager will be allowed to become a member of the Public Employees Retirement System upon completion of the statutory waiting period. The City will pay both the employer's contribution and the City Manager's contribution (PERS "pickup").

## SECTION 9. AUTOMOBILE:

The City will pay a mileage reimbursement rate to the City Manager in accordance with the rate adopted by the City Council (currently the IRS rate) for travel incurred in discharging the duties of City Manager beyond normal and routine commuting miles.

## SECTION 10. GENERAL EXPENSES:

The City recognizes that certain expenses of a nonpersonal and job affiliated nature are incurred by the City Manager and the City hereby agrees to reimburse City Manager for expenses incurred upon receipt of duly executed expense vouchers, receipts, statements or personal affidavits in accordance with federal, state, and local laws as specified in the policies of the City. In addition, City shall provide a cell phone for City Manager's exclusive use.

#### SECTION 11. DUES AND SUBSCRIPTIONS:

Upon City Council approval, the City will pay the professional dues and subscriptions of the City Manager appropriate for the City Manager's continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for the City Manager's continued professional participation, growth, and advancement, and to improve the City Manager's performance of the duties as City Manager. The City Manager will report to the City Council on each professional organization for which the City pays dues and subscription services.

#### SECTION 12. CIVIC MEMBERSHIP:

The City recognizes the desirability of representation in and before local civic and other organizations and the City Manager is authorized to become a member of civic clubs or organizations for which, upon City Council approval, the City shall pay membership expenses, excluding the cost of meals. City Manager shall report to the City Council on each such membership.

#### SECTION 13. EXTENSION OF AGREEMENT:

This Contract is for the term set forth above in Section 1. This Contract may be extended for additional terms of one (1) year each by written notice provided by the City Council to City Manager on or before April 15 of each year of this Contract. The terms and conditions of any such extension shall be determined by the City Council in consultation with the City Manager. An affirmative vote of the City Council is required to extend this Contract. If such notice is not given on or before April 15 of each year of this Contract, the parties acknowledge that this Contract will terminate on the date set forth in Section 1.

#### SECTION 14. DISABILITY OF CITY MANAGER:

Notwithstanding anything in this Contract to the contrary, the City is hereby given the option to terminate this Contract in the event that City Manager shall become permanently disabled during the term of this Contract or any extension thereof. Permanent disability is a disability which incapacitates City Manager from performing City Manager's duties under this Contract on a regular and continuing basis. Such option shall be exercised by the City giving ten (10) days' written notice to City Manager by registered mail and addressed to City Manager at the City's offices or at such other address as City Manager shall furnish in writing to the City.

During any such period of disability and until final termination, City Manager's compensation shall be the amount provided in the disability insurance policy to be provided by the City. Upon final termination of this Contract, City Manager's compensation will continue to be provided by the terms of the disability insurance policy.

In no event shall the amount paid to City Manager exceed the full pay of City Manager including insurance benefits.

If a question exists concerning the capacity of City Manager to return to City Manager's duties, the City may require City Manager to submit to a medical examination, to be performed by a doctor licensed to practice medicine. The City shall designate the physician who shall conduct the examination. The examination shall be done at the expense of the City. The physician shall limit the report to the issue of whether City Manager has a permanent disability as defined herein.

#### SECTION 15. DISCHARGE FOR CAUSE:

Discharge for cause may include: neglect of duty, breach of contract, inefficiency, immorality, insubordination, conviction of a crime involving moral turpitude, inadequate performance, negligent or willful violation of City policies, deceitful practices vis-a-vis the City Council, and failure to comply with such reasonable requirements as the City may prescribe to show normal improvement, and evidence of professional training and growth. Other reasons may constitute cause for dismissal, but such other reasons, for the purposes of this Contract, will be interpreted to include or cover only those reasons which are of the same general nature or class as those reasons which are set forth above.

Notice of the City's consideration of discharge for cause shall be given in writing. Such notice shall include a statement of the reasons constituting cause and shall be given not less than ten (10) days prior to the date that City Manager shall be entitled to appear before the City Council as hereinafter provided. City Manager shall be entitled to appear before the City Council to discuss such causes. Such meeting may be conducted in executive session as provided by Oregon law. City Manager shall be provided a written decision describing the results of the meeting.

