

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

A G E N D A

KEIZER CITY COUNCIL

Monday, May 19, 1997

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. Council Liaison Reports

- **Parks Advisory Board - Councilor Miller**
- **Planning Commission - Council President**
- **Claggett Creek Task Force - Mayor Koho**

5. OTHER BUSINESS

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

a. New Business

b. Old Business

- **Noise Complaint - Loretta Frederickson**
- **Council Packet Availability in Council Chambers**
- **Baseball Stadium Revenue Report**
- **City Manager Recruitment Update**

6. PUBLIC HEARINGS

- a. Comp Plan Amendment/Zone Change - Case No. 97-02 (McCawley)**

7. ADMINISTRATIVE ACTION

- a. ORDER - Conditional Use - Case No. 96-7 - City of Keizer Water Reservoir**

- b. **ORDINANCE** - Comp Plan Amendment/Zone Change/Subdivision -
Case No. 96-05 - Special Policy Area (Whalen/Chandler/Pierce)
- c. **ORDER** - Variance - Case No. 97-01 (Roemer, Culps and Gilleland)
- d. **MOTION** - Approving the COPS Problem Solving Partnership Program

8. **CONSENT CALENDAR**

- a. Approval of March 17, 1997 Regular Session Minutes
- b. Approval of April 7, 1997 Regular Session Minutes
- c. Approval of April 21, 1997 Regular Session Minutes

9. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications and petitions.

10. **AGENDA INPUT**

MAY 29, 1997

6:00 P.M. City Council Special Session

- Labish Ditch Public Hearing

JUNE 2, 1997

7:00 P.M. City Council Meeting

- Claggett Creek Neighborhood Association Report
- Proposed Solid Waste Rate Increase Public Hearing
- Municipal Court Collection Proposal

JUNE 9, 1997

5:30 P.M. City Council Work Session

- Wetland Inventory

JUNE 16, 1997

7:00 P.M. City Council Meeting

- Amendment to Zoning Ordinance - Wireless Telecommunication Facilities
Public Hearing

11. **EXECUTIVE SESSION**

- a. Pursuant to ORS 192.660(1)(h) - Possible Litigation

12. **ADJOURN**



May 19, 1997

AGENDA ITEM 5b

OLD BUSINESS REPORT

City Council Meeting: May 19, 1997

Agenda Item: 5b

TO: Mayor Koho and City Council Members

THROUGH: John Morgan/Wally Mull
Interim City Managers

FROM: Tracy L. Davis - City Recorder
Dianne Suek - Personnel Officer

SUBJECT: Old Business Report

BACKGROUND:

In the early part of 1997, Councilor McGee requested the addition of an item entitled "Old Business" on the Council Agenda. This would give the Council and staff an opportunity to provide an update on the status or conclusion of an issue raised by a citizen or Council member. A log of these issues will be kept by staff and addressed at various Council meetings. On the agenda for this evenings meeting, four items have been placed under Old Business. Below is a brief report on each of the items:

Noise Complaint - Clear Lake Area raised by Loretta Frederickson

Ms. Frederickson addressed the Council several times during 1996 regarding loud music being played in a structure behind her residence. After investigating the complaint, it was determined the noise was being generated from a structure outside of the Keizer city limits. Mayor Koho and Councilor Beach assisted Ms. Frederickson in addressing this issue before the Marion County Commissioners, which resulted in the adoption of a Noise Ordinance (a copy which is attached) on March 26, 1997.

On May 14, 1997 a call was made to Ms. Frederickson for an updated status on this issue. Ms. Frederickson indicated after warnings by the Marion County Sheriff's Department, the music has concluded prior to 10:00 p.m. deadline. She thanked members of the staff and Council for their assistance in this matter.

Council Packet Availability during Council Meetings

In December, 1996 Councilor McGee requested staff make available a copy of the Council packet reports for audience members to review during the meeting. In response to this request, a memo was included with all agendas sent to various interested citizens informing them a copy of the packet would be

available in the Council Chambers during the meeting or if they required a copy of a particular agenda item report, the request could be made to the City Recorder's Office. Since the packet has been placed in the Council Chambers, several audience members have referred to the packet information. In addition, there have been requests for individual reports to be mailed. This practice has been favorably received and will be continued.

Baseball Stadium Revenue Report

Volcanoes Ticket Revenue - January-April, 1997

In December 1996, the City entered into a lease agreement with the Salem-Keizer Volcanoes. One of the provisions of the agreement was for the City to receive 5% of the gross ticket receipts, and 20% of the parking lot revenues. Below is a breakdown of revenue the City has received from the Volcanoes for 1997.

	Total Gross Ticket Receipts	5% Proceeds to City of Keizer
January	\$153,210.98	\$7,660.55
February	119,855.45	5,992.77
March	63,436.55	3,171.83
* April	<u>57,424.46</u>	<u>2,871.22</u>
Total:	\$393,927.44	\$19,696.37
	Total Parking Revenue Received	20% Proceeds to City of Keizer
January	\$-0-	\$-0-
February	958.32	191.66
March	957.51	191.50
* April	<u>798.46</u>	<u>159.69</u>
Total:	\$2,714.29	\$542.85
Total Received:		\$20,239.22

* April figures were received May 14th and are not reflected in the April financial report.

City Manager Recruitment Update

As of May 15, 1997, we have received 13 applications. The deadline is 5:00 p.m., Friday, May 30, 1997. Ads placed in the "Jobs Available" and League of Oregon Cities newsletter were released last week. The next step in the process will be for the Council to select the application screening committee on June 2, 1997.

TO: Traci

FROM: BOC

BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OR ~~11/26~~ 11/27/

In the matter of an)
ordinance regulating)
noise and declaring)
an emergency.)

ALAN H. DAVID
MARION COUNTY

BY _____

ORDINANCE NO. 1056

The Marion County Board of Commissioners ordains as follows:

Section 1. TITLE.

This ordinance shall be known as the Marion County Noise Ordinance and may be so cited and pleaded.

Section 2. DEFINITIONS.

As used in this ordinance:

(a) "Commercial" means any use of an office, service establishment, hotel, motel, retail store, park, amusement or recreation facility, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

(b) "Dwelling unit" means any day care center, hospital, rest home, retirement home, group care home, single family dwelling, duplex, triplex, multifamily dwelling, or mobile home, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

(c) "Domestic power equipment" means power tools or equipment used for home or building repair, maintenance, alteration or other home manual art projects, including but not limited to powered hand tools, lawn mowers, garden equipment and snow removal equipment.

(d) "Industrial" means any use of a warehouse, factory, mine, wholesale trade establishment, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

(e) "Motor vehicle" means any vehicle which is, or is designed to be, self-propelled.

(f) "Plainly audible" means unambiguously heard by the listener. Plainly audible sounds include, but are not limited to understandable spoken words, comprehensible musical rhythms or vocal sounds.

Section 3. NOISE DISTURBANCE PROHIBITED.

(a) Generally. In addition to the specific prohibitions in subsection (b) of this section, unless exempted in Section 4, it shall be unlawful for any person knowingly to create, assist in creating, permit, continue, or permit the continuance of any noise disturbance. A noise disturbance is any sound that annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others.

(b) Specific prohibitions. Unless exempted by Section 4, the following acts are declared to be noise disturbances, provided that this enumeration shall not be deemed to be exclusive:

(1) Engines. Operating for more than 15 consecutive minutes any idling or running engine on a motor vehicle, towed vehicle or trailer in such a manner as to be plainly audible within any dwelling unit between 10 p.m. and 7 a.m.

(2) Motor vehicle repair and testing. Repairing or testing any motor vehicle in such a manner as to be plainly audible within any dwelling unit between 10 p.m. and 7 a.m.

(3) Sound producing, amplifying or reproducing equipment. Producing sound by a musical instrument, radio, television, phonograph, loudspeaker or other similar equipment to be plainly audible within any dwelling unit other than the source between 10 p.m. and 7 a.m.

(4) Domestic power equipment. Operating domestic power equipment in such a manner as to be plainly audible within any dwelling unit other than the source between 10 p.m. and 7 a.m.

Section 4. EXEMPTIONS.

(1) The provisions of this ordinance shall not apply to sounds generated by activities for which a mass gathering permit or a conditional use permit has been granted if the activities are conducted in accordance with the terms and conditions of the permit.

(2) The following sounds are exempted from the provisions of this ordinance:

(a) Sounds made by work necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger.

(b) Sounds made by warning devices to protect persons or property from imminent exposure to danger, provided however that burglar or fire alarms shall not operate continuously for more than fifteen minutes.

(c) Sounds made by an emergency vehicle, as defined in ORS 801.260 (1995), when responding to or returning from an emergency or when in pursuit of an actual or suspected violator of the law.

(d) Sounds made by current employment of land and buildings on a farm for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of livestock, poultry, fur-bearing animals or honeybees, or the produce thereof, or for dairying and the sale of dairy products or any other agricultural or horticultural operations or any combination thereof including the preparation and storage of the products raised for human or animal use and disposal by marketing or otherwise by a farmer on the farm.

(e) Sounds made by the normal and usual operation of equipment and machinery in connection with and on land being used for the growing and harvesting of timber and other forest products.

(f) Sounds caused by organized athletic, religious, educational, civic or other group activities, when those activities are conducted between 7 a.m. and 10 p.m. on property generally used for those purposes, including stadia, athletic fields, parks, race tracks, schools, churches, airports and waterways.

(g) Sounds made in conjunction with permitted industrial or commercial uses.

(h) Sounds made by activities by or on direction of Marion County or the state of Oregon in maintenance, construction, or repair of public improvements on public lands or in public rights-of-way or easements.

(i) Sounds regulated by federal and state law, including but not limited to sounds caused by railroads and aircraft.

Section 5. ENFORCEMENT RESPONSIBILITY AND AUTHORITY.

This ordinance shall be enforced by the Marion County Sheriff's Office.

Section 6. VIOLATIONS.

Violation of any provision of this ordinance is an infraction as provided in Marion County Ordinance No. 692.

Section 7. EMERGENCY CLAUSE.

This ordinance being necessary for the immediate preservation of the public peace, health and welfare, an emergency is

declared to exist, and this ordinance will take effect upon adoption.

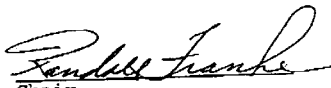
SECTION 8. EXPIRATION.

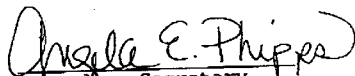
This ordinance is repealed on April 1, 1999.

Signed and finalized at Salem, Oregon, this 26th day of

March, 1997.

MARION COUNTY BOARD
OF COMMISSIONERS


Chair


Recording Secretary



May 19, 1997

AGENDA ITEM 6a

**COMP PLAN AMENDMENT/ZONE CHANGE
CASE NO. 97-02 (MC CAWLEY)**

CITY COUNCIL MEETING: May 19, 1997

AGENDA ITEM NUMBER: 6a

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PUBLIC HEARING
COMPREHENSIVE PLAN/ZONE CHANGE CASE 97-02

DISCUSSION:

The Council will remember this case as it was introduced to the Council through the request by the Central Keizer/Claggett Creek Neighborhood Association to waive the filing fees, which the Council did.

The matter involves a parcel of land at the west end of Faymar Drive which houses a single family home. The land is designated as Commercial on the Keizer Comprehensive Plan Land Use Map and is zoned CR (Commercial Retail). The request is to change the Plan to Low Density Residential and the zoning to RS (Residential Single Family).

The history of the case involves the zone change and comprehensive plan change granted in the early 1980's for the development of Keizer Creekside Shopping Center. Apparently at that time the subject property was owned or controlled by the developer of that Center and was included in the that Comprehensive Plan/Zone Change request. However, that property was never incorporated into the shopping center itself and was actually fenced off from the center leaving its access solely from Faymar Drive.

The detailed staff report with findings and attachments is attached to this report. It recommends approval of the request.

RECOMMENDATION:

It is recommended Council:

Open and conduct the public hearing;

Direct staff to return on June 2, 1997 with the appropriated ordinances approving the zone change and comprehensive plan change; and

Continue the hearing until June 2, 1997.



TO: Mayor Dennis Koho and Keizer City Council

FROM:  Amy C. Drought, City Planner

THROUGH: John N. Morgan, AICP; Community Development Director

SUBJECT: Comprehensive Plan Map Amendment/Zone Change Case No. 97-02

DATE: May 15, 1997

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

I. GENERAL INFORMATION

- A. **APPLICANT:** Crystal McCawley
- B. **PROPERTY LOCATION:** The subject property is located at 669 Faymar Drive NE, Keizer. This property is identified on the County Assessor maps as within Township 6 South; Range 3 West; Section 35CA; Tax Lot 2300.
- C. **PARCEL SIZE:** .28 acres.
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property is at the end of a public street which is served by public sewer and water.
- E. **PLAN DESIGNATION AND ZONING:** The property is designated Commercial in the Comprehensive Plan and zoned Commercial Retail.
- F. **ADJACENT ZONING AND LAND USES:** Property to the east is zoned Single Family Residential (RS), and property to the west is zoned Commercial Retail. The predominate land use in the residential zone is single family residential. The property immediately to the west which is zoned commercial retail is the Payless/Albertson shopping center.

- G. **PROPOSAL:** The applicants are requesting approval of a Comprehensive Plan Map Amendment and Zone Change to establish a Low Density Residential Comprehensive Plan Designation and the Single Family Residential (RS) zone designation on the subject property.

II. APPLICATION SUMMARY

- A. The subject property is located in a residential area, at the end of a residential street and has no direct access to a major street or any adjacent commercial use.
- B. The Applicant contends that a mistake was made in the Comprehensive Plan map and zoning map by including a single family home within a commercial area when that home and its lot are within the residential portion of the neighborhood and has no access to the adjacent commercial area.

III. AGENCY COMMENTS

- A. The Claggett Creek - Central Keizer Neighborhood Association submitted a letter of support for the application which is attached. No other agencies commented on the application.

IV. FINDINGS AND CONCLUSIONS COMPREHENSIVE PLAN MAP AMENDMENT

- A. The proposal would change the existing Comprehensive Plan designation from Commercial to Low Density Residential. This action is classified as a non-legislative action as it involves 4 or less lots in separate ownership and less than 15 acres of land.
- B. The decision criteria for non-legislative Plan amendments are found in Section 4.17 of the Keizer Zoning Ordinance. The specific criteria, and staff's response, are noted below:

1. Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.

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

Goal 1 - Citizen Participation: Consistent with local requirements, the application will require a public hearing with the final decision resting with the City Council. Citizens will have an opportunity to comment and testify.

Goal 2 - Planning: The application is being reviewed consistent with the procedures in the acknowledged Comprehensive Plan and Zoning Ordinance.

Goal 3 - Farm Land: The proposal does not involve land located within designated farm land.

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

Goal 5 - Natural Resources: Based on the Comprehensive Plan, the property does not contain any significant resources.

Goal 6 - Air, Water and Land Quality: This action does not involve uses or activities which will have an adverse impact on the City's air, water and land quality.

Goal 7 - Natural Hazards: The site is not located within the identified flood plain or any other natural hazard area.

Goal 8 - Recreation: This action will not affect any identified park or recreation sites.

Goal 9 - Economic Development: Benefits will accrue from the continued residential use of the property.

Goal 10 - Housing: The proposal ensures that residential development will continue to be a permitted use on this site.

Goal 11 - Public Facilities: Public water and sewer are already in place to serve the site.

Goal 12 - Transportation: Access is available to the site off of Faymar Street.

Goal 13 - Energy Conservation: In general, the proposal will likely be neutral with regard to energy conservation.

Goal 14 - Urbanization: The Plan designation permits the establishment of urban uses at urban densities.

Goal 15 - Willamette Greenway: The proposal does not involve land within the identified Willamette Greenway.

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

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

2. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.

FINDINGS: It appears to staff the primary Comprehensive Plan goals and policies which need to be addressed are related to residential and commercial development.

The Comprehensive Plan indicates stabilization, in-fill and improvement should be emphasized for existing residential neighborhoods. Residential development is encouraged where full urban services, public facilities and routes of public transportation are available. The Comprehensive Plan also encourages the maximum efficient use of the available land. The Comprehensive Plan designation and RS zone standards permits additional in-fill residential development within the City limits. The proposed dwelling density is an efficient use of the land with regard to the designation. Public access is available as well as public and private utility facilities.

The Comprehensive Plan requires that commercial activities have convenient access to arterial and collector streets for traffic generated by industrial and commercial uses. The Comprehensive Plan also states that the City should provide for sufficient land adjacent to commercial areas available for commercial expansion. The subject property is not suitable for commercial development as it is located at the end of a local street within a residential neighborhood. If this property would develop as a commercial use in the future, there would be no access to commercial or arterial streets, except through the existing residential neighborhoods. Therefore, the subject property is not suitable for future commercial expansion.

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

FINDINGS: This application would add a piece of property which is already in residential use into the Low Density Residential designated property inventory. The subject property is best suited for residential use in an area already dedicated for residential purposes.

4. The Plan provides more than the projected need for lands in the existing land use designation.

FINDINGS: The subject property is best suited for residential use in an area already dedicated for residential purposes. There are other areas within the City better suited for commercial activities and expansion.

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

FINDINGS: The proposed Plan designation (Low Density Residential) is specifically designed for single family homes. A majority of the surrounding land is currently in residential development. The subject property is located in a residential area, at the end of a residential street and has no direct access to a major street or any adjacent commercial use. Staff has visited the site and can confirm that the subject property has no commercial character or potential. The proposed Plan and zone change is entirely consistent with the current and expected land use pattern of the area.

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

FINDINGS: Again, the majority of adjacent land is developed with single family homes. The proposed Plan amendment, and subsequent zone change, does not radically alter the existing land use pattern, and for this reason, will not significantly affect existing or planned uses on adjacent lands.

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

FINDINGS: The subject property is already served by public water and sewer.

Based on the above findings, staff concludes the proposal complies with decision criteria for the proposed change in Plan designation.

V. FINDINGS AND CONCLUSIONS - ZONE CHANGE

- A. Based on Section 4.02, of the Zoning Ordinance, the appropriate zones for the Low Density Residential designation are: (a) Single Family Residential (RS) or (b) Urban Transition (UT). The primary difference between the two zones is dwelling density and permitted uses. Staff notes that the surrounding area is already zoned RS and for this reason, it is appropriate for the applicant to request the RS zone.
- B. The zone change review criteria are found in Section 4.16 of the Keizer Zoning Ordinance. The appropriate decision criteria for residential zone changes are found under subsection (a), items (1) through (6). Staff's response to the criteria is as follows:

1. The zone must be appropriate for the Plan designation.

FINDINGS: Section 4.02 identifies Comprehensive Plan designations and their corresponding appropriate zones. Pursuant to this Section, the RS zone is appropriate for the Low Density Residential designation.

2. Potential uses can be accommodated on the property.

FINDINGS: The applicant is requesting the zone change to allow the current non-conforming residential use to be a permitted residential use on the property. Current residential use of the property indicates that the parcel is capable of accommodating this use on the property.

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

FINDINGS: Chapters 17 to 20 in the Keizer Zoning Ordinance outline specific requirements for property development. The current residential use of the property is in conformance with these standards.

4. Adequate public facilities are available.

FINDINGS: Faymar Street is a public street and is served by public sewer and water.

5. The zone change complies with applicable review criteria in the Comprehensive Plan.

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

6. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met (see Sections 23.00, 24.00, 25.00, and 26.00).

FINDINGS: The purpose of the RS zone is to allow development of attached or detached residences on individual lots and provided with urban services at low urban densities. The existing use of the property is entirely consistent with this purpose.



NOTICE OF PUBLIC HEARING

PUBLIC HEARING COMPREHENSIVE PLAN MAP AMENDMENT/ZONE CHANGE CASE NO. 97-02 (McCawley)

NOTICE is hereby given that the City Council of the City of Keizer will hold a public hearing to discuss a request for approval of a Comprehensive Plan Map Amendment from Commercial to Low Density Residential; a Zone Change from Commercial Retail (CR) zone to Single Family Residential (RS) zone on the subject property. The subject property is located at 669 Faymar Drive NE, Keizer, Oregon. The property is identified on the County Assessor's as T6S; R3W; Sect. 35CA; Tax Lot #2300.

The decision criteria upon which this application will be decided are found in the following sections of the Keizer Zoning Ordinance: Section 4.17 - Comprehensive Plan Map Amendment and Section 4.16 - Zone Change.

The hearing shall be held on Monday, May 19, 1997 at 7:00 p.m. at the Robert L. Simon Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer, Oregon.

Anyone wishing to make comment on this matter may provide testimony at the hearing or submit written response to the City Recorder no later than 5:00 p.m. on May 19, 1997. Responses may be delivered to Keizer City Hall or mailed to Tracy L. Davis, City Recorder, P.O. Box 21000, Keizer, Oregon 97307.

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

If you have any questions, please contact Amy Drought, City Planner at 390-3700, extension 145.

Dated this 2nd day of May, 1997.

Tracy L. Davis
City Recorder

Publish in May 8, 1997 edition of the Keizertimes



rev'd. 4/25/17.

**CITY OF KEIZER
COMPREHENSIVE PLAN AMENDMENT
AND ZONE CHANGE APPLICATION**

APPLICATIONS RETURNED BY MAIL WILL NOT BE ACCEPTED

FEE: \$725 (Comprehensive Plan Amendment)

\$800 (Comprehensive Plan Amendment & Zone Change)

1. Applicant Name Crystal McCawley Address, City, and Zip Code 669 Faymar Dr NE
Daytime Phone Number 390-7312 Keizer OR 97303
2. Agent Name Not N/A Address, City, and Zip Code
Daytime Phone Number _____
3. Property Owner(s) Name CRYSTAL McCawley Address, City and Zip Code SAME AS ABOVE
4. Contract and/or Mortgage Holder Name Temple-Inland Utg Corp Address, City and Zip Code loan #5043555
P.O. Box 40 Austin TX 78787-0040
5. The applicants propose to change the comprehensive plan designation from Commercial
to LDR, and change the zone from CR to RS.
6. Please describe the current use of the lands surrounding the property (include land across roads):
Single Family Residential, Commercial
Residential multi-family

7. Describe the intended use of the property Continuation of single family dwelling

8. In order to have a complete application the following items must be submitted with the completed application form. Please check off the following items to ensure a complete application:

WAIVED Application processing and filing fee. If paid by check, the check must be payable to the City of Keizer. The fee for a Comprehensive Plan Amendment is \$725. The fee for a Comprehensive Plan Amendment with a Zone Change is \$800.

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

See letter Attach additional sheets with written statements explaining the reasons for the comprehensive plan amendment and zone change request. In addition, information must be provided on how the request meets the comprehensive plan amendment and zone change criteria as outlined in the information sheet provided with this application.

0 15 copies of the plot plan and supporting drawings, elevations, or diagrams. The plot plan cannot be smaller than 8 1/2" x 11" in size and must be drawn in black ink. If plot plans larger than 11" x 17" are provided, the applicant must provide at least 1 reduced copy of the plot plan and supporting drawings, elevations, or diagrams.

9. **THE APPLICANT(S) SHALL CERTIFY THAT:**

- (a) The above comprehensive plan amendment and zone change request does not violate any deed restrictions that may be attached to or imposed upon one, both, or all of the subject properties.
- (b) If the application is approved, the applicant(s) will exercise the rights granted in accordance with that approval and will be subject to all conditions and limitations of approval.
- (c) All of the above statements and the statements included on the plot plan and exhibits attached to the plot plan are true to the best of the applicants knowledge; and the applicants acknowledge that any permit issued on the properties may be revoked if it is found that any statements are false.
- (d) The applicant(s) acknowledge that this application and all applicable policies and criteria have been read and understood, and that the requirements and criteria for approving or denying the application are also understood.

SIGNATURE(s) of APPLICANTS

NOTE: If the applicants are not the property owner, the current property owner MUST sign the application.

N/A

Dated this _____ day of _____, 19 ____.

AGENT AUTHORIZATION

Fill out and sign this portion of the application if you (the applicant) are going to designate another individual as your agent. By signing this section you authorize the person named to act as your agent and agree to be bound by all representations and agreements made by the designated agent.

I, _____, hereby authorize _____ to act as my representative and agent in all matters pertaining to the processing and approval of this land use application, and agree to be bound by all representations and agreements made by the above designated agent.

Applicant's Signature

Date

Applicant's Signature

Date

35CA

6S

3W

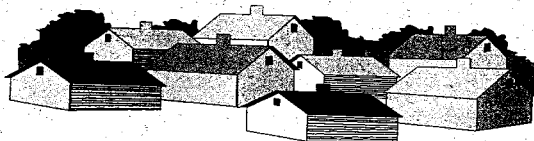
FOR OFFICE USE ONLY

Section ~~35~~ Township ~~35N~~ Range ~~6E~~

Application elements submitted:

Tax Lot Number(s) 2300X (a) Title transferZone CRX (b) Plot plan (15 copies)X (c) Applicant Statement/questionsNA (d) Filing fee4/30/97.
Date application determined completeAmey C Dought 4/28/97.
Application accepted by

Claggett Creek - Central Keizer Neighborhood Association



April 1, 1997

John Morgan, City Manager Pro-Tem
City of Keizer
PO Box 21000
Keizer, OR 97307

Dear John,

This letter is a request by the Claggett Creek - Central Keizer Neighborhood Association to correct a mistake in Keizer's Comprehensive plan. It has only recently come to the attention of the home owner at 669 Faymar Dr NE, Keizer that her residence is zoned Commercial Retail. This property is located in a residential area, at the end of a residential street and has no direct access to a major street or any adjacent commercial use.

