

CITY OF KEIZER MISSION STATEMENT
***KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY SERVICES
TO THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST COST FASHION***

AGENDA

KEIZER CITY COUNCIL

Monday, May 20, 1996

7:00 p.m.

Robert L. Simon Council Chambers

Keizer City Hall

Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. COMMITTEE REPORTS

- a. Briefing on Wetlands Inventory Project
- b. Council Liaison Reports
 - Parks Advisory Board - Councilor Miller
 - Planning Commission - Councilor Watson
 - Claggett Creek Task Force - Mayor Koho
 - Traffic Safety Commission - Councilor McGee

5. PUBLIC HEARINGS

- a. ORDINANCE - Park Master Plan Amendment - Pleasantview Park - continued from May 6, 1996
- b. Chemawa Activity Center Plan - continued from February 20, 1996
- c. ORDINANCE - Zone Change/Comp Plan Amendment Case No. 95-04 (3-H Construction) continued from May 6, 1996

6. ADMINISTRATIVE ACTION

- a. RESOLUTION - Using Transportation Equity Funds as Match for Pacific NW High Speed Rail Corridor
- b. RESOLUTION - Reversing Intent for Transient Room Tax - Repealing R94-762

7. CONSENT CALENDAR

- a. RESOLUTION - Setting Public Hearing to Revoke Claggett Cemetery Comp Plan/Zone Change/Conditional Use
- b. RESOLUTION - Awarding of Bid for 1996 Street Resurfacing Contract
- c. Approval of May 6, 1996 Regular Session Minutes

8. OTHER BUSINESS

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

- Mayor and Council Members
- City Manager and Department Heads

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications and petitions.

10. AGENDA INPUT

JUNE 3, 1996

6:00 P.M. Urban Renewal Agency Meeting

- Property Improvement Program
- Sign Code Grants
- Sign Code Grant Program

7:00 P.M. City Council Meeting

- Amendments to Solid Waste Franchise Agreement and Ordinance
- Marion County Building Code Administration Contract

JUNE 10, 1996

5:30 P.M. City Council Work Session

- City of Keizer Park Tour

JUNE 17, 1996

6:30 P.M. Urban Renewal Agency Meeting

- 1996-97 Urban Renewal Agency Public Hearing
- Adoption of 1996-97 Urban Renewal Agency Budget

7:00 P.M. City Council Meeting

- 1996-97 City of Keizer Budget Public Hearing
- Adoption of 1996-97 City of Keizer Budget

II. ADJOURN

Upon request, auxiliary aids and/or special services for those with disabilities will be provided. To request services, please contact us at 393-3200 or through Oregon Relay 1-800-735-2900 at least two working days (48 hours) in advance.

CITY COUNCIL MEETING: May 20, 1996

AGENDA ITEM NUMBER: 4a

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, 
CITY MANAGER

FROM: JOHN N. MORGAN, AICP 
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: BRIEFING - REGIONAL WETLANDS INVENTORY

DISCUSSION:

Keizer is participating in a detailed inventory of the entire urban area to identify locations, types, and quality of wetlands. Jeanne Fromm of the Council of Governments, the project manager, will brief the Council on the project.

A press release describing the wetlands inventory project is attached.

Example Press Release

The Cities of Salem and Keizer, and Marion County are coordinating with the Mid-Willamette Valley Council of Governments to conduct a local wetland inventory in the Salem-Keizer area. The inventory area occurs mainly within the Salem-Keizer Urban Growth Boundary (see map), except for West Salem where it is confined to within the Salem city limits and scattered additional parcels.

The purpose of the project is to gather information about the size, location, type, function, and value of wetlands in the area. The information will be used to support future wetland and storm water management planning efforts. An investigation into potential wetland mitigation banking programs and possible locations is also planned.

Wetlands are permanently or seasonally wet areas between dry land and deep waters where plants adapted to growth in saturated soils or shallow water are common (See graphic). Wetlands are recognized by (1) an abundance of water or soil moisture, (2) plant communities dominated by species adapted to wet soil conditions, and (3) saturated soils.

Wetlands are often located in low areas along streams, rivers, ponds, and lakes; near seeps and springs at the base of slopes or in changes in slopes on hillsides; and in areas with high or perched groundwater tables. Their location in the landscape is related to the underlying geology and soils, the hydrologic system, and land-shaping forces that have been operating for thousands of years.

Wetlands perform a variety of functions and provide many beneficial uses. Wetlands store water. This function can help to reduce runoff rates and floods, recharge ground water supplies, and sustain surface water flows after the rainy season ends. Wetlands also improve water quality by filtering out sediments and removing chemicals. Wetlands supply critical habitat for local wildlife and fish. Many species depend on wetlands during a part of their life cycle. People often enjoy the recreational, aesthetic, and educational qualities of wetlands. Wetland and stream conditions are studied by students at South Salem and McNary High Schools.

The Salem-Keizer Local Wetland Inventory Project is funded by a grant from the Oregon Division of State Lands and local matching funds from Marion County and the Cities of Keizer and Salem. The project began in February, 1996, and is scheduled to be completed by December, 1996. Field inventory activity will occur from June through September and be conducted by a local consulting team headed by Martin Schott and Jay Lorenz.

A Local Wetland Inventory begins by examining other resources, such as maps, aerial photographs, and previous studies, to identify the location of possible wetlands. In order to confirm whether or not a wetland actually exists at this location, the consultants need to examine the vegetation, soils, and hydrology on the site. The consultants will only enter properties where permission has been granted by the landowner. The field visits are very brief and do not damage property. During the examinations the consultant may take pictures, sample the vegetation, and dig small soil pits with a shovel which are filled up

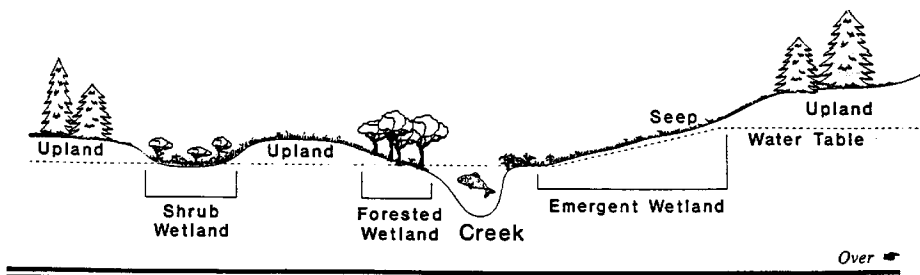
before they leave. On-site investigation of potential wetland(s) benefits the property owner because it provides more accurate information about the size and location of wetlands or reveals that wetlands do not occur at the location.

After all the accessible probable wetlands in the study area are visited, the consultant compiles the information to produce a summary report and maps of the wetlands. This study will use Geographic Information Systems to store and display the information. Each community will be able to use the data and generate maps of any desired scale. The information obtained by the study will also be used in other wetland and storm water management planning projects. The City of Salem intends to integrate this study into their Storm Water Master Plan. A second component of the project will use information from the local wetland inventory to investigate the potential of wetland mitigation banking programs and possible locations. Mitigation banks are programs to restore, create, or enhance wetlands to compensate for wetland losses in other parts of the local watershed.

For more information about this project you may call the following local contacts, and/or attend an Open House that explains the project in more detail. Local contacts are:

- Jeanne Fromm, Mid-Willamette Valley Council of Governments, 588-6177;
- John Morgan, City of Keizer, 390-3700;
- Steve Downs, Public Works, City of Salem, 588-6211;
- David Forte, Community Development, City of Salem, 588-6173; and
- Mike Ellis, Marion County, 588-5038

The Open House will be held at Chemeketa Community College from 7:00 to 10:00 on June 13, 1996. The meeting will be held in Building 50, Room 111.



FIRST PUBLIC MEETING PLAN

When: June 13, 1996, 7:00 to 10:00 PM

Where: Chemeketa Community College
Building 50, Room 111

Format: Open House

A sequence of stations presenting information about various aspects of the project. Information presented as displays, handouts, etc. Each station has a person(s) to answer questions from public.

Station Sequence:

(1) Welcome and Introduction: MWVCOG/Jeanne Fromm

-Meeting format explained

-LWI project introduced: location maps, hydric soil maps, project schedule, COG's role explained

(2) Wetlands Information: DSL/Dana Field

-What are wetlands? Where are they located? Why are they important? What is the role of the Division of State Lands?

(3) Information Local Wetland Inventories: Consultants/Martin Schott & Jay Lorenz

-How are LWIs performed? How are base and field maps made? What are the field indications of wetlands? Samples or photos of hydrology, hydrophytic vegetation, and hydric soils.

(4) Marion County: Mike Ellis

-What is the County's involvement in project? How does the County plan to use the information? What sort of wetland planning will follow this project?

(5) City of Keizer: John Morgan

-What is Keizer's involvement in project? How does Keizer plan to use the information? What sort of wetland planning will follow this project?

(6) City of Salem

-What is Salem's involvement in project? How does Salem plan to use the information? What sort of wetland planning will follow this project? How does this project relate to Storm Water Master Plan and Watershed Council work?

TAC/PUBLIC WORKSHOP MEETINGS SCHEDULE & TOPICS

► May 15, 1996

Second TAC meeting is held to prepare for Public Workshop #1, review press releases, and discuss other issues.

► June 13, 1996

First Public Workshop is held to explain the Local Wetlands Inventory Project to the public. Local jurisdictions (elected officials) are briefed about the project.

► July 1, 1996

Third TAC meeting is held with consultant to discuss rationale for grouping wetlands for function and values assessment and to receive an update on field inventory from consultant. A speaker from a community who has undertaken additional wetland planning activities based on an LWI and functions and values assessments will be asked to attend and share experience. A speaker from DSL will be asked to discuss wetland mitigation banking programs. Information about wetland mitigation banking distributed.

► October 31, 1996

Fourth TAC meeting is held to review the draft work products, refine the scope of wetland mitigation bank study area, and prepare for second Public Workshop. Consultant attends to respond to questions about the draft work product.

► November-1996

Second Public Workshop is held to present the draft work products of the study to the public and present the mitigation banking project objectives.

► December 9, 1996

Fifth TAC meeting is held to discuss mitigation banking area study. Consultant attends.

► Feb-1997

Sixth and final TAC meeting is held to discuss entire project (LWI and mitigation banking), and future wetland planning efforts. COG holds final project briefing for elected officials in participating jurisdictions and interested public.

CITY COUNCIL MEETING: May 20, 1996

AGENDA ITEM NUMBER: 5a

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, *dotly*
CITY MANAGER

FROM: E. SHANNON JOHNSON, *ESJ*
CITY ATTORNEY

SUBJECT: COMPREHENSIVE PLAN CHANGE / ZONE
CHANGE / CONDITIONAL USE (PLEASANTVIEW PARK) -
CASE NO. CP/ZC/CU 96-02

At its meeting on May 6, 1996 the City Council directed our office to prepare a draft Ordinance approving the above-referenced action. Such draft Ordinance is attached for your review.

Please let me know if you have questions or concerns in this regard. Thank you.

plnatprk.mmo

BILL NO. _____

A BILL

ORDINANCE NO.

FOR

96- _____

AN ORDINANCE

IN THE MATTER OF THE COMPREHENSIVE PLAN
TO CHANGE, ZONE CHANGE, AND CONDITIONAL
USE PERMIT WITH REGARD TO PLEASANT VIEW
PARK LOCATED AT THE 1500 BLOCK OF ALDER
ST. (CASE NO. CP/ZC/CU 96-02)

The City of Keizer ordains as follows:

Section 1. THE APPLICATION. This matter came before the Keizer City Council on the application of the City of Keizer for a comprehensive plan change, zone change, and conditional use permit for city property to be developed as Pleasant View Park. Such property is located in the 1500 block of Alder Street and is approximately 2.5 acres in size. The applicant is requesting a comprehensive plan map change from the Low Density Residential (LDR) to the Park (P) designation. In addition, the applicant is requesting a zone change from Single Family Residential (RS) to Public (P), as well as conditional use permit approving the site plan to develop the park.

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

1 Section 3. PUBLIC HEARING. A public hearing on this matter was held
2 before the Keizer City Council on May 6 and May 20, 1996. The following persons
3 either appeared at the hearing or provided written testimony on the matter:

- 4 1) John Morgan, Community Development Director
5 2) Robert Steiner, neighbor

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

8 Section 5. OBJECTIONS. No objections have been raised as to notice,
9 jurisdiction, alleged conflicts of interest, evidence presented or testimony taken at the
10 hearing.

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

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

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

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

19 Section 10. FINAL DETERMINATION. This ordinance is the final
20 determination in this matter.

21 Section 11. EFFECTIVE DATE. This ordinance being necessary for the
22 immediate preservation of the public health, safety and welfare, and emergency is

1 declared to exist and this ordinance shall take effect immediately upon its passage.

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

5 PASSED this ____ day of _____, 1996.

6 SIGNED this ____ day of _____, 1996.

7 _____
8 Mayor

9 _____
10 City Recorder

EXHIBIT "A"

Evidence

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

Council President McGee opened the Public Hearing on the matter of comprehensive plan map change, zone change, and conditional use permit for Pleasantview Park.

John Morgan, Community Development Director reported this is a hearing to consider three land use actions necessary to approve the master plan for Pleasantview Park. These actions include changing the Comprehensive Plan Land Use Map from Low Density Residential to Park; Changing the Zoning from Residential Single Family to Public, and Granting a Conditional Use Approving the Park Master Plan.

Mr. Morgan indicated the Park master plan was developed by the Parks Advisory Board and recommended for approval. Furthermore, he pointed out there was an error in the mailing of the notice for this hearing and therefore recommends the hearing be continued so notice may be provided to the appropriate parties.

Presenting testimony to the Council was:

Gary Steiner, 4054 Noon Avenue NE, Keizer spoke as the vice-president of the South East Keizer Neighborhood Association and a resident near this park. He appreciated the support of the staff and Council for their cooperation in developing this Park and hoped this plan would move forward.

There was no further testimony to come before the Council.

Council President McGee continued the hearing until Monday, May 20, 1996 at 7:00 p.m.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant to this application are found the following sections of the Keizer Zoning Ordinance (KZO):

1. KZO Section 4.17 (Comprehensive Plan Map Criteria)
2. KZO Section 4.16 (Zone Change Criteria)
3. KZO Section 8.30 (Conditional Use Criteria)

No other specific criteria and standards were raised at the hearings.

EXHIBIT "C"

Facts

FINDINGS: GENERAL

1. The subject property is located at the 1500 block of Alder Street and contains approximately 2.5 acres.

2. The surrounding area is zoned RS (Single Family Residential) and contains single family and multiple family dwellings.

3. The subject property is relatively flat and has a variety of established trees and vegetation.

4. The applicant (City of Keizer) is requesting an approval of a comprehensive plan change from LDR (Low Density Residential) to P (Public Park), a zone change from RS (Single Family Residential) to P (Public), and a conditional use permit approving the site plan and development of the parcel as a public park.

FINDINGS: COMPREHENSIVE PLAN MAP CHANGE

5. The comprehensive plan map review criteria are set forth at Section 4.17 of the Keizer Zoning Ordinance. The findings as they relate to those criteria are set forth below:

(a) Compliance as demonstrated with the statewide land use goals apply to the subject property or the proposed land use designation.

Goal One (Citizen Involvement) and Goal Two (Land Use Planning) have been complied with in that public hearings were conducted consistent with state law and local land use regulations. Goal Five (Open Spaces) is complied with to the extent that approval of this proposal will provide additional open spaces for the community.

Goal Eight (Recreational Needs) is complied with in that the additional park will provide the recreational needs of the community.

The remaining Goals do not apply to this proposal.

(b) Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.

The following goals and policies in the Plan are applicable:

(i) Goal E 8 (Parks and Recreation) indicates that the city should provide for the recreation needs through the acquisition and development of adequate parks and recreational facilities. This proposal meets this goal.

(ii) The Keizer Comprehensive Parks System Development Plan calls for acquisition and development of a park in southeast Keizer. The Development Plan is adopted as a element of the Keizer Comprehensive Plan. This proposal meets such goal.

(c) The plan does not provide for adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of land so designated is consistent with projected needs for such lands in the Comprehensive Plan.

The Keizer Park System Master Plan, which was adopted as an element of the Keizer Comprehensive Plan, calls for the development of a neighborhood park in southeast Keizer. This proposal will meet that goal. There are no other lands of adequate size in southeast Keizer to provide for this park. Therefore, this criteria is met.

(d) The Plan provides more than the projected needs for lands in the existing land use designation.

At the present time, the Comprehensive Plan provides much additional land in the northern part of Keizer for low density residential development. This 2.5 acre parcel will not reduce needed residential lands inventory to any significant degree.

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

As mentioned before, the Park Master Plan calls for development of a park in southeast Keizer. Rather than de-stabilizing the land use pattern, this park will promote the residential nature and provide for recreational amenities for this neighborhood.

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

No uses have been indicated other than the existing residential uses. The uses allowed in the public zone, particularly if limited to park uses, will not significantly adversely affect the existing residential uses.

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

All necessary public facilities and services are provided to this parcel.

FINDINGS: ZONE CHANGE

6. The zone change review criteria are found in Section 4.16 of the Zoning Ordinance. These criteria and associated findings are noted below:

(a) The proposed zone is appropriate for the comprehensive plan use designation on the property.

If the concurrent request for comprehensive plan map designation changes granted, then the proposed zone (public) is appropriate.

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

The subject parcel is 2.5 acres in size and is relatively flat. Except for the portions near Claggett Creek, the parcel can accommodate any of the uses allowed in the Public Zone.

(c) Allowed uses in the proposed zone can be established in compliance with the development requirements in Chapter 17 - 20 without need for adjustments or variances.

All of the allowed uses in the proposed zone can be established to meet these requirements.

(d) Adequate public facilities, services, and transportation networks are in place or plan to be provided concurrently with the development of the property.

All of the above facilities are now in place (see No. 5(g) above)

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

This criteria is not applicable as there are no zone change review

criteria set forth in the Plan.

(f) For residential zone changes, the criteria listed in the purpose statement of the proposed zone shall be met.

This criteria is not applicable as the proposed zone is not a residential zone.

FINDINGS: CONDITIONAL USE PERMIT

7. The Conditional Use Permit criteria are found in Section 8.30 of the Keizer Zoning Ordinance. The findings as they relate to those criteria are set forth below:

(a) The use is listed as conditional use in the zone.

Assuming the requested zone change to Public is granted, then the use of the property as a park is allowed as a conditional use pursuant to KZP Section 37.02 (j).

(b) The parcel is suitable for the proposed use considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.

The proposed use as a park is appropriate for this parcel as it is provided with a water feature (Claggett Creek) and relatively flat land that can be utilized for recreational use. As such, the parcel is suitable under the criteria listed above.

(c) The proposed use, as conditioned, will not materially alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the applicable zone.

As stated previously, the surrounding area is residential in character. The use of this parcel as a park will enhance such residential characteristics. The parcel's use as a park, as conditioned by requiring it to be developed pursuant to the attached master plan, will not impair or limit the use of surrounding properties.

(d) The proposed use will not have a detrimental effect on existing solar or wind energy systems.

Because there will be no structures of any substantial type constructed, there will be no effect on wind or solar energy systems.

(e) Adequate public and utility facilities and services to serve the use exist or will be made available prior to establishment of the use.

All necessary public and utility facilities are available at the site.