#### SECTION 16. NO CAUSE TERMINATION OF AGREEMENT:

The City may discharge City Manager as City Manager and terminate this Contract without any showing of cause upon written notice and the tendering of sixty (60) days' worth of the City Manager's salary (only) or the balance of salary payments due under this Agreement (salary only), whichever is less, exclusive of any accrued vacation time otherwise owed to City Manager. City Manager may resign as City Manager upon sixty (60) days' written notice to the Mayor. Such resignation will terminate this Contract and the City's obligations thereunder.

## SECTION 17. PROFESSIONAL LIABILITY

The City agrees that it shall defend, hold harmless, and indemnify the City Manager from any and all demands, claims, suits, actions and legal proceedings brought against the City Manager in his individual capacity, or in his official capacity as agent and employee of the City, provided the incident arose while the City Manager was acting within the scope of his employment and excluding criminal litigation and as such liability coverage is within the authority of the City to provide under state law. Except that, in no case, will individual Council Members be considered personally liable for indemnifying the City Manager against such demands, claims, suits, actions and legal proceedings.

If, in the good faith opinion of the City Manager or the City, conflict exists with regard to the defense of such a claim between the legal position of the City Manager and the legal position of the City, either party may cause the City Manager to engage separate legal counsel from that retained by the City. In the event such separate legal counsel is retained, the City shall indemnify the City Manager for the costs of that counsel.

The City shall not, however, be required to pay any costs of any legal proceedings in the event the City and the City Manager have adverse interest in such litigation or in the event such costs are incident to criminal investigation or litigation. The City does not have the responsibility of indemnifying the City Manager for legal costs or expenses associated with any action brought against the City Manager by the City.

## SECTION 18. RESIDENCY:

Within one year of the date of this Contract, and continuously thereafter while employed by the City, City Manager shall reside within the City limits of Keizer.

## SECTION 19. ATTORNEY FEES:

In the event of any suit or action hereon, the prevailing party in such suit or action shall be entitled to reasonable attorney fees to be fixed by the trial court, if any appeal is taken from the decision of the trial court, such further sum as may be fixed by the appellate court as reasonable attorney fees in the appellate court, together with the prevailing party's costs and disbursements incurred therein.

## SECTION 20. APPLICABLE LAW:

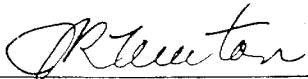
This Contract is to be construed under the laws of the State of Oregon.

IN WITNESS WHEREOF, the City, pursuant to the authority of its City Council, by resolution duly and regularly adopted on R2000-1175/April 17, 2000, has caused two originals of this Contract to be signed in the name of the City by the Mayor of the City, and City Manager has signed on the day and year first above mentioned.

CITY:

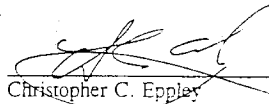
By:

Mayor



CITY MANAGER:

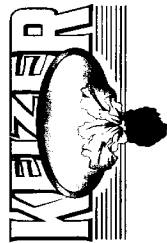
Christopher C. Eppley



By:

Council President





# **AGENDA ITEM 9b**

**RESOLUTION - Appointing City Recorder Pro tem**

**July 6, 2004**



**CITY COUNCIL MEETING: July 6, 2004**

**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY  
CITY MANAGER**

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

**SUBJECT: APPOINTMENT OF PRO TEM CITY RECORDER**

**ISSUE:**

On some occasions, the City Recorder may be unavailable to perform the duties of the position, such as the signing of Resolutions, Ordinances, or Orders. Attached is a Resolution appointing Debbie Lockhart to serve as Pro Tem City Recorder if the City Recorder is absent or unavailable. Debbie was hired on August 11, 2003 to fill the Recording Secretary position vacated by Cindy Perry. Previously, Ms. Perry served as the Pro Tem City Recorder in my absence.

**RECOMMENDATION:**

It is recommended the City Council adopt the attached Resolution appointing Debbie Lockhart to serve as Pro Tem City Recorder in my absence.

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0

2

## 3

5  
6  
7  
8

0

1

2  
3  
4  
5  
6  
7  
8

90



July 6, 2004

# **AGENDA ITEM 9c**

**RESOLUTION - Authorizing City Manager to Enter  
Agreement for Annual Street Resurfacing Project**

**CITY COUNCIL MEETING:** \_\_\_\_\_

**AGENDA ITEM NUMBER:** \_\_\_\_\_

**TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY  
CITY MANAGER**

**FROM: ROB KISSLER  
DIRECTOR OF PUBLIC WORKS**

**SUBJECT: ANNUAL STREET RESURFACING**

**DATE: JUNE 30, 2004**

**BACKGROUND:**

The Department of Public Works in conjunction with Marion County Public Works solicited bids for resurfacing various streets in Keizer. This project consists of 8 streets totaling approximately 1.25 miles. See attachment "A" for a map showing the selected streets. The bids were received and opened June 29<sup>th</sup> 2004. Public Works received 5 bids of which the lowest price was received from Morse Bros. Inc. in the amount of \$252,119.90.