The owner discovered this situation while trying to refinance her home. She has been unable to obtain a new loan because there is no guarantee it can be rebuilt if it is destroyed by fire or other tragedy. The owner contacted the city and learned that the only legal avenue available to correct the Comprehensive Plan and zoning is to apply through the normal process which requires a filing fee and lengthy time frame for consideration. A daunting prospect for her.

The homeowner then brought it to the attention of her neighborhood association. In a unanimous vote on March 20, 1997, the association agreed to support her in her efforts to correct this mistake. It is the feeling of the association that to leave this error in the plan could be detrimental to the neighborhood at some future date.

Therefore, it is the request of this neighborhood association that the city council waive the filing fee and direct the staff to set the case before the city council, bypassing the hearings officer. These actions will save the property owner a great deal of money and will shorten the processing time by over a month. Both are very important, so that she may move ahead with needed financing and are appropriate considering the error in the map is not the fault of the owner.

We request that you bring this matter before the Council as soon as possible. Thank you for your attention to this problem.

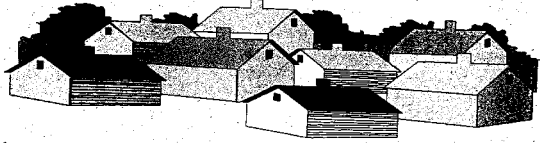
Sincerely,

Cynthia Vannoy
President

encl

cc: C McCawley

Claggett Creek - Central Keizer Neighborhood Association



May 12, 1997

Amy Drought, City Planner
Keizer Community Development Department
City of Keizer
930 Chemawa Rd NE
Keizer, OR 97303

Dear Ms. Drought,

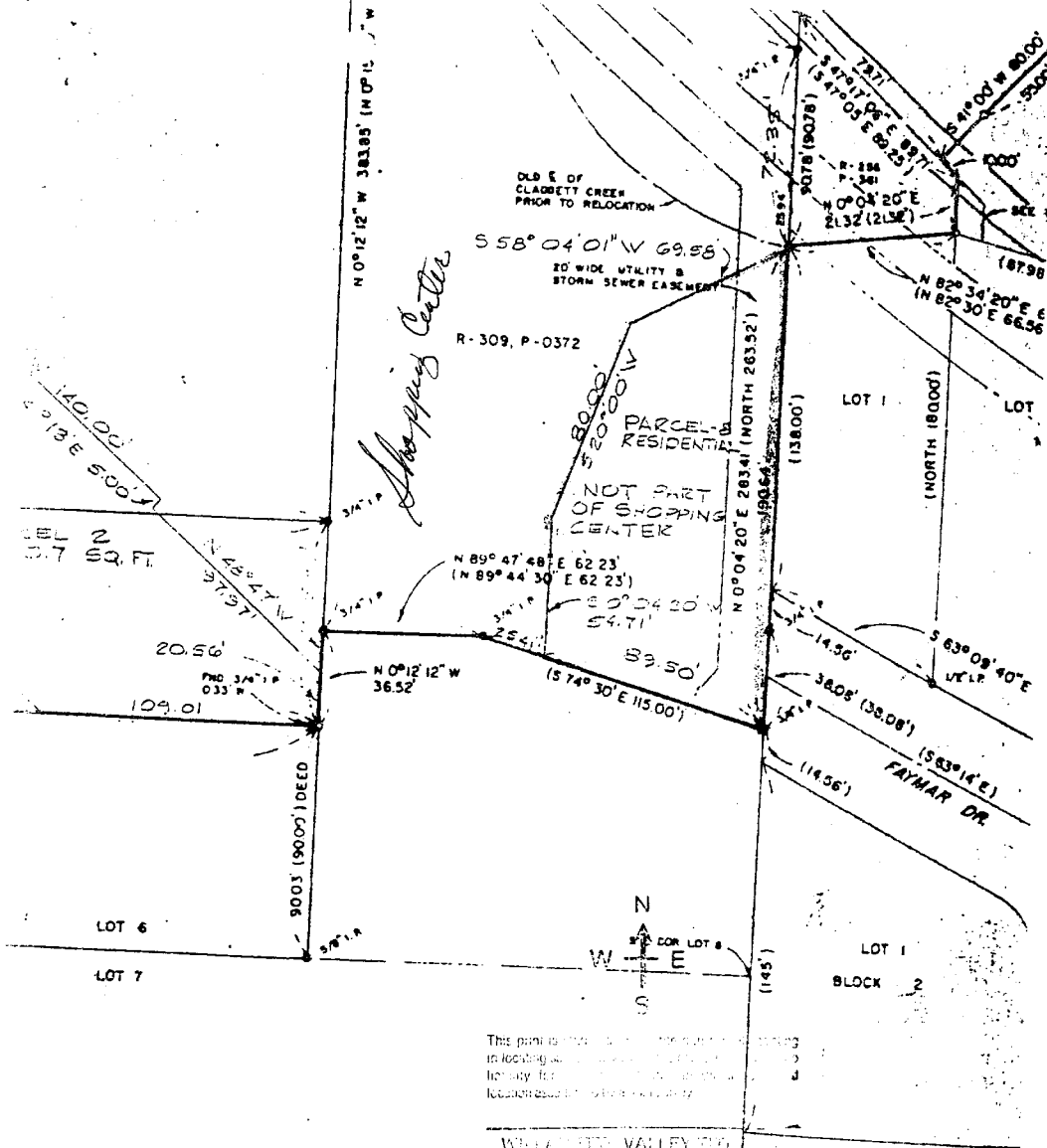
Thank you so much for the package and the request for comments for the Comprehensive Plan Amendment/Zone Change to the property at 669 Faymar Dr NE. As you can see by our letter of April 1 to John Morgan, City Manger Pro-Tem, we are in favor of this correction. We feel that this change is necessary for both the owner and the neighborhood itself. Photographs of the aforementioned property were supplied with the original letter. If you need more copies please let me know.

Sincerely,

Cynthia Vannoy

Cynthia Vannoy
President

cc: C. McCawley



WILLAMETTE VALLEY TITLE
250 LIBERTY ST. SUITE 1100 - SEASIDE, OR 97138

588-1115

Order No. 109999-M
Preliminary Title Report
September 17, 1986
Page 3

Beginning at the Northwest corner of Lot 1, Block 1, MARDELL ADDITION, as said subdivision is platted and recorded in Volume 20, Page 23, Book of Town Plats for Marion County, Oregon, which point bears North $89^{\circ} 23' 47''$ West 985.53 feet; and South $00^{\circ} 36' 13''$ West 358.99 feet from the most Easterly Southeast corner of the John Ford Donation Land Claim No. 39 in Township 6 South, Range 3 West of the Willamette Meridian in said County and State; thence South $00^{\circ} 04' 20''$ West along the West line of said Lot 1 and the Southerly extension thereof, 190.64 feet to a point marking the Southeast corner of that tract of land conveyed to J. Larry Lane and Colleen B. Lane, by deed recorded in Reel 309, Page 372, Deed Records for Marion County, Oregon; thence North $74^{\circ} 28' 30''$ West along the Southerly line of said Lane Tract, 89.50 feet; thence North $00^{\circ} 04' 20''$ East 54.71 feet; thence North $20^{\circ} 00' 00''$ East 80.00 feet; thence North $58^{\circ} 04' 01''$ East 69.58 feet to the point of beginning.

REEL:1265

PAGE: 56

October 04, 1995 , 10:58A

CONTROL #: 1265056

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$20.00

ALAN H DAVIDSON
COUNTY CLERK

F.A.T. OF W.V.T.

DEED OF RECONVEYANCE

REEL PAGE
1265 56

KNOW ALL MEN BY THESE PRESENTS, That the undersigned trustee or successor trustee under that certain trust deed dated September 26, 19 86, executed and delivered by Chrystal J. McCawley as grantor and recorded on October 2, 19 86, in the Mortgage Records of Marion County, Oregon, in Book/Reel/Volume No. 493 at Page 108, or as Document/Fee/File/Instrument/Microfilm No. n/a (indicate which), conveying real property situated in said county described as follows:

See attached description

having received from the beneficiary under said trust deed a written request to reconvey, reciting that the obligation secured by said trust deed has been fully paid and performed, hereby does grant, bargain, sell and convey, but without any covenant or warranty, express or implied, to the person or persons legally entitled thereto, all of the estate held by the undersigned in and to said described premises by virtue of said trust deed.

In construing this instrument and whenever the context hereof so requires, the singular includes the plural

IN WITNESS WHEREOF, the undersigned trustee has executed this instrument; and has caused its name to be signed by an officer or other person duly authorized to do so by its Board of Directors.

FIRST AMERICAN TITLE OF WILLAMETTE VALLEY

DATED: October 3, 1995

By:

(Trustee)

Judy Whitlow -- Vice President

STATE OF OREGON,

} ss:

County of Marion

This instrument was acknowledged before me on October 3, 19 95 by Judy Whitlow as Vice President of First American Title of Willamette Valley.



(Notary Public for Oregon)

My commission expires:

After Recording Return To:

Chrystal McCawley, 669 Faymar Dr. NE, Keizer, OR 97303

(Name, Address, Zip)

Beginning at the Northwest corner of Lot 1, Block 1, MARDELL ADDITION, as said subdivision is platted and recorded in Volume 20, Page 23, Book of Town Plats for Marion County, Oregon, which point bears North $89^{\circ} 23' 47''$ West 985.53 feet and South $00^{\circ} 36' 13''$ West 358.99 feet from the most Easterly Southeast corner of the John Ford Donation Land Claim No. 39 in Township 6 South, Range 3 West of the Willamette Meridian in said County and State; thence South $00^{\circ} 04' 20''$ West along the West line of said Lot 1 and the Southerly extension thereof, 190.64 feet to a point marking the Southeast corner of that tract of land conveyed to J. Larry Lane and Colleen B. Lane, by deed recorded in Reel 309, Page 372, Deed Records for Marion County, Oregon; thence North $74^{\circ} 28' 30''$ West along the Southerly line of said Lane Tract, 89.50 feet; thence North $00^{\circ} 04' 20''$ East 54.71 feet; thence North $20^{\circ} 00' 00''$ East 80.00 feet; thence North $58^{\circ} 04' 01''$ East 69.58 feet to the point of beginning.

10188

REEL PAGE
493 107

KNOW ALL MEN BY THESE PRESENTS, That POWELL RIVER RC INVESTMENT, a partnership

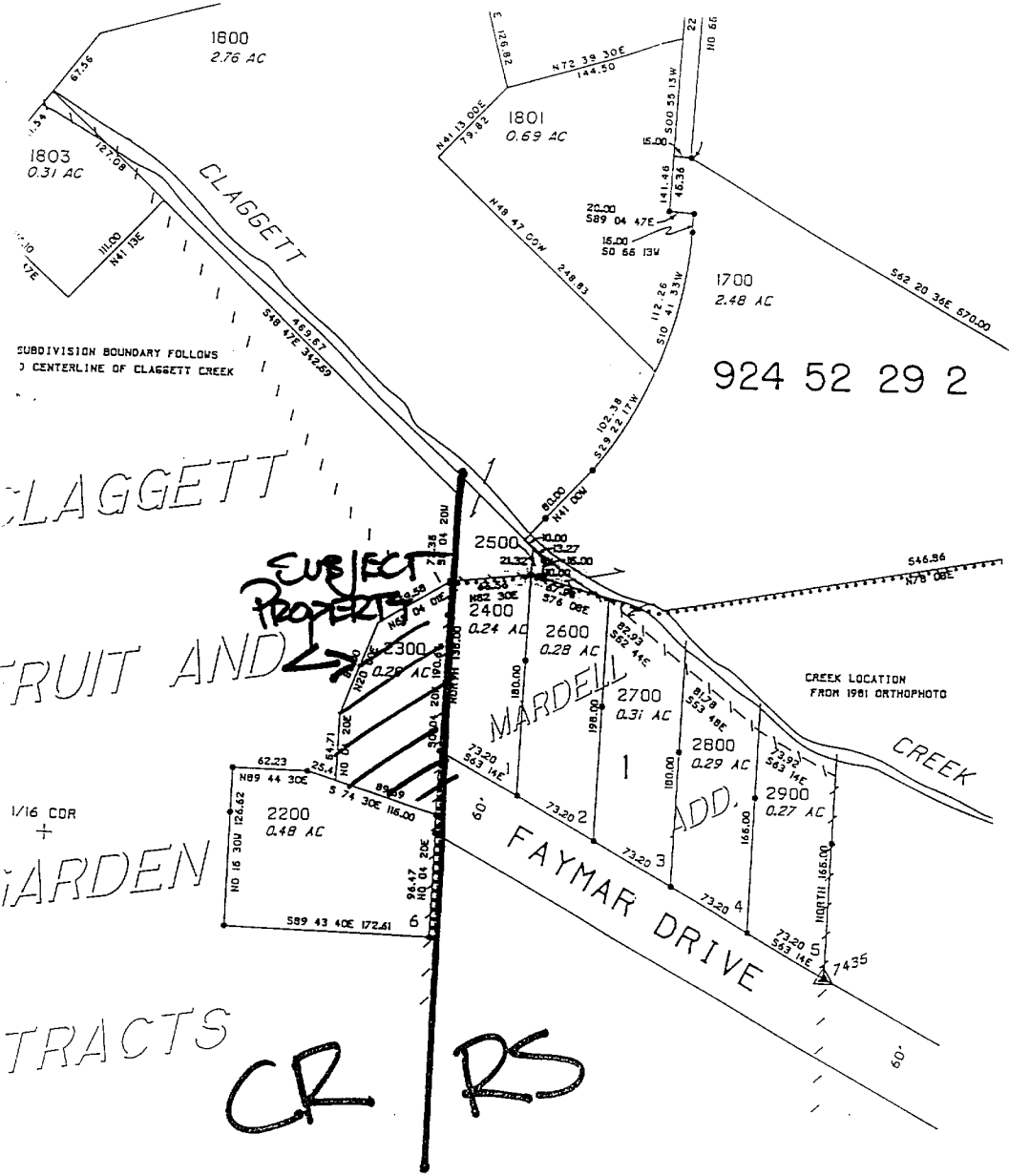
in consideration of Thirty Two Thousand and no/100ths- - - - - Grantor.
to it paid by the Grantee herein, do es hereby grant, bargain, sell and convey unto Dollars,
CHRYSTAL J. McCANLEY

Grantee the following described real property, situate in the County of Marion
and State of Oregon, to-wit:

Beginning at the Northwest corner of Lot 1, Block 1, MARDELL ADDITION, as said subdivision is
platted and recorded in Volume 20, Page 23, Book of Town Plats for Marion County, Oregon,
which point bears North 89° 23' 47" West 985.53 feet and South 00° 36' 13" West 358.99 feet
from the most Easterly Southeast corner of the John Ford Donation Land Claim No. 39 in
Township 6 South, Range 3 West of the Willamette Meridian in said County and State; thence
South 00° 04' 20" West along the West line of said Lot 1 and the Southerly extension thereof,
190.64 feet to a point marking the Southeast corner of that tract of land conveyed to J. Larry
Lane and Colleen B. Lane, by deed recorded in Reel 309, Page 372, Deed Records for Marion
County, Oregon; thence North 74° 28' 30" West along the Southerly line of said Lane Tract,
89.50 feet; thence North 00° 04' 20" East 54.71 feet; thence North 20° 00' 00" East 80.00 feet;
thence North 58° 04' 01" East 69.58 feet to the point of beginning.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN
VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING
THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH
THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

*and grant of easements recorded August 31, 1984 and amended in Reel 400, Page 357.
Development Agreement recorded in Reel 368, Page 332. Common Area Maintenance Agreement
recorded in Reel 368, Page 333, and amended in Reel 365, Page 796.



Required
in Of Keizer



May 19, 1997

AGENDA ITEM 7a

ORDER - CONDITIONAL USE - CASE NO. 96-7
CITY OF KEIZER WATER RESERVOIR

CITY COUNCIL MEETING: May 19, 1997

AGENDA ITEM NUMBER: 7a

TO: MAYOR KOHO AND COUNCIL MEMBERS
THROUGH: JOHN MORGAN, CO-CITY MANAGER PRO TEM
FROM: E. SHANNON JOHNSON, CITY ATTORNEY
SUBJECT: *WATER RESERVOIR-CONDITIONAL USE CASE 96-07*
DATE: May 15, 1997

BACKGROUND:

At the April 21, 1997 meeting, the City Council directed our office to draft an Order approving the conditional use permit allowing for the construction of a 1.5 million gallon water reservoir in the vicinity of Wiessner Drive. At the last meeting, we had presented a proposed Order. However, appellants' attorney had presented Objections earlier in the day of the May 2, 1997 meeting. (A copy is attached.) The City Council subsequently allowed an additional meeting to work out some questions regarding the proposed Order.

One of the issues that was raised had to do with the propriety of closing the record. At the April 21, 1997 meeting, appellants and other opponents were not allowed to submit any testimony. Appellants felt that the record had not been closed at the March 3, 1997 meeting.

I reviewed the videotape of the March 3 meeting. The Mayor had closed the hearing. However, during deliberation, Councilor Miller asked for further information from staff regarding costs of placing the tank underground. After further discussion, the Council allowed staff until March 30, 1997 to submit further information and then allowed opponents to respond by the April 21, 1997 meeting. Mr. Beck announced from the audience at the March 3, 1997 meeting that he wished to work with staff collaboratively on the report, rather than wait to respond after it was finished. There was general "head nodding" with regard to this request.

Because of that general direction from Council, Mr. Mull apparently did not finish the report by March 30, 1997 because of Mr. Beck's schedule. Mr. Mull felt that it was important to meet with Mr. Beck before completing the report. Mr. Mull did not submit the report until after such meeting with Mr. Beck and consequently, Mr. Beck did not get a copy of the report (which was in the April 21, 1997 packet) until after the March 30 deadline.

Due to the fact that there was confusion about the record, and that the tape clearly showed that there would be an opportunity for additional testimony (at least written, if not oral), I felt it was important to correct this procedural defect. I discussed the matter with the Co-City Managers. Because of the substantial delay in this case, the Co-City Managers did not wish to extend the matter much further. Therefore, I requested that applicant's attorney, Amy Barnhouse, submit all written statements by the packet deadline (May 15, 1997). Appellants have reluctantly agreed to waive the right to appeal on this procedural issue due to the allowance for additional written testimony. However, they are requesting additional time to submit testimony as Ms. Barnhouse was only alerted to the opportunity to submit testimony last Tuesday afternoon, a little over 48 hours before the deadline.

RECOMMENDATION:

The City Council needs to first determine whether it shall allow any additional testimony to be submitted into the record. The Council has the following options:

1. Allow no further testimony.
2. Allow written testimony only to be submitted by noon on May 29, 1997, in order for it to be placed in the packet for the June 2, 1997 meeting.
3. Allow written and oral testimony at the June 2, 1997 meeting.

Because tonight's meeting was not noticed formally, I would advise the Council that if they wish to allow additional oral testimony, such testimony take place only on June 2, 1997. It is not fair for persons who are not aware of tonight's meeting to allow people who are present to speak, because they will be unaware of the comments that might be made. This applies to both the appellants and the applicant.

If the Council chooses option number 1 above, then it can deliberate and decide on the proposed Order, which is attached. If any other options are chosen, then the Council should refrain from voting on the Order until the record is finally closed.

If you have any questions in this regard, please do not hesitate to contact me. Thank you.

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 ORDER

3 IN THE MATTER OF THE APPLICATION OF THE
4 CITY OF KEIZER FOR A CONDITIONAL USE
5 PERMIT TO PLACE A 1.5 MILLION GALLON
6 WATER RESERVOIR ON PROPERTY LOCATED
7 AT 2005 WIESSNER DRIVE NORTHEAST
8 (CONDITIONAL USE CASE 96-07)

9 The City of Keizer orders as follows:

10 Section 1. THE APPLICATION. This matter came before the Keizer
11 City Council on the appeal of Richard D. Beck of the Zoning Administrator's
12 approval of an application by the City of Keizer for a conditional use permit to
13 place a 1.5 million gallon water reservoir on a 0.91 acre parcel located at 2005
14 Wiessner Drive Northeast, Keizer, Oregon.

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

20 Section 3. PUBLIC HEARING. A hearing was held on this matter
21 before the Keizer City Council on December 2, 1996, December 16, 1996,
22 February 3, 1997, February 18, 1997, and March 3, 1997. The following
23 persons either appeared at the City Council hearing or provided written
24 testimony on the application:

25 1) John Morgan, Community Development Director

26 2) Wally Mull, Public Works Director

- 1 3) Richard D. Beck
- 2 4) Marvin Larsen
- 3 5) Peggy Bender
- 4 6) Fred Bender
- 5 7) Scott Pulsifer
- 6 8) Clem Pereira
- 7 9) Karen Trucke
- 8 10) Ken Larsen
- 9 11) Ora Taylor
- 10 12) Blake J. Schwabauer

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

13 Section 5. OBJECTIONS. Except as noted below, no objections have
14 been raised as to notice, jurisdiction, alleged conflicts of interests, bias,
15 evidence presented or testimony taken at the hearing. Appellant raised
16 objections regarding closing the record, but withdrew such objections and
17 waived the right to object, when a cure of the defect was allowed by allowing
18 written testimony to be submitted by May 15, 1997.

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

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

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

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

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

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

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

12 PASSED this ____ day of _____, 1997.

13 SIGNED this ____ day of _____, 1997.

14
15

Mayor

16
17

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.

Mayor Koho opened the public hearing on December 2, 1996.

Shannon Johnson, City Attorney read the applicable criteria for the case from Chapter 8 of the Keizer Zoning Ordinance, Conditional Uses:

- ◆ The use is listed as a conditional use in the zone.
- ◆ The parcel is suitable for the proposed use.
- ◆ The proposed use, as conditioned, will not materially alter the character of the area.
- ◆ The proposed use will not adversely affect existing wind and solar energy systems.
- ◆ Adequate public utility facilities are available.

Mr. Johnson then reviewed the procedures for the hearing.

In response to the request for disclosure of bias, Councilor McGee stated that on November 24th at 10:00 he received a phone call from Richard Beck who is involved in the case. He was requesting the name of the chair of the Citizen's Involvement Committee. Councilor McGee suggested that might be the Planning Commission and he stated he might call Mr. Beck back with a name. In the conversation, Mr. Beck also discussed the height of the water reservoir in question since the Councilor had previously received incorrect information. Councilor McGee said that was the extent of their conversation and he intended to vote on the issue.

Mr. Morgan, Community Development Director, reported the request is a conditional use in a public zone for the building of a 1.5 million gallon water reservoir. The reservoir has been in the Water System Master Plan since 1980 which has since been adopted as part of the Comprehensive Plan. It is also one of the Council's goals to fund and construct a reservoir.

As background, Mr. Morgan stated that the reservoir is to meet a variety of water needs including provisions for peak hour demands, fire flow and emergency storage. He said the property is one of the highest in the city and works with gravity flow from

the site in the center of a parcel of .91 acres. He also addressed each of the applicable criteria as stated by Mr. Johnson stating the crux issue appears to be whether the reservoir will materially alter the character of the area.

Mr. Morgan explained the RS zone is designed for single family homes and other types of uses can go in any zone although conditions may need to be attached to assure compatibility with the surrounding area. The reservoir will impact the neighborhood but the conditions should diminish the effect.

He outlined some of those conditions. Location of the reservoir will be in the center of the property and the proposed height of 36 feet is one foot taller than that allowed for a single family structure even though it could have been 70 feet as it is not a residence. A reservoir does not have noise, dust or odor associated with it. Landscaping will be completed on the remainder of the site and the facility will be secured. Mr. Morgan felt the proposed use will meet the larger needs of the City without materially altering the character of the area.

Mayor Koho asked questions regarding Mr. Beck's November 3rd letter stating erroneous information had been provided neighbors and construction may have begun before a permit is in place. In response to the second issue, Mr. Morgan stated property site work was not illegal done in advance of receiving a building permit.

Mr. Mull, Public Works Director addressed the issue of erroneous information. He related that prior to the bidding and awarding of the bid for the reservoir, a staff member visited some of the residents to discuss the tank showing computerized pictures. Since some neighbors were not available at that time, the first official notification they received was the conditional use notice.

Councilor McGee asked for a chronology, stating when he first received information, the reservoir would only have 12 feet above the ground. During the planning process, 24 feet had been mentioned and Councilor McGee passed that figure to Mr. Beck. The Councilor asked about the present decision of 36 feet.

Mr. Mull related the sequence of events. In September 1993, the committee hoped to build a partially buried concrete tank which turned out not to be financially feasible. The engineer worked with the group to develop a steel reservoir above ground. Site selection in 1980 was based on the property elevation. At the time of purchase, the present subdivision was vacant land. Design plans partially shield the reservoir from Wiessner and Northside drive where subdivisions have been developed. He clarified the tank is 24 feet high with an additional 11 feet as it reaches the dome crest.