EXHIBIT "D"

Justification

The applicant has the burden of proving that this particular proposal meets the applicable criteria and standards. In this application, the City of Keizer is applying for a comprehensive plan map change, zone change, and conditional use permit to allow development of the 2.5 acre parcel located in the 1500 block of Alder Street as a park. The requested actions are as follows:

1. A comprehensive plan map designation change from Low Density Residential (LDR) to Park (P);
2. A zone change from Single Family Residential (RS) to Public (P); and
3. A conditional use permit to approve the Pleasantview Park Master Plan and require development of the park to be consistent with such plan.

The Keizer Comprehensive Park System Development Plan calls for the development of a park in southeast Keizer, the only quadrant of the city that is without a park. One of the city council goals for the 1995-97 period is the establishment of a park in southeast Keizer. This proposal meets both these goals.

Most uses in the public zone require a conditional use permit, including development of the property as a park. By proceeding through the conditional use permit process, the public is protected by knowing that the property will be developed in accordance with the Master Plan, which will be a condition of this approval.

There was no opposition to this proposal. The criteria for the requested actions have been met. Therefore, the requested actions should be approved.

EXHIBIT "E"

Action

The City of Keizer hereby GRANTS the requested comprehensive plan map change, zone change, and conditional use permit. The granting of the conditional use permit is subject to the following conditions:

1. The proposed use as a public park must be developed in substantial compliance with the attached Master Plan, and such Master Plan is hereby adopted by the City of Keizer.

CITY COUNCIL MEETING: May 20, 1996

AGENDA ITEM NUMBER: 5b

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR 

SUBJECT: CHEMAWA ACTIVITY CENTER PLAN -
CONTINUED PUBLIC HEARING

DISCUSSION:

The City Council opened its hearing on the Chemawa Activity Center Plan - Part II draft prepared by the Planning Commission on February 20 where testimony was received. The hearing was continued until March 18 at which time the Council decided to hold the hearing over until tonight so that a Department of Land Conservation and Development funded Quick Response Design process could take place.

A consulting team headed by George Crandall of Fletcher-Farr-Ayotte of Portland was retained to develop several site plans which would serve to visually analyze the draft plan and other alternatives. After a series of short meetings with property owners, city officials, and ODOT staff, the team developed an analysis of the Activity Center and two design plan alternatives.

The alternatives were presented at a well attended public meeting on April 25th. The proposals, however, raised some concern. Mr. Crandall spoke against the Planning Commission's draft as he felt it allowed too much commercial use, which would be damaging to the City's redevelopment efforts in the River Road corridor. He showed and advocated for a design plan that cut the commercial site from 30 acres to 10 acres.

This recommendation created a "stir" in the long term participants in this process, including the owners, Planning Commissioners, and staff. It is easy to say that the property owners generally did not agree with his recommendation. The design process essentially stopped at this point because the consultants' had no clear direction on how to proceed.

The Planning Commission, at its May 8th meeting, spent the entire evening discussing the issues. They worked to either reaffirm their draft plan, or to recommend changes. As the Council knows, the Commission decided to recommend changes which are embodied in the attached memo from John Morgan to George Crandall. The specific changes are:

- *At the south end of Area A adjacent to Lockhaven Drive, a commercial center may be established encompassing up to 15 acres of land.*
- *There is no limit on the total allowable square footage, but within the commercial center no single retail use may exceed 50,000 square feet in gross floor area.*
- *Within the commercial center, the hotel/motel facilities referenced in the draft plan will be required.*
- *The center will be developed in accordance with the CM (Commercial Mixed) Zone with the additional standards set by this Activity Center Plan's policies.*
- *The developer prepared master plan for the entirety of Area A including both the IBP and CM portions shall be designed so that Level of Service X will not be exceeded at build-out of the area.*

The Planning Commission set up and empowered a subcommittee to develop a specific recommendation to the Council for the level of service standard mentioned in the last bullet point above. That committee met on May 15 and developed the following standard.

Master Plans for the site shall be designed so that development will not cause any of the signalized intersections on Lockhaven Drive to exceed Level of Service D, except for a 20 minute period of Level of Service E during the PM peak hour, at the time of development.

This policy proposal is to be applied to all four of the plan areas. It is essentially the same standard used by ODOT and many other cities for similar types of analysis.

Both DLCD and Mr. Crandall have agreed to develop additional design proposals based on the Planning Commission's recommendation and on at least one more meeting with the property owners. A workshop has been scheduled for Thursday, May 23 to bring the owners together again and work on the designs. This may be followed by another workshop in mid-June if necessary.

Because of the on-going Quick Response Design process, it is recommended Council keep the public hearing open until June 17th.

RECOMMENDATION:

It is recommended Council:

1. Reopen the public hearing and take any testimony; and
2. Continue the hearing until June 17, 1996.

DATE: May 12, 1995
TO: George Crandall
FROM: John Morgan
SUBJECT: Notes on Chemawa Activity Center Quick Response Process

This memo will follow up on our conversation last Friday.

The Planning Commission spent a long evening in very heartfelt discussion of the Chemawa Activity Center last Wednesday evening. The group members have never been equal in their support or feelings about the center, and the plan draft as it exists left their hands with many doubts attached to it. Your comments about the center, plus the Council's challenge to the Commission to consider less impact alternatives gave them pause, and the excuse to examine it again.

Wednesday's discussion was as wide ranging as it was rancorous. Many voices and blood pressure readings went up several times during the evening. This reflects the many perspectives of the site, as well as differing visions for Keizer's future in terms of community character. Those disparate visions range from a more thriving economically self-sufficient community to a totally bedroom community. Of course, the crux of these visions centers on the Chemawa interchange.

The Commission came to two basic agreements.

First, there isn't much real difference in impact between commercial and industrial uses. Industrial uses have high peak hour flows while commercial uses have high generation spread throughout the day. Both cause impact on the transportation system. It is, however, very difficult to specifically identify uses in this planning process which meet certain Level of Service standards. Therefore, the best approach to traffic is to not regulate uses and therefore the marketplace. Rather, as stated in the existing plan draft, level of service performance standards must be set by which all future development plans are judged. This allows a developer maximum flexibility.

Second, 250,000 square feet of commercial space is too much. This is for several reasons. The Commission could not identify what the market would be for a commercial center of this size. It is too small for a regional center, especially with its 50,000 square foot lid. It is too large for a neighborhood center. It is too large for a freeway oriented center unless it was allowed to be a huge conglomeration of fast



food joints, gas stations, and other freestanding uses. The only good “fit” the Commission could identify is it is probably the right size for a larger factory outlet store complex with related uses.

The latter possibility raised a great deal of discussion. A well designed outlet center can be a great pedestrian shopping environment. It can be architecturally pleasing. It can provide employment (albeit at less than family wage income levels). It can meet one of the great unmet commercial needs in the community, that being a place to purchase durable goods.

So, on first look, this prospect appeared pretty attractive. Especially since an outlet center would not appreciably compete with existing businesses along River Road but would compete with other shopping districts helping to keep consumer dollars within Keizer.

On second look, however, the Commission realized the establishment of stores that deal in durable goods at the interchange, while not competing with the existing merchant community, would probably preclude those types of businesses from establishing along River Road and Cherry Avenue in the future, condemning those areas to remaining primarily service business oriented. This is contrary to well established public policy and a large public investment in the redevelopment of the River and Cherry corridors.

The Commission recognized, however, that the interchange area will develop and that there is a strong market for commercial activity which, if designed and sized right, can strengthen the total economy of Keizer. The Commission also reiterated that it does not want to define specific uses, rather letting the market place operate freely. However, the Commission continues to believe that strict design standards and a reasonable lid on the total amount of commercial activity are very important. Also, the Commission recognizes the IPB (Industrial Business Park) zone being used in the balance of Area A allows limited commercial uses, and there is a relatively large service commercial site in Area D, both resulting in a de facto expansion of commercial opportunities.

Therefore, the Commission developed a recommendation for the Council that changes their position on the draft plan formally under consideration. That change includes the following elements:

- At the south end of Area A adjacent to Lockhaven Drive, a commercial center may be established encompassing up to 15 acres of land.
- There is no limit on the total allowable square footage, but within the commercial center no single retail use may exceed 50,000 square feet in gross floor area.
- Within the commercial center, the hotel/motel facilities referenced in the draft plan will be required.



- The center will be developed in accordance with the CM (Commercial Mixed) Zone with the additional standards set by this Activity Center Plan's policies.
- The developer prepared master plan for the entirety of Area A including both the IBP and CM portions shall be designed so that Level of Service X will not be exceeded at build-out of the area. *(The specifics of the level of service standards are being developed by a Commission subcommittee this week.)*

Of course, the questions at hand is "what are the next steps?" I see four immediate needs:

- I would very much like to see you develop a plan that reflects the Planning Commission's newly recommended standards, plus some additional design comments from the Commission's discussion and my own input listed at the end of this memo.
- You need to meet with the Area A property owners or preferably their representatives to have more of a "brainstorm" meeting to see if your ideas and concerns can meld with their wishes, coupled with the Commission's recent new direction.
- It may be advisable to have another public workshop with one or two new scenarios based on the two actions listed immediately above.
- All the above needs to be done this week in order to be ready for the May 20 public hearing and your presentation there!

If you (and your patron, Eric) agree to do the tasks listed above, it is obvious that the May 20 hearing will need to be held over until June 3rd or 17th. I can arrange for this to occur.

I will appreciate hearing from you and/or Eric as soon as possible on how you intend to proceed.

Let me offer the following additional comments on the plans:

- You need to revisit the design standards in the draft plan. These set specific limitations on the circulation system and development plan which I do not see reflected in your drafts. First, no access should be made to Tepper except at its most easterly portion. Second, the plan should have a grid street pattern, as you show, but the minimum lot size for an industrial use is 5 acres.
- There should be a main through street system, as you have shown, but it should involve Radiant as the major collector connecting from Lockhaven on the south to the existing Radiant at the UGB to the north.



- The circling truck route system is good, but on the west side it should not border the railroad tracks. This creates a single loaded street which is more expensive, pulls the through truck traffic through more of the internal portions of the site, and precludes access to the rail line via spurs for any industry.
- Revisit the landscaping standards found in the transportation and site design sections and try to more accurately reflect them.
- For Area B, keep the same basic layout you have, but limit access to one point across from the intersection with Chemawa Road.
- I really want to see more work on Area C. I have seen several of your plans done in other communities, including the most recent one in Corvallis, and Area C needs as much attention. It has the potential to be a great mixed use, medium density housing neighborhood that directly supports and is supported by a multi-modal transportation system. I believe it is fairly rare in this state to find such an opportunity except along light rail lines in the Metro area. This area needs and deserves a great design concept to show to the owners and community the potential of the site. I hope this will be a high priority for you.
- Area D is the area for the bulk of the freeway oriented service commercial facilities. You have one design that shows this. But, I would stress more strongly the facilities that work in concert with the 400 space park and ride lot, including a transit center, a passenger rail station, and commercial space providing for day to day needs of commuters, such as day care. The support commercial space, transit facilities, and parking lot should be designed so that a person does not have to move his or her car from one part of the lot to another to take advantage of the services. The circulation system should include the southbound on ramp from the park and ride lot to Salem Parkway and a realistic circulation system to allow busses to easily move into, through, and out of the site.

One final note: As I told you, one of the City Councilors at your workshop, Jim Keller, was very impressed with your slide show, especially as it relates to the City's work on River Road and Cherry Avenue. He asked that you be invited to present it to the Council. He expressed this to the Council at its May 6th meeting where the Council indicated its approval for the presentation. However, the Council wishes it to be part of the presentation on the Chemawa Activity Center during the public hearing, rather than as a separate item prior to the regular Council meeting.

You graciously agreed to make this presentation on the 20th, so I hope you will still be able to do so when we finally get a schedule finalized for this process.



I will be in and out of the office all day Monday and Tuesday. However, your call in response to this memo is a very high priority so please call me on my pager at 370-2035 leaving your phone number or a voice message. I will return the call as soon as I am available.

Thank you for your very good work and continued assistance.

Cc: Eric Jacobson, DLCD
Planning Commission
Dotty Tryk, City Manager





Department of Energy
Bonneville Power Administration
2715 Tepper Lane NE
Keizer, Oregon 97303

April 26, 1996

Dorothy Tryk, City Manager
City of Keizer
P O Box 21000
Keizer, OR 97307-1030

Dear Ms Tryk:

I am the Chief substation Operator for Bonneville Power Administration's Chemawa District. Recently it was brought to my attention that motions are being made to close Tepper Lane to trucks and through traffic.

Limiting our access to Radiant Drive would greatly impair our business activities. Access by emergency vehicles and regular police patrols are very important to us. We have suffered numerous break-ins at our facility. Chemawa Substation is one of the major sources of power for the Salem/Keizer area and the safe and efficient operation of our facility and safety of the general public demands a high degree of security. The traffic patterns at the juncture of Chemawa Road and Radiant Drive are congested and unsafe. Radiant Drive itself is narrow and has several bad corners with obstructed line of sight.

Most of our employees live in Keizer and the surrounding neighborhoods and use Tepper Lane on a regular basis in their daily commute to work.

We have been on this site for many years and I have no record of any complaints from anyone concerning our equipment in the past. I would be glad to address any specific problems concerning our facility and vehicles that may arise.

I feel that it is in the best interest of BPA, The City of Kiezer and the general public to keep Tepper Lane open to through and truck traffic. I would appreciate your assistance in seeing that Tepper Lane is kept open into the future.

Thank You.

Sincerely Yours,

A handwritten signature in dark ink, appearing to read "David Kittrell", is written over the "Sincerely Yours," text.

David Kittrell, Chief Substation Operator
B.P.A. Chemawa District (Phone 393-2071)

CITY COUNCIL MEETING: May 20, 1996

AGENDA ITEM NUMBER: 5c

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, *Dotty*
CITY MANAGER

FROM: E. SHANNON JOHNSON, *ESJ*
CITY ATTORNEY

SUBJECT: ZONE CHANGE CASE NO. 95-04 (3H CONSTRUCTION,
INC.)

At its meeting on May 6, 1996, the City Council directed our office to prepare a draft Ordinance approving the above-referenced zone change. Such draft Ordinance is attached for your review.

Please let me know if you have any questions or concerns in this regard. Thank you.

3memo

BILL NO.

A BILL

ORDINANCE NO.

96- _____

FOR

AN ORDINANCE

1 IN THE MATTER OF THE APPLICATION OF 3-H
2 CONSTRUCTION, INC. FOR A ZONE CHANGE FROM
3 RS (SINGLE FAMILY RESIDENTIAL) TO RM
4 (MEDIUM DENSITY RESIDENTIAL) ON A 5.5 ACRE
5 PARCEL LOCATED SOUTH OF FIR CONE TERRACE
6 BETWEEN RIVER ROAD AND WHEATLAND ROAD;
7 DECLARING AN EMERGENCY (CASE NO. ZC 95-
8 04)

9 The City of Keizer ordains as follows:

10 Section 1. THE APPLICATION. This matter came before the Keizer City
11 Council upon the appeal of the Keizer Community Development Director of the
12 Hearings Officer's Order dated January 4, 1996 which denied the application. The
13 application is by 3-H Construction, Inc., for a zone change from RS (Single Family
14 Residential) to RM (Medium Density Residential) on a 5.5 acre parcel located south
15 of Fir Cone Terrace between River Road and Wheatland Road. The Marion County
16 Assessor's map identifies the property as being located within Township 6 South;
17 Range 3 West; Section 26 D; covering multiple tax lots.

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

22 Section 3. PUBLIC HEARING. A public hearing was held before the

1 ORDINANCE NO. 96- _____

Lien & Johnson

Attorneys at Law
4855 River Road N.
Keizer, Oregon 97303
(503) 390-1635

1 Keizer City Council on May 6 and May 20, 1996. The following persons either
2 appeared at the May 6 hearing or provided written testimony on the application:

- 3 1) John Morgan, Community Development Director.
- 4 2) Kris Gorsuch, Attorney for the applicant.
- 5 3) Mark Grenz, Engineer for the applicant.
- 6 4) Wally Mull, Public Works Director.
- 7 5) Sophia Brundidge, neighbor
- 8 6) Gary Steiner

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

11 Section 5. OBJECTIONS. No objections have been raised as to notice,
12 jurisdiction, alleged conflicts of interest, evidence presented or testimony taken at the
13 hearing.

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

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

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

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

22 Section 10. FINAL DETERMINATION. This ordinance is the final

2 ORDINANCE NO. 96- _____

Lien & Johnson

Attorneys at Law
4855 River Road N.
Keizer, Oregon 97303
(503) 390-1635

1 determination in this matter.

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

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

8 PASSED this ____ day of _____, 1996.

9 SIGNED this ____ day of _____, 1996.

10
11

Mayor

12
13

City Recorder

14

4454cok.ord

3 ORDINANCE NO. 96- _____

Lien & Johnson

Attorneys at Law
4855 River Road N.
Keizer, Oregon 97303
(503) 390-1635

EXHIBIT "A"

Evidence

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

Council President McGee opened the public hearing on the matter of the zone change Case No. 95-04 (3-H Construction, Inc.).

Shannon Johnson, City Attorney reviewed the procedure and applicable criteria covered in this case. There were no objections, questions or conflicts of interest presented by those members in attendance.

John Morgan, Community Development Director reported this is a complex case which involves a staff appeal of the Hearings Officer's decision denying a zone change for property located south of Fir Cone Drive between Wheatland Road and River Road. The entire parcel is approximately 7.37 acres with the portion involved in the zone change being 5.5 acres. Prior to the incorporation of the City, this property was subdivided as Fir Cone Terrace and platted but never developed. This included the creation of two public street right of ways; Foothill Drive and Harvest Drive. Furthermore, the property is designated medium-high density residential on the Comprehensive Plan, but the zoning is single-family with the exception of the most northern terrace of lots. These are designated low-density residential on the Comprehensive Plan and zoned single family.

Mr. Morgan indicated this is a request to change the zoning of the southern portion, designated Medium High Density Residential, from RS (Single Residential Family) to RM (Medium Density Residential) to bring it into compliance with the Comprehensive Plan.

The applicant, 3-H Construction presented their case to the Hearings Officer on December 14, 1995. The Hearings Officer found most of the criteria had been met with an exception; the existing plat of the subdivision needed to be vacated before the desired use could be accommodated on the property. Mr. Morgan indicated this condition was included in the staff recommendation, however the Hearing's Officer did not believe there was authority in the zoning ordinance to attach this condition. Therefore, the request was denied.

Mr. Morgan stated he disagreed with the Hearings Officer's interpretation of the code. Section 4.18 of the Zoning Ordinance grants broad authority to place conditions on a zone change. Furthermore, there have been many preceding zone changes which have included similar conditions of approval. Mr. Morgan noted the

Hearings Officer's order, testimony and additional information was included in the packet of information. However, he pointed out the traffic analysis included refers to the Bolf Terrace zone change previously considered which was entered into the record at the hearing. There was not a traffic analysis done for this case.

In reviewing the criteria involved in this case, Mr. Morgan pointed out in a zone change case, it is not necessary to review the site plan. The first criteria is the zone must be appropriate to the plan designation. Mr. Morgan noted the RM zone is appropriate for the plan designation. Secondly, potential uses can be accommodated on the property. In this case the 5.5 acres is adequate to accommodate multi-family units on the property. However, the only difficulty that possibly could inhibit this use are wetlands at the bottom of the site. At the original hearing, a determination was submitted which states there were no jurisdictional wetlands or waterways on the property.