**FISCAL IMPACT:**

Funds for this project are available in the fiscal year 04/05 street fund budget line 88.

**RECOMMENDATION:**

Staff recommends Council adopt the attached resolution authorizing the City Manger to enter into a contract with Morse Bros. Inc in the amount of \$252,119.90 for the resurfacing of various City streets.

Please contact me with any questions or concerns.

[illegible]

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2004-\_\_\_\_\_

3 AUTHORIZING THE CITY MANAGER TO ENTER AN AGREEMENT WITH MORSE  
4 BROS. INC. FOR STREET RESURFACING ON VARIOUS STREETS WITHIN THE  
5 CITY OF KEIZER  
6

7 WHEREAS, the City of Keizer has an annual pavement management  
8 maintenance program contracted through Marion County;

9 WHEREAS, as part of this program, several streets within various  
10 neighborhoods in the City of Keizer have been selected to be resurfaced;

11 WHEREAS, on June 29, 2004 five bids were received and opened. The  
12 lowest of these bids was received from Morse Bros. Inc. to resurface these various  
13 streets at a cost of \$252,119.90. This bid has been reviewed and certified. NOW  
14 THEREFORE

15 BE IT RESOLVED by the City Council of the City of Keizer that the City  
16 Manager is hereby authorized to enter into an agreement with Morse Bros. Inc. to  
17 resurface various streets within the City of Keizer for a cost of \$252,119.90.

18 PASSED this \_\_\_\_ day of \_\_\_\_\_, 2004.

19 SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2004.

20  
21 \_\_\_\_\_  
22 Mayor

23  
24 \_\_\_\_\_  
25 City Recorder



July 6, 2004

# **AGENDA ITEM 9d**

**RESOLUTION - Approving Engineer's Report for  
Megan Lee Properties Street Lighting District**

**COUNCIL MEETING: July 6, 2004**

**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY  
CITY MANAGER**

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

**SUBJECT: MEGAN LEE PROPERTIES STREET LIGHTING LOCAL  
IMPROVEMENT DISTRICT**

**ISSUE:**

On April 5, 2004, the City Council adopted Resolution R2004-1474 declaring the City's intent to initiate Megan Lee Properties Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

Attached to this staff report is a City Engineer's report filed for Megan Lee Properties Street Lighting Local Improvement District. The report was reviewed by the Public Works Department and found to meet the guidelines as outlined in the City of Keizer Ordinance for development of street lighting districts. Upon adoption of the report by the City Council, a public hearing will be scheduled to receive any remonstrances to the formation of this street lighting district.

**FISCAL IMPACT:**

The costs for establishing the district in the first year include a fee for the engineers report and an administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Street Lighting District Fund.

**RECOMMENDATION:**

It is recommended City Council adopt a Resolution approving the City Engineer's Report and set the public hearing date for July 19, 2004 to consider remonstrances and other comments on the district's formation and objections to proposed assessments.



CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-\_\_\_\_\_

**APPROVING THE CITY ENGINEER'S REPORT; DECLARING  
THE CITY'S INTENT TO FORM MEGAN LEE PROPERTIES STREET LIGHTING LOCAL  
IMPROVEMENT DISTRICT; PROVIDING NOTICE AND SETTING HEARING**

BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

Section 1. That the City Council hereby finds the City Engineer's Report, marked as exhibit "A" and by this reference incorporated herein, containing preliminary plans and an estimate of probable costs for Megan Lee Properties Street Lighting Local Improvement District which was filed with the City Recorder on June 29, 2004 to be satisfactory, and the same are hereby approved and adopted.

Section 2. That the City Council hereby declares its intention to form Megan Lee Properties Street Lighting Local Improvement District and to make the lighting district improvements to serve Megan Lee Properties Street Lighting Improvement District.