Councilor McGee initiated a discussion about auxiliary power sources being used to compensate for the elevation as is done at other sites. Mr. Mull said if auxiliary power sources were used, a tank probably would not be needed. In times without

power, the reservoir would be at Keizer's highest point with an 18 inch wide pipe to River Road to supply water for emergencies.

Addressing the Council were:

Richard Beck, 4485 River Road South, Salem, stated he owned property at 1999 Wiessner Drive NE, Keizer, adjacent to the proposed reservoir site. He read a portion of his written testimony as submitted to the Councilors. Mr. Beck believed the City had let the bid before giving the neighborhood notice, delivering the plans to Marion County, and receiving a building permit. He emphasized that a Conditional Use permit has been approved without conditions, which he believed to be a first for the City of Keizer.

Mr. Beck related what he believed to be the present plan for the reservoir including information from a brochure about the proposed tank and his understanding about each condition. He commented that little attention had been given in addressing the impact of the project on a residential area. In questioning need for a high location, Mr. Beck stated the only gravity feed will be from the tank to the pump station. He also stated the tank will be placed in the south-east corner of the property instead of the center.

In reviewing the Zone Ordinance, Mr. Beck said the actual wording reads "water supply", an establishment primarily engaged in distributing water which he believed was intended for pump stations. The site did not appear to be suitable for the proposed site in his opinion. A real estate report stated addition of the tank could represent a 10% to 15% decrease in value for the homeowners. Mr. Beck also showed simulated photographs of the property with the tank in place.

Mr. Beck concluded two reasonable solution were available. He suggested denying the permit based on incompatibility to the location or modifying the tank to be set below grade. He discussed ways to accomplish the latter possibility.

Councilor Watson complimented Mr. Beck on his report. He asked staff why their map did not appear to be current regarding the tank location. Mr. Morgan stated the tank was actually centered on the vacant portion of the property up against the parkway. Councilor Watson reflected on how the old Keizer School looked when relocated against the residences. The Councilor asked Mr. Mull if the pictures were accurate approximations to how the tank would look in each setting, including 20 feet below grade. Mr. Mull stated he did not know but he also had some pictures that showed a different result although it is difficult to predict accurately. Mr. Beck noted his photographs were completed through a digitized computer program using the actual measurements rather than cutting and pasting.

Councilor Newton like the alternative idea of lowering the tank and letting it flow toward the Parkway. He asked if it would be financially feasible. Mr. Mull was

uncertain. In answer to a question about whether plans could be changed at this point, Mr. Mull stated the contract has been awarded and some site work has been done. He was very comfortable with the present recommendation to build above ground.

Also mentioning the old Keizer School, Councilor Keller stated Mr. Beck had a compelling argument about the impact on the neighborhood and commented staff seemed set on having the tank above ground. Mr. Mull felt the plan was the best being done for the funding available. He also would like to address several issues raised.

Councilor McGee agreed the presentation was an excellent one. He felt the property values might change but certainly property sales would be delayed. With a \$200,000 property loss of value to the city and considering a 50 year life of the tank, it would be cost effective to pay for moving the dirt to allow an underground tank. Councilor McGee asked about the cost of maintenance above vs. below ground. Mr. Mull stated essentially costs were the same except cleaning would be a slightly greater for a below ground tank.

In answer to the cost for placing the tank underground, Mr. Beck clarified that he was not discussing putting the tank totally underground. He was talking about excavating a horseshoe shaped space, placing the tank in the structure, and landscaping the tank. The tank would be completely open with a road around it. The visual impact would be toward the Parkway and, if the tank broke it would run onto the street. His best guess for cost estimation was \$60,000 to \$80,000 more.

Councilor McGee questioned the present finances and the bid figures. Mr. Mull responded the bid came in at \$492,000 plus \$30,000 for engineering. Even though the budget was \$650,000, staff will be requesting the remainder of the funds to be used for a booster/pump station cut because of earthquake requirements.

Mayor Koho asked about the procedure to be able to discuss alternatives. Mr. Johnson suggested the Council could recess the hearing until additional information is gathered by staff. The Mayor announced those persons signed up to testify may do so in the present meeting or when the hearing is opened again.

Mr. Beck thought it would be helpful to gather additional information. He also thanked the Public Works Department for giving him the necessary information for his presentation.

Marvin Larsen, 4125 SW 25th Court, Gresham, Oregon stated he was the owner of the subdivision directly below the proposed site for the reservoir. He used the previous pictures to show Brandon Court and the four duplexes planned which would have 1.5 million gallon water tank within 100 feet. He was concerned about the loss of life that could result from an earthquake cracking the reservoir. Mayor Koho noted that was the reason the Council would be looking at directing the water away from the property.

Mr. Larsen related the work he had done on his property to upgrade pipes owned by the City. Although the materials were provided by the City, he provided the labor as a contingency of his permit. Mr. Larsen believed the value of the property would be downgraded and the savings of placing the tank above ground would not be passed on to those homeowners. He repeated his safety concern for persons living in the subdivision. Having money already being spent without project approval seems improper to him.

Councilor Watson pointed out the development code only requires a six-foot fence to be constructed around the site.

Councilor McGee asked Mr. Larsen if the alternative suggestion by Mr. Beck would satisfy his concerns. Mr. Larsen felt the new idea would be a win-win situation.

The Council directed staff to return on the 16th of December with additional information.

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

Mayor Koho recessed the hearing until the Council meeting of December 16th at 7:00 p.m.

On December 16, 1996, Mayor Koho reopened the public hearing continued from December 2, 1996.

Mr. Mull gave the staff report beginning with the background of the Reservoir planning. He noted the land was purchased when no houses were nearby and efforts were made to make developers aware of the reservoir plans. He then addressed issues raised by Richard Beck, who had filed the appeal to the conditional use.

One suggestion which arose in the previous public hearing was the possibility of burying the tank and opening it with a slope easement toward the Salem Parkway. Mr. Mull related such a solution would require a property purchase from Oregon Department of Transportation who is unwilling to sell. They specifically lowered the highway for sound and environmental issues. Mr. Mull then contacted the State Health Division to discuss putting the tank in the ground. The maximum amount to be lowered would be 8' and would require a retaining wall with the estimated cost being \$150,000 to \$175,000.

Mr. Mull highlighted his concerns about water needs since the present system has operated at maximum capacity on several different occasions. In answer to a noise concern, Mr. Mull and Mr. Beck visited the wells with the pumps running and they could not be heard over the traffic noise.

Mr. Mull commented that he understood that Mr. Beck was concerned about property values. He felt the City had four options:

- ◆ Construct the reservoir as planned at no additional cost
- ◆ Construct the reservoir underground at a cost of \$1.2 Million
- ◆ Construct the reservoir and lower it 8' into the ground at a cost of \$150,000 to \$170,000
- ◆ Construct a smaller reservoir by removing the top 8', saving the City approximately \$5,700

He recommended the Council uphold the Zoning Administrator's decision and construct the reservoir as planned and work with the neighbors to lessen the visual impact with landscaping.

Mr. Mull stated he had met with the property owners although no solution resulted. Councilor Beach asked about how much site preparation has been done. Mr. Mull stated some work had been done underground, including piping.

Shannon Johnson, City Attorney, reminded the Council this was a Land Use Hearing and five specific criteria apply. He reviewed the applicable criteria in this case and procedures in this case.

Councilor McGee mentioned his previous conversation with Mr. Mull about other potential sites. He asked Mr. Mull to explain why these sites would not fit. Mr. Mull stated an elevated site is needed which limits the City to land east and south of Dearborn and in the Clear Lake area. The master plan calls for two above ground sites so one would be located in each area. Also needed is a well which is available at the present selected site. Two wells are located in the Clear Lake area.

In the event of a disaster, Councilor McGee noted the area closest to the reservoir would receive water first which if placed in the Chemawa Activity Center would be industrial instead of residential customers. Mr. Mull added that since Keizer is about 99% residential even finding a site for a well is difficult.

Councilor Watson asked if there was a site designated in the Clear Lake area. Mr. Mull stated they were waiting to see how the land developed. Councilor Watson suggested making the decision now so that developers would have prior knowledge. He also asked about the planned size. Mr. Mull answered that the total projected need was 3 million gallons and the cost for a 1.5 gallon reservoir was economical. The Councilor suggested the option of building a 1 million gallon reservoir at this site and then a larger one at another.

In answer to the question of the number of properties visually impacted by the present plan, Mr. Mull felt 15 to 20 homes would be involved. Councilor Newton appreciated the staff report but did not like the options so requested more study be done. Councilor Keller asked about recorded responses to the City drawings by the neighbors. Mr. Mull stated no official feedback was available.

Councilor Beach asked about landscaping options and a wider tank. Mr. Mull talked to landscapers about trees which would screen during their leaf season. He also offered pictures of similar tanks in Salem. The site does not have room at the facility for a broader type.

Providing testimony were:

Richard Beck, 4485 River Road S, Salem, thanked Mr. Mull for the time spent with the neighbors reviewing the staff report. He did note a hearings officer has not been involved. When visiting the site, the electric pumps were about the same as the background traffic. He still was uncertain about the noise of diesel pumps in night hours.

A 1994 study has shown the present system will support 40,000 residents. Mr. Beck also noted that in an emergency with the 1.5 million gallon reservoir alone, only 2 hour and 20 minutes of water would be supplied for Keizer. He asked the Council, if they did not deny the conditional use permit, to at least continue the hearing for 60 days to allow time for work on solutions. Mr. Beck offered some suggestions to be considered.

Mr. Beck said the previous UT zoning did support the reservoir but the zone was changed to RS which is not as clear cut. He also addressed the criteria regarding a material alteration of the character of the area which is now residential. He believed a 1.5 million gallon reservoir would alter the character.

Mayor Koho asked if there is a way to make this work in the present location. Mr. Beck felt a conclusion could be reached but it may not be satisfactory to all. Mayor Koho polled the Council about the next steps for the issue.

Councilor Watson suggested the services of a mediator be considered to assist in making decisions. Councilor Newton believed the character of the neighborhood will be materially changed. He felt legal advice on the contract was needed and better alternative ideas. If the proposed site must be used, Councilor Newton preferred waiting until the money is available to bury the tank.

Councilor Keller questioned Mr. Beck about the cost on his idea of putting generators at all the pumps. Mr. Beck explained his suggestion and Mr. Mull clarified problems that might result in the peak summer usage. If all the 14 wells are running and pressure drops below 55 PSI there would be no reserve to come on line. The reservoir is planned for this possibility.

Regarding the capacity information, Mr. Beck clarified the findings in the 1994 report. He stated capacity was reached once in that year. Mr. Mull added capacity has been reached several times since. Mr. Beck stated the residents did not question the Keizer water system. Their concern was the permit did not meet the requirements.

Councilor Beach suggested more time was needed to find alternative solutions. Councilor Miller asked about the effect of delaying the contractor's work. Mr. Mull stated he did not have all the details. Councilor McGee did not support the idea of mediation, but he thought more time was needed to exhaust all the possibilities.

Mayor Koho suggested the hearing be recessed for two months and asked all parties get together. He asked for a report in February.

Councilor McGee asked if the Councilors could get involved in the work despite it being a Land Use issue. Mr. Johnson said the main problem would be contacts with the parties directly involved. Staff could provide information. Ex parte contacts themselves are not the problem but failure to disclose them could cause a problem, although Mr. Johnson suggested such contacts are best to avoid.

Councilor McGee noted several Councilors were heavily involved in the committee work on the original site determination and he was looking to use their experience. Mayor Koho suggested one option would be to withdraw the application which would allow a subcommittee of the Council to be formed. Councilor Beach liked the idea of the extension but not of mediation.

Councilor Watson felt mediators could bring a wide range of skills to assist. He did not like the idea of abandoning the Land Use decision, engaging in negotiations and returning to the Land Use decision. He did share the interest in allowing additional time and working out an acceptable solution to all parties. Councilor McGee stated the entire community must be considered in all solutions. Councilor Miller felt the staff should spend as much time as necessary to discuss and explore alternatives with the neighbors.

The Council directed staff to implement a process that brings the neighbors and the City together towards a solution.

Peggy Bender, 4598 Northside Drive N, Keizer said her home was next to the water tank and she was also concerned about the width of the tank. The size is as large as their entire house and she was concerned only tank would be visible for them.

Ms. Bender felt landscaping would take time and not be adequate. She requested the City consider burying the tank.

Fred Bender, 4598 Northside Drive N, Keizer agreed with the previous speaker and asked the Comprehensive Plan Land Use rules be added to the record.

Scott Pulsifer, 4588 Northside Drive, Keizer offered the idea of using the steel tank for another site and perhaps using beautification funds to solve this problem.

Clem Pereira, 4568 Northside Drive, Keizer, supported the tank being underground.

Marvin Larsen, 4135 SW 25th Court, Gresham, stated his definition of reservoir is an artificial lake which is underground. He also did not believe he had ever been told about the possibility of a storage tank. The property values will be reduced and he strongly spoke in favor of putting the tank underground, citing all the negatives. As a developer living outside the City, Mr. Larsen was concerned that he has been told each of the past three Council visits that his remarks would be better heard another time.

Karen Trucke, 6033 14th Avenue N, Keizer wondered if during the change to residential zoning the reservoir was discussed and if so how the issue of notification could be handled in the Clear Lake area.

Mayor Koho recessed the Hearing to February 3 at 7:00 pm.

On February 3, 1997, Mayor Koho reopened the public hearing continued on December 16, 1997.

Public Works Director Mull reported that due to the Holidays and flooding emergencies in January he had been unable to schedule a meeting with the property owners in the area of the facility as Council had directed at the December meeting. He hoped to arrange a meeting this week and then come back to Council on February 18.

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

Councilor Miller asked if any more had been done to check into the possibility of putting the reservoir in the Clearlake area. He recalled the intent to have two reservoirs, and wondered if something should be done soon in light of the decreasing availability of land.

Mr. Mull responded that staff is looking for a location in the Clearlake area. The engineer who designed the water system has written a letter recommending which tank should go first. An analysis of property values where tanks are located in the

Salem area was done. This and other information prepared by the engineers will be shared with the Wiessner property owners. Mr. Mull noted that on the 18th staff will report to Council on both the Wiessner and Clearlake locations.

Mayor Koho recessed the public hearing until February 18, 1997.

On February 18, 1997, Mayor Koho reopened the Public Hearing continued from February 3, 1997.

Wally Mull, Public Works Director, reported the City staff is still trying to meet with the neighborhood. A meeting is tentatively set for the weekend and he would like the hearing continued until March 3, 1997.

There was no further testimony to come before the Council.

Mayor Koho continued the public hearing until March 3, 1997 at 7:00 p.m.

On March 3, 1997, Mayor Koho reopened the Public Hearing continued from February 3, 1997.

Wally Mull, Public Works Director, reported this matter is before the Council on an appeal filed by Mr. Richard Beck. In reviewing the history of this matter, Mr. Mull indicated in September 1996 advertisements were distributed for bids to construct a 1.5 million gallon water reservoir next to the Wiessner pump station. The low bidder, Northwest PermaStore Inc., of Dallas, Oregon was awarded the contract at a cost of \$492,053.09 to construct the water reservoir.

Upon filing an application for land use compatibility with the Oregon Health Division, it was determined a conditional use application would need to be filed. Mr. Mull pointed out when the property was purchased in the mid-1980's, it was zoned Urban Transitional (UT) which would have allowed for outright construction of the water reservoir. However, in 1988 the City had rezoned all of the Urban Transitional property along the parkway to be Single Family Residential (RS). The conditional use process was initiated with legal notices being sent to all property owners within the area.

Mr. Mull pointed out the Wiessner site was selected due to the elevation and the ability to provide complete gravity flow to 75% of Keizer residents in case of a system failure. He noted the system has operated at maximum capacity on several occasions during the last two years causing concern for peak hour and fire flows. The system was designed to provide water to all developable areas within the urban growth boundary, however with the rapid development, it is causing concern. Mr. Mull stressed it is important to provide additional water supplies to meet the demands. The Water Master Plan designates a water reservoir to be built at the Wiessner site and in the Clearlake area.

After presenting several options at a previous meeting, Mr. Mull was directed to meet with the local residents of this area to try to come to a compromise on the construction. Mr. Mull indicated this meeting was held on February 26, 1997 and several options were presented. However, the residents were only interested in not having the reservoir at this site at all.

In closing, Mr. Mull felt all of the conditional use criteria has been met in this case and recommended the City authorize the construction of a 1.5 million gallon reservoir at the Wiessner site.

In response to a question from Councilor Keller, Mr. Mull stated there were approximately fourteen residents who attended the February meeting.

Councilor Meier confirmed this matter was originally decided by the City Zoning Administrator, John Morgan.

Mr. Mull indicated a building permit application has been received and a geo technical report has been completed. Mr. Mull pointed out the engineer on this project, Mr. Ed Butts of Stettler Company was unable to attend tonight's meeting due to illness. However, he submitted information which is contained in the packet.

Shannon Johnson, City Attorney announced the procedures for this hearing and reviewed the applicable criteria as set forth in chapter 8 of the Keizer Zoning Ordinance. There were no responses received objecting to the notice or conflict of interest from the audience.

Councilors Meier and Whalen indicated that they were present in the audience during the December 2 and December 16, 1996 hearings. Therefore, they will be voting on this issue.

Councilor Miller pointed out he visited the potential site and observed where the tank would be constructed and the surrounding areas. He indicated this visit did not alter his perceptions of this matter.

Councilor McGee also visited the site in accompaniment of Mr. Mull. He noted several factual questions were answered and he came away with a better perception of the size of the reservoir and the proximity to the nearby residences. Councilor McGee also reminded the Council of his previous declaration of his ex parte contact with Mr. Beck.

In addition, Councilor Beach noted he had visited the site but only came away with a better perception of the size and proximity of the reservoir to the homes. He stated he discussed landscaping options with Mr. Mull, which would cost approximately \$10,000.

Mayor Koho stated he also visited the site, however as a former resident of that area he did not gain anything from the visit.

Councilor Keller indicated upon his visit to the site he gained a better understanding of the lay of the land.

Councilor Meier noted she too visited the site with Mr. Mull. She used the pictures taken by Mr. Beck as a reference to visualize the proximity of the reservoir to the homes.

Councilor Whalen also pointed out he had visited the site with Mr. Mull. However, he did not come to any conclusions from the visit.

Mr. Johnson requested the Council pay attention to the conditional use criteria listed in section 8.30 of the Keizer Zoning Ordinance, particularly item (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.*

Presenting testimony to the Council were:

Richard Beck, 4485 River Road S, Salem distributed his written statement to the Council. In summary of this statement, Mr. Beck indicated he contacted the City Planning department requesting this matter be set for a hearing before the Hearing's Officer due to the land-use nature, however this matter was moved directly to the City Council for a hearing. In addition, he pointed out the records of Marion County show that on December 2, 1996 there was no record of a building permit for the water reservoir. The permit was filed in late December, however he is unsure if it has been approved at this time. Mr. Beck stated his objections do not relate to the water system performance, only the land use issues.

Mr. Beck stated at the meeting held on February 26, 1997 the same options were discussed as had been previously reviewed in December. At this meeting the neighborhood group discussed moving the reservoir to the ball park near the Chemawa interchange, however they were advised this was not feasible. Mr. Beck noted he called several other cities who were constructing below grade tanks in their areas. In his discussion with the City of Beaverton, he was advised their tanks were being built below grade with soccer fields placed on top of them. In investigating this with the contractor, Mr. Beck relayed that a 1.5 million gallon tank could be constructed underground for approximately \$600,000 to \$700,000. He believed the City should investigate other alternatives than those recommended by the Public Works Department.

Regarding Keizer Zoning Ordinance, Section 8.30 - Conditional Use Criteria, Mr. Beck explained the construction will materially alter the character of the surrounding area. He noted materially is defined as physically; to a great extent; and

substantially. Mr. Beck stated there is no question that the 1.5 million gallon water tank, 101 feet in diameter, over 24 feet height and covering 8000 square feet will substantially, physically and to a great extent alter the character forever. He urged the Council not to grant the conditional use permit in this matter.

Councilor Miller questioned if the reservoir was partially buried, how would this affect the gravity flow. Mr. Beck believed the effect would be minimal, however alterations to the location of the pump would improve the flow. He added the sites in other cities he contacted were flat locations and used a pump for assistance. If the pump was to fail, there would be several other wells within the City to provide water.

Councilor McGee pointed out section (c) of the conditional use criteria is of major concern to the residents. He questioned how the construction of this reservoir will limit, impair or preclude the use of this area as residential.

In response, Mr. Beck indicated this will substantially alter the character and ability to function as a neighborhood. The residents are concerned that with the construction of the reservoir, the neighborhood will never be the same, it will change the character.

Peggy Bender, 4598 Northside Drive N, Keizer indicated her home is adjacent to the proposed site of the water reservoir. She believes the construction of the water reservoir will materially alter the characteristic since she will only see the tank when she looks out her window. In addition, Ms. Bender pointed out she is concerned with the safety aspects of this addition to the neighborhood.

In response to a question from Councilor Whalen, Ms. Bender noted she was not informed of the intended use of the adjacent lot when she purchased her home. However, she was contacted by City staff in October or November in regards to the construction of the reservoir.

Marvin Larsen, 4135 SW 25th Court, Gresham noted he is the owner of the Larsen Park subdivision south of the intended site of the water reservoir. He feels this reservoir will look like a flying saucer hovering above his property. Mr. Larsen blamed the potential construction of the water reservoir for his lack of selling any lots in his subdivision.

Mr. Larsen questioned the testimony which described the value of the reservoir if the entire water system failed. He believed this is the basis for wanting the reservoir constructed above the ground. Furthermore, the cost estimates provided by City staff and Mr. Beck for lowering the tank in the ground differ substantially.

Mr. Mull indicated \$650,000 was budgeted for this project, however it is estimated it would cost \$1,000,000 to build a concrete reservoir underground.

Mr. Larsen pointed out one of the 1996-1997 City Council goals is to construct a water reservoir. He noted the definition of a reservoir is an underground storage tank. Mr. Larsen believed all the residents of the area would be satisfied with an underground storage tank. The additional construction costs would be covered in the increase in assessed value his lots will provide after being developed.

In conclusion, Mr. Larsen strongly believes this construction will substantially alter the character of this neighborhood.

Councilor Keller indicated he visited Mr. Larsen's subdivision and noted a substantial slope on the property. He questioned the additional costs a builder would experience in building a home on this sloped land.

Responding, Mr. Larsen noted there are disadvantages and advantages to this topography. The lots are listed at a reduced price, however there are many options available to a builder to compensate for the slope. Furthermore, Mr. Larsen indicated there are four lots on this hillside, which would require two-story homes with a second floor height of 25 feet to 30 feet. The water reservoir would be seen from these homes constructed at this height. Mr. Larsen also indicated he is very concerned with a potential leakage or rupture of the tank and the potential damage to these homes and the harm to the residents living on this hillside.

Councilor Meier confirmed Mr. Larsen's belief the property was not selling due to the information being released by the City staff.

Mr. Larsen stated he did not have proof of this, however this is his belief. He is concerned that if this tank is allowed to be built, it could result in lawsuits against him as the developer. In addition, Mr. Larsen requested this facility be defined as a water storage tank and not a reservoir. The use of the term reservoir is very misleading.

Councilor Whalen pointed out as a builder, he would be concerned with the economic reasons for constructing a house on these sites, not the potential of a water reservoir being placed above the subdivision.

Mr. Mull announced he has not discussed the water reservoir with any potential buyers of Mr. Larsen's lots. Also, Mr. Mull pointed out having a backup reservoir during a system failure is not the only reason the storage tank is necessary. It will also provide additional water supply during peak demand periods and fire flows, plus provide additional supply while the auxiliary powered wells come on line.

Responding to an inquiry from Councilor Miller, Mr. Mull indicated if the system failed completely, the water pressure will be minimal by the time it reaches River Road. Furthermore, the water reservoir would maintain a minimum of twenty pounds of pressure until the other wells are manually turned on. Also, pumping the water from below the ground will increase the costs of pumping the water into the system.

Fred Bender, 4598 Northside Drive N, Keizer indicated he owns a home directly in front of the potential reservoir site. He estimated the distance between his property line and the tanks is 15 to 20 feet, the distance from his back door to the reservoir is approximately 45 feet and from the master bedroom to the reservoir is 20-25 feet. Mr. Bender indicated the construction of this water reservoir will definitely alter the character of the neighborhood and in addition decrease the value of his home. Mr. Bender pointed out he is completely against the construction of the water reservoir.

In response to a question from Councilor Miller, Mr. Bender noted he purchased his home from the builder in 1994 who did not disclose the fact a water reservoir would be constructed adjacent to the property.

Scott Pulsifer, 4588 Northside Drive N, Keizer pointed out he owns the property directly south of the location of the water reservoir. He indicated at the December Council meeting, the residents were informed they would be contacted by City staff to discuss options in this matter, however the notification only came a few days before this meeting. He believes this is insufficient time to work out a compromise on this issue. Mr. Pulsifer supported the tank being at this location, however there should be alternatives to the design.

In response to a question from Councilor McGee, Mr. Mull stated due to the holidays, critical parties being out of town and limited staff time, a meeting with the residents was not scheduled sooner.

Ken Larsen, 4835 Tanglewood Drive SE, Salem stated he is the brother of Marvin Larsen and a partner in the Larsen Park subdivision. He indicated when the subdivision was being planned, the City did not disclose the potential location of the water reservoir. Mr. Larsen pointed out he worked in conjunction with the City to construct an oversize water line in this area. At no time was there ever an indication a water reservoir would be built above his property.