Other comments on the criteria involved in this case include: the allowed uses can comply with the development standards found in Chapters 17 to 20 of the zoning ordinance, there are adequate public facilities available and there are not any applicable review criteria in the Comprehensive Plan which this case involves. Finally, the criteria listed in the purpose statement of the proposed zone can be met. Mr. Morgan indicated there are commercially zoned properties to the south and this parcel has direct access to River Road and Wheatland Road.

In conclusion, Mr. Morgan indicated all the criteria in this case has been met and recommends approval of the zone change with conditions. These conditions include the design placement of driveways/access on Wheatland and River Roads be approved by the Public Works Department, the development will comply with recommendations of the Fire District, and the applicant must comply with all development standards of the zoning ordinance.

Responding to an inquiry of Council President McGee, Mr. Morgan stated the Council can consider this zone change and place conditions of approval as done in previous zone change cases. City Attorney Johnson added the conditions listed in the zone code are not the only conditions that can be applied.

Council President McGee voiced his concern with the Hearings Officer's decision there was not authority to place conditions on the approval.

Mr. Johnson indicated with the upcoming adoption of the new development code, the authority of attaching conditions of approval may be further defined.

Mr. Morgan confirmed there was not a jurisdictional wetland issue that should be considered. This decision is based upon information received from the Division

of State Lands in 1993 and a lack of recent response from them on this particular case. However, it is recommended a final determination of wetlands be made prior to development. The applicant will be responsible for complying with all state guidelines.

Councilor Keller mentioned a traffic study was not completed for this project since it is a larger development than the previously discussed Bolf Terrace. The Bolf Terrace analysis focused on a smaller development that added potential traffic problems for the area. He was concerned an analysis was not completed to determine the actual traffic impact of this development.

Mr. Morgan stated this development did not portray a vision/clearance issue such as the Bolf Terrace development. There is ample vision clearance at both access points on Wheatland and River Roads.

Providing testimony to the Council were:

Kris Gorsuch, Attorney at Law, 250 Church Street, Salem noted he was representing the applicant, 3-H Construction. He believed this request was the first zone change case handled for Keizer by the Hearings Officer after her recent appointment. Therefore, she may not have been familiar with the Council's previous practices of placing conditions on zone changes. Mr. Gorsuch indicated he did not have any objections to the conditions recommended by staff. Furthermore, he pointed out a petition for vacation of the street and a re-platting of the subdivision have recently been filed with the City.

Mr. Gorsuch displayed a site plan for the entire parcel which indicates the north portion will remain single family lots and the southern 5.5 acres which is subject to the zone change request is dedicated to multi-family units. He indicated the request is to change the zoning from Single Family Residential to Medium Density Residential in conformance with the Comprehensive Plan designation of MHDR. Mr. Gorsuch noted the original plat for this subdivision was filed in early 1960 showing 29 lots.

Mr. Gorsuch agreed with Mr. Morgan's assessment of the compliance of the applicable criteria in this case. Referring to the site plan, he noted there are 80 units planned for this multi-family site which is well under the allowable 100 units. Furthermore, it retains the single-family buffer by maintaining the single family lots on the northern section of the property.

Mr. Gorsuch noted the access to this area will be directly across River Road from the Hidden Creek subdivision and align with McNary Heights Drive on the Wheatland Road side. In regards to the wetland issue raised, Mr. Gorsuch indicated

a meeting has been held with the Division of State Lands and it appears there may be a wetland on site to the north of the center. Compliance of wetland laws can be handled in a number of ways with the proposed site plan. Mr. Gorsuch indicated compliance of these laws will be met according to the Division of State Lands.

Mr. Gorsuch submitted the site plan including color photos of the area and requested they be made part of the record as well as the street vacation petition. In conclusion, Mr. Gorsuch indicated this parcel of property conforms well with the intent of the code and Comprehensive Plan designation.

In reviewing the color photos of the site, Councilor Miller inquired if the single family homes will have a sloped backyard due to the topography.

Mr. Gorsuch noted these lots are approximately 100 feet deep and the homes will be built in a town-house style into the slope.

Councilor Miller indicated the proposed street accessing Wheatland Road would be at the base of the hill, which may impose a very dangerous traffic situation.

Wally Mull, Public Works Director noted the visibility is poorer to the south. Upon review of the site, it was determined the best location for Foothill Lane was to align with McNary Heights Drive.

Councilor Keller also voiced his concern with the potential traffic risks with access on to Wheatland Road. He suggested the preparation of a traffic report to determine the full impact of this addition.

Mr. Mull reminded the Council the developer will be required to make full street improvements along Wheatland Road which includes curbs and sidewalks. Furthermore, the development across Wheatland will also be required to make improvements to Bolf Terrace which includes a bike lane. This should create a safe traffic environment.

Councilor Keller noted improvements tend to increase traffic speed.

Mark Grenz, Multi-Tech Engineering, 1155 13th Street SE, Salem reported he previously discussed preparing a traffic report for this development with the City Engineer, however with access to both Wheatland Road and River Road, they did not feel it was necessary. He further indicated the site plan was not presented during the hearing in December. Mr. Grenz noted the primary access to the multi-family portion of the development will be onto River Road directly across from Hidden Creek subdivision.

Mr. Grenz assured the Council the proposed intersection of this development is over 400 feet to Fir Cone Terrace. Using the traffic rule for stopping distance, speed times ten, there is sufficient stopping/sight distance. Mr. Grenz hoped this information would ease the concerns regarding traffic.

Referring to an inquiry by Councilor Keller, Mr. Grenz indicated originally the River Road access was designed for emergency vehicles only. However, during discussions with the City it was determined the River Road access was favorable and therefore the site plan was revised. Furthermore, street improvements along River Road will be required for this development which will include a turn lane, sidewalks and bike paths.

Councilor Newton perceived this development as improving the safety situation along Wheatland Road and River Road. He noted traffic travels beyond 45 mph on both of these roads. He suggested the City try to lower the speed limits in this area.

Sophia Brundidge, 904 Fir Cone Drive, Keizer stated she attended the December hearing and the information provided then was not as clear as to what she has heard tonight. She was pleased to hear and see the plan that has been developed for this parcel of land. However, Ms. Brundidge indicated she was unsuccessful in contacting the Planning Department prior to tonight to review the criteria in this case. She requested an opportunity to review this information for further comments.

Ms. Brundidge pointed out another multi-family unit is directly across River Road from this site. With the main access point on River Road this will cause extreme traffic congestion in a one block area. As a parent, she is very concerned with the potential traffic hazards of her neighborhood.

In addition, Ms. Brundidge stated she is concerned with the possible wetlands located on the parcel. She hoped this area would be preserved for the best of the environment, not just to meet the law.

Responding to an inquiry by Councilor Miller, Mr. Morgan stated the site plan presented tonight shows 80 units. All previously submitted information indicated more. This is specific information now entered into the record and the number of units could be listed as a condition of approval.

In discussing the vacation of streets in the areas, Mr. Morgan noted the maps show the right of way. The portion of Fir Cone Drive east of the barricade had been previously vacated.

Gary Steiner, 4054 Noon Avenue NE, Keizer stated he is primarily

concerned with the traffic impact of additional families this complex would represent on Wheatland and River Roads. He recommended the Council make a commitment to lower the speed limit in this area. Mr. Steiner believed all proposals should be reviewed when it is deemed they will increase the traffic in certain areas.

Kris Gorsuch, in an opportunity for rebuttal, indicated when the Hidden Creek subdivision was developed the traffic on River Road was reviewed on both the east and west sides. There is adequate site clearance for the proposed driveway in this development. Furthermore, he compared traffic to breathing in when traffic flows in towards the City in the morning and breathing out when returning home in the evening. In regards to the decrease in wildlife, Mr. Gorsuch attributed much of this impact on the development of Hidden Creek.

In conclusion, Mr. Gorsuch pointed out the site plan entered into the record is the plan which will be proposed indicating 80 units and the location of driveways.

There was no further testimony to come before the Council.

Council President McGee continued the hearing until Monday, May 20, 1996 at 7:00 p.m.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant to this application are found the following sections of the Keizer Zoning Ordinance (KZO):

1. KZO Section 4.16 (Zone Change Criteria).

No other specific criteria and standards were raised at the hearings.

EXHIBIT "C"

Facts

FINDINGS: GENERAL

1. The applicant is 3-H Construction, Inc. (Property Owner: Jack Largent).
2. The subject property is located south of Fir Cone Drive between Wheatland Road and River Road and includes portions of the platted Fir Cone Terrace Subdivision and the unimproved streets shown as Foothill Drive and Harvest Drive. The County Assessor's map identifies the property as being located within Township 6 South; Range 3 West; Section 26 CD; Multiple Tax Lots. (See Exhibit C-1)
3. The subject property is approximately 5.5 acres in area.
4. The property is currently undeveloped and has frontage along two public streets. The property may be served by public water and sewer.
5. The subject property is designated Medium-High Density Residential in the Keizer Comprehensive Plan and is zoned RS (SINGLE FAMILY RESIDENTIAL). The purpose of the Medium-High Density Residential Comprehensive Plan designation and related zones is to provide land for multi-family homes at a density of a minimum of 8 units per one acre and a maximum of 22 units per one acre.
6. Property to the north and west is designated Low Density Residential and zoned RS (SINGLE FAMILY RESIDENTIAL). The property located to the east across River Road is designated Medium to High Density Residential and is zoned RL (LIMITED DENSITY RESIDENTIAL) and is a portion of the Hidden Creek Development. The property located to the south is designated Commercial and is zoned CR (COMMERCIAL RETAIL). The parcels to the north and west contain single family homes on individual parcels. A portion of the property to the east contains apartments and single family residences on individual parcels.
7. The applicant is requesting approval of a zone change to change the zoning from RS (SINGLE FAMILY RESIDENTIAL) to RM (MEDIUM DENSITY RESIDENTIAL) for that portion of the property designated MHDR on the Comprehensive Land Use Map. The purpose of the zone change is to allow for the construction of multi-family dwelling units on the property.

8. The Salem Community Development Department, the Salem Transit District, Viacom Cable and Portland General Electric reviewed the proposal and either offered no comment or indicated service is available to the property.

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

1. The Keizer Fire District would recommend two access drives in and out of the proposed multi-family complex, specifically one from River Road and one from Wheatland Road. Circulation and parking within the complex is of utmost concern, therefore a site plan shall be reviewed prior to final construction approval.
2. If two access drives are installed at the designated locations, two fire hydrants would potentially be sufficient. Those hydrants could be located at or near each entrance.
3. Building identification will be critical in a multi-family complex. The Keizer Fire District shall provide input into the address locations on the buildings.
4. The Keizer Fire District shall be included in providing comments on the site plan prior to final construction approval.

10. The City Public Works Department and City Engineer provided comments regarding public facility improvements.

FINDINGS: ZONE CHANGE

11. Section 4.02, of the Zoning Ordinance, identifies three zones appropriate for the Medium-High Density Residential Comprehensive Plan designation. RL (LIMITED DENSITY RESIDENTIAL), RM (MEDIUM DENSITY RESIDENTIAL), RH (HIGH DENSITY RESIDENTIAL) and MU (MIXED USE). The primary difference between these zones is dwelling density; which is roughly the number of dwelling units permitted per acre. The RL zone has a limitation of one unit per 3,000 square feet of area for a density of about 15 dwelling units per acre; the RM zone is one unit per 2,000 square feet for density of about 22 dwelling units per acre; and, the RH zone is one unit per 1,500 square feet for a density of about 29 dwelling units per acre. The MU zone allows the same dwelling density as the RH zone but also permits commercial development. Of the four zones, the applicant chose the RM zone for this request.

12. The zone change review criteria are found in Section 4.16 of the Keizer Zoning Ordinance. The findings as they relate to those criteria are set forth below:

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

Section 4.02 identifies Comprehensive Plan designations and their corresponding appropriate zones. Pursuant to this Section, the RM zone is appropriate for the Medium-High Density Residential Plan Comprehensive Plan designation.

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

The applicant submitted a statement proposing that the property will be developed for multi-family dwelling units. Based on the parcel's size and the parcel's topography, there does not appear to be any physical limitation which would prohibit multi-family development on the property. An off site Wetland Determination dated April 15, 1993, was provided which states "There are no jurisdictional wetlands or waterways on the property. Therefore, no removal-fill permit is required." However, additional materials submitted at the hearing create a question as to the existence of wetlands on a portion of the subject property. Therefore, it is appropriate to impose a condition to prohibit the issuance of any building permits until the state Division of State Lands delineates the wetlands that may be present.

(c) Allowed uses can comply with the development standards found in Chapters 17 to 20 of the Zoning Ordinance.

Chapters 17 to 20 in the Keizer Zoning Ordinance outline specific requirements for property development. These standards govern parking, buffering, vision clearance areas, special setbacks, and other applicable development requirements. The site plan indicated that the property can be developed in conformance with these standards. Compliance with Chapters 17 to 20 will be made conditions of the zone change approval.

(d) Adequate public facilities are available.

The Public Works Department noted sewer and water facilities must be extended to the site. Extension of these services and installation costs will be the responsibility of the developer. Private utility suppliers also stated service lines can be extended to the property.

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

Comprehensive Plan.

This criteria is not applicable as the Comprehensive Plan does not contain specific review criteria.

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

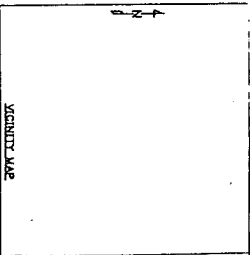
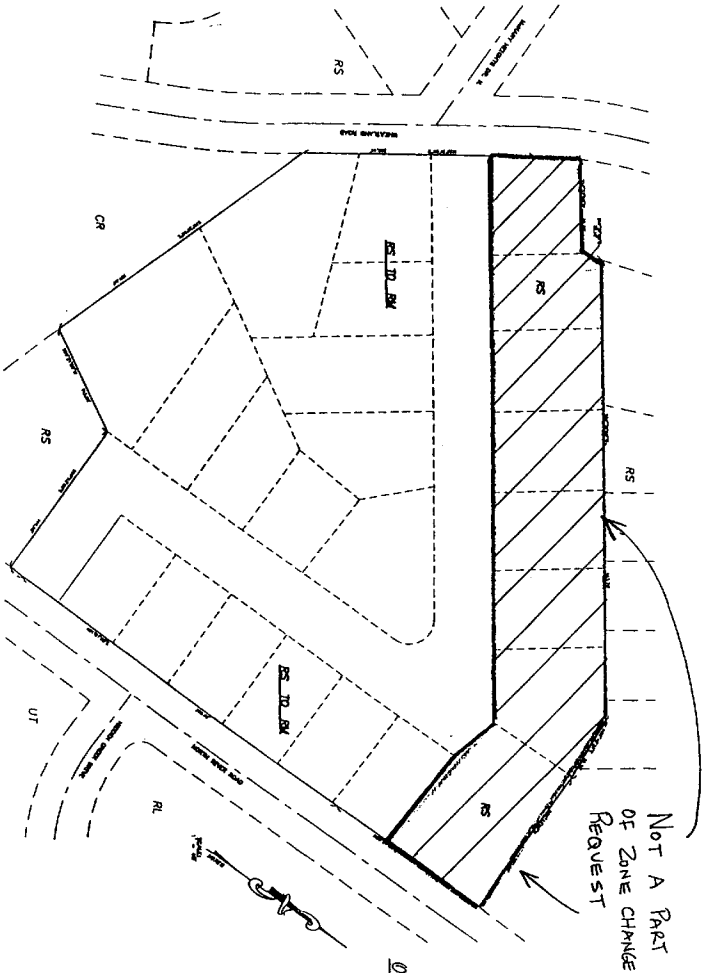
The criteria in the purpose statement of the RM zone notes the zone is suitable for locations near commercial or industrial uses where limited access is necessary. The statement also encourages access to a collector or arterial street to reduce travel through single-family residential area. Commercially zoned property is located directly to the south of the property. The commercial development on the property to the south includes an auto repair facility, an apartment complex, and a mini-market and video store. The property has direct access to River Road, a major arterial, and Wheatland Road, a minor arterial, thereby avoiding travel through single family residential area. This particular location is consistent with the RM zone purpose statement.

EXHIBIT

EXHIBIT C-1

WHEATLAND ROAD APARTMENTS

SEC. 26 T. 6 S., R. 11 W., Y. 11 N.
CITY OF KEIZER
MARION COUNTY, OREGON
7.37 ACRES



Owner / Developer:
3-H CONSTRUCTION
3040 COMMERCIAL ST. S.E.
SALEM, OREGON 97302

	ZONE CHANGE SITE PLAN	3 - H CONSTRUCTION	NOT FOR CONSTRUCTION UNLESS STATEMENT APPROVED	APPROVED BY: _____ DATE: _____ TITLE: _____	1 1
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EXHIBIT "D"

Justification

The applicants have the burden of proving that the proposal meets the applicable criteria and standards. In this application, the proposal is to construct a multi-family development on a parcel located between Wheatland Road and River Road, south of Fir Cone Terrace. This parcel is part of a 7.27 acre already-platted subdivision. The applicant is proposing to rezone a 5.5 acre portion of the parcel from RS (Single Family Residential) to RM (Medium Density Residential).

The parcel that is being proposed for rezoning has an underlying comprehensive plan designation of Medium and High-Density Residential (MHDR). The MHDR designation indicates a higher density type of residential development than the current RS zone. In this sense, the proposed change to the Medium Density Residential zone would make the zoning consistent with the plan designation.

Concerns were raised at the hearing regarding traffic impacts that the higher density development could cause. Specifically, neighboring property owners commented regarding the possible vision problem with a hill north of the proposed development. They were concerned that vehicles going southbound on either River Road or Wheatland Road would not have enough response time with regard to vehicles entering or exiting the subject development.

Testimony was given that the distances between the proposed access points to the arterials from the development and the top of the hill were large enough that there should be no traffic concerns in that regard. In addition, by requiring street improvements on River Road and Wheatland Road and carefully placement of the access points, traffic concerns can be mitigated.

One of the criteria to be reviewed is that the proposal be consistent with the purpose statement of the RM zone. Such purpose statement indicates that the parcel should be provided with urban services, have access to a collector or arterial street, and be near commercial or retail zones where limited access is necessary. This proposal meets all those requirements and is appropriately located as it is directly accessed by both a minor and a major arterial.

Additional concerns were raised regarding the possible existence of wetland areas on the subject parcel. There is some indication that wetlands may be present in some areas. However, the grant of the requested action can be conditioned upon approval by the state Division of Lands. An additional requirement will be that the applicant complete the replat and vacation of part of the street system in the existing

subdivision.

The proposal, when properly conditioned, meets the applicable criteria. Therefore, the requested zone change should be granted.

EXHIBIT "E"

Action

A. The City of Keizer GRANTS the requested zone change from RS (Single Family Residential) to RM (Medium Density Residential), subject to the following conditions:

Prior to the issuance of any building permits:

1. The design and placement of any driveway or access encroachments onto Wheatland Road and River Road shall be approved by the Keizer Public Works Department.
2. Except as otherwise noted in this decision, development of the site shall substantially comply with the recommendations of the Keizer Fire District as outlined in Exhibit "E-1."
3. Except as otherwise noted in this decision, development of the site shall substantially comply with the recommendations of the Keizer Public Works Department as outlined in Exhibit "E-2."
4. Nothing in this decision shall be construed as prohibiting the development of the property for other uses permitted or conditionally permitted in the RM (MEDIUM DENSITY RESIDENTIAL) zone.
5. The proposed multi-family development on the subject property must comply with all applicable development standards contained in Chapters 17 through 20 in the Keizer Zoning Ordinance. This includes, but is not limited to such standards as density requirements, height requirements, landscaping requirements, and on-site parking requirements.
6. Except as otherwise required by conditions of approval, development of the property shall comply with the applicable requirements of the Keizer Zoning Ordinance and building requirements of the Marion County Building Inspection Division.
7. The applicant shall be responsible for all costs associated with public facility improvements, including applicable system development charges for sewer, water, parks and other facilities and shall comply

with established City rules and regulations in effect at the time that this Zone Change is final.