Section 3. That the City Council hereby directs the City Recorder to give notice of its intention to form Megan Lee Properties Street Lighting Local Improvement District and to make the improvements by sending notice to the property owners within the district stating a public hearing will be held on July 19, 2004, said notice to also provide that information required under City of Keizer Ordinance 94-278, an ordinance providing for procedures for municipal lighting districts and special assessments.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2004.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Recorder



# City of Keizer

Phone: (503) 390-3700 • Fax: (503) 393-9437  
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, OR 97307-1000

ENGINEER'S REPORT  
FOR  
MEGAN LEE PARTITION  
STREET LIGHTING DISTRICT

For City Council Action July 6, 2004



date: December 31, 2004

PREPARED BY:  
Peterson Eng. Consultants, Inc.  
4300 Cherry Ave. N  
Keizer, OR 97303  
(503) 390-7402

Date: June 21, 2004

Project File: 0881

TO: The Hon. Mayor and City Council

FROM: - City Engineer's Office

SUBJECT: Street Lighting District for Megan Lee Properties

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 2004-1474** for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefitted by the street lights proposed to be installed.

Lighting Plan: The lighting improvements will consist of 1, 150 Watt, high pressure sodium, flat lens luminary mounted on a 6 foot long mast arm and attached to 30 foot gray fiberglass pole. This design is selected to be consistent with adjacent lighted areas. It is recommended that installation be accomplished by the following method:

Portland General Electric (PGE) would supply, install and maintain the luminaries, poles and underground or overhead wiring. PGE would also supply the electrical power to the District.

Estimated Costs:

Initial Cost and Annual costs -

|                                                                 |   |              |
|-----------------------------------------------------------------|---|--------------|
| 1 Pole & 150 Watt luminaries @ \$16.07 per month each x 12 mos. | = | 192.84       |
| Administrative Fee @ \$6.90/Lot:                                |   | 34.50        |
| Engineering @ \$14.00/Lot:                                      |   | <u>70.00</u> |
| Total Assessment                                                |   | \$297.34     |
| (1)Per Lot Assessment (First Year, 5 Lots)                      |   | \$59.47      |

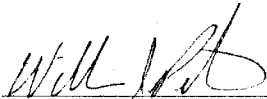
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on a per lot basis to each parcel in the district.

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$38.57 per lot.

Assessment Roll: The attached preliminary assessment roll identifies the benefitted properties and the first year assessments to be levied against each.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Will Peterson', is written over a horizontal line.