Mr. Larsen believed it would be difficult to file a lawsuit against a developer if the developer did not know of the potential construction. He indicated he has owned this parcel of land since 1981. In conclusion, Mr. Larsen believed this will definitely alter the material characteristics of the neighborhood.

Ora Taylor, 4597 Northside Drive NE, Keizer pointed out her home will look directly from the front window to the water reservoir. She does not wish to view this tank from her windows for the rest of her life. Ms. Taylor also expressed her concern

for the safety of the children in the area during the construction of this reservoir. She believes whether the storage tank is above or below the ground, it will affect the neighborhood. However, if the tank is constructed she would favor it being placed underground and a park facility built on the site.

Blake J. Schwabauer, 4577 Northside Drive NE, Keizer believed the construction of this water reservoir will alter the character of the neighborhood. This large object will be an attraction for graffiti, difficult to patrol due to the lack of streets surrounding the area, and look out of place due to the dome type construction. Mr. Schwabauer moved from Portland to Keizer for the character of the neighborhood. However, he would not have made the decision to buy his home if he knew or observed a water tank in the vicinity. Mr. Schwabauer understood the need for the storage facility, however he believed it should be buried underground.

There was no further testimony to come before the Council.

Mayor Koho closed the public hearing.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant to this application are found in Chapter 8 (Conditional Use Permit) of the Keizer Zoning Ordinance (KZO) and the development standards set forth in Chapter 23 (Single Family Residential Zone). No other criteria and standards were raised at the hearings.

EXHIBIT "C"

Facts

FACTS - GENERAL:

1. The applicant is the City of Keizer.
2. The property is located at the east end of Wiessner Drive, adjacent to the Salem Parkway. The site address is 2005 Wiessner Drive NE and the property is identified on the Assessors Maps as located within T7S; R3W; Sec. 01BC; Tax Lots 7500 and 7600.
3. The parcel contains 0.91 acres and has access to a public street (Wiessner Drive) and may be served by public sewer and water.
4. The property is designated Low Density Residential in the Comprehensive Plan and zoned Single Family Residential (RS). The purpose of this Plan designation and zone is to provide for single family homes and other compatible uses.
5. Property to the west and south is also zoned RS with single family homes on subdivision lots the predominate land use. To the north is property zoned Limited Density Residential (RL) containing a multi-family subdivision. The Salem Parkway borders the site to the east.
6. The applicant is requesting approval of a conditional use to permit the construction of a 1.5 million gallon water storage reservoir on property located at the east end of Wiessner Drive, adjacent to the Salem Parkway. The reservoir is designed to meet a variety of City's water needs, including provisions for peak hour demand, fire flows and emergency water storage. The subject property was selected as it is one of the highest point within the City thereby allowing the transmission of water by gravity flow.
7. The proposed storage reservoir will be located in the approximate center of the 0.91 acre property. The reservoir will consist of a 100 foot diameter metal storage tank, some 36 feet in height, and capable of storing 1.5 gallons. The reservoir will occupy approximately 8,000 square feet of area. Besides the reservoir, site improvements will include fencing, landscaping, a perimeter roadway surrounding the tank and a future booster station.

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FACTS - CONDITIONAL USE CRITERIA:

8. Establishment of the proposed use (water supply) requires compliance with the conditional use decision criteria. Such criteria are found in Section 8.30 of the Zoning Ordinance. The criteria, and the related findings are set forth below:

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

Section 23.02(f) of the Keizer Zoning Ordinance identifies the water storage facility as a conditionally permitted use within the RS zone.

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

Based on the submitted site plan the subject property is physically capable of accommodating the proposed 1.5 million gallon reservoir. The ground has no unusual features that require special construction measures or that would prevent development of the proposed use. Based on the parcel's size and topography, there does not appear to be any physical limitation which would prohibit the construction of the reservoir.

Concern was raised at the hearings regarding the slope stability, soils, and drainage. Specifically, appellants were concerned with regard to earthquake potential and soil stability. However, the City Council finds the Foundation Engineering reports dated May 17, 1996 and May ____, 1997 persuasive. Such reports indicate that the site is suitable for the water tank with regard to the above referenced issues. A condition will be added to require the applicant to construct the reservoir to meet all recommendations set forth in the Foundation Engineering reports.

- (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.

The RS zone is designed for single family homes. Other generally compatible uses may also be permitted in the RS zone. In this instance, the RS zone conditionally permits facilities related to the City's water supply. The water reservoir may visually impact the neighborhood. Potential impacts are diminished by the following:

- i. The water reservoir is located in the center of the property, increasing the potential setbacks from adjacent residential uses.

- ii. The maximum building height in the RS for a single family residence is 35 feet. The approximate 36 foot water reservoir will be generally consistent with this residential height limitation.
- iii. The reservoir does not involve a process, or produce a product, which creates noise, odors, dust or other adverse impacts.
- iv. Undeveloped areas of the site will be landscaped, establishing a park-like setting for the reservoir.
- v. The site will be fenced and secured, reducing the potential for vandalism.

Though the storage reservoir will impact the surrounding residential area, this conditional use will not materially alter the character of the area in a manner which substantially limits, impairs, or precludes the use of the surrounding properties for the primary uses listed in this residential zone. The nearby residences can still be used for residential purposes. There will be some affect from the scale of the above-ground water storage reservoir, however, such impact is not to the degree where the cited criteria is not met.

The opponents cited evidence indicating that the water storage facility would depress property values. However, even if that is true, City Council finds that a decrease in property values is not a factor in this criteria. A decrease in property values (at least to the degree suggested by appellant) does not materially alter the character of the area in a manner which substantially limits, impairs or precludes the use for residential purposes. In the alternative, the Council finds applicant's evidence showing that the tank has no affect on property values to be more persuasive than the evidence presented by appellant.

- (d) The proposed use will not adversely affect existing wind and solar energy systems.

There are no existing wind or solar energy systems within the immediate area.

- (e) Adequate public utility facilities are available.

The property fronts an improved public street and can be served by all public utility facilities.

FACTS - DEVELOPMENT STANDARDS:

9. Chapter 23 contains specific development standards which apply to the request. Such standards, and the facts supporting these standards, are set forth below:

- (a) Parcel Size (Section 23.12): There is no minimum parcel size, provided the parcel has a minimum width of 40 feet and a minimum depth of 80 feet.

The 0.91 acre subject property exceeds these minimum dimension requirements.

- (b) Setbacks (Section 23.13 - 23.15): The minimum front yard, rear yard and street side setback is 20 feet while the minimum side yard setback is 5 feet.

Setbacks from adjacent property lines will range from 20 feet to 145 feet. In all cases the proposal exceeds the minimum setback requirements.

- (c) Building Height (Section 23.11): The maximum height is 70 feet, provided the minimum setback is increased at least one foot for each foot above 35 feet.

Based on the construction plans, the reservoir height will be 35.65 feet, well within the 70 foot limitation. The proposed height, however, requires each minimum setback to be increased by 0.65 feet. The tank exceeds the minimum setback requirements and no additional setbacks are required as a result of the slight increase in height above 35 feet.

10. Section 23.30 also references additional standards which may apply to the development of the site. One applicable requirement involves off-street parking and loading areas. Section 19.15(8) requires the greater of 0.75 spaces per employee, or, one space per 5,000 square feet of building area. Further, all parking and driveways must be paved.

Based on the size of the facility and support structures, at least three spaces would be required. There is an adjacent, paved parking area that can accommodate at least six vehicles. The proposal exceeds the minimum Ordinance parking requirements.

11. Based on the above findings, the proposal either complies, or can comply with appropriate conditions, with the applicable decision criteria for a conditional use.

EXHIBIT "D"

Justification

In this application the City of Keizer is requesting a conditional use permit to allow construction of a 1.5 million gallon water reservoir. Such reservoir is an above-ground tank to be sited in the approximate center of the 0.91 acre parcel.

The 1988 Water System Master Plan Update indicated that the tank would be located in this area. However, because the land was rezoned to Single Family Residential (RS), the construction of the tank requires a conditional use permit. The water storage facility is permitted conditionally in the RS zone.

The evidence shows that the criteria in this case is met. In particular, the criteria set forth in KZO Section 8.30 are met and physically the subject site can accommodate the proposed storage facility.

The applicant and other opponents have focused on the visual impact that the storage facility will cause. The facility will be approximately 36 feet tall and 100 feet in diameter. It will to some degree interfere with the backyard views from some of the nearby homes. In addition, the storage facility will be visible from other homes and Wiessner Drive.

The applicant concedes that there will be some impact from the storage facility on the surrounding properties. However, the applicant points to the criteria and indicates that all of the criteria have been met. The criteria most at issue is set forth in KZO Section 8.30(c), and reads as follows:

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.

Though the storage reservoir will cause a visual impact in the area, the City Council concludes that this particular criteria is met. This criteria can be broken into two parts. First, is a showing that the proposed use will not materially alter the character of the surrounding area. Second, if such use does materially alter the character, there needs to be a showing that such alteration will not be a manner which substantially limits, impairs, or precludes the use of surrounding properties for residential purposes in this case.

Dealing with the first part of the criteria, the City Council finds that the alteration of the character of the surrounding area will not be material. The term "material" means more than something minor, something that might have great consequences. In this instance, any alteration of the character of the surrounding area does not approach a material alteration.

Second, even if such alteration is material, the second portion of the criteria is met. The storage tank certainly does not preclude the use of the properties for residential purposes. Though the storage facility may impair or limit the residential uses, such as interfering with views during backyard recreation, etc., it certainly does not do so to a substantial degree.

The City Council interprets this criteria to mean that the proposed use will be disallowed if it would cause substantial interference with, or directly conflicts with, the allowed surrounding uses; such as causing serious traffic, noise, and/or odor impacts. The Council finds that the proposed use in this case does not rise to such a level.

Appropriate conditions required of the applicant will mitigate the adverse impacts. Landscaping and fencing will be required to partially obscure the reservoir facility. In addition, appropriate fencing will be required. As conditioned, the proposed use meets all applicable criteria.

EXHIBIT "E"

Action

The City of Keizer hereby GRANTS the requested conditional use permit to construct the 1.5 million gallon water storage reservoir, subject to the following conditions:

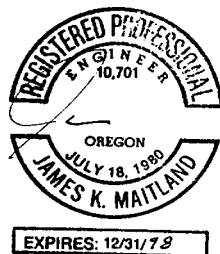
1. The proposed water reservoir shall be located and constructed substantially as indicated on the submitted site plan and supporting construction documents, including all proposed improvements, access and setbacks.
2. Prior to operation of the facility the applicant shall complete the following:
 - a. A minimum 6-foot fence shall be installed along the perimeter of the subject site, substantially as indicated on the submitted site plan.
 - b. Undeveloped portions of the site shall be landscaped consistent with the submitted landscaping plan. The plan shall provide that the landscaping shall be designed and installed so as to substantially obscure the water storage facility from adjacent properties upon maturity of the vegetation.
3. The approval shall be limited to the proposed storage tank, future booster station and required site improvements. Modification of the site plan, expansion of the facilities, or construction of new facilities shall require a new conditional use application and review.
4. Applicant shall construct the storage tank and all site improvements incorporating all recommendations set forth in the Foundation Engineering reports.
5. Development of the property shall comply with the requirements of the Marion County Building Inspection Division and comply with all applicable development and operation standards of the Keizer Zoning Ordinance.
6. This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon.



submitted
by
Kaiser
Water
Department
5-1597
hr

**A Site-Specific Seismic Hazard Study for
WIESSNER RESERVOIR
SALEM, OREGON**

**Prepared for
STETTLER SUPPLY CO.
SALEM, OREGON**



MAY 1997

Prepared by

Foundation Engineering, Inc.

Professional
Geotechnical
Services



Foundation Engineering, Inc.

Professional Geotechnical Services

Edward Butts, P.E.
Stettler Supply Co.
1810 Lana Avenue N.E.
Salem, Oregon 97303-3116

May 15, 1997

Wiessner Reservoir
Site-Specific Seismic Hazard Study
Salem, Oregon

Project 96100054

Dear Mr. Butts:

We have completed the site-specific seismic hazard study for the above-referenced project. Our report includes a description of site conditions, a review of available literature, and conclusions and recommendations for seismic design.

The site is underlain by layers of silt and sand followed by dense gravels. We have characterized the soil as an S_1 soil type according to the UBC code. A response spectrum for this soil type is provided based on the code recommendations and a peak ground acceleration of 0.3g. Discussions regarding ground motion, liquefaction, slope stability and other issues related to the seismic site response are provided herein. In general, seismic hazards associated with the site appear low.

It has been a pleasure assisting you with this phase of your project. Please do not hesitate to contact us if you have any questions or if you require further assistance.

Sincerely,

FOUNDATION ENGINEERING, INC.

M. Todd Boire, P.E.

James K. Maitland, P.E.

MTB/JKM/laj
enclosure

Table of Contents

	<u>Page</u>
1.0 INTRODUCTION	1
2.0 PROJECT DESCRIPTION	1
3.0 REVIEW OF SITE CONDITIONS	1
3.1 Topography and Vegetation	1
3.2 Subsurface Soils	2
3.3 Ground Water	2
4.0 LOCAL GEOLOGY	2
5.0 REGIONAL TECTONICS	3
6.0 LOCAL FAULTING	3
7.0 LOCAL SEISMIC HISTORY	4
8.0 RECOMMENDED DESIGN EARTHQUAKES	4
9.0 BEDROCK ACCELERATION AND GROUND MOTION	4-5
10.0 SEISMIC HAZARDS	5
10.1 Liquefaction and Lateral Spread	5-6
10.2 Slope Stability (Bearing Capacity)	6
10.3 Tsunami Inundation	6
10.4 Ground Rupture	6
10.5 Seiche Flooding	6
11.0 CONSTRUCTION OBSERVATION	7
12.0 VARIATION OF SUBSURFACE CONDITIONS, USE OF THIS REPORT AND WARRANTY	7
13.0 REFERENCES	8

Appendices

Appendix

Figures	A
Boring Logs	B

**SITE-SPECIFIC SEISMIC HAZARD STUDY
WIESSNER RESERVOIR
SALEM, OREGON**

1.0 INTRODUCTION

This report provides geotechnical information for seismic design of the proposed Wiessner Reservoir. Our work was completed in accordance with the amended Section 2905 of the Oregon Structural Specialty Code (OSSC) and includes evaluation of the site on a regional and local basis. This information was used to identify the maximum credible horizontal accelerations generated from selected earthquake sources. Additionally, specific seismic hazards and their potential impacts on the site are discussed.

This report is intended to supplement our original report dated May 17, 1996, which provided details on foundation design and construction. Detailed logs of subsurface conditions, laboratory testing and engineering analysis for the proposed reservoir are included in the earlier report.

2.0 PROJECT DESCRIPTION

The City of Keizer plans to build a new ± 1.5 -MG water storage reservoir. The new reservoir will be a steel structure, ± 101 feet in diameter and 25 feet high. The base of the reservoir will be built at the existing grade. The proposed construction site is located on Wiessner Drive NE, immediately east of an existing pump station. A vicinity site map is provided in Figure 1.

3.0 REVIEW OF SITE CONDITIONS

Specific details regarding the site topography, vegetation, subsurface soil profile and ground water conditions can be found in our earlier report. The site conditions were established by drilling three borings at the site on April 2, 1996, to a maximum depth of 61.5 feet. The following is a summary of the conditions encountered. The actual boreholes that provide a detailed interpretation of the subsurface conditions are appended.

3.1 Topography and Vegetation

The tank is located on a flat parcel that slopes downhill (away from the footprint of the structure) to the north and east at slopes of between 17° and 19° . At the time of our investigation, the site was covered with grass and several large trees scattered across the north slope. Since then, the site has been stripped in preparation for the foundations. A discussion of the conditions observed during the initial site work are provided under the "Construction Observation" section.

3.2 Subsurface Soils

The subsurface soils consist of a layer of ± 7 feet of sandy silt immediately below the surface. Standard Penetration Test (SPT) resistances recorded in this material suggest that it has a "medium stiff" to "stiff" consistency.

The medium stiff silt is followed layers of sandy silt, silty sand and sand to a depth of 47 to 48 feet. SPT resistances recorded in the various layers indicate the sandy silt layers are "very stiff" to "hard." The silty sand and sand layers are typically "medium dense" to "dense." Very dense, sandy gravel is present in all three boreholes below a depth of 47 to 48 feet, which extends to a depth of at least 61 1/2 feet (exploration limits).

Laboratory tests were previously conducted to classify the soils and determine their overall engineering properties. The results of those tests are found in our previous report. We found the materials to be non-expansive and moderately compressible. An unconfined compression test conducted on a sample of silty sand at a depth of 10 to 12 feet indicates that the material has an unconfined compressive strength of ± 0.9 tsf and, therefore, has some cohesion or cementation. Foundation and stability analyses were conducted using either undrained (c_u values) or drained (ϕ' values) methods of analyses.

3.3 Ground Water

Information regarding the local water conditions is important for the liquefaction analysis. During our exploration, we found that the soils only become wet below ± 35 feet. Above that depth, the soils appear well-drained and relatively dry to moist, with moisture contents ranging from ± 20 to 25%. Below that depth, we noted that the samples appeared wet to saturated and the tested moisture contents typically increased slightly.

The actual ground water table was measured at a depth of ± 44 feet in the piezometer that was installed in Borehole BH-2. The measurement was taken in early April 1996 during the wetter time of the year. Therefore, the ground water elevation is not expected to rise significantly above this depth.

4.0 LOCAL GEOLOGY

The silts and sands encountered in our exploration are part of the Willamette Silts. These sandy silt, lacustrine sediments were deposited in repeated catastrophic glacial flooding during late Pleistocene times (Bela, 1981). The surface soil is identified as the Woodburn Silty Loam.

The sandy gravel and coarse sand encountered at ± 43 feet are Pleistocene-aged, fluvial glacial outwash deposits. Columbia River Basalt flows underlie these glaciofluvial sediments at an unknown depth below the site.

5.0 REGIONAL TECTONICS

Western Oregon is located in an area of potentially high seismic activity. The Juan de Fuca Plate (located off the Oregon coast) is being subducted beneath the North American Plate (on which Oregon is located). The eastward-dipping subduction zone generates earthquakes within the descending plate (intraslab), at the inclined interface between the two plates (interface) and within the upper North American Plate (crustal).

Although crustal and intraslab earthquakes have been detected, no great subduction zone event has occurred in Oregon during the 150 years of recorded earthquakes. Recently discovered tsunami inundation deposits, combined with evidence for episodic subsidence along the Oregon and Washington coasts, are thought to have been caused by great seismic events (Peterson, 1993). These $M_w=9.0$ earthquakes appear to rupture along the entire length of the subduction zone. Interface earthquakes have an average return rate of 500 years (Brian Atwater, personal communication) with the last event ± 300 years ago (Nelson et al, 1995).

6.0 LOCAL FAULTING

The site is located ± 6.6 miles northwest of the northeasterly-trending Waldo Hills Range-Front Fault. This ± 7 -mile long, buried, reverse fault shows no evidence of late Pleistocene or Holocene displacement (Geomatrix, 1995). The trace of the Waldo Hills Fault aligns with the seismically-active Corvallis Fault to the southwest, potentially forming a 58-mile long rupture zone (Geomatrix, 1995). There have been three historic earthquakes along the Corvallis Fault (Yeats et al, 1991) indicating the small possibility of seismic activity near Salem along a connected fault.

The Mill Creek Fault is a ± 10 -mile long, northeasterly-trending, buried, reverse fault that bounds the southeastern margin of the Waldo Hills ± 11 miles southeast of the site. Although there is no indication of late Pleistocene or Holocene movement, this fault (combined with those described above) may be active, but exhibit long recurrence intervals (Geomatrix, 1995).

The ± 15 -mile long Mt. Angel Fault is located ± 11 miles northeast of the site and trends northwestward through Mt. Angel and Woodburn. An extension of this steep, buried, oblique slip fault is thought to be responsible for the 1993 Scotts Mills earthquake described below. Future activity along this active fault could cause recurring damage in the Salem area.

Although potentially-active faults have been identified within ± 7 miles, no known fault underlies the actual site. Figure 2 shows the location of the faulting discussed above.

7.0 LOCAL SEISMIC HISTORY

Crustal earthquakes dominate Oregon's seismic history. Only three of the major events reached $M_L=6$ with the majority in the $M_L=4$ to 5 range. The 1993 Scotts Mills Earthquake, with a $M_L=5.6$ and a local MM intensity of VI, is the most recent major event to cause damage in the Salem area. This earthquake occurred ± 22 miles northwest of Salem, possibly on the Mt. Angel Fault discussed above. In 1963, a $M_L=5$ event, with an epicenter ± 10 miles west of town, caused minor damage in Salem. Figure 3 identifies the location of earthquake epicenters in northwestern Oregon through 1986.

A sample of distant strong earthquakes felt in the Salem area (MM intensities in parentheses) include the following: the 1962 Portland Earthquake (V), a 1957 earthquake located south of Tillamook (V), and the 1949 Olympia, Washington Earthquake (VI) (Wong and Bott, 1995).

8.0 RECOMMENDED DESIGN EARTHQUAKES

The OSSC, Section 2905, recommends that buildings be designed for at least three different earthquakes with the following magnitudes:

Crustal $M_W=6.0$ minimum.

Intraslab $M_W=7.0$ minimum.

Interface $M_W=8.0$ minimum.

We reviewed current seismic information for the Salem area and refined the design earthquakes for this specific area. The following earthquake magnitudes and distances appear to be appropriate (Weaver and Shedlock, 1991):

Crustal $M_W=6.0$ to 6.5 at a depth or distance of 10 km from the site.

Intraslab $M_W=7.0$ to 7.5, 30 km west of the site at a depth of 45 to 60 km.

Interface $M_W=8.8$, 75 km west of the site at a depth of 24 km.

9.0 BEDROCK ACCELERATION AND GROUND MOTION

Current practice is to use code values to establish peak ground accelerations. The most widely used values for seismic information are provided in the 1994 Uniform Building Code (UBC). New regulations and provisions (such as NEHRP, 1994) provide more detailed procedures on determining the site response spectra for specific soil types. For this report, we have provided UBC values. NEHRPS recommended provisions can be provided at the request of the structural engineer. A site specific response spectrum based on actual ground motion time histories (i.e., SHAKE analysis) was not conducted since the soil mantle at the site is a relatively thin, low plasticity material. The foundation stratum is not a thick layer of soft, weak, or organic soil, nor a high plasticity material that could amplify ground

motions. The soil is also believed not to be susceptible to collapse or liquefaction under seismic loading.

The UBC characterizes western Oregon as a Seismic Zone 3 with a Seismic Zone Factor (Z) of 0.30. The soil profile consists of dense or stiff soils with a total thickness of less than 200 feet. Therefore, the profile most closely represents an S_1 soil type. The average shear wave velocity of the very dense gravel is expected to be close to 2500 feet per second.

The normalized response spectra, peak ground acceleration and soil type provided in the UBC were used to calculate the site response spectrum. The resulting curve is shown in Figure 4.

We checked the UBC accelerations and spectral response values using seismic design information established by Geomatrix (1994). Their data indicates that the Salem area could experience a peak ground acceleration of 0.18g on rock with 0.3 and 1.0 second spectral accelerations of 0.36g and 0.15, respectively. These accelerations are for a 500-year return period. A 1000-year return rate yields a peak ground acceleration of 0.24g on rock with 0.3 and 1.0 second spectral accelerations of 0.49g and 0.20g, respectively. All values assume 5% damping. These values are generally less conservative than those given by the UBC.

Plate 2 of the 1996 hazard study by Wang and Leonard (1996) indicates that the reservoir site lies within a Category 3 area for amplification susceptibility (amplification factor of 1.4 to 1.6). The peak ground acceleration (PGA) amplification factor was calculated using an input peak rock acceleration value of 0.19g for the Salem area. The calculated factors are applicable to higher frequency response domain (i.e., for shorter periods). Applying the higher amplification value (1.6) to the peak rock acceleration (0.19) results in a ground acceleration of 0.3g. This is the same value as that provided by the UBC.

10.0 SEISMIC HAZARDS

The following items address selected seismic hazards in accordance with the amended Section 2905 of the Oregon Structural Specialty Code. Our work used in part a recently introduced publication developed by the Department of Geology and Mineral Industries (DOGAMI) which identifies potential earthquake hazards in the Salem area.

10.1 Liquefaction and Lateral Spread

The liquefaction potential of the foundation soils was analyzed using the method published by T. Leslie Youd (1993). Realistically, liquefaction should only be considered for the soil below ± 44 feet (i.e., below the water table). The material above 44 feet is not susceptible to liquefaction for lack of a free water source. The material is also typically at least "stiff" or "medium dense" which also suggests that

it is not susceptible to liquefaction. The gravels below ± 47 feet are very dense and are also not susceptible to liquefaction.

The detailed analysis for the soil between 44 and 47 feet indicates that the material has a factor of safety of at least 2.8 against liquefaction. Therefore, liquefaction of the foundation material under the proposed tank is unlikely.