8. The applicant shall complete a replat of the existing subdivision plat for the subject parcel consistent with the submitted site plan.

9. Harvest Drive and a portion of Foothill Drive shall be vacated. The applicant shall be responsible for submitting the vacation petition, required consent forms and other documents, along with payment of fees. Nothing contained herein is a representation by the City Council or city staff with regard to appropriateness of the proposed vacation and the issue of the vacation is not before the council at this time.

10. The applicant shall contact the Division of State Lands regarding the existence of wetland areas identified on the subject property. A wetland delineation shall be completed and concurrence by the Division of State Lands is required. The applicant is responsible for the submittal and approval of all required removal-fill permits from the Division of State Lands prior to construction on the site.

11. The development shall be constructed in substantial compliance with the site plan submitted at the hearing on May 6, 1996, and shall be limited to no more than 80 dwelling units.

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

KEIZER FIRE DISTRICT

MEMORANDUM

TO: Roger Evans

FROM: Joel Stein *JS*

RE: Zone Change #95-04/Wheatland Road Apartments.

DATE: 11-15-95

CC: 3-H Construction
William Peterson, City Engineer

In reviewing the Zone Change Site Plan, Keizer Fire District has several comments. These comments are preliminary, and based only on the first site plan dated October 95, submitted by Multi Tech Engineering.

- 1] Keizer Fire District would recommend two access drives in and out of complex. More specifically, one on River Road, and one on Wheatland Road. Circulation and parking within the complex is of utmost concern, therefore a plan shall be reviewed prior to final construction approval.
- 2] If two access drives are installed at designated locations, two fire hydrants would be sufficient. Those hydrants could be located at or near each entrance.
- 3] Building identification will be critical in a complex this size. Keizer Fire District shall provide input into the address locations on the buildings.
- 4] Keizer Fire District shall be included in providing comments on revised site plan prior to final construction approval.
- 5] Keizer Fire District is requesting to notified of the hearing date and time.



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

DATE: November 17, 1995

TO: CITY OF KEIZER
 PLANNING DEPARTMENT

SUBJECT: ZONE CHANGE CASE NO. 95-04
 FIR CONE TERRACE (FOOTHILL
 DRIVE AND HARVEST DRIVE)
 3-H CONSTRUCTION, INC.

PUBLIC WORKS DEPARTMENT COMMENTS

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

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

SANITARY SEWERS:

- a.) City of Salem approval for public sanitary sewers is required. The City of Keizer Department of Public Works will review the proposed sanitary sewers to assure adequacy of compliance with the Master Sewer Plan. It is anticipated that adequate sanitary sewer lines can be extended to the property to provide service.
- b.) No sanitary sewer construction shall begin on this property without prior notification being given to the City of Keizer Department of Public Works.
- c.) It is the understanding of the Department of Public Works that the proposed development is located in an area which is in the Keizer Sanitary Sewer District. The city staff will check the acreage which has paid to determine if any additional acreage assessment will be necessary.

WATER SYSTEM:

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

•
 Administration
 Public Works
 Community Development
 Municipal Court
 Phone 503.390.3700
 Fax 503.393.9437
 Police (business only)
 Phone 503.390.3713
 Fax 503.390.8295
 •
 Incorporated 1982
 Pride, Spirit, Volunteerism

Public Works Department Comments
ZONE CHANGE CASE NO. 95-04
FIR CONE TERRACE
Page 2

New water line extensions to serve the proposed development will be required to be submitted to the City of Keizer for approval. A new construction permit will be required.

- b.) The Keizer Fire District will determine where proper locations of fire hydrants are necessary. Final development plans shall be reviewed by the Keizer Fire Department prior to any issuance of permits for public water main construction for the subdivision.
- c.) Any wells on the subject property shall be identified and abandoned in accordance with the water department requirements.
- d.) Easements for access to all public water mains will be required to be shown on the final plat prior to approval.

STORM DRAINAGE

- a) Prior to any development on the subject property the developer will be required to submit an overall storm drainage master plan.
- b) The developer will be required to submit a downstream analysis of the existing storm drain system prior to any development. The results of the analysis will determine if storm water detention for the site will be required. The analysis could also determine if modifications to the existing drainage system will be necessary to the issuance of any building permits for the subject property.

BORDERING STREET IMPROVEMENTS

- a) Improvements to the existing boundary streets will be required prior to the issuance of any building permits for the subject property.
- b) Dedication of additional right of way will be required along Wheatland Road and North River to comply with the City of Keizer Comprehensive Plan. Street widening improvements including sidewalks shall be made to the requirements of the Department of Public Works.

Public Works Department Comments
ZONE CHANGE CASE NO. 95-04
FIR CONE TERRACE
Page 3

GENERAL

An overall site plan shall be required for review of the development requirements. Issues that need to be addressed are any required public improvements within the subject property, vehicular access to and through the subject property, lot layout if the property is to be subdivided, etc.

To eliminate the need for the requirement of a Traffic Impact Analysis it is suggested that the access to the subject property continue to be from both Wheatland Road and North River Road.

CITY COUNCIL MEETING: May 20, 1996

AGENDA ITEM NUMBER: 6a

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR *JN Morgan*

SUBJECT: USE OF KEIZER'S PORTION OF THE TRANSPORTATION EQUITY
ACCOUNT FOR FUNDING HIGH SPEED RAIL

DISCUSSION:

The City of Keizer has been requested to pledge 10.66 percent of the funds received from the Transportation Equity Account to help provide the local match for implementation of a high speed rail corridor between Vancouver, BC and Eugene. Keizer is scheduled to receive \$3,538,799 over five years between 1999 and 2003 and is asked to pledge \$75,494 per year to the high speed rail project for a total of \$377,472.

Attached to this report are several documents which will provide information in detail on the proposal including a memorandum of Rick Rolf, President, The Oregon Business Coalition for High Speed Rail asking for the City's pledge, a document provided by the Business Coalition describing the project, and Salem's staff report and resolution on the same issue (which was passed).

The proposal will have little negative impact on Keizer as the funds are above and beyond any current street revenues. Approximately \$75,000 per year which could go to street maintenance and construction projects will not be realized. But, the City will be getting \$632,265 each of those years above current revenue levels which will help adequately fund all maintenance and construction needs.

The High Speed Rail corridor will bring benefits to Keizer as well as the entire corridor through reduced congestion and other factors as discussed in the attached material.

RECOMMENDATION:

It is recommended Council adopt the attached resolution.

Fax Transmission

To: Keizer City Council
Fax: 503 393-9437
From: Rick Rolf - President, The Oregon Business Coalition for High Speed Rail
Tel: 503 226-3643 Fax: 503 226-3712
Date: 5/9/96
Re: High Speed Rail
Pages: 3

Dear City Council members,

As you well know by now, High Speed Rail is at a critical turning point in the Willamette Valley. Without the support of local cities and counties in the Valley there will be no High Speed Rail and the problems of congestion that come with the anticipated population growth will be devastating to our communities and our quality of life. This is why we urge you to pass a resolution dedicating 10.66% of your future Transportation Equity Fund allocations to the success of High Speed Rail (see attachment).

This investment is extraordinary not only because of the return, but because there is no risk associated with your pledge. Governor Kitzhaber has already promised the communities of the Willamette Valley that he would seek, dollar-for-dollar, matching funds from the State Legislature. In addition to this, Senator Hatfield could potentially turn that money into five times its original value. There is no risk involved since none of the pledged revenues can be spent unless the Federal match is released. Therefore, the plan represents a pledge which can only be used if the Federal funds have been released and create approximately a 1,000% return on investment. In a climate where communities are strapped for transportation dollars, this opportunity cannot be forgone as it is unlikely to ever present itself again.

It is important to take action now for several reasons. By the time the Oregon Legislature convenes in 1997, Senator Hatfield, Chairman of the Appropriations Committee, and a staunch supporter of High Speed Rail, will have retired. Local governments along the corridor must communicate their commitment to Washington D.C., so that Senator Hatfield can seek federal matching funds. Without action we stand to lose aid in seeking matching funds from Governor Kitzhaber and Senator Hatfield. In addition we will lose our designation as a Federal High Speed Rail Corridor and a new high speed train which Amtrak wants to bring here. And finally, the momentum that has been built up by local communities will wither as the people deem their efforts useless.

As of now Salem, Eugene, Albany, Marion County and Linn County have passed resolutions dedicating 10.66% of their future Transportation Equity Fund allocations to High Speed Rail. We believe that the remaining cities and counties will also choose to pledge a portion of their future funds in an effort to provide a solution to the ever escalating transportation problem. We hope that Keizer will be on that same train.

The Transportation Equity Fund

The Oregon Business Coalition for High Speed Rail has established this plan as a basis for discussion and rapid agreement in the towns, cities and counties in the Willamette Valley. We believe it is essential to generate a debate around a specific and viable proposal. Until now, there has not been a debate on the specifics. We feel this has hindered forward movement of the High Speed Rail effort. We view our role as the catalyst for the High

Speed Rail discussion. It will be up to each local government and its citizens to form their own plan and act on it. The time is now.

The 1996 Special Session of the Oregon Legislature established a \$375 million Transportation Equity Fund to finance city and county transportation projects outside the Portland Metropolitan Area. The funding breakdown is as follows:

- \$75 million -- Metro Funds (\$55 million from regional allocation of Federal Surface Transportation Program funds and \$20 million in local government discretionary funds).
- \$110 - 120 million -- Estimated total tax revenue to the state from the project and related employment.
- \$115 million -- Lottery fund payments. Bonds will be issued with the bonds for the light rail project approximately in 2004.
- \$75 million -- Additional funds from metro area. Area to bring proposal to 1997 Legislative Session.

Cities will receive 40% of the funds (\$150 million) and the counties 60% (\$225 million). Individual cities share will be based upon population, while each county's share is based on automobile registration. The cash flow into the fund is extremely uneven due to differing timelines on the availability of funding sources. For example, funds from the metro area will be deposited over a ten year period beginning in 1999, while the bulk of the lottery funds will be available in approximately 2004. The income tax revenue will peak in the mid to later part of the next decade.

The most reliable and rapid expenditure of funds is the required payment by Tri-Met of Federal Surface Transportation Program (STP) Flexible Funds and local discretionary funds which begin on July 1, 1999. Over a ten year period these funds will total \$75 million. For the first five years, eight million per year will flow into the fund.

TRANSPORTATION EQUITY FUND DISTRIBUTION

The following outline shows the distribution of the Transportation Equity Fund to High Speed Rail Corridor counties and cities. The amount available to cities and counties, beginning in 1999, is shown in the "Total" column. In order to come close to our 20% share of the \$80 million required to fund High Speed Rail, we have shown "Annual Allocations" based on 10.66% of the total. The annual allocations will begin in 1999 and run for five years through the year 2003. The final column gives the "Five Year Total" amount of allocations based on 10.66%.

Transportation Equity Fund Table**10.66% of the Total for 5 Years**

	Total	Annual Five Year Allocation	Total
Lane County	34,608,624	738,317	3,691,587
Linn County	12,291,425	262,217	1,311,085
Benton County	7,635,822	162,898	814,488
Marion County	28,091,972	599,295	2,996,477
County Total	82,627,843	1,762,727	8,813,637
Eugene	16,879,827	360,103	1,800,515
Springfield	6,684,165	142,596	712,978
Albany	4,903,214	104,602	523,009
Corvallis	6,467,847	137,981	689,904
Salem	16,374,384	349,320	1,746,601
Keizer	3,538,799	75,494	377,472
City Total	54,848,236	1,170,096	5,850,479
Total	137,476,079	2,932,823	14,664,11

HIGH SPEED RAIL

"We need a series of new "highways" that connect our governments, business and people. One of these new highways will almost certainly be High Speed Rail...trains traveling at 125 miles per hour from Vancouver, B.C. to Eugene. Nothing could do more to make the movement of goods and people easier while at the same time preserving our living quality by reducing congestion and air pollution and saving open space. We in the Cascadia region can create a strong case for High Speed Rail transportation. However, Congress needs to see strong grass-roots support before we can expect to fund these ambitious and very expensive public-works projects."

Mark O. Hatfield
U.S. Senator

WHAT IS THE OREGON BUSINESS COALITION FOR HIGH SPEED RAIL?

The Oregon Business Coalition for High Speed Rail was established in February 1996 to increase public awareness of the benefits of High Speed Rail travel along the rail corridor between Eugene and Portland, part of the larger corridor which extends to Vancouver, B.C. The organization is also deeply concerned that a window of opportunity and consequence exists in 1996. If tangible support for the High Speed Rail effort does not emerge now, the Willamette Valley is in great danger of being permanently excluded from the Pacific Northwest High Speed Rail Corridor, with resources being channeled into northern Washington State and ultimately ending in Portland. Amtrak West, Northwest Natural Gas, OTAK and Pacific Power combined resources to move quickly to try to rescue High Speed Rail in the Willamette Valley. We are seeking an urgent debate and discussion around specific proposals to secure Oregon's future role in High Speed Rail.

WHAT IS HIGH SPEED RAIL?

A high-speed corridor is a federally designated rail corridor between two or more major metropolitan areas where High Speed Rail offers the greatest potential for cost-effective public transportation. To be considered "High Speed", the corridor must have rail speeds above 90 mph or can reasonably be expected to have such speeds in the future. The Federal Railroad Administration determines which corridors qualify as priority High Speed Rail Corridors, making them eligible to receive federal funding for improvement projects.

The Pacific Northwest High Speed Rail Corridor parallels Interstate 5 and connects the metropolitan areas of Eugene, Albany, Salem, Portland, Seattle and Vancouver, B.C. Population along the I-5 corridor is currently 7.7 million and is expected to increase nearly 40 percent within the next 20 years. In addition, intercity travel is expected to increase by more than 75 percent.

The vision of high-speed trains carrying passengers in the Pacific Northwest was given impetus in late 1992, when the Federal Railroad Administration designated the Pacific Northwest High Speed Rail Corridor as one of five High Speed Rail corridors in the United States.

It is the only rail corridor in the nation with both international and bi-state ties, extending from Eugene, OR, through Seattle, WA, to Vancouver, BC. It stretches 464 miles and includes approximately 134 miles in Oregon, 296 miles in Washington and 34 miles in British Columbia.

The region which the corridor spans, would represent the world's tenth largest economy if it were linked together. It would be roughly equi-distant between Europe and Asia.

HOW WILL HIGH SPEED RAIL BE IMPLEMENTED?

Of the estimated \$1.3 billion needed for the Pacific Northwest High-Speed Rail Corridor, approximately \$800 million will be required in Washington, \$450 million in Oregon and \$25 million in British Columbia.

This sizable investment is needed to improve grade crossings, upgrade signals, renovate depots, extend centralized traffic control and build new track and bridges. Additional trains will be acquired as ridership increases. Capacity improvements will be provided, such as double tracking and high-speed crossovers, to minimize conflicts between freight and passenger trains. A significant effort will also be focused on updating and eliminating grade crossings to avoid conflicts between rail and automobiles.

The goal is to reduce running times between terminals by removing bottlenecks, reducing safety hazards and raising train speeds. Eventually, top speeds will go from the current forty-seven miles per hour to one hundred twenty-five miles per hour on some rural sections of the line.

WHAT KIND OF TRAIN WILL BE USED ON THE CORRIDOR?

Future efforts will focus on use of tilt-technology high-speed trains. Trains of this type are designed to run on existing freight rail track, eliminating the need to purchase expensive right of way to build additional track. Tilt technology allows travel up to 30 percent faster through curves than conventional trains without discomfort to passengers.

THE CHALLENGE

Unless key political and business forces coalesce in 1996 around a plan to generate a modest level of funding for High Speed Rail infrastructure, a critical window of opportunity will be lost. Indeed, Oregon is flirting with danger: It could be severed from the corridor.

Oregon stands to attract, or lose, hundreds of millions of dollars in federal matching support. As a critical link in the corridor, and indeed, the most cost effective segment in which to focus improvements because of the relatively straight track through the Willamette Valley, Oregon should be leading the effort by attaching a priority to High Speed Rail funding. Instead, the Oregon legislature eliminated all funding during the 1995 session and even the survival of the highly successful *Cascadia* Eugene to Portland passenger rail service is threatened.

WASHINGTON AND OREGON: WHO WILL STAY IN THE GAME?

In contrast to Oregon, where funding has been slashed, Washington State has invested roughly 60 million in High Speed Rail corridor improvements since 1993. Between 1993 and 1997 Washington will have provided \$74 million for capital improvements, new rolling stock, marketing and advertising, rail operations and planning. The State of Washington will be investing more than \$33 million in their current fiscal biennium of 1995-1997 for infrastructure improvements, upgrades or replacements of stations with inter modal facilities, and the acquisition of two advanced technology train sets. The State of Oregon has provided approximately \$5.5 million since 1993.

The "good news" for Oregon is that its passenger rail has been a proven success, and it has the seniority and committee assignments in Congress (for a few more months) which are the envy of the nation. The "bad news" is that Oregon is at the tail end of the corridor and is the most vulnerable of being severed and left behind if it relinquishes its competitive advantage. Decisions made in the 1996 time frame could well determine whether Oregon will be a central player or peripheral, struggling to catch up and paying a heavy premium for the privilege.

The ongoing success of the Eugene-Portland *Cascadia* train route is critically dependent on moving rapidly to the next level of service. Amtrak is committed to bringing an additional High Speed train to the Eugene-Portland route in 1997. However, both sufficient demand in ridership and sufficient application of advanced signal system technology must be in place to render the return on investment practical. Amtrak is prepared to provide trains

which can travel at speeds exceeding one hundred twenty five miles per hour, but it is impractical to do so if average speeds remain closer to an average of forty seven miles per hour.

A High Speed train will be ready for Oregon in 1997, the question is whether Oregon will be ready for the train. Each individual factor is dependent on the other, and the potential for a negative domino effect is troubling. Amtrak is committed to High Speed Rail because the demonstrated potential for ridership is clear. The attainment of this ridership potential, however, depends on the perceived desirability of train travel in terms of relative convenience and speed. Quite simply, if commuters between Eugene and Portland perceive train travel as faster, more convenient, and sufficiently flexible relative to automobile travel, Amtrak is confident that substantial investment in additional trains and service can be justified. Yet, if this next tier of service cannot be achieved, even the current Eugene-Portland route cannot be justified. If Oregon does not have inter-city passenger rail service in the Willamette Valley, it risks being severed from the corridor altogether.

THE COST OF CONGESTION

The projected population growth in the Willamette Valley over the next two decades will be roughly equivalent to the addition of five new cities the size of Salem. Absent solutions, increased air pollution, gridlock, loss of commerce and an overall deterioration in the quality of life for well over two-thirds of Oregon's population (located within thirty miles of the rail) are a certain result of the tripling of highway traffic expected by the year 2010. The cost efficiency of rail compared to highway construction is compelling. For example, the *Oregonian* points out that construction costs for eight miles of Interstate 90 between Bellevue and Seattle cost \$1.9 billion.