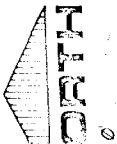
William I. Peterson, PE

PRELIMINARY ASSESSMENT ROLL

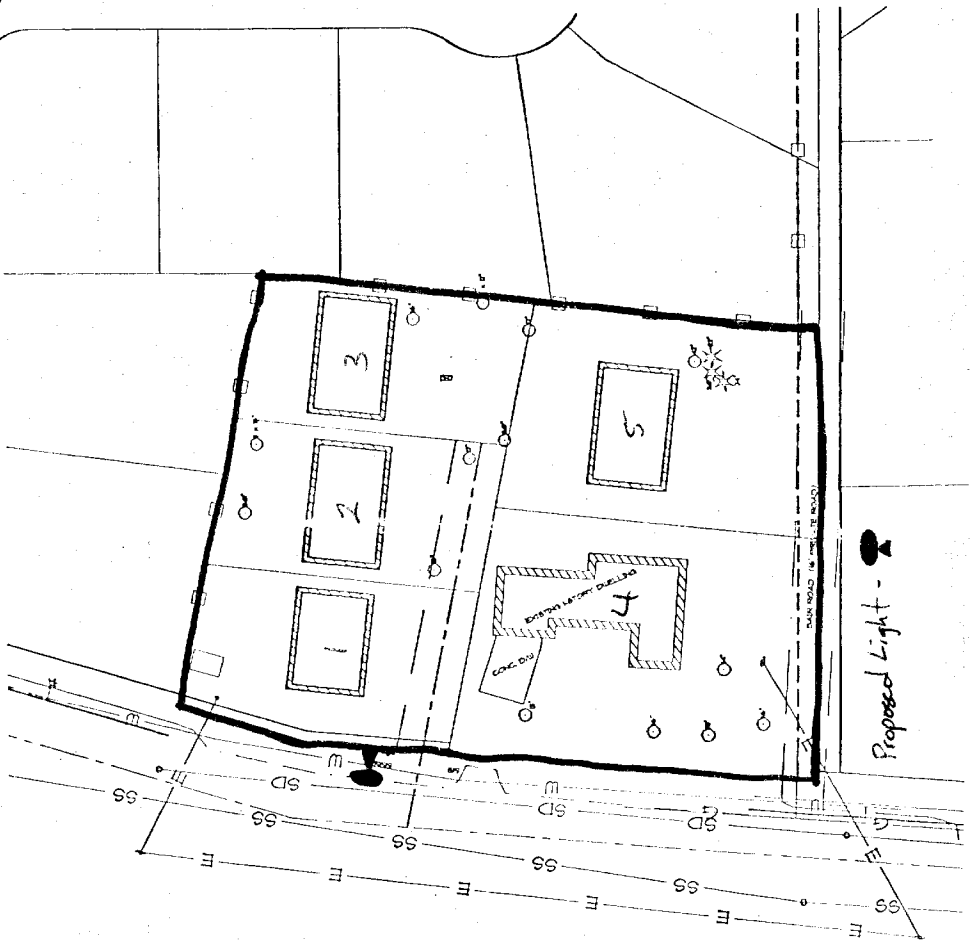
MEGAN LEE PROPERTIES  
STREET LIGHTING DISTRICT

\*Assessors Map 06 3W 23CD

| <u>Tax Lot #:</u> | <u>Owners Name and Address</u>                                                         | <u>Cost per Lot</u> | <u>Lots</u> | <u>Assessment</u> |
|-------------------|----------------------------------------------------------------------------------------|---------------------|-------------|-------------------|
| 200               | ANDERSON, CHRISTOPHER D<br>PO BOX 20935<br>KEIZER, OR 97307                            | \$59.47             | 1           | \$59.47           |
| 201               | ANDERSON, CHRISTOPHER D<br>PO BOX 20935<br>KEIZER, OR 97307                            | \$59.47             | 1           | \$59.47           |
| 202               | ANDERSON, CHRISTOPHER D<br>PO BOX 20935<br>KEIZER, OR 97307                            | \$59.47             | 1           | \$59.47           |
| 300               | ANDERSON, CHRISTOPHER D<br>PO BOX 20935<br>KEIZER, OR 97307                            | \$59.47             | 1           | \$59.47           |
| 301               | FRESHOUR, RONALD G &<br>FRESHOUR, BARBARA A<br>6975 RIDGETOP DR NE<br>KEIZER, OR 97303 | \$59.47             | 1           | \$59.47           |
| TOTAL ASSESSMENT: |                                                                                        | \$297.34            |             |                   |



PLAN



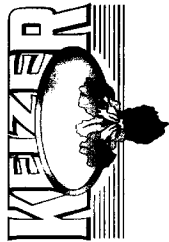
Proposed Light -



DATE: July 6, 2004 TIME: 7:00 p.m. AGENDA ITEM # 5b

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS  
(PLEASE PRINT)

[illegible]



**PUBLIC HEARING  
SIGN UP SHEET**

**PUBLIC HEARING RE: RADIANCE SALON AND SPA LIQUOR LICENSE APPLICATION**

DATE: July 6, 2004 TIME: 7:00 p.m. AGENDA ITEM # 5c

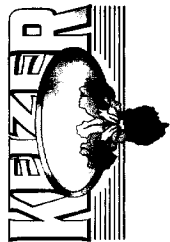
**ROBERT L. SIMON COUNCIL CHAMBERS**

**BEFORE THE: KEIZER CITY COUNCIL**      **PLACE:**

**(PLEASE PRINT)**

[illegible]





**PUBLIC HEARING  
SIGN UP SHEET**

**PUBLIC HEARING RE: EVERWOOD MEADOWS STREET LIGHT DISTRICT**

DATE: July 6, 2004 TIME: 7:00 p.m. AGENDA ITEM # 5d

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS

**(PLEASE PRINT)**

[illegible]



# City of Keizer

Phone: (503) 390-3700 • Fax: (503) 393-9437  
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

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

Distributed by  
Rob Kissler  
7-6-04

March 26, 2003

State Traffic Engineer  
Oregon Department of Transportation  
355 Capitol Street NE, Fifth Floor  
Salem, OR 97301-3871

Here is a request for a speed zone investigation in the City of Keizer, by the Oregon Department of Transportation personnel. Enclosed is a completed speed zone request form and map of the roadway we would like investigated. If you have any questions please don't hesitate to call. I hope to hear from you on this investigation soon.