Plate 1 of the Wang and Leonard study, maps the reservoir site within a Category 3 zone for liquefaction susceptibility. This category corresponds to a depth of liquefaction of 12 to 18 feet. However, as discussed above, the stiffness and cohesion of the soils to these depths, the absence of ground water and our analysis indicate that liquefaction is not likely.

10.2 Slope Stability (Bearing Capacity)

Our previous work modeled the reservoir on the slope and used several methods of analysis to predict the factor of safety against slope failure for the static condition. This analysis was redone using a similar slope model under the seismic conditions. For the current work, the reservoir was raised to the ground level and moved 5 feet closer to the slope edge to model the currently proposed design. A pseudo-static analysis was used to model the loaded soil mass within the slope.

Our previous analysis indicated that the slope with the weight of the reservoir has a factor of safety of at least 2.2 under the static conditions. Our analysis indicates that the critical factor of safety decreases to ± 1.5 under the maximum seismic condition for shallow slope failures. However, safety factors for deep-seated failures (that may affect the tank foundation) only decrease slightly for the earthquake condition. Therefore, slope instability during a seismic event that could affect the reservoir is unlikely.

The Wang and Leonard study (Plate 3) indicates that the reservoir site lies within Category 0 (i.e., low risk) for landslide susceptibility.

10.3 Tsunami Inundation

Not applicable.

10.4 Ground Rupture

There is a very low potential for ground rupture due to the lack of known faulting beneath the site.

10.5 Seiche Flooding

Not applicable.

11.0 CONSTRUCTION OBSERVATION

We made several visits to the reservoir construction site in October and November, 1996, during the site preparation work. The shallow subgrade exposed for the reservoir pad and the deeper foundation soils exposed in trenches appeared consistent with the materials found during the subsurface exploration. The consistency of the soil was found to be as good or better than assumed in our foundation investigation. We concluded that the site was prepared in accordance with our recommendations and approved the area for foundation construction.

12.0 VARIATION OF SUBSURFACE CONDITIONS, USE OF THIS REPORT AND WARRANTY

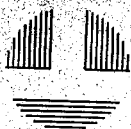
The analysis, conclusions and recommendations contained herein are based on the assumption that the soil profiles and the ground water levels encountered in the borings are representative of overall site conditions. No changes in the enclosed recommendations should be made without our approval. We will assume no responsibility or liability for any engineering judgment, inspection or testing performed by others.

This report was prepared for the exclusive use of Stettler Supply Co. and their design consultants for the Wiessner Reservoir project in Salem, Oregon. Information contained herein should not be used for other sites or for unanticipated construction without our written consent. This report is intended for planning and design purposes. Contractors using this information to estimate construction quantities or costs do so at their own risk. Our services do not include any survey or assessment of potential surface contamination or contamination of the soil or ground water by hazardous or toxic materials. We assume that those services, if needed, have been completed by others.

Our work was done in accordance with generally accepted soil and foundation engineering practices. No other warranty, expressed or implied, is made.

13.0 REFERENCES

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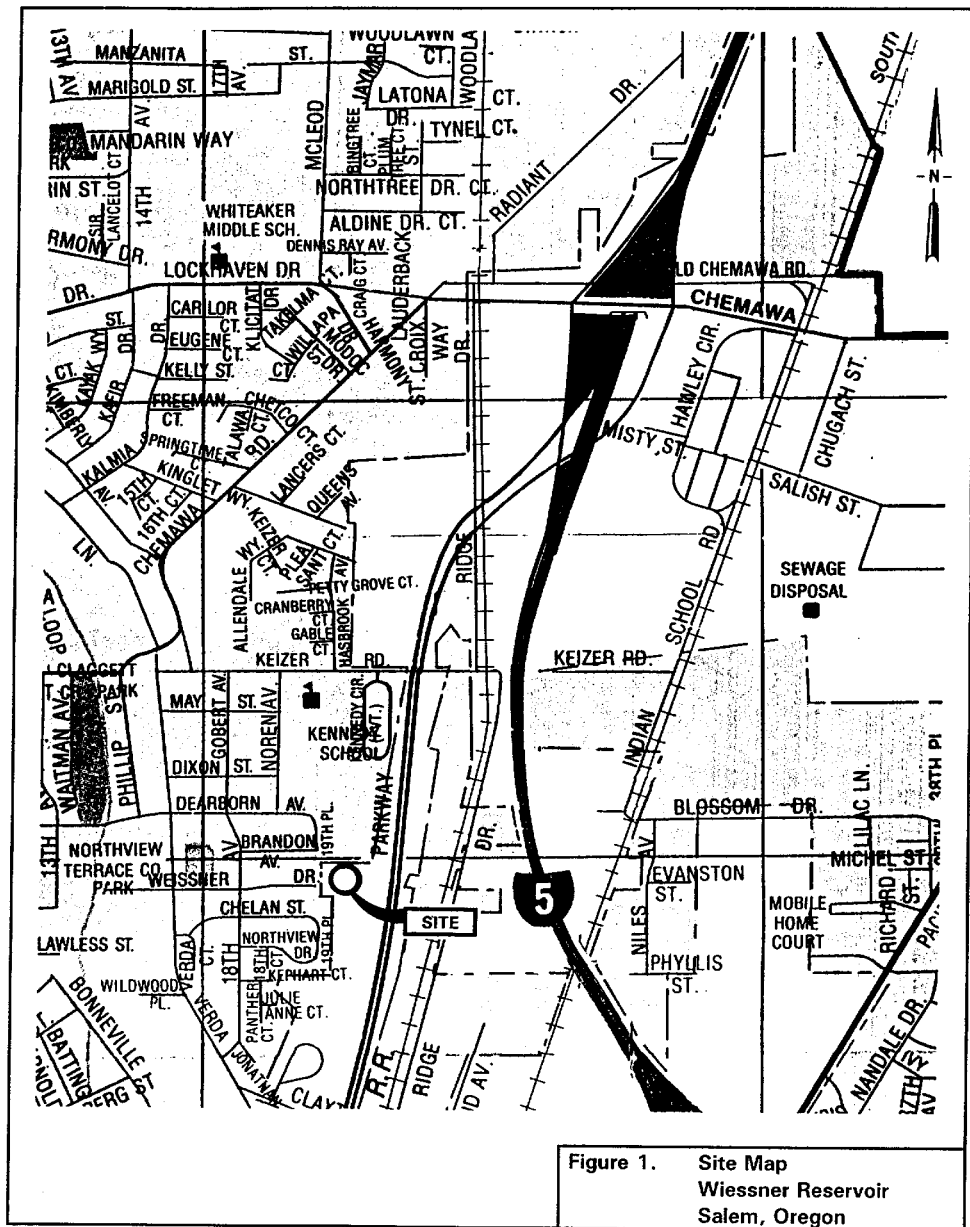


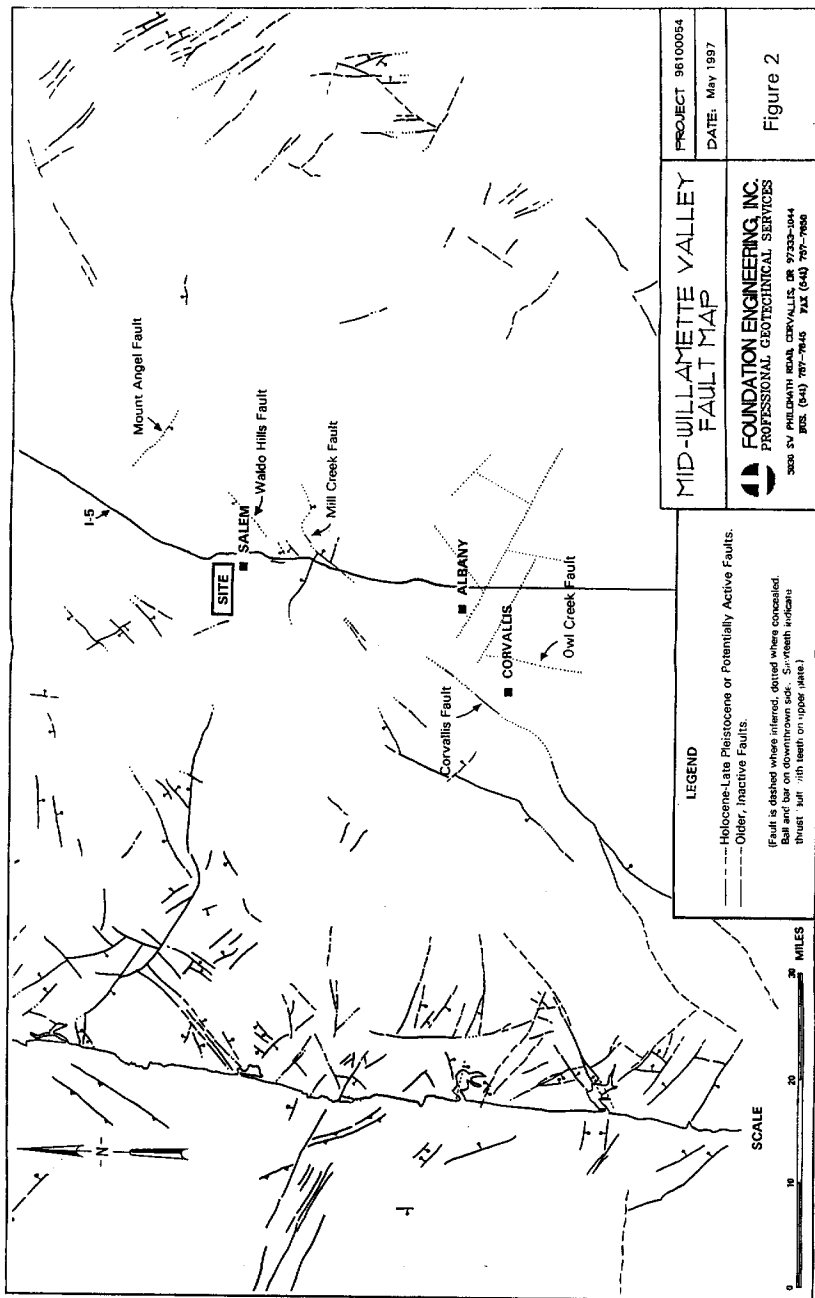
Appendix A

Figures

*Professional
Geotechnical
Services*

Foundation Engineering, Inc.





PROJECT 96100054

DATE: May 1997

Figure 2

MID-WILLAMETTE VALLEY
FAULT MAP

FOUNDATION ENGINEERING, INC.
PROFESSIONAL GEOTECHNICAL SERVICES

3000 SW HILLCREST AVENUE, CORVALLIS, OR 97331-0444
PH: (503) 757-7600 FAX: (503) 757-7606

LEGEND

----- Holocene-Late Pleistocene or Potentially Active Faults.
----- Older, Inactive Faults.

(Fault is dashed where inferred, dotted where concealed.
Ball and dash indicates a blind thrust fault.
Thrust fault (with teeth on upper plate).)

SCALE

0 10 20 MILES

EARTHQUAKE MAGNITUDES

1.0+

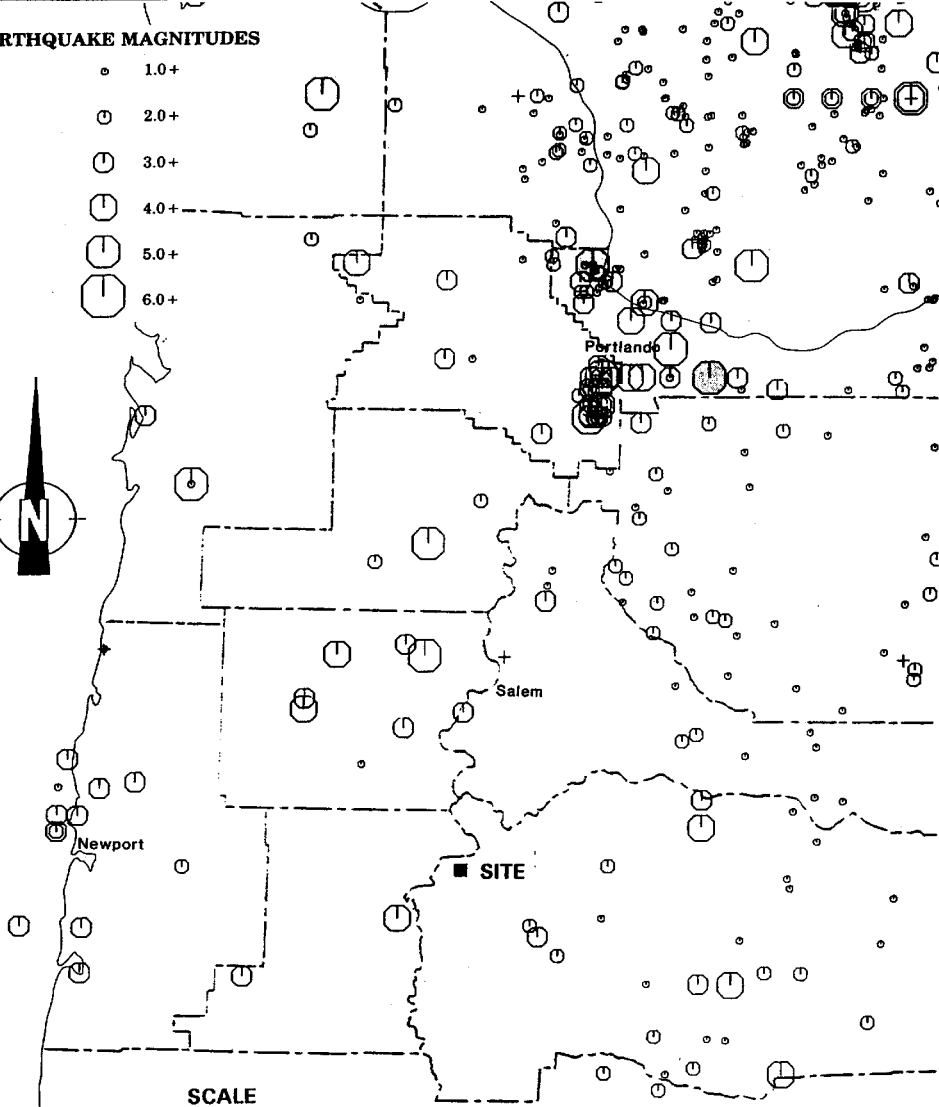
2.0+

3.0+

4.0+

5.0+

6.0+



SCALE

10 5 0 10 20 30 40 50 Miles

JOB# 96100054

DATE: May 1997



FOUNDATION ENGINEERING, INC.
PROFESSIONAL GEOTECHNICAL SERVICES

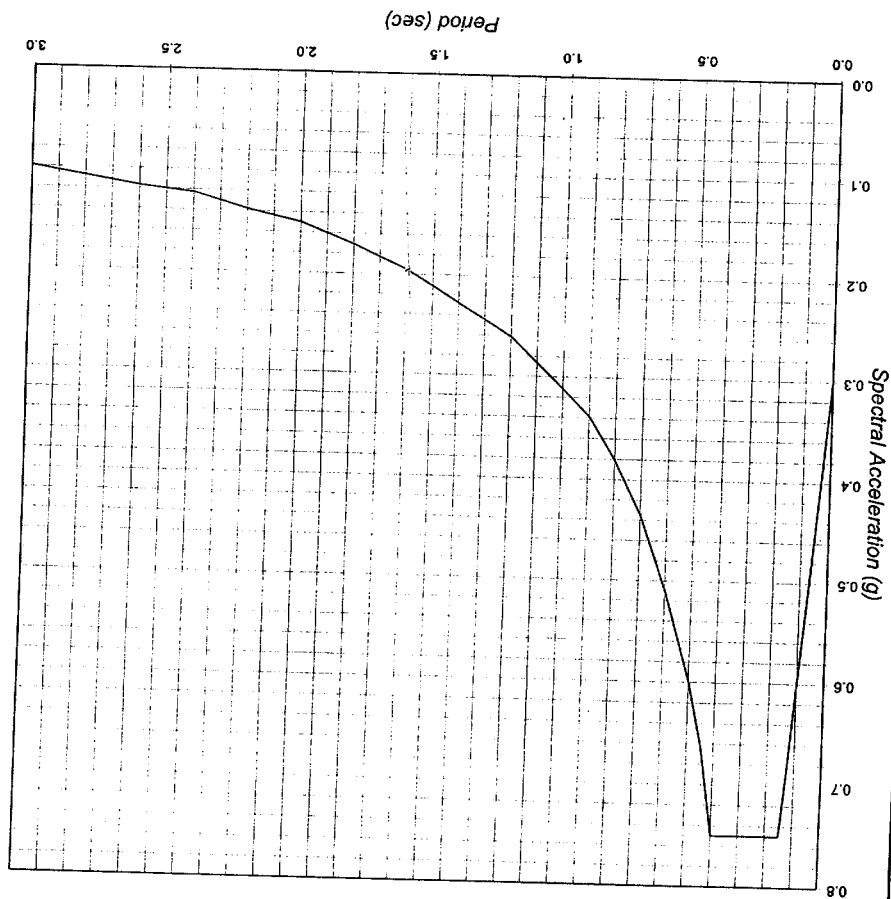
5030 SW PHILMATH BLVD. CORVALLIS, OR 97333-1044
BUS. (541) 757-7645 FAX (541) 757-7650

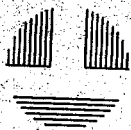
**NORTHWESTERN OREGON
SEISMICITY
THROUGH 1986**

Figure 3

Figure 4. Site Response Spectrum
Wissner Reservoir
Salem, Oregon

UBC Soil Profile Type S1





Appendix B

Boring Logs

*Professional
Geotechnical
Services*

Foundation Engineering, Inc.

SYMBOL KEY FOR BORING AND TEST PIT LOGS

DISTINCTION BETWEEN FIELD LOGS AND FINAL LOGS

A field log is prepared for each boring or test pit by our field representative. The log contains information concerning sampling depths, and the presence of various materials such as gravel, cobbles and fill, and observations of ground water. It also contains our interpretation of the soil conditions between samples. The final logs presented in this report represent our interpretation of the contents of the field logs and the results of the laboratory examinations and tests. Our recommendations are based on the contents of the final logs and the information contained therein and not on the field logs.

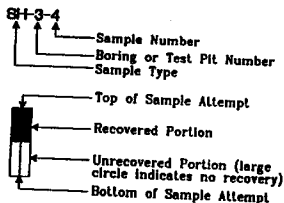
VARIATION OF SOILS BETWEEN TEST PITS AND BORINGS

The final log and related information depict subsurface conditions only at the specific location and on the date indicated. Those using the information contained herein should be aware that soil conditions at other locations or on other dates may differ. Actual foundation or subgrade conditions should be confirmed by us during construction.

TRANSITION BETWEEN SOIL OR ROCK TYPES

The lines designating the interface between soil, fill or rock on the final logs and on subsurface profiles presented in the report are determined by interpolation and are therefore approximate. The transition between the materials may be abrupt or gradual. Only at boring or test pit locations should profiles be considered as reasonably accurate and then abrupt or gradual. Only at boring or test pit locations should profiles be considered as reasonably accurate and then only to the degree implied by the notes thereon.

SAMPLE OR TEST SYMBOLS



- SS - Standard Penetration Test Sample (split-spoon)
- SH - Thin-walled Shelby Tube Sample
- C - Core Sample
- CS - Continuous Sample

▲ Standard Penetration Test Resistance equals the number of blows a 140-lb weight falling 30 in. required to drive a standard split-spoon sampler 1 ft. Practical refusal - 50 or more blows per 6 in. of sampler penetration.

- Water Content (%).

UNIFIED SOIL CLASSIFICATION SYMBOLS

- | | |
|------------|---------------------|
| G - Gravel | W - Well Graded |
| S - Sand | P - Poorly Graded |
| M - Silt | L - Low Plasticity |
| C - Clay | H - High Plasticity |
| Pl - Peat | O - Organic |

FIELD SHEAR STRENGTH TEST

Shear strength measurements on test pit side walls, blocks of soil or Shelby tube samples are typically made with Torvane or pocket penetrometer devices.

TYPICAL SOIL/ROCK SYMBOLS

- | | |
|---|---|
|  Sand |  Silt |
|  Clay |  Gravel |
|  Basalt |  Siltstone |

WATER TABLE



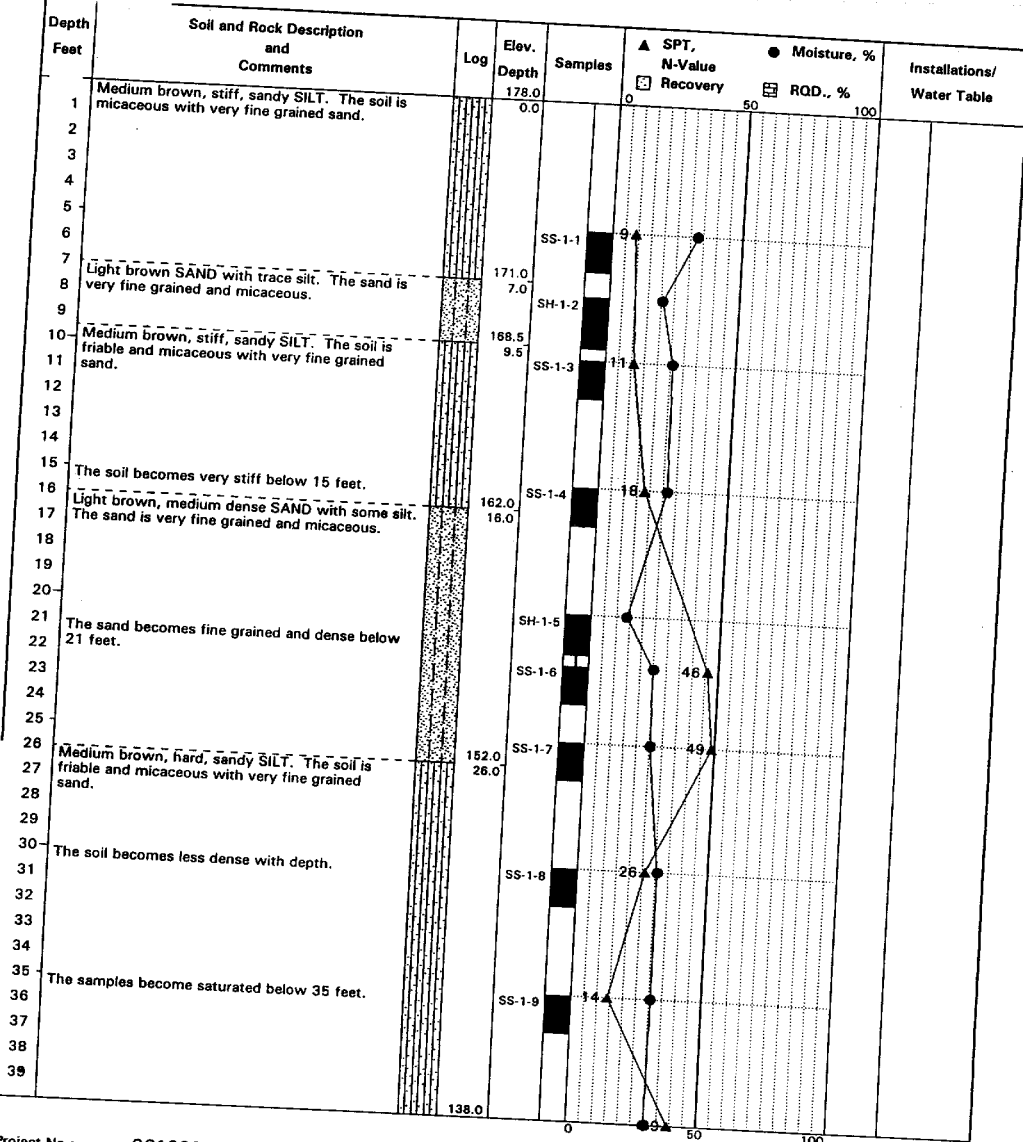
Water Table Location

(1/31/94)

Date of Measurement



Piezometer Tip Location (if used)

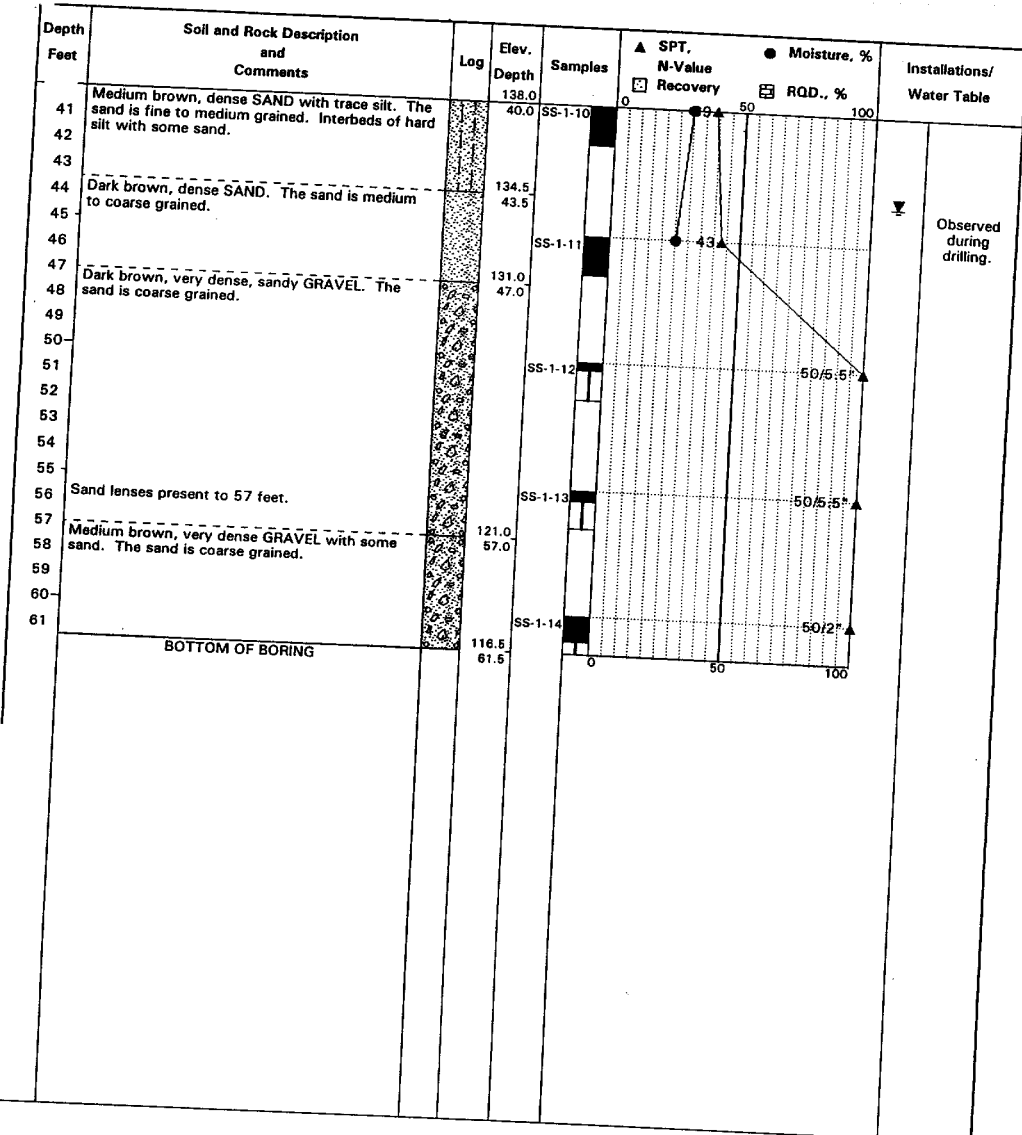


Project No.: 96100054
 Surface Elevation: 178 feet (Approx.)