The investment made in High Speed Rail will be small compared to the investment that would be needed to transport an equal number of automobile travelers. Roads cost \$20 million per mile, urban interchanges cost \$40-\$70 million each: rail costs \$3-4 million per mile.

To add a lane in each direction to an urban freeway, the cost is estimated to be \$150 million for 9 miles or roughly \$16 million per mile. In comparison, the cost of upgrading the rail line for the 100 miles between Portland & Eugene would be roughly \$450 million or \$4.5 million per mile.

WHY 1996 IS A CRITICAL TURNING POINT

The key issue is that by the time the Oregon Legislature convenes in 1997, Senator Hatfield, Chairman of the Appropriations Committee, and a staunch supporter of High Speed Rail, will have retired. If local governments along the corridor can pledge funds in the spring of 1996 and communicate their commitment to Washington D.C., they could be eligible to seek federal matching funds. If the 1997 Oregon Legislature moves to reinforce these efforts, Oregon will be in an excellent position to protect and hold its status.

County and city transportation budgets in the Willamette Valley are stretched to the limit. Under these circumstances, we believe the most viable and cost effective approach is a pledge of ten percent by each city and county within the Willamette Valley of their allocation from the Transportation Equity Fund (created to finance transportation projects outside the Portland Metropolitan area). Transportation Equity Funds begin to flow in 1999. We further believe that Governor Kitzhaber should, in turn, pledge his commitment to seek an equal or greater commitment from the Oregon Legislature.

The potential to create a substantial pool of funding, sufficient to maintain Oregon's corridor status and move High Speed Rail irrevocably forward, is apparent. A ceiling of \$14.6 million in local contributions, using a modest amount of the total allocation from the Transportation Equity Fund, could potentially yield as much as \$73 million when combined with federal matching funds. A state commitment to reinforce this effort could yield much more in Federal support. Eighty million will be needed to fund essential infrastructure improvements and place High Speed Rail on firm footing. There are numerous examples in which rail and transit projects have secured federal funding when state and local contributions have been pledged in advance of their actual receipt. None of the pledged revenues can be spent unless the Federal match is released. Therefore, the plan represents

as investment which will only be utilized if Federal funds have greatly increased the amount of the original pledge.

The Oregon Business Coalition for High Speed Rail has established this plan as a basis for discussion and rapid agreement in the towns, cities and counties in the Willamette Valley. We believe it is essential to generate a debate around a specific and viable proposal. Until now, there has not been a debate on the specifics. We feel this has hindered forward movement of the High Speed Rail effort. We view our role as the catalyst for the High Speed Rail discussion. It will be up to each local government and its citizens to form their own plan and act on it. The time is now.

The 1996 Special Session of the Oregon Legislature established a \$375 million Transportation Equity Fund to finance city and county transportation projects outside the Portland Metropolitan Area. The funding breakdown is as follows:

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- \$110 - 120 million -- Estimated total tax revenue to the state from the project and related employment.
- \$115 million -- Lottery fund payments. Bonds will be issued with the bonds for the light rail project approximately in 2004.
- \$75 million -- Additional funds from metro area. Area to bring proposal to 1997 legislative session.

Cities will receive 40% of the funds (\$150 million) and the counties 60% (\$225 million). Individual cities share will be based upon population, while each county's share is based on automobile registration. The cash flow into the fund is extremely uneven due to differing timelines on the availability of funding sources. For example, funds from the metro area will be deposited over a ten year period beginning in 1999, while the bulk of the lottery funds will be available in approximately 2004. The income tax revenue will peak in the mid to later part of the next decade.

The most reliable and rapid expenditure of funds is the required payment by Tri-Met of Federal Surface Transportation Program (STP) Flexible Funds and local discretionary funds which begin on July 1, 1999. Over a ten year period these funds will total \$75 million. For the first five years, eight million per year will flow into the fund.

TRANSPORTATION EQUITY FUND DISTRIBUTION

The following outline shows the distribution of the Transportation Equity Fund to High Speed Rail Corridor counties and cities. The amount available to cities and counties, beginning in 1999, is shown in the "Total" column. In order to come close to our 20% share of the \$80 million required to fund high speed rail, we have shown "Annual Allocations" based on 10.66% of the total. The annual allocations will begin in 1999 and run for five years through the year 2003. The final column gives the "Five Year Total" amount of allocations based on 10.66%.

10.66% of the Total for 5 Years

	Total	Annual Allocation	Five Year Total
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County Total	82,627,843	1,762,727	8,813,637
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Corvallis	6,467,847	137,981	689,904
Salem	16,374,384	349,320	1,746,601
<u>Keizer</u>	<u>3,538,799</u>	<u>75,494</u>	<u>377,472</u>
City Total	54,848,236	1,170,096	5,850,479
Total	137,476,079	2,932,823	14,664,11

Post-it® Fax Note

7671

Date	4/5/96	# of pages	6
To	BARRY NORTON		
From	R.H. FERNANDEZ		
Co./Dept.	MUNDO		
Co.	SALEM PW		
Phone #	(503) 588-6177		
Fax #	(503) 588-6094		
Phone #	(503) 588-6211		
Fax #	x-7336		

ING OF:

April 8, 1996

EM NO.:

9.2.1

LE NO.:

TO: MAYOR AND CITY COUNCIL

THRU: LARRY J. WACKER, CITY MANAGER

FROM: FRANK MAULDIN, PUBLIC WORKS DIRECTOR

SUBJECT: USE OF SALEM'S PORTION OF THE TRANSPORTATION EQUITY
ACCOUNT FOR FUNDING HIGH SPEED RAIL**ISSUE:**

Shall Council allocate 10 percent of the City's share of the Transportation Equity Account to help fund the Willamette Valley High Speed Rail program?

RECOMMENDATION:

Staff recommends that Council adopt the attached draft resolution, allocating 10 percent of the City's anticipated distribution from the Transportation Equity Account for funding the Willamette Valley High Speed Rail program.

BACKGROUND:

As part of the Legislature's funding for Portland's South-North Light Rail System expansion, they created the Transportation Equity Account that provides cities outside the Metro Area with unrestricted funding for transportation-related projects. Salem anticipates receiving \$16.3 million over a ten-year period beginning in 1999.

On February 26, 1996, Council received a letter from the Honorable Ruth Bascom, Mayor, City of Eugene (March 4, 1996 Council meeting, Agenda Item 7.4.a), requesting a commitment of Salem's share of the Transportation Equity Account toward supporting the Willamette Valley High Speed Rail Project. Mayor Bascom stated in her letter that Senator Hatfield had requested evidence of local support for valley trains from elected officials in the form of local matching funds to assure federal funding for this program.

The Willamette Valley High Speed Rail Project has shown tremendous promise since its inception. The Legislature, however, has failed to fully fund this project. As such, its backers have sought alternative sources of funding. Alternative funding sources have included \$1 million of the Petroleum Antitrust Grant Program moneys. Salem supported this funding at the potential expense of other projects for which the City had applied.

Use of Salem's Portion of the Transportation
Equity Account for Funding High Speed Rail
Council Meeting of April 8, 1996
Page 2

At the March 25, 1996, Council meeting, staff recommended denial of this request. We cited the existing unmet street funding needs identified by the Transportation Impact Task Force, and the reluctance of the Legislature to fund the high speed rail program as reasons for our recommendation. We did, however, propose that Council could consider a compromise by pledging the money to railroad crossing safety enhancements, such as those required to declare Salem a *quiet zone*.¹

Mr. Robert E. Krebs, Manager of the High Speed Rail Program for the Oregon Department of Transportation, testified that the local government money was to be used as match money for seeking federal funds. He stated that the compromise proposed by staff could be worked into a resolution to assure that the Oregon Department of Transportation would construct the proposed Salem area improvements. Mr. Krebs gave Council the following information with respect to the estimated project costs.

High Speed Rail Corridor Improvements Summary

Project Package	Potential Portland-Eugene Service Schedule (Round Trips)	Cost (1994 Dollars)
Phase 1: Portland area speed and reliability improvements	2 hours 20 minutes (2)	\$7,336,562
Phase 2: Selected speed increases Eugene-Portland	2 hours 15 minutes (2)	3,624,651
Phase 3: Bridge Improvements Eugene-Portland	2 hours 13 minutes (2)	3,662,500
Phase 4: Eugene-Portland-Vancouver capacity improvements	2 hours 13 minutes (4)	5,642,274
Phase 5: 79 mph upgrade, Eugene-Portland	2 hours 3 minutes (4)	21,634,207
Phase 6: Speed and capacity increases, Vancouver, WA-Portland and Eugene-Portland	2 hours 1 minute (5)	6,407,236
High Technology Train Rolling Stock		10,000,000
Marketing, ODOT staff and unrecovered operating costs	To be paid out over an 8 to 10-year period	20,000,000
		Total: \$80,597,439
Future Improvements (signal system, crossing closures, bypasses, etc.)	1 hour 22 minutes (6-8)	\$370,000,000

Source: Oregon High Speed Rail Business Plan, August 1994

¹ Recall the staff report on the Federal Railroad Administration's proposed rules on train whistle bans (February 26, 1996 Agenda Item 9.2.d), and the stringent requirements for declaring quiet zones in urban areas.

Council rejected the staff recommendation and requested the following information for the April 8, 1996, Council meeting:

- A draft resolution for Council consideration; and
- The implications of pledging this money three years before its allocation to the City.

FACTS AND FINDINGS:

Draft Resolution

Staff has prepared a draft resolution that generally follows the format of the resolution provided by Mayor Bascom (Attachment A). The resolution provides similar findings and an allocation of 10 percent of the City's portion of the Transportation Equity Account. The resolution, however, does differ from the Eugene example in the following manner:

1. It specifically earmarks Salem's money for matching federal and state funds.
2. The resolution has an appropriations clause that ensures that this decision does not bind future Councils.
3. The resolution requires that the Oregon Department of Transportation substantially complete work on the rail crossing improvements by 1999 and designates the Public Works Director as the City's agent for this matter.²

Legislation

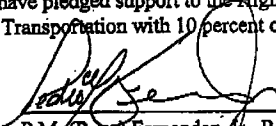
The January 1996 Special Session passed the legislation that created the Transportation Equity Account. It details how the Transportation Equity Account will be funded and how the local governments can spend the money.

²In his testimony to Council and in subsequent meetings with staff, Mr. Krebs has stated that federal money will be forthcoming in 1997. This will provide ODOT with two years in which to improve the Salem rail crossings, as envisioned in the *Oregon High Speed Rail Business Plan, August 1994*. The 1999 Council, with the recommendation of the Public Works Director, will then determine if substantial progress has been made toward completion of these improvements prior to deciding whether to appropriate the money. It is important to note that the portion of the rail system in Eugene has already enjoyed \$750,000 in improvements.

04/03/96 11:31 0000000020 SALEM PUBLIC WORKS

Use of Salem's Portion of the Transportation
Equity Account for Funding High Speed Rail
Council Meeting of April 8, 1996
Page 4

Based on staff's reading of the legislation, and discussions with state officials, it is our understanding that disbursement from the Transportation Equity Account will begin in July 1999. It will be up to the local governments who have pledged support to the High Speed Rail Project to then provide the Oregon Department of Transportation with 10 percent of the moneys received.



P.M. (Peter) Fernandez, Jr., P.E.
Transportation Services Manager

PMF:TEA.SR

Attachments:

A. Draft Resolution

Ward All

April 1, 1996

RESOLUTION NO.

WHEREAS, the 1992 *Oregon Rail Passenger Policy and Plan* and the 1995 *High Speed Rail Business Plan* document the Willamette Valley High Speed Rail project from Eugene to Portland as an important transportation link for the city; and

WHEREAS, the Oregon Department of Transportation anticipates travel in the I-5 Corridor to grow significantly over the next twenty years; and

WHEREAS, environmentally sound, viable and competitive transportation alternatives to the automobile are necessary to address regional travel needs without costly expansion to the interstate; and

WHEREAS, current ridership in the corridor proves a high level of demand for this service; and

WHEREAS, local agencies must join state and federal agencies to achieve High Speed Rail program goals over the next several years; and

WHEREAS, state and local agencies in the corridor are aggressively pursuing federal funds for this program, and local matching funds are required to obtain federal funds; and

WHEREAS, traditional state gas tax funds are not eligible for most of the costs associated with carrying out this program; and

WHEREAS, the City anticipates receiving an estimated \$16.3 million from the Transportation Equity Account created by Oregon Laws 1996 (special session), chapter 14, section 12; NOW, THEREFORE

BE IT RESOLVED BY THE COMMON COUNCIL
OF THE CITY OF SALEM, OREGON:

Section 1. Council finds it to be in the public interest, and consistent with adopted city policies and goals, to allocate ten percent of future revenues from the Transportation Equity Account to the Willamette Valley High Speed Rail project as a match for federal and state funds, subject to the following:

a. The Oregon Department of Transportation's substantially completing work on the rail crossing improvements associated with the Willamette Valley High Speed Rail project within the Salem metropolitan area by July 1, 1999, and

b. Council's appropriating funds for the match.

Section 2. Council authorizes the director of public works to work with the Oregon Department of Transportation to identify and expedite the Salem metropolitan area rail crossing

improvements necessitated by the Willamette Valley High Speed Rail project.

ADOPTED by the Common Council this _____ day of April, 1996.

ATTEST

CITY RECORDER

Approved by City Attorney: _____

council\0408rail.res

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R96-_____

**IN THE MATTER OF USING TRANSPORTATION EQUITY FUNDS AS A LOCAL MATCH
FOR THE PACIFIC NORTHWEST HIGH SPEED RAIL CORRIDOR**

WHEREAS, in 1992 the Federal Railroad Administration designated the Pacific Northwest High Speed Rail Corridor, following the Interstate 5 Corridor from Eugene, Oregon to Vancouver, B.C., and

WHEREAS, the Corridor population of 7.7 million is expected to increase 40% over the next 20 years, with a 75% projected increase in intercity travel, and

WHEREAS, financial and land use constraints make it unrealistic to continue building new highways at the rate needed to keep up with the growth in travel demand, and

WHEREAS, High Speed Rail can provide a clean, affordable, safe, and efficient alternative to highway travel between major metropolitan centers, and

WHEREAS, failure on the part of state and local governments along the Corridor to provide the required matching funds will be cause for the federal government to withdraw its support for high speed rail in the Northwest;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keizer hereby agrees to commit future Transportation Equity Funds of \$75,494 per year for five years (\$377,472 total), beginning the year the funds become available, toward the total local match required to fund the Pacific Northwest High Speed Rail Corridor.

PASSED this _____ day of _____, 1996.

SIGNED this _____ day of _____, 1996.

Mayor

City Recorder

CITY COUNCIL MEETING: May 20, 1996

AGENDA ITEM NUMBER: 6b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DOTTY TRYK *dottry*
CITY MANAGER

SUBJECT: RESOLUTION REPEALING A RESOLUTION OF INTENT

BACKGROUND:

In August of 1994, the Council reviewed several actual and potential revenue sources for the city. At that time a transient room tax was reviewed. The Council felt that it was premature to adopt such a tax because there were no motels in town nor were there any well developed plans for a motel to be built. Instead, the Council adopted Resolution 94-762 which declared its intent to establish a room tax at some point in the future.

This issue was brought back to the Council at your April 15, 1996 meeting as there is now a strong possibility of a motel being built in Keizer in the very near future. An Ordinance was put forward and defeated by a 4/3 vote. A second motion was made to instruct the city manager to return with a resolution repealing Resolution 94-762.

At your May 6 meeting, a motion was made to reconsider the motion directing staff to return with the repealing resolution. This was defeated, therefore my instructions were left unchanged and the requested resolution is attached.

The advice of John Lien, City Attorney, is that a repeal is synonymous with a rescission. Therefore, the attached resolution repealing a previous council action is the same as a motion to rescind that action. According to Robert's Rules of Order, an action may be rescinded only with a 2/3 majority vote. What this means is that, in order to adopt the resolution repealing Resolution 94-762, the motion must pass with a 2/3 majority or 5 votes. Lacking 5 votes the repealing resolution will not pass and the resolution of intent stands.

RECOMMENDATION:

Staff has no recommendation. The repealing resolution is attached.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

RESOLUTION NO. R96-_____

**REPEALING RESOLUTION 94-762 ESTABLISHING COUNCIL INTENT TO
IMPOSE A TRANSIENT ROOM TAX**

**WHEREAS, The council of the Council of the City of Keizer defeated a
motion to adopt an ordinance establishing a transient room tax in the city, and**

**WHEREAS, there currently stands an adopted resolution of intent to impose
a transient room tax, NOW, THEREFORE,**

**BE IT RESOLVED that the Council repeals Resolution 94-762 establishing
council intent to impose a transient room tax.**

PASSED this _____ day of _____, 1996.

SIGNED this _____ day of _____, 1996.

Mayor

City Recorder

CITY COUNCIL MEETING: May 20, 1996

AGENDA ITEM NUMBER: 7a

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: RESOLUTION RECINDING
COMPREHENSIVE PLAN/ZONE CHANGE/CONDITIONAL USE 95-01
CLAGGETT CEMETARY

DISCUSSION:

On August 7, 1995, The City Council approved the application of Alice and Leon Croteau, in cooperation with the Claggett Cemetery Association, to change the Comprehensive Plan and zoning for property immediately adjacent to Claggett Cemetery and to grant a conditional use to allow the property to be used as a cemetery.

Several conditions were placed on the approval. A copy of the ordinance approving the changes is attached which lists the conditions of approval. The ordinance also says these conditions must be met within 60 days of the approval of the ordinance.

None of the conditions have been met. Staff has spoken with the applicant and members of the cemetery association several times about the conditions and received assurances that they would be fulfilled. Finally a letter was sent on May 15, 1996 notifying the applicant that the City would take action enforce the conditions or revoke the changes if the conditions were not promptly met.

No action has been taken to fulfill the conditions. Staff has learned that the agreement between the Croteaus and the Cemetery Association has expired and will not be renegotiated.

The City needs to revoke these changes. While there is no formal process in the zoning ordinance to reverse a zoning decision, Community Development and Legal staffs have

City Council
May 20, 1996

agreed that a public hearings should be held so the Council can determine if there is any reason why the changes should not be revoked. Then an ordinance can be passed reversing the original ordinance.

RECOMMENDATION:

It is recommended Council approve the attached resolution setting a public hearing for June 17, 1996.

1 BILL NO. 313

A BILL

ORDINANCE NO.
95-331

2
3 FOR

4 AN ORDINANCE

5 ADOPTING A COMPREHENSIVE PLAN MAP
6 AMENDMENT TO CHANGE THE COMPREHENSIVE
7 PLAN DESIGNATION OF THE CLAGGETT CEMETERY
8 AND LOT 23 (THE RIDGE SUBDIVISION) FROM
9 LDR (LOW DENSITY RESIDENTIAL) TO CI (CIVIC);
10 TO REZONE LOT 23 (THE RIDGE SUBDIVISION)
11 FROM SINGLE FAMILY RESIDENTIAL (RS)
12 TO PUBLIC (P); AND TO GRANT A CONDITIONAL
13 USE PERMIT TO OPERATE A CEMETERY (CASE NO. CP/ZC/CU 95-1).