Sincerely,

Rob Kissler  
*Director of Public Works*



# Speed Zone Request

To request a Speed Zone Investigation by ODOT personnel, City or County Engineering Department staff should complete this form and send it - with a map of the roadway - to:

State Traffic Engineer  
Oregon Department of Transportation  
355 Capitol Street NE, Fifth Floor  
Salem, OR 97301-3871

|                                                                                                                                                                                                                                                                                                                                         |                                   |                                                                                                                                        |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|--|
| AGENCY NAME<br>City of Keizer                                                                                                                                                                                                                                                                                                           |                                   | DATE<br>02-10-03                                                                                                                       |  |
| CONTACT NAME AND TITLE<br>Rob Kissler Director of Public Works                                                                                                                                                                                                                                                                          |                                   | TELEPHONE NUMBER<br>503-390-3700                                                                                                       |  |
| ADDRESS<br>PO Box 21000 Keizer, OR 97307-1000                                                                                                                                                                                                                                                                                           |                                   |                                                                                                                                        |  |
| NAME OF ROADWAY<br>River Road                                                                                                                                                                                                                                                                                                           |                                   |                                                                                                                                        |  |
| FROM<br>Lockhaven                                                                                                                                                                                                                                                                                                                       |                                   | TO<br>North City Limits                                                                                                                |  |
| REQUESTED SPEED - MPH<br>40                                                                                                                                                                                                                                                                                                             | EXISTING POSTED SPEED - MPH<br>45 | EXISTING SPEEDS OF ROADWAY ABUTTING THIS SECTION<br>ENTERING - MPH: 25      EXITING - MPH: 25                                          |  |
| AVERAGE DAILY TRAFFIC VOLUME<br>23,680 Estimated                                                                                                                                                                                                                                                                                        |                                   | ROADWAY CLASSIFICATION: <input type="checkbox"/> LOCAL <input type="checkbox"/> COLLECTOR <input checked="" type="checkbox"/> ARTERIAL |  |
| Speed recommendation from City or County Engineering Department ( <i>required</i> ): 40 MPH<br>Reasons for this recommendation: Six additional access streets in this stretch of River Rd. due to residential developments. Two new schools serving the residential streets. Last volume check was in 1996.                             |                                   |                                                                                                                                        |  |
| Are curves in this section of roadway signed appropriately? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                                         |                                   |                                                                                                                                        |  |
| Is the recommended speed consistent with the speeds of similar roadways in the surrounding area? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                    |                                   |                                                                                                                                        |  |
| Speed Recommendation from enforcement: 35-40 MPH<br>Reasons for this recommendation: continuing speed enforcement in this area has shown no excessive speeds. Average speed approximately 45 MPH. Police investigate 13 traffic accidents on River Rd. between Lockhaven and Country Glen. Reducing speed might make the roadway safer. |                                   |                                                                                                                                        |  |
| Are there special plans to enforce the proposed speed zoning? (explain): The Keizer Police Department will concentrate efforts to educate the public of a lower speed limit. Police will also follow up with enforcement.                                                                                                               |                                   |                                                                                                                                        |  |
| Speed Recommendation from local residents: 40 MPH<br>Reasons for this recommendation: Increase in vehicular volume in North Keizer and New Growth. Just outside of Keizer in Marion County.                                                                                                                                             |                                   |                                                                                                                                        |  |

TO BE COMPLETED BY ODOT STAFF

Speed Recommendation from ODOT Region Traffic Engineering Staff: \_\_\_\_\_ MPH

Reasons:



# Oregon

Theodore R. Kulongoski, Governor

## Department of Transportation

Traffic Management Section  
355 Capitol Street NE, Fifth Floor  
Salem, OR 97301-3871  
Phone (503) 986-3568  
Fax (503) 986-4063

April 16, 2003

FILE CODE: TRA 7-2

Rob Kissler, Public Works Director  
City of Keizer  
PO Box 21000  
Keizer, OR 97307-1000

Dear Mr. Kissler,

This letter will serve as acknowledgement of your request on 3/26/2003 for a speed zone investigation to be conducted on River Road N from Lockhaven Drive to 0.19 mile south of Perkins Street NE (NCL).

Our field engineers will conduct this investigation. As soon as the report is complete, we will send it to you for review and approval.

Thank you for the traffic counts and location map, this will assist in the completion of the report.

For tracking purposes, the Request ID #4215 has been assigned to this request. Please use it when referring to this speed zone request and documents pertaining to it.

If you have any further questions, please call me at (503) 986-3609.

Sincerely,

Paul Davis  
Investigations Coordinator

Copy with Enclosure(s) to:

Kathy McConnell, Region 2 Traffic Investigator

PD/cwc



**DATE:** July 6, 2004 **TIME:** 7:00 p.m. **AGENDA ITEM #** 5a

**BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS**

[illegible]