Date of Boring: April 1, 1996

Foundation Engineering, Inc.

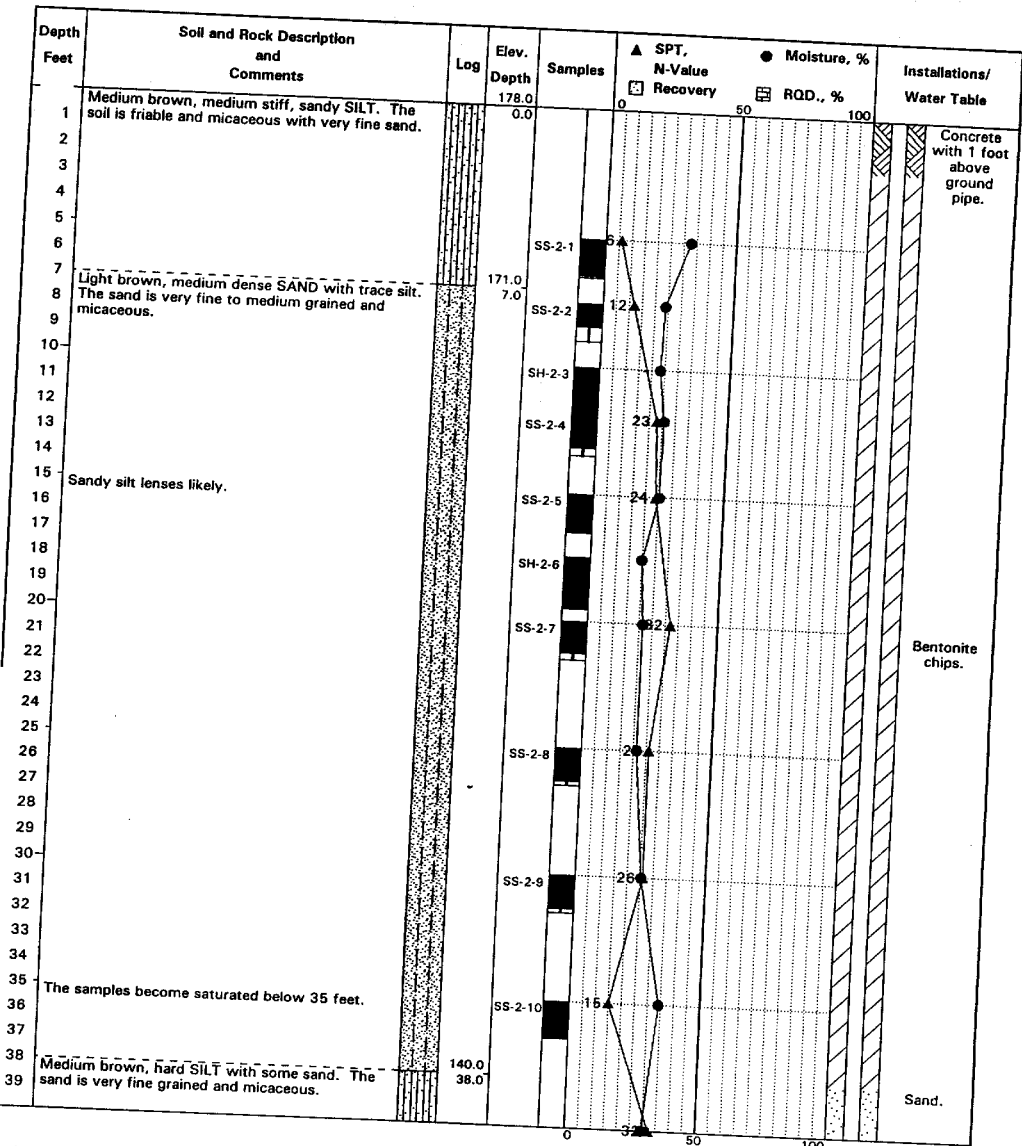
Boring Log: BH-1
 Wiessner Reservoir
 Keizer, Oregon



Project No.: 96100054
 Surface Elevation: 178 feet (Approx.)
 Date of Boring: April 1, 1996


 Foundation Engineering, Inc.

Boring Log: BH-1
 Wiessner Reservoir
 Keizer, Oregon



Project No.: 96100054

Surface Elevation: 178 feet (Approx.)

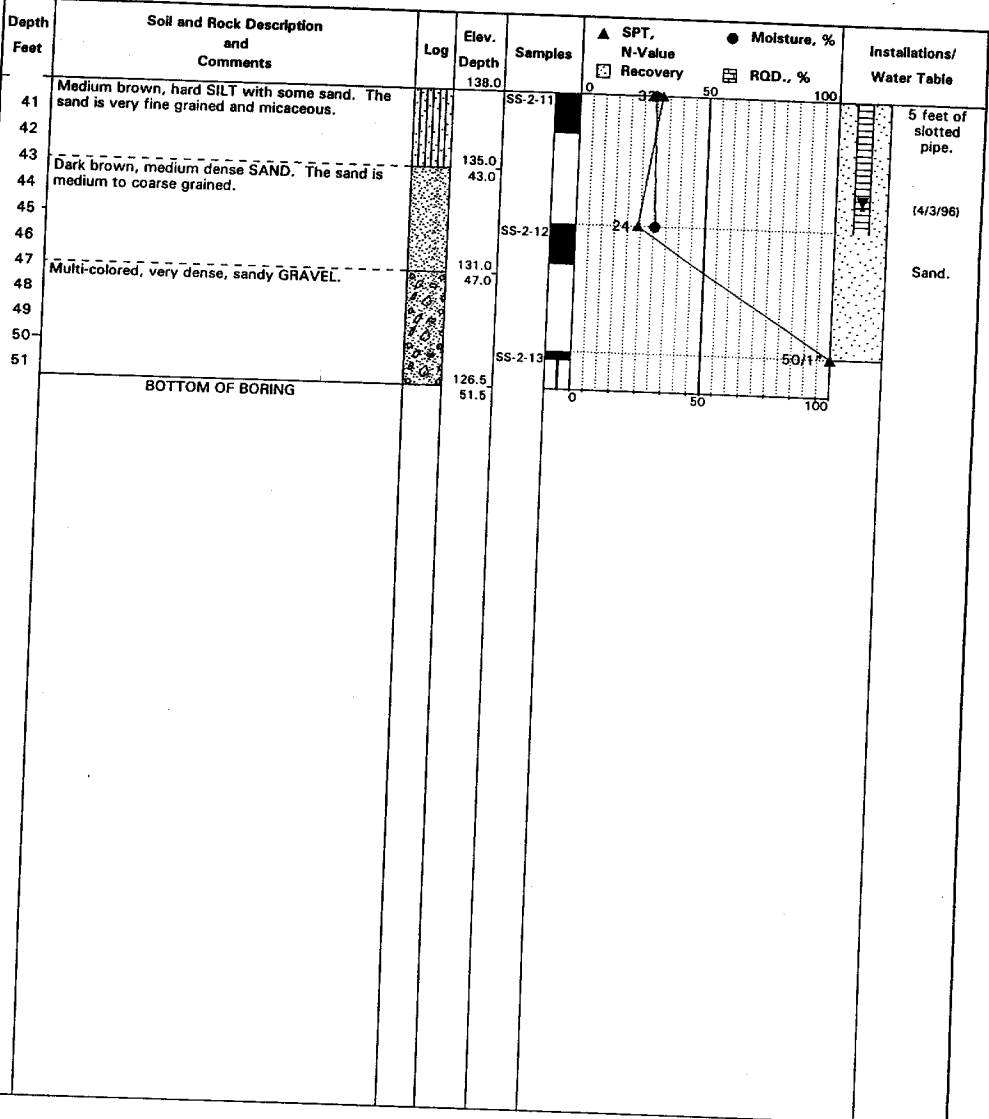
Date of Boring: April 2, 1996

Foundation Engineering, Inc.

Boring Log: BH-2

Wiessner Reservoir

Keizer, Oregon



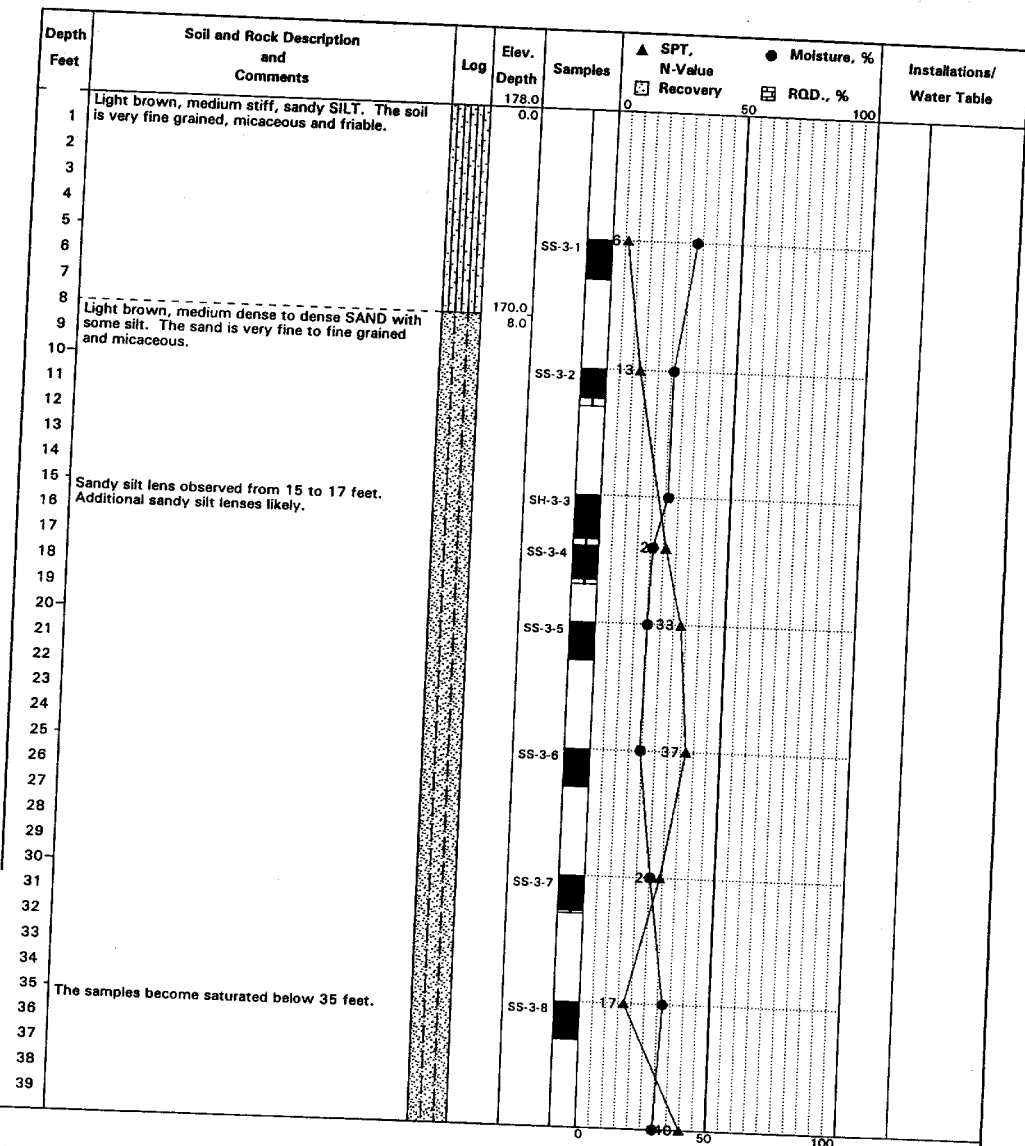
Project No.: 96100054

Surface Elevation: 178 feet (Approx.)

Date of Boring: April 2, 1996

 Foundation Engineering, Inc.

Boring Log: BH-2
Wiessner Reservoir
Keizer, Oregon



Project No.: 96100054

Surface Elevation: 178 feet (Approx.)

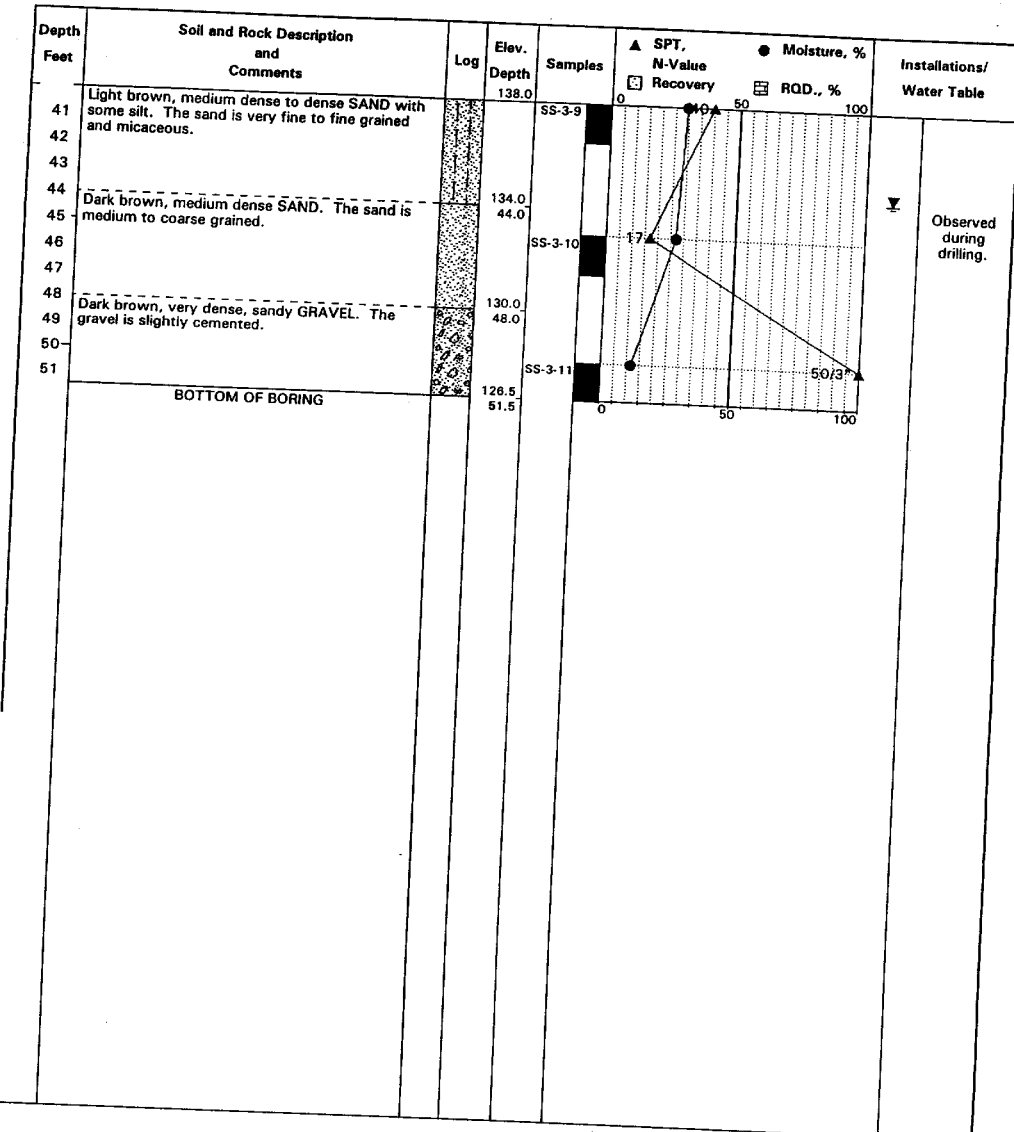
Date of Boring: April 2, 1996

 Foundation Engineering, Inc.

Boring Log: BH-3

Wiessner Reservoir

Keizer, Oregon



Project No.: 96100054

Surface Elevation: 178 feet (Approx.)

Date of Boring: April 2, 1996

Foundation Engineering, Inc.

Boring Log: BH-3
Wiessner Reservoir
Keizer, Oregon

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May 15, 1997

Mayor Coho
City Council Members
City Hall
930 Chemawa Rd. NE
Keizer, Oregon 97307

By Hand Delivery!!

Re: Conditional Use Case No. 96-07 for a 1.5 MG Water Tank.

Dear Mayor and City Council Members:

I have enclosed a copy of my letter dated May 13, 1997 to Shannon Johnson for your review. Also, please find enclosed Appellant's Memorandum of Law.

On May 5, 1997, I submitted Appellant's Objections to the Proposed Order in the above-referenced case. Mr. Johnson and I have had the opportunity to discuss appellant's objections to the proposed order. Mr. Johnson, the appellant and I met on Friday, May 9, 1997 to discuss issues surrounding your approval of the City of Keizer's application for a conditional use permit.

Mr. Johnson phoned me in the afternoon of Tuesday, May 13, 1997 to inform me that the staff of the City of Keizer had agreed to allow my clients to submit additional written statements, documents and written testimony which would then be included in the packets prepared for your review prior to the City Council meeting scheduled on Monday, May 19, 1997. Please note that I mistakenly referred to May 12 as Tuesday in my letter to Shannon Johnson, however, that should read Tuesday, May 13. The deadline for providing such additional written information is today, May 15, 1997. The purpose of allowing my clients to submit additional information is to cure a procedural error that occurred when my clients were denied the opportunity to respond to the most recent staff report prepared by the Director of Public Works, and submitted on April 18, 1997.

As I indicated in my letter to Mr. Johnson, my clients wish to submit additional information for your review, however, they believe that two days' time is insufficient and unjust in light of the fact that applicant had six weeks (March 3 to April 18) to prepare its additional information before the record was deemed closed. At the March 3, 1997 City Council meeting, applicant was directed by the City Council to submit its additional information by the end of March, and then appellant and others in opposition would have until April 21, 1997 to respond. Applicant failed to submit its additional information until April 18, 1997. Appellant and others in opposition were denied the opportunity to respond to the new information as April 21, 1997 was the date set for the City

May 15, 1997

Council's deliberation on this matter. In addition, my clients were never provided a copy of the staff report as promised. At the April 21, 1997 City Council meeting, the record was determined to be closed, and appellant and others in opposition were denied the right to submit written or oral testimony.

Here again, my clients have been given an impossible deadline. Furthermore, the appellant, Richard Beck has been out of state since Monday, May 12, 1997, and I was unable to reach him until Wednesday, May 14 to inform him of this new deadline. It is my understanding that the City of Keizer staff determined two days to be sufficient because they mistakenly believed that my clients had previously drafted written statements in preparation for the April 21 City Council meeting. Unfortunately, my clients had planned on providing oral testimony and the only statement written in advance was my Memorandum of Law. My clients are now in the position of scrambling to put all information in written form for your review.

My clients are doing everything in their power to get all additional written information before you by 5 p.m. today, but in order to truly cure the procedural error, I respectfully request that the deadline be extended to two weeks from today so that they may finally have the opportunity to respond. The deadline would then be May 29, 1997, and the information submitted would be included in the City Council's packets for the City Council meeting on Monday, June 2. I would also request that a new notice of the deadline be sent out to provide everyone involved in this matter the opportunity to provide additional information.

Yours truly,

A handwritten signature in cursive script, reading "Amy N. Barnhouse". The signature is written in dark ink and is positioned above the printed name.

Amy N. Barnhouse

cc: Richard Beck (w/enc)
Peggi and Fred Bender (w/enc)

COPY

May 14, 1997

Mr. Shannon Johnson
Lien & Johnson
4855 River Road N.
Keizer, Oregon 97303

By FAX No. (503) 390-6557
and By Regular Mail!!

Re: City of Keizer Conditional Use Case No. 96-07 for a 1.5 MG Water Tank.

Dear Shannon:

The purpose of this letter is to confirm our telephone conversation from today and also our conversation on May 13, 1997. Please be advised that this office represents the appellant, Richard Beck as well as Peggi Bender and Fred Bender. Marvin Larsen as well as other persons in opposition of the water tank have also indicated that they would like this office to represent them, but please be advised that, at this time, I do not represent the entire neighborhood in this matter.

The above-referenced case has been the subject of a number of public hearings before the Keizer City Council. At the hearing on March 3, 1997, the City Council requested additional information from applicant, who is the Director of Public Works acting on behalf of the City of Keizer. Applicant's deadline for submitting the additional information was March 31, 1997. Appellant and others in opposition were to have until 5 p.m. on April 21, 1997 to respond to any additional information supplied by the applicant. Applicant failed to submit any additional information by the March 31 deadline, therefore, there was no new information to which appellant or others in opposition could respond. Instead, applicant submitted this information in the form of a staff report on Friday, April 18, 1997. Appellant and others in opposition have never received a copy of this staff report. Because the above-referenced matter next came before the City Council on April 21, 1997, appellant and others in opposition have had no opportunity to respond to applicant's additional information. At the April 21, 1997 City Council meeting, the City Council denied appellant and others in opposition the opportunity to respond to the applicant's staff report, and determined the record to be closed. Appellant's attorney objected to the closing of the record at the April 21, 1997 meeting.

In the afternoon of Tuesday, May 12, 1997 you contacted me to inform me that my clients could submit additional written information that would then be included in the packets prepared for the City Council members. The deadline for submitting such additional information is Thursday, May 15, 1997 at 5 p.m. As before, my clients were given notice of this opportunity to submit information at the last minute, and without being given an adequate time to respond. It is my understanding that

the City of Keizer is allowing my clients to submit additional written statements, documents and written testimony into the record in the above-referenced case prior to the finalization of the City Council's order. The City of Keizer is allowing my clients to submit additional written evidence in order to cure a procedural defect arising out of the City Council's denial of appellant's and other opponents' opportunity to respond to the applicant's additional information.

My clients feel that two days to prepare written statements and other documents is unjust in light of the fact that applicant had approximately six weeks to submit additional information into the record. Although my clients want this opportunity to present additional information in this matter, and understand the need for closure, you, the City Council and the applicant should understand that this harsh deadline has imposed a substantial difficulty on my clients. The appellant, Richard Beck, has been out of state since Monday, May 12, 1997, and has changed his schedule so that he can return to Salem tonight in order to try to comply with this deadline.

I will request that my clients be given more time to respond as they have never been given an adequate opportunity to respond, and have encountered many obstacles in the course of trying to obtain documents such as the staff report and soil report from the City of Keizer's files. I understand that you have no authority to grant this request, therefore, I will make this request to the Mayor and the City Council Members. Because of my clients' desire to submit additional written evidence for the Mayor and the City Council's review, they accept this process as a cure for the procedural error made in denying them the opportunity to submit such evidence at the April 21, 1997 City Council meeting as they can see no alternatives to this process.

Many of the problems in this case arose out of the fact that the applicant and the decision-maker are both the City of Keizer. In a typical case, the applicant would be a private party who would have to comply with deadlines and avoid ex parte contacts. In this case, the applicant is the City of Keizer whose staff feels they do not need to comply with deadlines imposed by the City Council and who has direct contact with the Council Members, which for all intents and purposes, should be considered ex parte contacts. The fact that the City is the applicant does not mean and should not mean that it can be treated differently than any other applicant.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Yours truly,

Amy N. Barnhouse

cc: Richard Beck
Peggi and Fred Bender

BEFORE THE KEIZER CITY COUNCIL

In the matter of the application of:)

CITY OF KEIZER)

Conditional Use Case No. 96-07

for a CUP to construct a 1.5MG)
steel water reservoir.)