14 WHEREAS, at the request of Alice May Orey Croteau and Leon Croteau,
15 and the Claggett Cemetery Association, the Keizer City Council initiated a
16 Comprehensive Plan map change for a 3.59 acre parcel commonly known as
17 "Claggett Cemetery" and Lot 23, The Ridge Subdivision;

18 WHEREAS, the City Council has held hearings on this matter and has
19 accepted the recommendation of the Keizer Planning Commission to change the
20 Keizer Comprehensive Plan designation on the subject properties from Low
21 Density Residential (LDR) to Civic (CI) and to rezone Lot 23, The Ridge
22 Subdivision from Single Family Residential (RS) to Public (P);

23 WHEREAS, the Keizer City Council has determined that the Keizer
24 Comprehensive Plan map change and zone map change referenced herein is
25 appropriate and meets the criteria set forth in state law, the Keizer
26 Comprehensive Plan, and the Keizer Zoning Ordinance; NOW, THEREFORE,

27 The City of Keizer ordains as follows:

28 Section 1. FINDINGS. The City of Keizer adopts the Findings set forth
29 in Exhibit "A" attached hereto and by this reference incorporated herein.

1 Section 2. KEIZER COMPREHENSIVE PLAN MAP CHANGE. The
2 Keizer Comprehensive Plan map designation for the 3.59 acre parcel commonly
3 known as "Claggett Cemetery" and Lot 23, The Ridge Subdivision is hereby
4 changed from Low Density Residential (LDR) to Civic (CI).

5 Section 3. KEIZER ZONING ORDINANCE MAP CHANGE. The
6 Keizer Zoning Ordinance map designation for Lot 23, The Ridge Subdivision is
7 hereby changed from Single Family Residential (RS) to Public (P).

8 Section 4. AMENDMENT OF THE KEIZER COMPREHENSIVE
9 PLAN AND KEIZER ZONING ORDINANCE. Ordinance No. 87-077 (Keizer
10 Comprehensive Plan) and Ordinance No. 87-078 (Keizer Zoning Ordinance) is
11 hereby amended as set forth herein.

12 Section 5. GRANTING OF CONDITIONAL USE PERMIT. The
13 request for a conditional use permit to operate a cemetery on the 3.59 acre parcel
14 commonly known as "Claggett Cemetery" and on Lot 23, The Ridge Subdivision
15 is hereby GRANTED subject to the following conditions:

16 (a) Within 60 days of the effective date of this Ordinance, the applicant
17 shall construct a sidewalk adjacent to Westridge Court in conformance
18 with all public works requirements.

19 (b) A six foot (6') cyclone fence shall be installed by the applicant along
20 the entire boundary of Lot 23 except that portion that is adjacent to the
21 Claggett Cemetery. Such fence shall be installed no later than 60 days
22 after the effective date of this Ordinance. No gate shall be placed on
23 the fence and no access, either pedestrian or vehicular, will be allowed

1 via Westridge Court. The applicant shall continuously maintain such
2 fence.

3 (c) The portion of Lot 23 that abuts on Westridge Court shall be planted
4 in arborvitae or other type of hedge that will achieve a six foot height
5 within three years of planting. Such hedge shall be planted within 60
6 days of the effective date of this Ordinance on the north side of and
7 immediately adjacent to the cyclone fence referenced in subsection (b)
8 above.

9 (d) The applicant is required to plant landscaping meeting requirements of
10 Chapter 18 of the Keizer Zoning Ordinance in the ten foot setback area
11 adjacent to Westridge Court between the sidewalk and the fence. Such
12 landscaping shall be planted within 60 days of the effective date of this
13 Ordinance. The applicant shall continuously maintain such landscaping,
14 including the landscaping required in subsections (c) and (e).

15 (e) The remaining boundary of Lot 23, The Ridge Subdivision which abuts
16 residential properties shall be planted in Cedar trees spaced ten feet
17 apart. Such trees shall be planted within 60 days of the effective date
18 of this Ordinance.

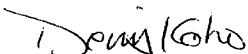
19 Section 6. SEVERABILITY. If any section, subsection, sentence,
20 clause, phrase, or portion of this ordinance is for any reason held invalid,
21 unconstitutional, or is denied acknowledgment by any court or board of
22 competent jurisdiction, including, but not limited to the Land Conservation and
23 Development Commission and the Department of Land Conservation and
24 Development, then such portion shall be deemed a separate, distinct, and

independent provision and such holdings shall not affect the validity of the remaining portions hereof.

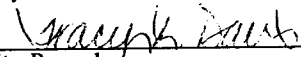
Section 7. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after its passage.

PASSED this 7 day of August, 1995.

SIGNED this 7 day of August, 1995.



Mayor



City Recorder

824ECOK2.009

March 15, 1996

Leon and Alice Croteau
c/o Ken Sherman Jr.
687 Court Street NE
Salem, OR 97301



Dear Mr. And Mrs. Croteau:

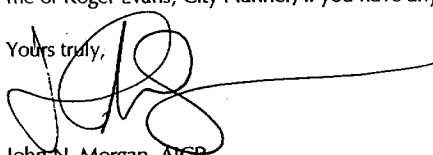
RE: CP/CA/CU Case 95-1

The City Council approved your Comprehensive Plan/Zone Change/ Conditional Use case for the expansion of Claggett Cemetery on August 7, 1995. Section 5 of the adoptive ordinance includes several conditions of approval relating to the installation of fencing and landscaping along the property boundaries. These conditions were to be met within 60 days of the adoption of the ordinance.

These conditions have not been met. If they are not met by April 15, 1996, the City may initiate proceedings to revoke the approved changes, or may cite you for an infraction of the zoning ordinance which carries a maximum penalty of \$500.00 per day of violation.

I encourage you to take prompt action to complete this work. Please contact me or Roger Evans, City Planner, if you have any questions.

Yours truly,



John N. Morgan, AICP
Community Development Director

cc: Roger Evans, City Planner

•
Administration
Public Works
Community Development
Municipal Court
Phone 503.390.3700
Fax 503.393.9437
Police (business only)
Phone 503.390.3713
Fax 503.390.8295
•
Incorporated 1982
Pride, Spirit, Volunteerism

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R96- _____

IN THE MATTER OF
COMPREHENSIVE PLAN/ZONE CHANGE/CONDITIONAL USE CASE 95-01
AND CONSIDERING THE REVOCATION THEREOF

WHEREAS, Alice and Leon Croteau were granted a Comprehensive Plan change, zone change, and conditional use permit for a property of 3.59 acres located immediately north of Claggett Cemetery on August 7, 1995; and

WHEREAS, conditions were placed on the approval with said conditions to be met within 60 days of the approval; and

WHEREAS, the conditions of approval have not been met;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keizer hereby initiates the process to revoke the approved changes; and

Sets a public hearing for 7:00 PM on Monday, June 17, 1996 to hear testimony on the proposed revocation; and

Directs Staff to provide legal notice for the hearing as required in the original case.

PASSED this _____ day of _____, 1996

DATED this _____ day of _____, 1996

Mayor

City Recorder

CITY COUNCIL MEETING: May 20, 1996

AGENDA ITEM NUMBER: 7b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: WALLY G. MULL
PUBLIC WORKS DIRECTOR

SUBJECT: 1996 STREET RESURFACING

BACKGROUND:

On May 7, 1996 bids were opened for the annual street resurfacing program in the City of Keizer. The work will be completed between June 1996 and September 1996. Portions of several streets will be resurfaced. Maps showing these streets is attached to this staff report. These streets were selected after conducting a pavement condition analysis as part of the pavement management program that provides statistical data on the City of Keizer's paved road network.

The streets were broken into two groups in hopes of obtaining the best price on each project. Low bidder on both projects was Morse Bros., Inc. Final bid results were as follows:

CONTRACTOR	HOUK	EAGLE/ELSNR	SALEM ROAD	MORSE	D&D
BID #96-159	116,498.15	109,161.50	114,061.17	104,343.20	125,186.11
BID #96-160	169,394.80	173,443.50	168,952.00	154,316.90	179,547.05

RECOMMENDATION:

It is recommended the City Council adopt the attached Resolution authorizing the City Manager to award the contract to resurface various streets in Keizer to Morse Bros., Inc. at a total cost of \$258,660.10.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R96-_____

**AWARDING OF BID FOR 1996 STREET RESURFACING PROJECTS
WITHIN THE CITY OF KEIZER**

WHEREAS, an invitation to bid was submitted for advertising for the resurfacing of several streets within the City of Keizer as part of the pavement management program. The projects were broken into two groups to obtain the best price on each project; and

WHEREAS, on May 7, 1996 five bids were received and opened. Low bidder on project #96-159 was Morse Bros. Inc. with a bid of \$104,343.20. On project #96-160 Morse Bros. Inc. was also the low bidder at \$154,316.90.

WHEREAS, a map showing the streets included in the 1996 resurfacing project is attached hereby and by this reference made a part hereof; NOW

THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer to authorize the City Manager to sign the necessary documents awarding the contracts to Morse Bros. Inc. For resurfacing of the various streets in the City of Keizer at a total cost for both projects of \$258,660.10.

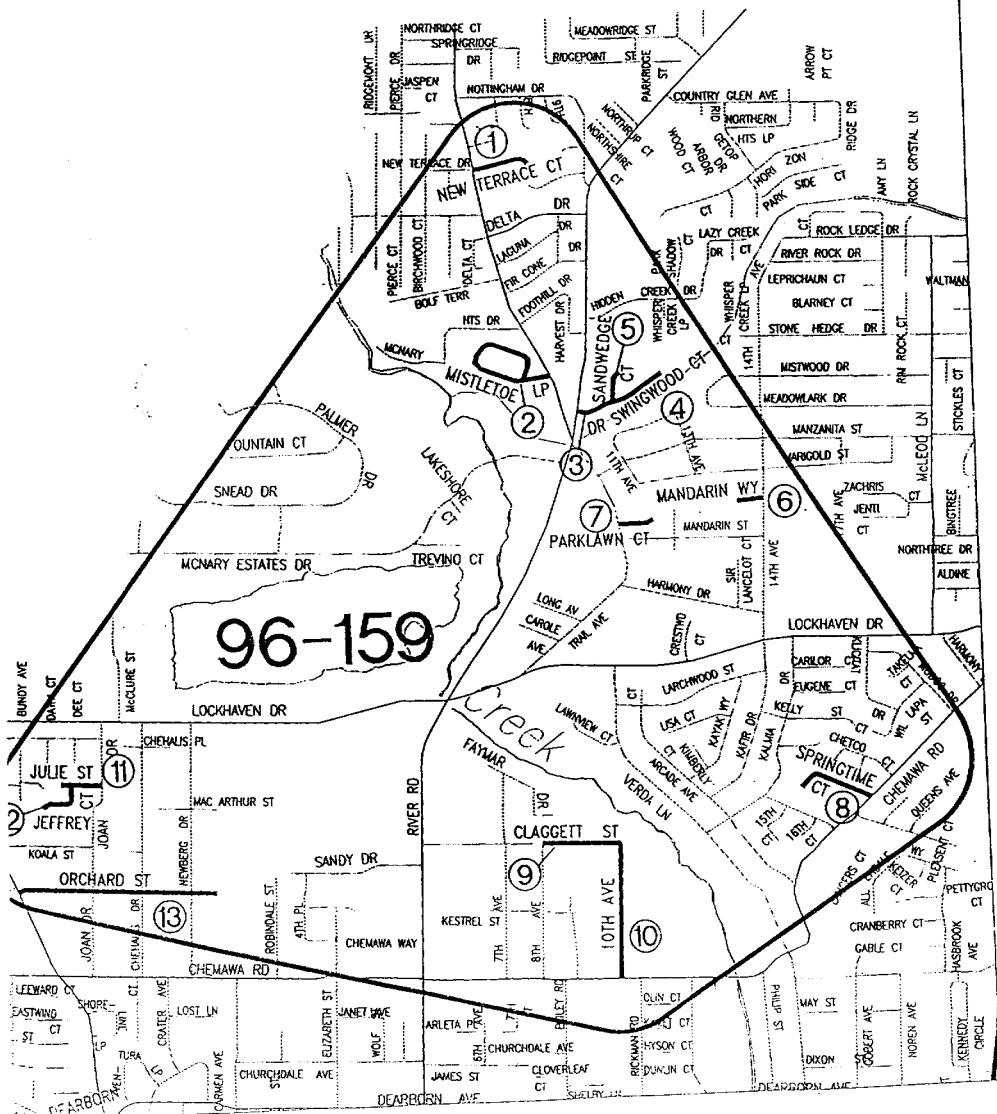
PASSED this _____ day of _____, 1996.

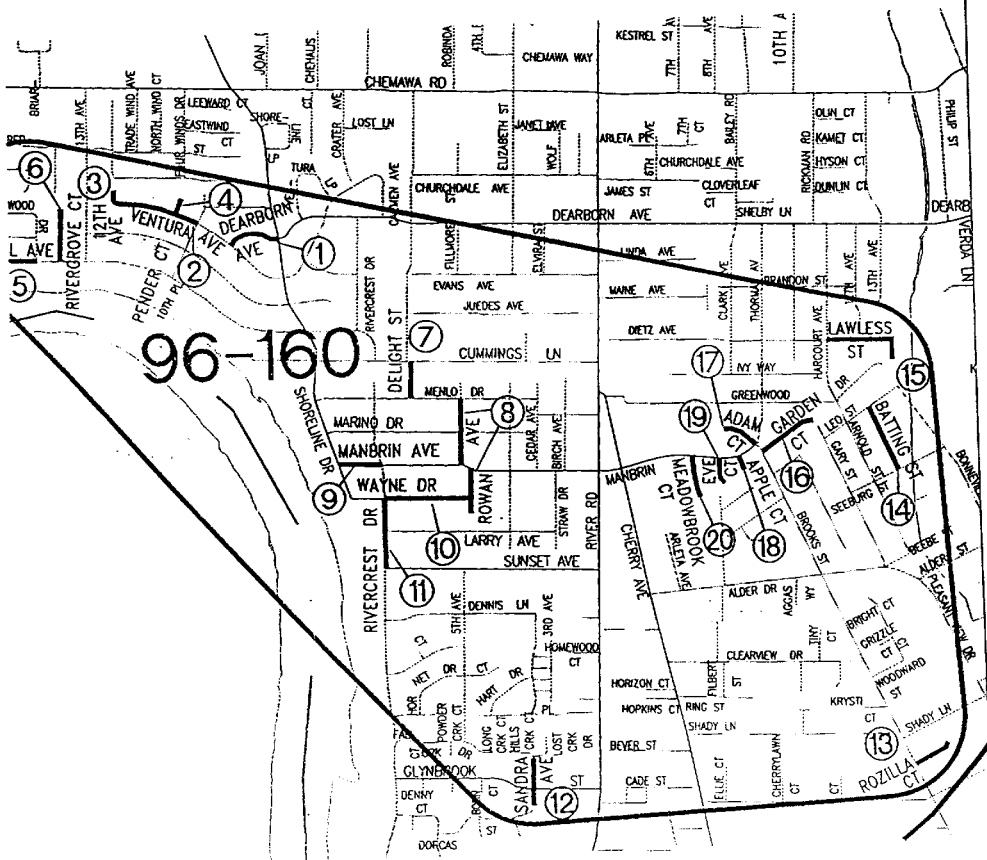
SIGNED this _____ day of _____, 1996.

Mayor

City Recorder

§





THE FOLLOWING STREETS ARE SCHEDULED FOR RESURFACING JUL 96 -
SEP 96.....

NEW TERRACE CT

SWINGWOOD DR

MANDARIN WAY

springtime ct

10TH AVE

JEFFREY CT

WAYNE DR

ROWAN AVE

VENTURA AVE

12TH AVE

RAFAEL AVE N

SANDRA AVE

BATTING ST

GARDEN CT

APPLE CT

MEADOWBROOK CT

MISTLETOE LP

SANDWEDGE CT

PARKLAWN CT

CLAGGETT ST

JULIE ST

RIVERCREST DR

MANBRIN DR N

DEARBORN AVE N

PENDER CT

RIVERGROVE CT

DELIGHT ST N

ROZILLA CT

LAWLESS ST

ADAM CT

EVE CT

MINUTES
KEIZER CITY COUNCIL
Monday, May 6, 1996
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Council President McGee called the regular meeting to order at 7:07 p.m. Roll call was taken as follows:

Present:

Jerry McGee, Council President
Carl Beach, Councilor
Jim Keller, Councilor
Al Miller, Councilor
Bob Newton, Councilor

Absent:

Dennis Koho, Mayor
Jerry Watson, Councilor

Staff:

Dotty Tryk, City Manager
John Morgan, Community Development Director
Kim Krause, Finance Officer
Charles R. Stull, Chief of Police
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

Anne Rasmus, 7207 Park Terrace Drive NE, Keizer commented on the Council's April 15, 1996 decision not to implement a transient room tax. Ms. Rasmus stated she was shocked the Council would not consider adoption of this tax since it would have been free revenue to the City. Furthermore, travelers will not plan to stay in Keizer just because a room tax is not charged. In discussing this issue with several other residents, disbelief was also expressed the City would not be willing to take advantage of the possible \$80,000 to \$90,000 estimated revenue. Ms. Rasmus suggested if it possible to reconsider and adopt this tax, the funds be distributed as follows: one-half towards the development of tourism and marketing, one-fourth to community policing and one-fourth to the schools.

Councilor Miller explained he did not support the adoption of the tax since there is not a hotel room at this time to impose the tax on. Furthermore, the projection of revenue mentioned was

based on several future hotel sites not just one. Councilor Miller indicated the rejection of this proposal does not foreclose future Councils from passing the tax after a hotel is constructed. In conclusion, he believes it is premature to deal with this issue.

Councilor Keller announced at the next City Council meeting the Resolution to repeal the Council's intent will be brought back for consideration. He will be suggesting the concept not be repealed but to discuss this issue in the future after additional information is obtained.

Council President McGee indicated there are several taxes, fees, assessments and licenses the City of Keizer does not impose. This philosophy was adopted by the founding fathers and has been adhered to over the years. Furthermore, there must be an evident need to implement or increase any taxes.

Councilor Newton also noted he had heard similar concerns this tax was not adopted. His position on this issue is that business taxes have been avoided in Keizer unless it involves the health, safety or welfare of the community. Councilor Newton specified the power of taxing should be approached very cautiously and not single an individual or business out. In regards to the adoption of a transient room tax, he does not believe there has been a thorough airing of what the benefits or results will be of this additional revenue. Finally, there are not any hotels or motels at this time that will provide revenue to the City.

Ms. Rasmus agreed that taxes should not be adopted just to have a tax, however every other city and state has adopted a transient room tax. She urged the Council to not overturn their intent to allow imposition of this tax in the future.

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

COMMITTEE REPORTS

KEIZER EXCHANGE CLUB PRESENTATION - OFFICER OF THE YEAR AWARD

Charles Stull, Chief of Police reported the Keizer Exchange Club requested the Department nominate an individual for the first annual "Officer of the Year" award. The recipient of this award was chosen for his exemplary performance in community policing and in providing law enforcement services to the citizens of Keizer. The Department unanimously recommended the award be presented to Officer Lance Inman.

Lem Wade of the Keizer Exchange Club announced Officer Inman was chosen for this award for his portrayal of the community policing concepts, his performance in illustrating a

SALEM TRANSIT DISTRICT PRESENTATION

partnership between the police and law abiding citizens which has enchanted the quality of life in the community and the professional demeanor he has portrayed to the citizenry during the performance of his duties. Mr. Wade reviewed the similarities of these characteristics to those contained in the Exchange Club Covenant of Service.

Officer Inman was presented with the award and congratulated by members of the Council, staff and audience.

John Whittington, Planning Director for Salem Area Transit presented the District's plan for improved services covered under the upcoming tax base measure. During his seventeen years with the District this is the most comprehensive and immense set of improvements brought forth to the public.

Mr. Whittington reviewed the four service improvement plans developed by the district. These plans include:

- **Maintain Existing Bus Service** - This element maintains the existing nineteen Chemot routes and would include some revisions to service where productivity improvements might be needed. This will improve service to the Keizer area.
- **Park & Ride Express Service** - Five Park and Ride routes would be established on the major travel corridors of Salem and Keizer. The service would operate in the a.m. and p.m. peak periods, and would be fare-free to district residents for the first year. A park and ride area is being considered near the Chemawa Interchange.
- **Evening Service** - Currently, Chemot's service ends at 6:15 p.m. Once-an-hour service would be extended on all routes, with the last trips leaving downtown around 9:30 p.m.
- **More Frequent Buses on Congested Arterial** - Our area's most congested arterial streets - Commercial, River Road North, Center and D Streets, and the bridges/Wallace Road - would receive more frequent service, with buses running every 15 minutes.

Mr. Whittington indicated the Park & Ride service would begin in late 1996. Evening service and more frequent buses on major streets would phase-in over the next 24 months. The funding for these increased services will be considered by the voters on the May 21st ballot.

In response to a question from Councilor Keller, Mr. Whittington pointed out the district is considering using a smaller bus version for servicing the neighborhood areas. Furthermore, a safety evaluation of the present bus stops is being done to insure pedestrian/rider safety.

Mr. Whittington explained the passage of the tax base will last the District at least seven to ten years and possibly beyond. Therefore, additional funding requests will not be presented to the voters again.

Councilor Beach pointed out the minimal use of the large buses during the non-peak hours. He suggested the District consider using smaller busses at this time.

Responding to an inquiry by Councilor Miller, Mr. Whittington explained the present tax base rate is approximately \$0.48 per \$1000 of assessed value over the entire area. With passage of the new tax base, the rate will be increased to \$0.70 per \$1000.

Mr. Whittington noted the District has been working with the City of Keizer to provide bus turnouts along River Road. This coordination is further along in Keizer than in Salem at this time.

Council President McGee thanked Mr. Whittington for his presentation.

COUNCIL LIAISON REPORTS

Councilor Beach reported the **River Road Redevelopment Board** met on April 24, 1996, however due to a lack of a quorum, general discussion was held. These included project updates, the property improvement program and Cherry Avenue Design Plan. Councilor Beach regretted to inform the Council a Community Development Block Grant was not received in order to continue the successful housing rehabilitation program. The Board also reviewed the use of urban renewal funds for property improvements to businesses along River Road. Councilor Beach indicated further reports on these issues will be presented to the Council in the future.

John Morgan, Community Development Director explained the denial of the Community Development Block Grant was due to the lack of funds available and the abundance of applicants. Furthermore, the per capital income and the quality of the housing stock in Keizer were considered higher than other communities.

Councilor Beach concluded the Cherry Avenue Design Plan will have a final review on May 28th with a work session scheduled in June. He noted the cost estimate as the plan stands now is \$3,290,000.

Council President McGee reported the **Traffic Safety Commission** met on May 2, 1996, however he was unable to attend the meeting. At the meeting the Commission voted Paul Gorlinsky as the permanent chairman, further discussed the traffic problems near the Keizer Little League Park and began implementation of a program to identify visually obstructed intersections in Keizer.

Councilor Keller announced the **Community Policing Committee** held a meeting on April 23, 1996. Agenda items included the scheduling of a city-wide neighborhood watch meeting in September, the review of a public service video on traffic enforcement which is being aired on cable television and a report from Chair Dr. Jim Warner on a citizen patrol program he recently inspected in Fort Worth, Texas.

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

PUBLIC HEARINGS

Council President McGee opened the public hearing.

ZONE CHANGE/COMP PLAN AMENDMENT CASE NO 95-04 (3-H CONSTRUCTION)

Shannon Johnson, City Attorney reviewed the procedure and applicable criteria covered in this case. There were no objections, questions or conflicts of interest presented by those members in attendance.

John Morgan, Community Development Director reported this is a complex case which involves a staff appeal of the Hearings Officer's decision denying a zone change for property located south of Fir Cone Drive between Wheatland Road and River Road. The entire parcel is approximately 7.37 acres with the portion involved in the zone change being 5.5 acres. Prior to the incorporation of the City, this property was subdivided as Fir Cone Terrace and platted but never developed. This included the creation of two public street right of ways; Foothill Drive and Harvest Drive. Furthermore, the property is designated medium-high density residential on the Comprehensive Plan but the zoning is single-family with the exception of the most northern terrace of lots. These are designated low-density residential on the Comprehensive Plan and zoned single family.

Mr. Morgan indicated this is a request to change the zoning of the southern portion, designated medium high density

residential, from RS (Residential Single Family) to RM (Residential Multi-Family) to bring it into compliance with the Comprehensive Plan.

The applicant, 3-H Construction presented their case to the Hearings Officer on December 14, 1995. The Hearings Officer found most of the criteria had been met with an exception; the existing plat of the subdivision needed to be vacated before the desired use could be accommodated on the property. Mr. Morgan indicated this condition was included in the staff recommendation, however the Hearing's Officer did not believe there was authority in the zoning ordinance to attach this condition. Therefore, the request was denied.

Mr. Morgan stated he disagreed with the Hearings Officer's interpretation of the code. Section 4.18 of the Zoning Ordinance grants broad authority to place conditions on a zone change. Furthermore, there have been many preceding zone changes which have included similar conditions of approval. Mr. Morgan noted the Hearings Officer's order, testimony and additional information has included in the packet of information. However, he pointed out the traffic analysis included refers to the Bolf Terrace zone change previously considered which was entered into the record at the hearing. There was not a traffic analysis done for this case.

In reviewing the criteria involved in this case, Mr. Morgan pointed out in a zone change case, it is not necessary to review the site plan. The first criteria is the zone must be appropriate to the plan designation. Mr. Morgan noted the RM zone is appropriate for the plan designation. Secondly, potential uses can be accommodated on the property. In this case the 5.5 acres is adequate to accommodate multi-family units on the property. However, the only difficulty that possibly could inhibit this use are wetlands at the bottom of the site. At the original hearing, a determination was submitted which states there were no jurisdictional wetlands or waterways on the property.

Other comments on the criteria involved in this case include: the allowed uses can comply with the development standards found in Chapters 17 to 20 of the zoning ordinance, there are adequate public facilities available and there are not any applicable review criteria in the Comprehensive Plan which this case involves. Finally, the criteria listed in the purpose statement of the proposed zone can be met. Mr. Morgan indicated there are commercially zoned properties to the south and this parcel has direct access to River Road and Wheatland Road.

In conclusion, Mr. Morgan indicated all the criteria in this case has been met and recommends approval of the zone change with conditions. These conditions include the design placement of driveways/access on Wheatland and River Roads be approved by the Public Works Department, the development will comply with recommendations of the Fire District, and the applicant must comply with all development standards of the zoning ordinance.

Responding to an inquiry of Council President McGee, Mr. Morgan stated the Council can consider this zone change and place conditions of approval as done in previous zone change cases. City Attorney Johnson added the conditions listed in the zone code are not the only conditions that can be applied.

Council President McGee voiced his concern with the Hearings Officer's decision there was not authority to place conditions on the approval.

Mr. Johnson indicated with the upcoming adoption of the new development code, the authority of attaching conditions of approval may be further defined.

Mr. Morgan confirmed there was not a jurisdictional wetland issue that should be considered. This decision is based upon information received from the Division of State Lands in 1993 and a lack of recent response from them on this particular case. However, it is recommended a final determination of wetlands be made prior to development. The applicant will be responsible for complying with all state guidelines.

Councilor Keller mentioned a traffic study was not completed for this project since it is a larger development than the previously discussed Bolf Terrace. The Bolf Terrace analysis focused on a smaller development that added potential traffic problems for the area. He was concerned an analysis was not completed to determine the actual traffic impact of this development.

Mr. Morgan stated this development did not portray a vision/clearance issue such as the Bolf Terrace development. There is ample vision clearance at both access points on Wheatland and River Roads.

Providing testimony to the Council were:

Kris Gorsuch, Attorney at Law, 250 Church Street, Salem noted he was representing the applicant, 3-H Construction. He believed this request was the first zone change case handled

for Keizer by the Hearings Officer after her recent appointment. Therefore, she may not have been familiar with the Council's previous practices of placing conditions on zone changes. Mr. Gorsuch indicated he did not have any objections to the conditions recommended by staff. Furthermore, he pointed out a petition for vacation of the street and a re-platting of the subdivision have recently been filed with the City.

Mr. Gorsuch displayed a site plan for the entire parcel which indicates the north portion will remain single family lots and the southern 5.5 acres which is subject to the zone change request is dedicated to multi-family units. He indicated the request is to change the zoning from Residential Single Family to Residential Multi-Family in conformance with the Comprehensive Plan designation of multi-family. Mr. Gorsuch noted the original plat for this subdivision was filed in early 1960 showing 29 lots.

Mr. Gorsuch agreed with Mr. Morgan's assessment of the compliance of the applicable criteria in this case. Referring to the site plan, he noted there are 80 units planned for this multi-family site which is well under the allowable 100 units. Furthermore, it retains the single-family buffer by maintaining the single family lots on the northern section of the property.

Mr. Gorsuch noted the access to this area will be directly across River Road from the Hidden Creek subdivision and align with McNary Heights Drive on the Wheatland Road side. In regards to the wetland issue raised, Mr. Gorsuch indicated a meeting has been held with the Division of State Lands and it appears there may be a wetland on site to the north of the center. Compliance of wetland laws can be handled in a number of ways with the proposed site plan. Mr. Gorsuch indicated compliance of these laws will be met according to the Division of State Land.

Mr. Gorsuch submitted the site plan including color photos of the area and requested they be made part of the record as well as the street vacation petition. In conclusion, Mr. Gorsuch indicated this parcel of property conforms well with the intent of the code and Comprehensive Plan designation.

In reviewing the color photos of the site, Councilor Miller inquired if the single family homes will have a sloped backyard due to the topography.

Mr. Gorsuch noted these lots are approximately 100 feet deep and the homes will be built in a town-house style into the slope.

Councilor Miller indicated the proposed street accessing Wheatland Road would be at the base of the hill, which may impose a very dangerous traffic situation.

Wally Mull, Public Works Director noted the visibility is poorer to the south. Upon review of the site, it was determined the best location for Foothill Lane was to align with McNary Heights Drive.

Councilor Keller also voiced his concern with the potential traffic risks with access on to Wheatland Road. He suggested the preparation of a traffic report to determine the full impact of this addition.

Mr. Mull reminded the Council the developer will be required to make full street improvements along Wheatland Road which includes curbs and sidewalks. Furthermore, the development across Wheatland will also be required to make improvements to Bolf Terrace which includes a bike lane. This should create a safe traffic environment.

Councilor Keller noted improvements tend to increase traffic speed.

Mark Grenz, Multi-Tech Engineering, 1155 13th Street SE, Salem reported he previously discussed preparing a traffic report for this development with the City Engineer, however with access to both Wheatland Road and River Road, they did not feel it was necessary. He further indicated the site plan was not presented during the hearing in December. Mr. Grenz noted the primary access to the multi-family portion of the development will be onto River Road directly across from Hidden Creek subdivision.

Mr. Grenz assured the Council the proposed intersection of this development is over 400 feet to Fir Cone Terrace. Using the traffic rule for stopping distance, speed times ten, there is sufficient stopping/site distance. Mr. Grenz hoped this information would ease the concerns regarding traffic.

Referring to an inquiry by Councilor Keller, Mr. Grenz indicated originally the River Road access was designed for emergency vehicles only. However, during discussions with the City it was determined the River Road access was favorable and therefore the site plan was revised. Furthermore, street improvements along River Road will be required for this development which will include a turn lane, sidewalks and bike paths.

Councilor Newton perceived this development as improving the safety situation along Wheatland Road and River Road. He noted traffic travels beyond 45 mph on both of these roads. He suggested the City try to lower the speed limits in this area.

Sophia Brundidge, 904 Fir Cone Drive, Keizer stated she attended the December hearing and the information provided then was not as clear as to what she has heard tonight. She was pleased to hear and see the plan that has been developed for this parcel of land. However, Ms. Brundidge indicated she was unsuccessful in contacting the Planning Department prior to tonight to review the criteria in this case. She requested an opportunity to review this information for further comments.

Ms. Brundidge pointed out another multi-family unit is directly across River Road from this site. With the main access point on River Road this will cause extreme traffic congestion in a one block area. As a parent, she is very concerned with the potential traffic hazards of her neighborhood.

In addition, Ms. Brundidge stated she is concerned with the possible wetlands located on the parcel. She hoped this area would be preserved for the best of the environment, not just to meet the law.

Responding to an inquiry by Councilor Miller, Mr. Morgan stated the site plan presented tonight shows 80 units. All previously submitted information indicated more. This is specific information now entered into the record and the number of units could be listed as a condition of approval.

In discussing the vacation of streets in the areas, Mr. Morgan noted the maps show the right of way. The portion of Fir Cone Drive east of the barricade had been previously vacated.

Gary Steiner, 4054 Noon Avenue NE, Keizer stated he is primarily concerned with the traffic impact of additional families this complex would represent on Wheatland and River Roads. He recommended the Council make a commitment to lower the speed limit in this area. Mr. Steiner believed all proposals should be reviewed when it is deemed they will increase the traffic in certain areas.

Kris Gorsuch, in an opportunity for rebuttal, indicated when the Hidden Creek subdivision was developed the traffic on River Road was reviewed on both the east and west sides. There is adequate site clearance for the proposed driveway in this development. Furthermore, he compared traffic to breathing in which traffic flows in towards the City in the

morning and out when returning home in the evening. In regards to the decrease in wildlife, Mr. Gorsuch attributed much of this impact on the development of Hidden Creek.

In conclusion, Mr. Gorsuch pointed out the site plan entered into the record is the plan which will be proposed indicating 80 units and the location of driveways.

There was no further testimony to come before the Council.

Council President McGee continued the hearing until Monday, May 20, 1996 at 7:00 p.m.

Councilor Newton moved to direct staff to return on May 20, 1996 with an Order granting the Zone Change in accordance with the original staff report recommendations. Councilor Beach seconded the Motion.

Councilor Keller suggested a friendly amendment to the motion to include the number of units proposed to be 80.

The Council agreed by consensus to add this condition of approval in the Motion.

Councilor Miller opposed the motion due to the potential vision clearance issue on Wheatland Road. Furthermore, he is concerned with the direction of development in the northern portion of the city. These arterial streets, Wheatland and River roads will continue to become congested. Councilor Miller noted if the current single family designation was continued, this would lessen the impact on these major streets.

Councilor Beach was pleased with the modification of the proposed number of units from 140 to 80. He added he is concerned with the growth, however this parcel of property lends itself to that type of development. Councilor Beach noted it would be unfair to the applicant to deny the change based on a condition that can be mitigated.

Councilor Keller stated he is pleased with the reduction of units and the dual access on Wheatland and River Roads. However, he remains concern with the wetland issue. He suggested staff include this condition in the order to assure compliance. Councilor Keller believed the applicant has met the burden of proof on this case.

Agreeing with Councilor Keller, Council President McGee added he was disappointed with the preparation of the staff report.

Councilor Miller noted if the zone change was denied, it would not prohibit the applicant from development. The parcel is presently zoned for single family residential. The passage of this motion only increases the number of people in this area.

Council President McGee confirmed the motion includes conditions of compliance with wetland laws and substantial compliance with the site plan presented.

The Motion passed as follows:

AYES: Beach, Keller, McGee and Newton (4)

NAYS: Miller (1)

ABSTENTIONS: None (0)

ABSENT: Koho and Watson (2)

**PARK MASTER PLAN
AMENDMENT -
PLEASANTVIEW
PARK**

Council President McGee opened the Public Hearing.

John Morgan, Community Development Director reported this is a hearing to consider three land use actions necessary to approve the master plan for Pleasantview Park. These actions include changing the Comprehensive Plan Land Use Map from Low Density Residential to Park; Changing the Zoning from Residential Single Family to Public, and Granting a Conditional Use Approving the Park Master Plan.

Mr. Morgan indicated the Park master plan was developed by the Parks Advisory Board and recommended for approval. Furthermore, he pointed out there was an error in the mailing of the notice for this hearing and therefore recommends the hearing be continued so notice may be provided to the appropriate parties.

Presenting testimony to the Council was:

Gary Steiner, 4054 Noon Avenue NE, Keizer spoke as the vice-president of the South East Keizer Neighborhood Association and a resident near this park. He appreciated the support of the staff and Council for their cooperation in developing this Park and hoped this plan would move forward.

There was no further testimony to come before the Council.

Council President McGee continued the hearing until Monday, May 20, 1996 at 7:00 p.m.

Councilor Miller moved to direct staff to return with an Ordinance with appropriate findings amending the Comprehensive Plan Land Use Map, the Zoning Map and granting a conditional use approving the Master Plan for Pleasantview Park. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, McGee, Miller and Newton (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho and Watson (2)

OLD BUSINESS

TRANSIENT ROOM TAX

Councilor Miller moved to reconsider the Council's vote at the last meeting to repeal Resolution No. R94-762 which specified the Council's intent to impose a transient room tax. Councilor Newton seconded the Motion.

Councilor Miller indicated he was on the prevailing side on the original vote of this motion at the last meeting.

Councilor Newton stated there is a basic unfairness in taxes and the Keizer City Councils have not imposed such action on businesses except when health, safety and welfare of the citizens are an issue. If any other criteria is used other than these, it opens up any business or group of people to similar action. Therefore, the implementation of a hotel/motel fee would impose a tax which in turn will be passed on to the customers or unrepresented victims. Councilor Newton stated this could set a precedent for actions to follow that could lead to even a city-wide sales tax. This goes beyond the basic service concept theme developed upon incorporation of the City.

Councilor Keller expressed his surprise with this Motion. He stated he had intended to gather information from the business community and present the issue to the Council at the May 20, 1996 meeting. He noted his disappointment in this issue being raised at this time.

Council President McGee noted this is not a ploy only a parliamentary strategy by those who are concerned with this issue. He supported the views as expressed by Councilor Newton.

Councilor Beach indicated he was in favor of reexamining this issue after reviewing specific information on the potential revenue and cost for administration. He disagreed this should

be considered a business tax, since it would be passed directly upon the transients who stay a few days in the City. Councilor Beach considered this a responsibility to protect the citizens of Keizer by recognizing the costs associated with visitors to our community. These costs include additional fire protection, use of the streets and police services. Councilor Beach concluded this will save the taxpayers from paying for these additional services.

Councilor Miller stated the Motion was parliamentary in nature only not because he supported the Motion made.

Councilor Newton indicated this has been a contentious issue, however since there are not any hotel rooms in Keizer at this time, there will be no revenue to impact the upcoming levy. There may be information in the future which will indicate if this is an appropriate action.

In explaining the impact of this motion, City Attorney Johnson stated if the motion to reconsider is successful, then a vote will need to be taken on the original motion to direct the City Manager to bring back a Resolution repealing the intent. However, if the motion fails, a written resolution will be brought back for consideration.

Councilor Keller voiced his frustration with the intent of what the motion will accomplish. This issue was scheduled to be brought forth at the next meeting in which he was planning to present additional information for the Council to consider. Furthermore, he does not perceive a transient room tax as a business tax.