APPELLANT'S MEMORANDUM OF LAW

This memorandum is filed on behalf of the appellant, Richard Beck by and through his attorney, Amy N. Barnhouse of Wallace W. Lien, P.C.

I. BACKGROUND

As a result of the increased need for water in the Keizer area, the City of Keizer proposes to construct a 101 foot diameter, 35.65 foot high water tank on 2005 Wiessner Drive NE, Keizer, Oregon. The City of Keizer broke ground for the new water storage reservoir prior to obtaining the required Conditional Use Permit (CUP). The proposed site for this water tank is located within the Single Family Residential Zone (RS) and designated as Low Density Residential in the City of Keizer Comprehensive Plan. The proposed location for the water tank is less than 50 feet from abutting property currently engaged in single family residential use. The City proposes to build the water tank at ground level.

The Zoning Administrator approved the CUP. The Zoning Administrator's decision was appealed to the Keizer City Council. A public hearing was held before the Council on December 16, 1996, which was continued until a later date. This hearing is the continuation of the December 16, 1996 hearing.

A staff report prepared for the December 16 hearing by the Public Works Director recommended that the City Council uphold the Hearings Officer decision and construct the 1.5 million gallon steel reservoir as planned, but work with the neighbors to lessen the visual impact with landscaping.

II. SCOPE OF HEARING

The scope of this hearing is limited to the issues surrounding the CUP request of the City. These issues do not include whether the City needs additional water resources. The staff report prepared for the December 16, 1996 hearing fails to include or address the standards and criteria the City must satisfy to obtain its CUP. Rather, that report focused on the City's need for additional water and the cost of building the water tank. Appellant does not dispute the fact that the City may have limited water resources, nor does he contend that the City absolutely cannot, under any

circumstances, build a water tank at the proposed site. Appellant does contend, however, that the City has not satisfied the CUP requirements set forth in the City's Zoning Ordinances. The issue before the City Council is whether the City has met the standards and criteria necessary to obtain a conditional use permit, not whether the City needs additional water resources.

III. STANDARDS AND CRITERIA

A. Keizer Zoning Ordinance Section 8.30

The criteria for conditional uses are set forth in Section 8.30, which provides as follows:

8.30 CONDITIONAL USE CRITERIA. The following criteria shall be used to review and decide conditional use permit applications except that the criteria in Section 8.60 shall apply to conditional uses under Section 38.02(b) of the EFU zone:

- (a) The use is listed as a conditional use in the zone.
- (b) The parcel is suitable for the proposed use considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.
- (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.
- (d) The proposed use will not have a detrimental effect on existing solar or wind 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.

It should be noted that none of the above criteria include the city's need for water or the economic impact on the City if the CUP is denied or approved subject to conditions.

B. Additional standards and criteria

In addition to meeting the standards and criteria listed above, the City must also satisfy all development standards contained in Chapters 12 through 20 of the Keizer Zoning Ordinances as well as the development standards in Chapter 23, which apply to uses in the RS zone.

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IV. ANALYSIS OF STANDARDS AND CRITERIA

- A. The use is listed as a conditional use in the zone.

The proposed site for the water storage reservoir is located within the RS zone. Section 23.02 of the Keizer Zoning Ordinances sets out the conditional uses for that zone. Section 23.02 provides that the use of RS-zoned property for water supply may be permitted subject to obtaining a conditional use permit.

- 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 subject parcel is not suitable for the proposed water storage use. The only finding made by the Zoning Administrator regarding this criteria is found on page 4 of the Notice of Decision, and provides:

- "2. The parcel is suitable for the proposed use.

Based on the submitted site plan the subject property is physically capable of accommodating the proposed 1.5 million gallon reservoir. The ground has no unusual features that require special construction measures or that would prevent development of the proposed use. Based on the parcel's size and topography, there does not appear to be any physical limitation which would prohibit the construction of the reservoir."

The Zoning Administrator did not consider each of the factors listed above. He merely found, in the most general of terms, that the ground has no unusual features or any physical limitation prohibiting construction of the water tank. This finding is insufficient for establishing the satisfaction of the criteria, therefore, the Zoning Administrator's decision must be reversed. Moreover, the fact that a structure of the water tank's dimensions will physically fit within the lot does not provide an adequate basis for finding the subject property suitable.

The City has submitted a soils report which indicates that the subject parcel has soils suitable for the proposed use. This report, however, was prepared for a 25 foot high, 100 foot diameter water tank with part of the tank to be buried below grade. The tank the City has proposed to construct is 35 foot high, 101 feet in diameter, and none of the tank is to be below grade. The report submitted by the City, therefore, is inaccurate and does not apply to the actual tank it intends to construct. The report is insufficient to support a finding that the parcel is suitable in terms of soils.

The proposed site is also not suitable because it is located within a known earthquake zone. The Zoning Administrator's decision fails to address the earthquake hazard or explain why the proposed site is suitable despite being located within a known earthquake zone. Moreover, the

quality of the soil is very poor, and is extremely unstable. Slope stability was also not addressed in the Zoning Administrator's findings.

According to Section 8.30(b) of the Keizer Zoning Ordinances, the parcel must be suitable for the proposed use. In determining whether the parcel is suitable, drainage must be taken into consideration. The evidence does not support the Zoning Administrator's finding that the site is suitable because there is absolutely no evidence regarding drainage. The City's construction plan fails to provide for drainage, therefore, a CUP cannot issue.

The Zoning Administrator's finding that the parcel is suitable for the proposed use is not supported by the evidence. The Zoning Administrator's decision fails to address drainage, slope stability, earthquake hazards and erroneously relies upon a soils report prepared for an entirely different water tank. Because the Zoning Administrator's findings are not supported by the evidence, his decision must be reversed.

- 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.

The primary uses in the RS zone are found in section 23.01 of the Keizer Zoning Ordinances. The primary uses within this zone are single family dwellings. Other uses are allowed, but the purpose of the RS zone is to allow development of residences on individual lots. The Zoning Administrator's decision noted that the predominant uses of the adjacent zoning and lands to the south and west were single family homes on subdivision lots. To the north of the proposed site is a multi-family subdivision located within the Limited Density Residential zone (RL).

The Zoning Administrator's findings also note that the construction of the water reservoir may impact the neighborhood, but that those impacts are diminished by the location of the tank on the property, the height of the tank, lack of noise, odors and dust as well as landscaping and security. The conditions imposed on the Zoning Administrator's approval do not diminish the material alteration of the character of the surrounding area.

The Keizer Zoning Ordinances do not define the terms "materially alter". The proposed use, water storage reservoir, will materially alter the character of the surrounding area. The water tank would be located within 50 feet of single family dwellings. The character of the surrounding area is single family residential. Because a water tank is not a residential use and there are no other uses similar to water storage in the area, the construction of the water tank within a residential neighborhood materially alters that character.

The character of the surrounding area will be changed in such a way which substantially limits, impairs or precludes the use of the surrounding properties. If the tank is constructed as planned, it will be 35 feet high and 101 feet in diameter, and is best described as imposing, overbearing and unsightly. The view from every surrounding parcel will be dominated by the water tank. There will

be a substantial adverse visual impact on each of the surrounding properties, which impairs and precludes their use. The City concedes that the construction of the water tank will have a visual impact. In fact, the staff report recommends lessening the visual impact with landscaping. It is not clear from the staff report what kinds of landscaping the City has in mind. In any event, it would take many years for any trees to grow to the height necessary to hide a water tank of this size.

The Zoning Administrator found that in light of the 35 foot maximum building height in the RS zone, the "approximate 36 foot water reservoir will be generally consistent with this residential height limitation." Either the tank is consistent with the height limitation or it is not consistent. The Zoning Administrator fails to take into account the width, shape and color of the tank when making his finding. A big round blue tank is not consistent with a residential neighborhood. In fact, there are no other structures that the tank even remotely resembles, therefore, the tank cannot be consistent (generally or otherwise) with the surrounding structures.

Furthermore, the existence of a 35 foot high 101 foot in diameter water tank will decrease the value of each of the surrounding properties. The City has not disputed that property values will decrease in this neighborhood. The staff report recognizes that property values are a legitimate concern, but does not address the problem any further. The Zoning Administrator did not address this impact. The staff report also focuses upon the economic impact on the City. Whether the City will suffer an economic loss due to the denial of the CUP is not one of the criteria listed in section 8.30 of the Keizer Zoning Ordinances. The Zoning Administrator cannot rely on the fact that it could lose money to approve a CUP.

In addition to visual impacts and impact on property values, the construction of a water tank at the proposed site will adversely effect the character of the neighborhood in other ways. The water tank will be attractive to neighborhood children, especially in light of the fact that the property is to be landscaped, establishing a park-like setting. The potential for vandalism increases greatly with the construction of a water tank, and no amount of fencing will prevent acts of vandalism. The whole purpose of residential neighborhoods is to promote a sense of community. The existence of a water tank within a residential neighborhood does not promote that sense of community.

Based on the foregoing, Appellant disagrees with the Zoning Administrator's conclusion that "on balance, it appears the proposed use will meet the larger needs of the city without materially altering the character of the residential area." The proposed use will materially alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of the surrounding properties, therefore, the Zoning Administrator's decision must be reversed.

- D. The proposed use will not have a detrimental effect on existing solar or wind energy systems.

Appellant has not seen any information in the City's file as to whether the proposed use will have a detrimental effect on existing solar or wind energy systems. The Zoning Administrator merely states that the staff was unable to identify any wind or solar energy systems within the area. If the

City has not established that the proposed use will not have a detrimental effect on existing solar or wind energy systems, then it has not satisfied this requirement, and a conditional use permit cannot be approved.

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

The Zoning Administrator found that the subject property fronts an improved public street and may be served (if required) by public facilities. As in section D, above, the City must prove that adequate public and utility facilities and services to serve the use exist or will be made available prior to establishment of the use in order to fulfill the conditional use criteria.

V. CONCLUSION

The fact that the applicant is the City of Keizer should have no bearing on the outcome of this case. The City of Keizer, as an applicant for a CUP, should not and cannot be afforded any special rights, but must be treated just like any other CUP applicant.

The City, as an applicant for a conditional use permit, must fulfill each of the standards and criteria set forth in section 8.30 of the Keizer Zoning Ordinances. The City has failed to do so; therefore, the Zoning Administrator's decision must be reversed and no CUP should issue.

Based on the additional information submitted by appellant and other opponents of the CUP, the City Council should reconsider its vote of April 21, 1997, approving the Zoning Administrator's decision.

If the City Council finds that the CUP should be approved, it should modify the Zoning Administrator's decision in order to impose conditions for the approval. Such conditions should include placing the water tank underground.

RESPECTFULLY SUBMITTED, this 5th day of May, 1997.



AMY N. BARNHOUSE, OSB# 95207
Wallace W. Lien, P.C.
Of Attorneys for Appellant
P.O. Box 5668
Salem, Oregon 97304
(503) 585-0105

To: Mayor and City Council

5-15-97

From: Richard and Sibylle Beck, owner of property located at
1999 Wiessner Dr. NE, Keizer

Subject: Conditional Use Case No. 96-7 (Water Reservoir)

From our, the property owner's, view staff has already convinced themselves that there is no other option regarding the water tank issue.

Staff has continually dragged their feet regarding any additional information to the property owners. Staff reports are just a rewrite of the first information presented in November of 1996. Staff reports are always late, in most cases they were available the day before the Council meeting, the night of the Council meeting or not at all in a few cases. It would appear from this end that the Planning and Public work's Departments have provided poor planning all along. We are continuously told that a water reservoir for this site has been in the plans since 1988. If this is the case how can there be so much confusion regarding this project.

If Staff is doing their job someone needs to explain to us how you can design, bid, and award a contract on a project that did not have the required zoning, adequate earthquake and soil reports, and permits from the appropriate agencies.

It also is impossible for the property owners to have the same opportunity as Staff to voice their concerns and objections when Staff has the ear of the Council for 5 months and the property owners are held to the ex-parte requirements of Zone Hearing. If this is not a Government of the Government for the Government by the Government we don't know what else it is. This is obviously not a fair way to resolve public concerns in the City of Keizer.

We the property owners were again silenced by Staff when we were not allowed to respond to a Staff report that was not finished by the end of March 1997 as required by Council. We were mailed a draft report we received on April 14, 1997. After that I tried for a week to reach Mr. Wally Mull by phone. Finally, on April 19, 1997, I drove to Keizer City Hall and waited in the lobby for 45 minutes to speak with Mr. Wally Mull regarding the Staff

report. I asked if they had prepared any of the additional information requested by Council and was told NO. Staff had not done anything else. The draft report we had was it. I left a short letter which addressed a few of the concerns of the local property owners. Then I left for Seattle for a weekend business meeting. We returned to Keizer on Monday, April 21, 1997 for the City Council meeting and Zone Hearing. We, the property owners, were again silenced and were not allowed to give any oral testimony which we had prepared for. Again confusion regarding this land use case prevailed. We then spend the week of April 28 through May 2, 1997 trying to get Staff to return phone calls regarding our concerns that protocol was not followed and we were not allowed to respond to a Staff report that did not furnish the Councils requested information. After no response from Staff we tried to talk to the President of Council, Mr. Jim Keller, on Monday, May 5, 1997. We reached Mr. Keller and set up a meeting for 5:30 p.m. that day. When I met with Mr. Keller he told me that he had talked with Mr. Shannon Johnson and was informed that we could not meet do to the ex-parte rule. I thanked Mr. Keller for his time and contacted Ms Amy Barnhouse, our attorney. I asked her to talk to Mr. Johnson and arrange a meeting for Friday, May 9 for 11 am. I reviewed with him my concerns regarding the lack of protocol and our frustration with getting our case across. We completed our meeting and left. Four days later, on May 13, 1997 I was contacted by our attorney, Ms Amy Barnhouse. At this time I was working on a project in San Diego. Ms Barnhouse informed me that she was told by Mr. Johnson that we could submit our information in writing by 5 p.m. on Thursday, May 15, 1997. I had to fly from San Diego to Portland on a half-a-day notice so that we can rework our oral presentation from April 21, 1997 to written material. Again we are trying to work around a last minute deadline.

Please, bare with me. I would like to address a few items we feel are misunderstood and misleading:

#1 There seems to be some kind of emergency regarding the lack of water on 4 or 5 days in mid-summer. We like to point out that there is a water line connecting the Keizer and Salem water systems. If Keizer can sell water then we should be able to buy water when needed to help us through the few days when we need additional capacity. This will relieve the problem of the urgency for the water tank at this moment. This way we have time to do this project right.

#2 The 24 inch line which connects Keizer to Salem is running under two of the homes which will be affected the most by the new tank. At present there is a legal case started with regards to the dilemma created by this demonstration of poor planning by the City of Keizer. The City approved permits to construct this homes. Legal costs again are a waste of the City of Keizer's and the property owners' money.

#3 The property owners of Wiessner Dr. and Northside Dr. have major concerns regarding a water tank as constructed and have been rushed by Keizer Staff to buy into a what we consider to be a poor plan. How do you compromise when all compromises are just another bad idea? This whole situation resulted in the property owners setting up a bank account to take this issue to LUBA or court. Again, this seems to be a waste of the property owners' and the City's funds.

#4 The foundation investigation report (enclosure #1) by Foundation Investigation Engineering Wiessner Reservoir Project 96100054 should have red flags attached to every page. Please, review the hand written notes. I also have enclosed #2 and #3 which are State of Oregon Soil Liquefaction and Earthquake Hazard Maps. I would like to point out that the location of the tank construction is at the upper 75 % of a problem area for poor soil conditions and related potential problems with a earthquake when it occurs. The code in the State of Oregon requires you to adjust your design of this type to a possibility of a 8.3 point earthquake on the Richter Scale. The report by Foundations Engineering Inc. is a very poor start. Appendix A shows the mode of failure which is either the tank slides onto the Salem parkway or will go down through the new subdivision on Brandon court. The soils reports also addresses the problem with the material on site related to water (sand, silt, soil) and the problems of liquefaction and erosion. All the report really does is substantiate the reason for putting the tank below ground to reduce the potential of sliding off the top of the hill.

With a Zone B Earthquake rating and a Category 4 Liquefaction problem just imagine what will happen when the tank moves or settles and what the loss of water from broken pipes under the tank and a concrete foundation slab that is cracked and leaking? Quick sand under a 100 foot diameter, 36 foot high tank of water that now wants to slide off the top of the hill.

What is the solution to our problem of the City of Keizer Staff versus the property owners of Wiessner and Northside?

#1 The property owners say the heck with it and go to LUBA or the Court in hopes of turning this around. This will do nothing but cost the property owners and the City of Keizer a lot of money.

#2 The second solution is to stop at this point and try to turn a lose-lose situation into a win-win situation. Place a 2 million gallon concrete below grade reservoir at the Wiessner location and take the 1.5 million gallon steel tank and place it at one of the two other sites that Staff has located. This will solve two problems. The parcel on Wiessner is suitable for the proposed use and number 2 the proposed use as conditioned will not materially alter the character of the area which is a win-win for the property owners. The win-win for the City of Keizer is that it now has its needed 3.5 million gallon water storage that Staff says it needs and Keizer has only two reservoirs to maintain and not three.

The problem of funds as always pops up in this issue. In the last few days I talked to Carl Martens V.P. from Smith/Barney regarding funding by Urban Renewal bonds. I am told that a package for this type with a 4.6 % to 4.8 % return in the \$ 500,000 to \$ 700,000 range would be gone in a day at the most. With the funds presently held by the City of Keizer and the help of a few volunteers familiar with this project we could have the funds in place, a reworked set of site plans, the proper soils reports, and a tank by the fall of 1997 or Spring of 1998. This is a win-win situation for everybody.

Enclosed, please, find enclosure # 4: Names and addresses of 40 of the persons in opposition of the present plan

Sincerely

Richard & Sibylle Beck
4485 River Road S.
Salem, OR 97302
Property Owner of 1999 Wiessner Dr. NE, Keizer

RECEIVED

Enclosure #1

'97 MAY 15 PM 4 40

CITY OF KEIZER
OREGON 97503

FOUNDATION INVESTIGATION

WIESSNER RESERVOIR

SALEM, OREGON

Prepared for

STETTLER SUPPLY COMPANY

SALEM, OREGON



EXPIRES: 12/31/ 76

Prepared by

FOUNDATION ENGINEERING, INC.

MAY 1996



Foundation Engineering, Inc.

Professional Geotechnical Services

Edward Butts, P.E.
Stettler Supply Company
1810 Lana Avenue N.E.
Salem, Oregon 97303

May 17, 1996

Wiessner Reservoir
Foundation Investigation
Salem, Oregon

Project 96100054

Dear Mr. Butts:

We have completed the requested foundation investigation for the proposed Wiessner Reservoir project in Salem, Oregon. Our report includes a description of our work, a discussion of site conditions, a summary of laboratory testing and a discussion of engineering analyses. Recommendations for site preparation and foundation design and construction are enclosed.

The site is underlain by a thick deposit of silt and sand, followed by sandy gravels. It is our opinion that the site is suitable for the proposed reservoir construction. A conventional mat foundation and spread footings should be adequate to support the tank and isolated column or wall footings. Issues related to foundation design and construction (bearing capacity and settlement), slope stability, and erosion are addressed in this report.

It has been a pleasure assisting you with this phase of your project. Please do not hesitate to contact us if you have any questions or if you require further assistance.

Sincerely,

FOUNDATION ENGINEERING, INC.

M. Todd Boire, P.E.

James K. Maitland, P.E.

JKM/laj
enclosure

**FOUNDATION INVESTIGATION
WIESSNER RESERVOIR
SALEM, OREGON**

PROJECT DESCRIPTION

The City of Keizer plans to build a new ± 1.5 MG water storage reservoir. The proposed construction site is located on Wiessner Drive NE, immediately east of an existing pump station. The site is bordered on the south by residences and by a fence on the east. The new reservoir will be a steel structure, ± 101 feet in diameter and 25 feet high. We understand that the base of the reservoir will be built at the existing grade.

Foundation Engineering, Inc. was retained by Stettler Supply Company to complete a foundation investigation for the site. Our work was authorized by a signed agreement dated April 1, 1996.

FIELD EXPLORATION

We drilled three boreholes at the site on April 1 and 2, 1996. A site map had not been developed at the time this report was prepared. Therefore, the boreholes were located with reference to existing fences which border the property. Borehole 1 was located ± 65 feet north of the southern (wood) fence and ± 19 feet west of the eastern (metal) fence. Borehole 2 was drilled ± 123.5 feet north of the wood fence, ± 63 feet west of the metal fence. This location corresponds to about the northern edge of the proposed reservoir. Borehole 3 was drilled ± 66 feet north of the wood fence and ± 35 feet east of the pump house fence (on the west side of the property).

The boreholes were drilled with a Mobil B-59, truck-mounted drill rig and a hollow-stem auger. The boreholes were drilled to a maximum depth of 60 feet. Samples were typically obtained at 5-foot intervals, although additional samples were taken at or near the original design foundation depth (6 feet). Disturbed samples were obtained with a split-spoon. The Standard Penetration Test (SPT), which is run when the split-spoon is driven, provides an indication of the relative stiffness or density of the foundation soils. Relatively undisturbed soil samples were obtained with a thin-walled Shelby tube.

The boreholes were continually logged during drilling. The final logs (appended) were prepared based on a review of the field logs and an examination of the soil samples in our laboratory. The subsurface conditions are discussed below.



DISCUSSION OF SITE CONDITIONS

Site Topography and Vegetation

A topographic site map was not available at the time this report was prepared. We observed that the tank site is relatively flat, but the ground surface slopes down both to the east (to a bike path) and to the north (to a paved road). The east slope averages $\pm 19^\circ$ and covers a total slope distance of ± 44 feet. The north-facing slope averages $\pm 17^\circ$ and extends over a distance of ± 116 feet. The toe of the slope has been cut to a steeper slope of $\pm 33^\circ$ as part of road and/or utility work. The soil on the ground surface near the northern edge of the site appears to have been bermed.

Short grass currently covers the reservoir site. There are several large trees on the slope to the north and the surface of the slope appears to have been recently cleared.

Foundation Conditions

Subsurface conditions are fairly uniform within the reservoir site. Typically, we encountered ± 7 feet of brown, stiff, sandy silt followed by layers of stiff to very stiff silt and medium dense to dense, clean to silty sand. Gravel was encountered in all of the boreholes at a depth of ± 47 or 48 feet. The gravel is very dense and contains coarse-grained sand.

The depths and thicknesses of the various layers of silt and sand differ slightly between individual borings. We recommend referring to the appended logs for a detailed description of the soil profile at each boring location.

Ground Water

We observed that the soil was dry to a depth of ± 35 feet and wet to saturated thereafter in all three boreholes. We returned the following day and measured a depth to the water level of ± 44 feet in the piezometer in Borehole BH-2. Ponding water was observed on the ground surface due to recent rains.

Local Geology

The silts and sands encountered in our exploration are part of the Willamette Silts. These lacustrine sediments were deposited in repeated catastrophic glacial flooding from Lake Missoula beginning about 15,000 years ago. The surface soil is identified as the Woodburn Silty Loam. This low plasticity silt shows moderate to poor drainage, slow runoff and a seasonal perched water table.

The sandy gravel and coarse sand encountered at ± 43 feet are glacial outwash deposits laid down at the end of the Pleistocene. Columbia River Basalt flows underlie these glaciofluvial sediments at an unknown depth below the site.



LABORATORY TESTING

The laboratory work included natural water content tests to classify the foundation soils, determine their homogeneity and estimate their overall engineering properties. Two, one-dimensional consolidation tests were run on soil specimens extruded from a Shelby tube obtained at depths of ± 11 feet and 21 feet below the ground surface. A single unconfined compression test was run on an undisturbed sample obtained at ± 11 feet to estimate the compressive strength. Results of this test were used to estimate allowable bearing pressures and foundation settlements. Results of all laboratory testing are appended and are discussed below.

ENGINEERING ANALYSIS

The analyses described below assumes the reservoir could be placed on a mat foundation that would extend ± 1 to 2 feet beyond the edges of the tank. Based on information provided to us, we also assumed a single column would be used in the center of the tank to support the roof load. The column would have a total load of ± 120 kips, for a roof load of 30 psf (assuming the column supported about one-half of the roof area). We assumed the fully loaded tank would weigh $\pm 14,000$ kips. ?

Bearing Capacity

We estimated the bearing capacity of the foundation soils ± 2 feet below the ground surface on a thin layer of compacted select fill. Our analysis used a computer program and an undrained shear strength of 0.90 ksf obtained from the strength tests. Our analysis indicates that a bearing pressure of 2000 psf would be adequate with a factor of safety of 3.0. This value should be used to size the spread footing supporting the column or to check a thickened slab section under the column. A similar value should be used to size the footings for the perimeter retaining wall. We assumed the size of the mat would fixed by the dimensions of the tank. ?

ONE TEST?

Settlement

We analyzed the potential settlement of the new reservoir using a computer program in combination with the field and laboratory data. The consolidation curves were used to estimate the compressibility properties of the native soil to a depth of 47 feet. Sand layers were assigned a modulus of elasticity, E, based on the results of the SPT tests and the observed density. The underlying gravels were assumed to be essentially incompressible. Piles into material at 47' ?