Council President McGee indicated he was aware this issue was going to be brought forth tonight and feels the motion was for the good of the order. He was concerned with Councilor Keller's nay vote on the issue at the last meeting which would indicate his intention to raise the issue again. Therefore, he wanted to end this issue.

Councilor Beach questioned the accomplishment of the motion on this controversial issue with two members of the Council absent.

Councilor Miller noted based on previous comments, Mayor Koho would probably vote in favor of reconsideration of this issue. In speaking with Councilor Watson, he indicated he would be voting against the motion to reconsider. Therefore, the absence should not affect the outcome of the motion.

Council President McGee explained the potential effect of the Motion with an aye or nay vote.

The Motion failed with the following votes:

AYES: Beach, (1)

NAYS: Keller, McGee, Miller and Newton (4)

ABSTENTIONS: None (0)

ABSENT: Koho and Watson (2)

ADMINISTRATIVE ACTION

ORDINANCE - MUD, DEBRIS, & MATERIAL REMOVAL IN THE RIGHT OF WAY

Wally Mull, Public Works Director reported this is an Ordinance which would control the deposit of mud and debris in the right of way along streets. During the last few years, construction has increased and various materials are being left overnight. During inclement weather this leads to mud and debris being deposited in the storm drains. Mr. Mull noted currently there is not any requirements for responsible parties to remove this material. This Ordinance would be enforced by the City Manager, Public Works Department and Community Service Officers.

Responding to an inquiry by Councilor Keller, Mr. Mull indicated the Ordinance would apply to the material located at the south end of 12th Avenue.

Councilor Miller moved a bill for an Ordinance Relating to Street Obstructions and Debris on Public Right of Ways; Declaring Public Nuisance. Councilor Keller seconded the Motion.

In response to a question from Council President McGee, Mr. Mull indicated the street sweeping contract does not require the cleaning of this debris, however he could be hired on an hourly basis to do so. Compliance is requested from the developer or responsible party prior to contracting for clean up. Mr. Mull noted a twenty-four hour grace period is granted if a barricade is placed near the debris.

Charles Stull, Chief of Police stated the enforcement by the Community Service Officers has not been previously discussed. Therefore he was reluctant to assure the Council of the availability of the officers to enforce this Ordinance.

Councilor McGee indicated a potential hazard on the street would raise the level of priority.

Chief Stull noted depending on the definition of a hazard and the location, immediate action could be considered.

Mr. Mull noted in reviewing this issue with the Police Department, it was discovered incidents of this type are encountered and the passage of this Ordinance would allow enforcement.

Councilor Keller understood if the work load of the Community Service Officer declined, they would be self-initiating hazardous waste and similar cases.

Chief Stull noted as time is available after taking law enforcement low priority calls for service, the Community Service Officers will concentrate on solid waste issues in their designated areas.

Responding to an inquiry from Councilor Beach, Mr. Mull stated he has not discussed this issue with the local developers, however this Ordinance is drafted similar to one in effect by the City of Salem. Furthermore, the Ordinance does allow for the developer to leave material in the street as long as barricades and proper lighting are in place.

Council President McGee inquired of the responsibility for damaging curbs when unloading debris. Mr. Mull noted the developer is responsible for maintenance of a subdivision for a period of one year.

City Manager Tryk indicated if this Ordinance is adopted, enforcement will be done.

The Motion passed as follows:

AYES: Beach, Keller, McGee, Miller and Newton (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho and Watson (2)

CONSENT CALENDAR

The consent calendar consisted of the following:

- a. RESOLUTION - Initiate Tecumseh Estates Street Lighting District
- b. RESOLUTION - Initiate Jacobe Estates Street Lighting District
- c. RESOLUTION - Deletion of Uncollectable Billing Accounts
- d. MOTION - Approve Contract for Preparation of Local Transportation Plan

- e. MOTION - Acceptance of 1995-96 City Council Goal Report
- f. RESOLUTION - Temporary Suspension of Ordinance Prohibiting Street Vendors
- g. Approval of March 4, 1996 Work Session Minutes
- h. Approval of April 1, 1996 Regular Session Minutes
- i. Approval of April 15, 1996 Regular Session Minutes

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

The Motion passed as follows:

AYES: Beach, Keller, McGee, Miller and Newton (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Koho and Watson (2)

OTHER BUSINESS

●Councilor Beach requested the Finance Officer investigate using a collection agency to pursue collection of the uncollectible utility billing account.

Council President McGee agreed and requested staff explore this option. Some funds are better than nothing.

●Councilor Beach also noted the letter received from Mark Beier regarding the removal of solid waste from his property. He requested the staff review the language in this letter to promote better public relations.

●Councilor Keller requested Mr. Morgan review the April 10, 1996 Planning Commission minutes in which it was noted the Council enthusiastically responded to a possible grant for the remodeling of the Brays/True Value building.

Mr. Morgan was unsure of the language and stated he would review the minutes in detail.

Councilor Keller indicated this is another example of a possible miscommunication between the Council and Committee.

●Councilor Keller reported he attended the recent public meeting in which the consultants presented the quick response study on the Chemawa Activity Center. At this meeting there was an informative slide presentation given by Mr. John

Crandall. Councilor Keller added this slide show gave him a better understanding of the thought process in planning this area. He believed this presentation would be beneficial to the Council.

Council President McGee requested this matter be shown during the Chemawa Activity Center hearing rather than prior to the meeting.

Councilor Newton invited members of the staff, Police Association and audience to the annual Iris Festival Run on Sunday, May 19, 1996. Funds will be donated to the DARE program.

●John Morgan, Community Development Director requested the Council subcommittee on the Property Improvement Program meet prior to the next Urban Renewal Agency meeting.

●Dotty Tryk, City Manager reported the Marion County Commissioners have been holding town hall meetings around the County to gather input on future bond issues. Recently a session was held in Keizer with very poor attendance. Therefore another meeting has been scheduled for May 30, 1996 in the City Council Chambers.

●City Manager Tryk also noted she has been attending meetings with Salem, Marion and Polk Counties to discuss overlapping and gaps on youth service programs. The intent is to develop a concept for the delivery of youth services and recreation.

●Finally, City Manager Tryk indicated she will be out of town on May 20 and therefore Community Development Director John Morgan will be in charge.

WRITTEN COMMUNICATION

AGENDA INPUT

ADJOURNMENT

There was no written communication to come before the Council.

Council President McGee noted the items listed on the agenda.

The meeting was adjourned at 9:57 p.m.

**Tracy L. Davis
City Recorder**

(absent)
Dennis Koho-Mayor

Council President McGee

(absent)
Councilor #1 - Jerry Watson

Councilor #4 - Carl Beach

Councilor #2 - Bob Newton

Councilor #5 - Al Miller

Councilor # 3 - Jim Keller

Minutes approved:



PUBLIC HEARING RE: PARK MASTER PLAN AMENDMENT - PLEASANTVIEW PARK

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS

[illegible]

PETITION

TO: MAYOR KOHO and COUNCIL MEMBERS
THROUGH DOTTY TRYK
KEIZER CITY MGR
FROM Concerned citizens of Keizer

SUBJECT CLASS B NOISE VARIANCE FOR ST EDWARDS CHURCH
DURING KEIZERFEST

ISSUE

Noise levels emanating from music at above events. Over the years, City Council has granted St Edwards request to make as much racket as it pleased without regard to adverse impact on the taxpaying citizenry. With the advent of technological advances in amplified electronics, sound levels in recent events, especially 1996, were egregious, to say the least. Prior to this years event personal contact was made with a Mr Joe Cook , Keizer city Police dispatch , MAYOR KOHO, Council man McGEE, before the problem was ameliorated. It is therefore , the express desire of the undersigned registered voters in the noise sensitive properties, that no further variance of noise abatement Ordinances be granted to St Edwards Events. It is further requested that any expenses to the City of Keizer incurred at the St Edwards sponsored events, such as additional Policing and utilization of the City infrastructure, be reimbursed to avoid additional cost to the taxpayers. Many persons in the effected areas are senior citizens who have poor health and require earlier bedtime hours than the events allow. Thus, issuance of variance of Ordinance NO 93-269 is not deemed in the best interests of concerned persons.

INCL:CY MINUTES APRIL 15, 1996 Keizer City Council meeting.
Cover Ltr
Petitions

SUBMITTED BY:

William W. Cawley
WILLIAM W. CAWLEY
US ARMY INTEL CORP
RETIRED

PETITION

TO DENY ANY NOISE ABATEMENT REQUEST FOR ST EDWARDS CHURCH
ACTIVITIES. ORDINANCE NO 93-269.

NAME

ADDRESS

REG. VOTER

Check Presinct

KAY Clark Pay Clark 1/2 CL	306 KESTREL ST. N KEIZER OR	✓	
Helen Brown	5086 ELIZABETH ST. N	✓	
William Lawley	397 Kestrel St. N.	✓	
Melvin R. Olson	5086 Elizabeth N.	✓	
Bon Zoe	5067 ELIZABETH ST. N. Keizer	✓	
Kay Gregg	403 Chemawa Way N	✓	
Jessie King	5089 - 4 th St. N.	✓	
Imelda King	5089 4th Pl N Keizer OR	✓	
Mary Thompson	5089 4th Pl N Keizer OR	✓	
Jim D. Garrison	5029 4th Place No. Keizer, OR	✓	
James A Hart	423 Chemawa way North Keizer, OR	✓	
Donna L. Hazelton	423 Chemawa Wy. N., Keizer, OR.	✓	
Harold Wilburn	5056 Elizabeth St N	✓	

PETITION

TO DENY ANY NOISE ABATEMENT REQUEST FOR ST EDWARDS CHURCH
ACTIVITIES. ORDINANCE NO 93-269.

NAME

ADDRESS

REG. VOTER

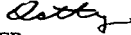
Check Present

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KEIZER CITY COUNCIL MEETING: April 15, 1996

AGENDA ITEM NUMBER: 7d

TO: MAYOR KOHO AND COUNCIL MEMBERS

THROUGH: DOTTY TRYK 
CITY MANAGER

FROM: CHARLES R. STULL 
CHIEF OF POLICE

SUBJECT: CLASS B NOISE VARIANCE - KEIZERFEST

BACKGROUND:

On November 1, 1993, the Keizer City Council adopted an Ordinance (93-269) Prohibiting Noise and Providing for a Variance. The variance process outlined in the Ordinance distinguishes between three types of variances depending on the event or activity. A Class B Variance is for an event or activity or series of related events, or activities which are 72 hours or more in duration. The variance request is filed with the City Recorder and presented to the City Council for approval. The Council may grant a variance after considering the written application and any written comments which have been submitted. The Council on its own Motion may hold a public hearing on the application or impose such limitations, conditions and safeguards as deemed appropriate.

ISSUE

On April 8, 1996, St. Edward's church filed a request for a Class B. Noise Variance for the Keizerfest event which is scheduled to begin on May 16 and continue until May 19, 1996. The attached letter and request from St. Edward's Church outlines the reasons the variance is necessary, the physical characteristics of the involved sound, the date and times the sound will be emitted, a site sketch plan and other supporting information as defined in the Ordinance. Notice of the meeting in which the variance request will be considered was posted along River Road at the Church property and in the Keizertimes.

RECOMMENDATION:

The Council should consider the request for a variance and any written comments which have been submitted. If the Council determines the need to have a public hearing, it should be scheduled for the May 6th Council meeting. If the Council determines a public hearing is not necessary, the variance request should be granted and the attached Order adopted.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 ORDER

4
5 IN THE MATTER OF THE APPLICATION OF ST.
6 EDWARD'S CHURCH FOR A VARIANCE FROM THE
7 REQUIREMENTS OF THE KEIZER NOISE ORDINANCE
8 (ORDINANCE NO. 93-269)
9

10 The City of Council of the City of Keizer hereby ORDERS as follows:

11 Section 1. THE APPLICATION. This matter comes before the Keizer City Council
12 upon the application of St. Edward's Church for a Class B Variance to the Keizer Noise
13 Ordinance (Ordinance No. 93-269) to allow for the event known as Keizerfest for a four-day
14 period from May 16, 1996, through May 19, 1996. The noise to be produced by this event
15 consists in part of music and voices to be amplified by electronic instruments, as well as
16 background and carnival noises. The Council has modified the application request to a variance
17 from all requirements of the Keizer Noise Ordinance, subject to the conditions and limitations set
18 forth below.

19 Section 2. COUNCIL CONSIDERATION. The Keizer City Council considered this
20 application at the April 15, 1996 City Council meeting.

21 Section 3. GRANT OF VARIANCE. The Keizer City Council hereby GRANTS the
22 requested variance from all requirements of the Keizer Noise Ordinance, subject to the following
23 conditions and limitations:

24 a. Hours of Operation. This variance is only effective during the following hours of
25 operation:

- 1 i. May 16, 1996 - 6:00 p.m. to 10:00 p.m.
2 ii. May 17, 1996 - 6:00 p.m. 1:00 a.m. (May 18, 1996)
3 iii. May 18 1996 - 1:00 p.m. to 1:00 a.m. (May 19, 1996)
4 iv. May 19, 1995 - 1:00 p.m. to 5:30 p.m.
5 b. Decibel Level. The decibel level table contained within the Keizer Noise
6 Ordinance shall not be applicable, but the noise level shall not exceed 80 dB as
7 measured on the C Scale. Other than this change in the decibel level, the
8 measurements shall be conducted pursuant to the procedure set forth in the Keizer
9 Noise Ordinance.
10 c. Adjustment of Allowable Limit by Police Officer. A Keizer Police Officer or
11 Community Services Officer may increase or decrease the above decibel limit if, in
12 the judgment of the officer, the noise allowable under the adjusted decibel level
13 limit will not unduly disturb persons occupying the noise sensitive properties.

14 Section 4. EFFECTIVE DATE. This order is effective immediately upon its passage.

15 PASSED this ____ day of _____, 1996.

16 SIGNED this ____ day of _____, 1996.

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25824COK2.017

Mayor

City Recorder

SAINT-EDWARD'S-CHURCH

5303 RIVER RD. N.

KEIZER OR 97303

Ph. 393-5323

April 10, 1996

Dorothy Tryk, City Manager
City of Keizer
930 Chemawa Rd. NE
P.O. Box 21000
Keizer, OR 97303-1000

St. Edward's Keizerfest is requesting a Class B Variance to the City of Keizer's Noise Ordinance during its annual fund raiser.

The music will take place within the Keizerfest Entertainment Tent for the four days of the event. The music consists of amplified instruments with a sound board to control the volume. The instruments and related equipment will be located at the north end of the tent. See the enclosed diagram.

The days and hours of the operation of the music is as follows:

Thursday	6:00 pm - 10:00 pm	May 16, 1996
Friday	6:00 pm - 1:00 am	May 17, 1996
Saturday	1:00 pm - 1:00 am	May 18, 1996
Sunday	1:00 pm - 5:30 pm	May 19, 1996

There are three noise sensitive areas as defined in the Ordinance - south, north, and east of the tent. The west side of the tent is open field.

We will continue to work with the Keizer Police regarding the noise ordinance. The bands have been advised of the noise ordinance and will comply with its requirements.

We appreciate the consideration in granting the variance to the City's Noise Ordinance.



Paul Koch, Chair
St. Edward's Keizerfest

SAFE AREA

EXIT

Stage

EXIT

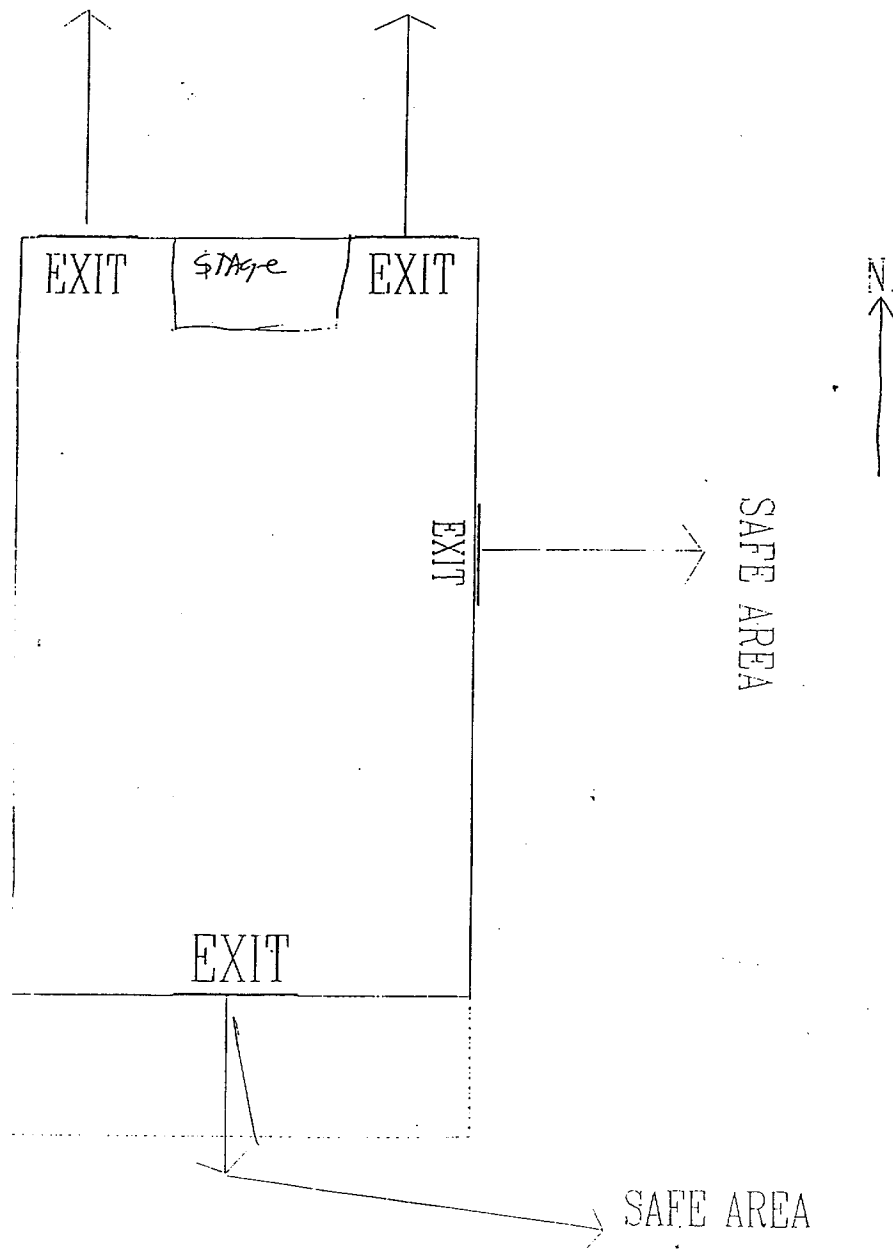
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SAFE AREA

SAFE AREA

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PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER THE PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: C. J. Holland Keizer L.L.

Address: 6488 Crampton Dr. N.
Keizer Oregon 97303

Subject or Agenda Item Number: Paving K.L.L.
Parking lot

Your Comments:

Proponent _____ Opponent _____ General _____

Date: 6/20/96

PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER THE PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: William Cawley

Address: 397 Lestrel St. N.

Subject or Agenda Item Number: Variance of
Ord. 93-269 Re. St Edwards

Your Comments:

Proponent _____ Opponent ☒ General _____

Date: 5/20/90