ONE TEST

We assumed that a conventional mat foundation would be used and that the interior column would bear on a thickened slab or a separate footing. Our analysis indicates that the maximum settlement at the reservoir should be ± 4 inches at the center. The settlement near the perimeter of the reservoir should be on the order of ± 2 inches. Therefore, the potential differential settlement between the center and perimeter of

IF IT CRACKS, IT NOW LEAKS



the reservoir should be ± 2 inches. The effects of differential settlement may be reduced by filling the reservoir in stages, as discussed below.

Slope Stability

And then hope it works.

The subsurface profiles along the northern and eastern slopes were modeled using the subsurface information obtained in the borings and the slope geometry measured in the field. Shear strength parameters were assigned to the soil layers based on the results of the SPT resistances, visual examination of the soil samples and laboratory tests. *one test*

The stability of the slope was studied using a computer program and several methods of analysis. We assumed the approximate location of the tank and represented its weight as a surcharge on the ground surface. We then calculated the critical failure surfaces using a search routine. The resulting factors of safety against instability were calculated and are summarized in Figure 1. This analysis was performed based on the assumption that the reservoir would be set 6 feet below grade. We understand that it now will be built essentially at grade. The analysis indicates a minimum factor of safety of 2.2 against slope failure. The factor of safety for the reservoir built at grade will be approximately the same. We consider a safety factors ≥ 1.5 desirable for permanent slopes. Therefore, slope stability is not a critical design issue.

cut into the silt 6' below grade

Assume?

Not true with this type of material with the presence of water

Erosion Susceptibility

The native soils near the surface consist of low plasticity, sandy silt, which is underlain by silty to clean sand. These types of soil are highly susceptible to erosion and will have to be protected during and after construction. The bearing capacity, settlement and slope stability analyses assume that erosion would be controlled. Recommendations for erosion control and stabilization are provided below.

CONCLUSIONS

We have concluded, based on our investigation that:

1. The site is suitable for the proposed reservoir construction.
2. The slopes to the north and east of the site should have an acceptable factor of safety against instability.
3. The native soils are highly susceptible to erosion and will have to be protected during and after construction.

How about after construction, drainage, leaks, sub-drains, or an 8.3 earthquake, class A, highest hazard

RECOMMENDATIONS

Foundation Design and Construction

1. Design the mat foundation, perimeter wall footings and isolated column footing using an allowable bearing pressure of 2000 psf. This value may be increased by $\frac{1}{3}$ for analysis using temporary live (wind and earthquake) loads.
2. Assume that the new reservoir could experience a maximum (total) settlement of 4 inches at the center. At its perimeter, the settlement should decrease to 2 inches. Therefore, the maximum differential settlement between the center and edges of the tank should be on the order of 2 inches.
we may now have a cracked concrete mat foundation
3. Provide a minimum width of 2 feet for the perimeter wall footings and minimum dimensions of 7.5 x 7.5 feet for the spread footings supporting the interior column (for the assumed loads).
4. Provide at least 24 inches of compacted select fill under all footings and under the reservoir base. Granular fill may be substituted for select fill for the bottom 12 to 18 inches of material.
5. Design the reservoir using a Seismic Zone Factor, Z , of 0.3, and a Site Coefficient, S_1 , of 1.0. These values should be used with UBC (94) Equations 28-1 and 28-2, Section 1628. The liquefaction potential of the foundation soils below the anticipated foundation level is low to moderate because of the density of the sand and the relatively deep water table.
unless the tank leaks, rain, etc. This is a Class B earthquake, Type 4 soil
6. Use a modulus of subgrade reaction, k_s , of 200 kcf for the design of the reservoir slab. This value assumes the mat would be built on the recommended select/granular fill. Heavy reinforcing of the mat foundation is recommended to reduce potential cracking and warping induced by differential settlement. Rebar, instead of wire mesh, is recommended. Fiber mesh should not be used as the primary method of reinforcement.

General Earthwork Specifications

1. Select fill as defined in this report should consist of 1 or $\frac{3}{4}$ -inch minus, clean, well-graded, crushed gravel or rock. We should be provided a sample of the intended fill for approval, prior to delivery to the site.
2. Granular site fill should consist of sand, gravel or rock, or mixtures of the above that are free of plastic clay, organic matter or construction debris.

We should be provided a sample of the intended fill for approval, prior to delivery to the site.

3. Fine-grained fill or soil excavated from the site should not be used under the reservoir.
4. Compact the stripped subgrade before covering with select fill. Compact the select fill in loose lifts not exceeding 12 inches. Thinner lifts may be required if light or hand-operated equipment is used. Compact all material to a minimum of 95% relative compaction, unless otherwise specified. The maximum dry density of ASTM D 698 should be used as the standard for estimating relative compaction, unless otherwise specified. The moisture content of the native soil should be adjusted to within $\pm 2\%$ of its optimum value prior to compaction. Efficient compaction of sandy native soil and the select fill will typically require the use of a smooth drum vibratory roller to achieve the required compaction. Field density tests should be run frequently to confirm adequate compaction.

*In the rain,
October &
November*

The earthwork should be completed during dry weather. Wet weather construction is, in our opinion, impractical and could lead to undesirable disturbance of the foundation soils. The potential for severe erosion occurring during wet weather construction is also a concern. The contractor may still experience pumping problems in the summer if the surficial soils have not adequately dried. Therefore, we recommend an on-site conference with the contractor prior to the grading work to review site conditions.

Foundation Excavation and Site Preparation

*is the slope
so bad that
you should
not work on
it?*

The tank will be located at grade and ± 25 feet from the edge of the slope. We recommend that construction equipment access the excavation from the south or southwest (i.e., away from the slope). The contractor should not strip or excavate along the top of the slope nor disturb existing vegetation.

7. We recommend that the foundation area under the reservoir be prepared during dry weather as follows:

1. Strip the existing ground ± 6 inches or as required to remove roots and sod. The stripping should be limited to the footprint of the reservoir and should not extend onto the existing slopes. Haul off all strippings from the site.
2. Excavate to the required grade to accommodate the required structural fill. Haul off all excavated soil. Do not stockpile or berm the material on the property or on the slopes below the reservoir site. Grade the ground surface surrounding the reservoir to promote runoff away from the

foundations. If possible, leave the soil between the tank and the slope intact.

3. Compact the subgrade to a depth of at least 12 inches. Compaction will not be practical if the soils are too wet of optimum. Therefore, the site work should not be attempted during wet weather and should be delayed until the subgrade soils are sufficiently dry or until weather permits efficient aeration.

Contractor was working in wet weather Oct, Nov & Dec?

4. Cover the compacted soil with a non-woven filter fabric. The fabric should have a minimum weight of 6 ounces and an AOS of between 70 and 100.

5. Place a minimum of 24 inches of select fill on the site to create a building pad. If desired, the bottom 12 to 18 inches of the building pad fill may consist of granular site fill.

6. Compact the pad fill as specified above.

Minimize loaded trucks or heavy construction equipment on the completed fill, especially where the thickness of the fill is less than 2 feet. The fill will likely have to be placed by end-dumping from a thickened access ramp and spread with a light dozer to prevent subgrade pumping.

And then try to float a tank on it?

8. Seed all raw soil areas on the slope to the north to reduce future erosion.

Plans show gravel, not pavement

Pave the areas surrounding the tank (up to the edge of the slope or for a minimum distance of 10 feet) to reduce the possibility of erosion due to a leak or overflow from the tank.

Foundation Drainage

How about drainage off-site

1. Install a foundation drain along the perimeter of the reservoir footing. The drain should consist of a 3-inch diameter, perforated or slotted, PVC pipe wrapped in a non-woven filter fabric with an AOS of between 70 and 100. The pipe should be bedded in at least 4 inches of drain rock and backfilled full depth with drain rock. The entire mass of drain rock should be wrapped in a similar filter fabric that laps at least 12 inches at the top.

Small drain system?

2. Discharge the water from the drain system into the nearest catch basin, manhole or storm drain. Otherwise, discharge downhill in a solid pipe. Do not discharge directly onto the surface of the slope.

good idea?

Erosion Control

The sandy silts near the ground surface and on the slope are highly susceptible to erosion. Any earthwork activities that disturb the vegetation should have provisions for temporary erosion control. After construction is complete, these areas should be seeded with a deep-rooting, aggressive vegetation. We also recommend that a paved apron be constructed around the perimeter of the tank to protect the foundation soils immediately adjacent to the tank from over-filling or possible leakage. Drains should be constructed in the pavement to remove water from the area. It may also be pavement to provide an overflow pipe near the top of the reservoir to limit the amount of water that could potentially overflow.

Big Problem?

DESIGN REVIEW/CONSTRUCTION OBSERVATION/TESTING

We should be provided the opportunity to review all drawings and specifications that pertain to site preparation, foundation construction and pavements. Site preparation will require field confirmation of soil conditions at the foundation level. Mitigation of any subgrade pumping will also require engineering review and judgement. That judgement should be provided by one of our representatives. Frequent field density tests should be run on all engineered fill, subgrade and base rock. We recommend that we be retained to provide the necessary construction observation and testing.

VARIATION OF SUBSURFACE CONDITIONS, USE OF THIS REPORT AND WARRANTY

The analysis, conclusions and recommendations contained herein are based on the assumption that the soil profiles and the ground water levels encountered in the borings are representative of overall site conditions. The above recommendations assume that we will have the opportunity to review final drawings and be present during construction to confirm assumed foundation conditions. No changes in the enclosed recommendations should be made without our approval. We will assume no responsibility or liability for any engineering judgement, inspection or testing performed by others.

who will?

This report was prepared for the exclusive use of Stettler Supply Company and their design consultants for the Wiessner Reservoir project in Salem, Oregon. Information contained herein should not be used for other sites or for unanticipated construction without our written consent. This report is intended for planning and design purposes. Contractors using this information to estimate construction quantities or costs do so at their own risk. Our services do not include any survey or assessment of potential surface contamination or contamination of the soil or ground water by hazardous or toxic materials. We assume that those services, if needed, have been completed by others.

Our work was done in accordance with generally accepted soil and foundation engineering practices. No other warranty, expressed or implied, is made.

Foundation Engineering, Inc.



APPENDIX A

Boring Logs

SYMBOL KEY FOR BORING AND TEST PIT LOGS

DISTINCTION BETWEEN FIELD LOGS AND FINAL LOGS

A field log is prepared for each boring or test pit by our field representative. The log contains information concerning sampling depths, and the presence of various materials such as gravel, cobbles and fill, and observations of ground water. It also contains our interpretation of the soil conditions between samples. The final logs presented in this report represent our interpretation of the contents of the field logs and the results of the laboratory examinations and tests. Our recommendations are based on the contents of the final logs and the information contained therein and not on the field logs.

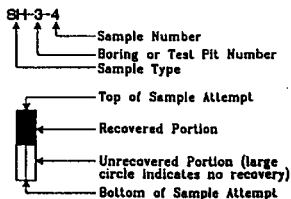
VARIATION OF SOILS BETWEEN TEST PITS AND BORINGS

The final log and related information depict subsurface conditions only at the specific location and on the date indicated. Those using the information contained herein should be aware that soil conditions at other locations or on other dates may differ. Actual foundation or subgrade conditions should be confirmed by us during construction.

TRANSITION BETWEEN SOIL OR ROCK TYPES

The lines designating the interface between soil, fill or rock on the final logs and on subsurface profiles presented in the report are determined by interpolation and are therefore approximate. The transition between the materials may be abrupt or gradual. Only at boring or test pit locations should profiles be considered as reasonably accurate and then abrupt or gradual. Only at boring or test pit locations should profiles be considered as reasonably accurate and then only to the degree implied by the notes thereon.

SAMPLE OR TEST SYMBOLS



- SS - Standard Penetration Test Sample (split-spoon)
- SH - Thin-walled Shelby Tube Sample
- C - Core Sample
- CS - Continuous Sample

▲ Standard Penetration Test Resistance equals the number of blows a 140-lb weight falling 30 in. required to drive a standard split-spoon sampler 1 ft. Practical refusal - 50 or more blows per 8 in. of sampler penetration.

● Water Content (%).

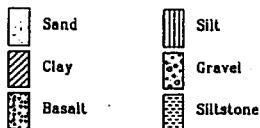
UNIFIED SOIL CLASSIFICATION SYMBOLS

- | | |
|------------|---------------------|
| G - Gravel | W - Well Graded |
| S - Sand | P - Poorly Graded |
| M - Silt | L - Low Plasticity |
| C - Clay | H - High Plasticity |
| Pt - Peat | O - Organic |

FIELD SHEAR STRENGTH TEST

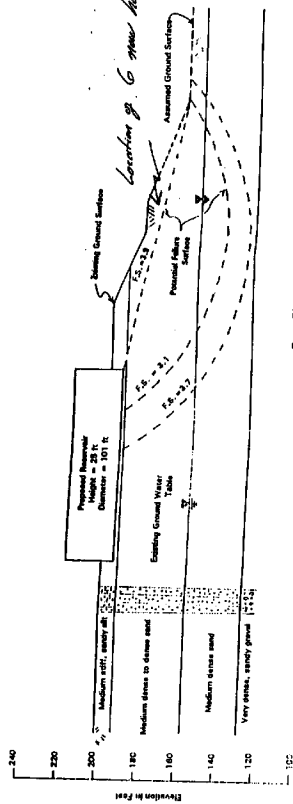
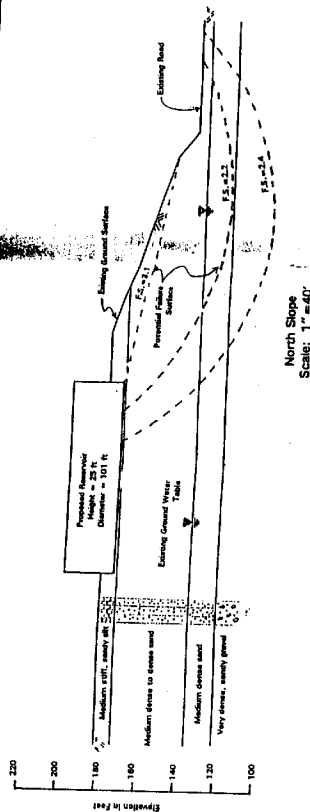
Shear strength measurements on test pit side walls, blocks of soil or Shelby tube samples are typically made with Torvane or pocket penetrometer devices.

TYPICAL SOIL/ROCK SYMBOLS



WATER TABLE

- ▼ Water Table Location
- (1/31/94) Date of Measurement
- ▲ Piezometer Tip Location (if used)



- NOTES:
1. Refer to the next sheet showing logs for a detailed description of the soil profile.
 2. Heavy failure surfaces were analyzed. Only the critical ones are shown.
 3. Breakdown shown are based on an assumed datum.
 4. The above computations were developed based on field measurements and are approximate.

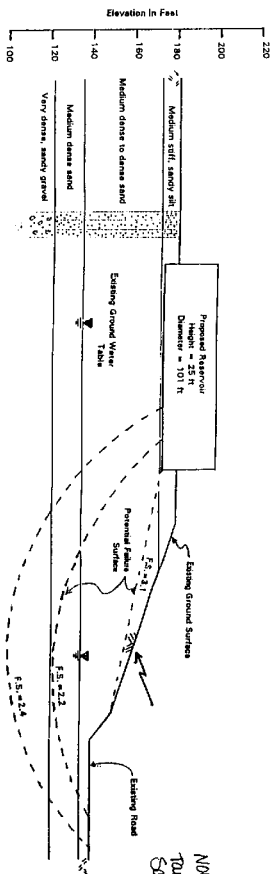
Location of 6 new homes?

FOUNDATION ENGINEERING, INC.
5010 SW PRELUDE BLVD. CORVALLIS, OR 97331
TEL (503) 757-1445 FAX (503) 757-7850

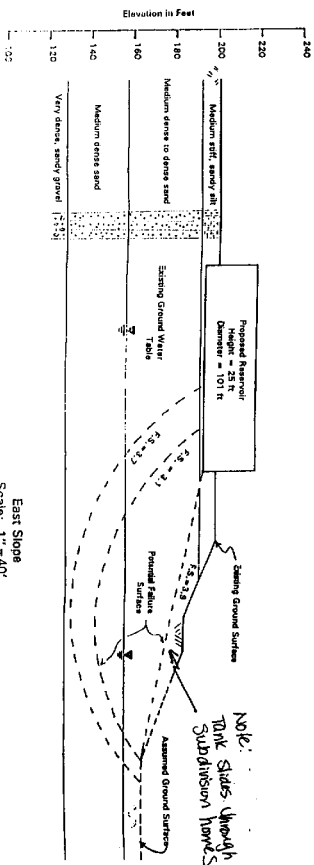
SLOPE STABILITY ANALYSIS
WESSNER RESERVOIR
SALEM, OREGON

SCALE: 1" = 40'
JOB NO. 85100004
DATE: 5-1-88
DRAWN: WLT
CHECKED: WLT
BY: WLT

FIGURE 1



North Slope
Scale: 1"=40'



East Slope
Scale: 1"=40'

Notes:

1. Refer to the text and boring logs for a detailed description of the soil profile.
2. Many failure analyses were analyzed. Only the critical ones are shown.
3. Boreholes shown are based on an assumed datum.
4. The slope construction was developed based on field measurements and was appropriate.

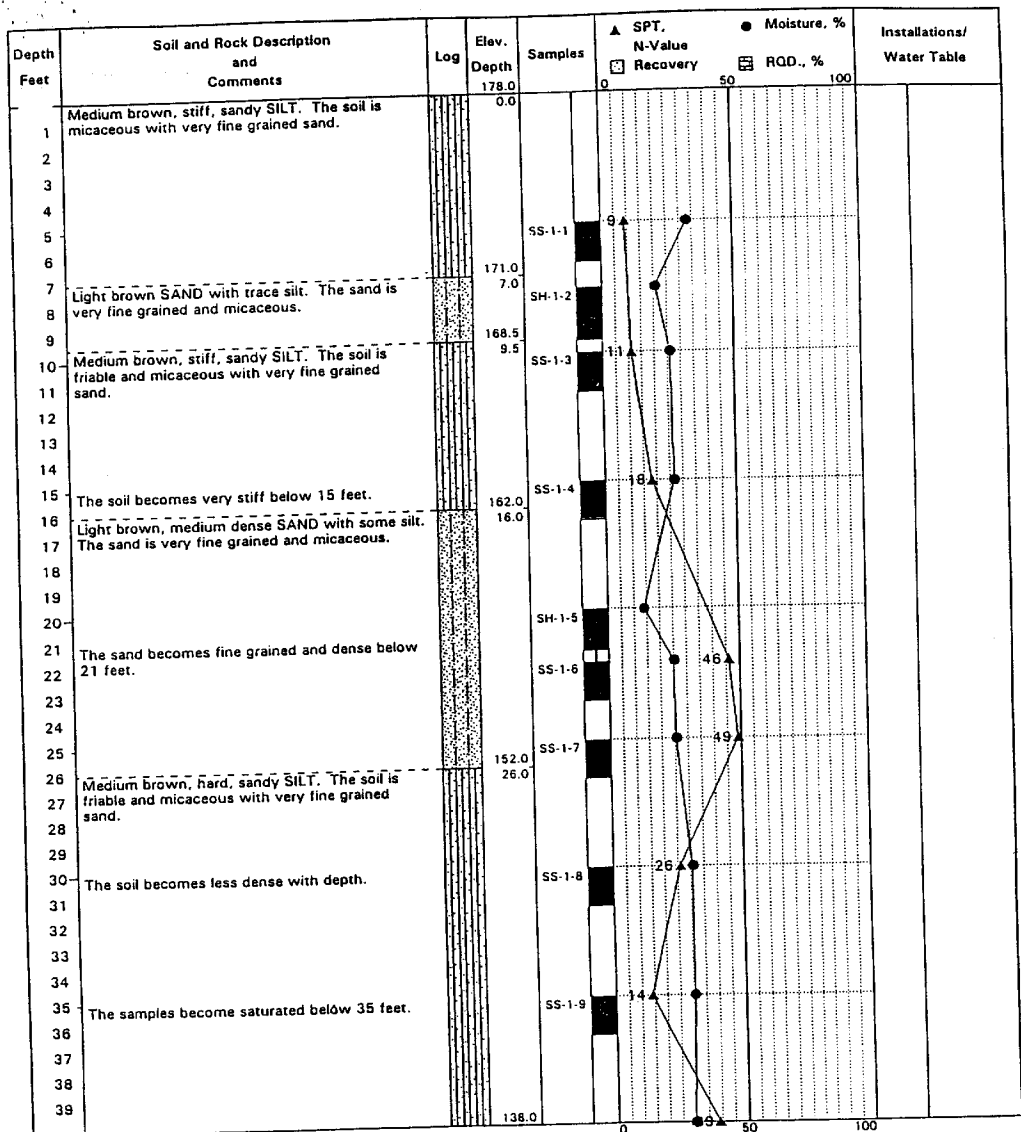


FOUNDATION ENGINEERING, INC.
5000 SW PRELUDE BLVD. CORVALLIS, OR 97331
800.820.750-7546 FAX 800.750-7500

SLOPE STABILITY ANALYSIS
WESTERN RESERVOIR
SALAMAN, OREGON

SCALE: 1" = 40'
JOB NO: 98100054
DATE: 5-15-86
DRAWN: W.E.N.
CHECKED: MFB

FIGURE 1



Project No.: 96100054

Surface Elevation: 178 feet (Approx.)

Date of Boring: April 1, 1996

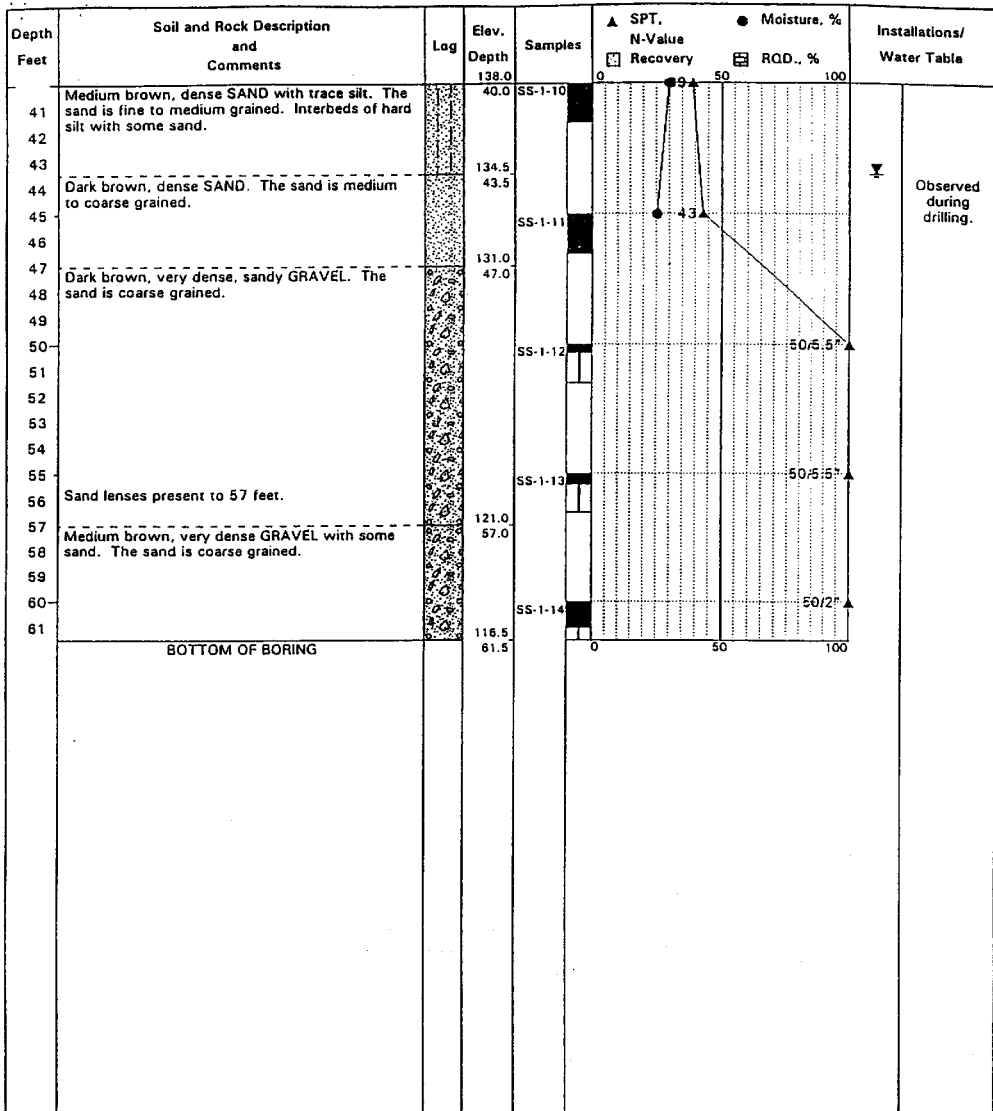


Foundation Engineering, Inc.

Boring Log: BH-1

Wiessner Reservoir

Keizer, Oregon



Project No.: 96100054

Surface Elevation: 178 feet (Approx.)

Date of Boring: April 1, 1996

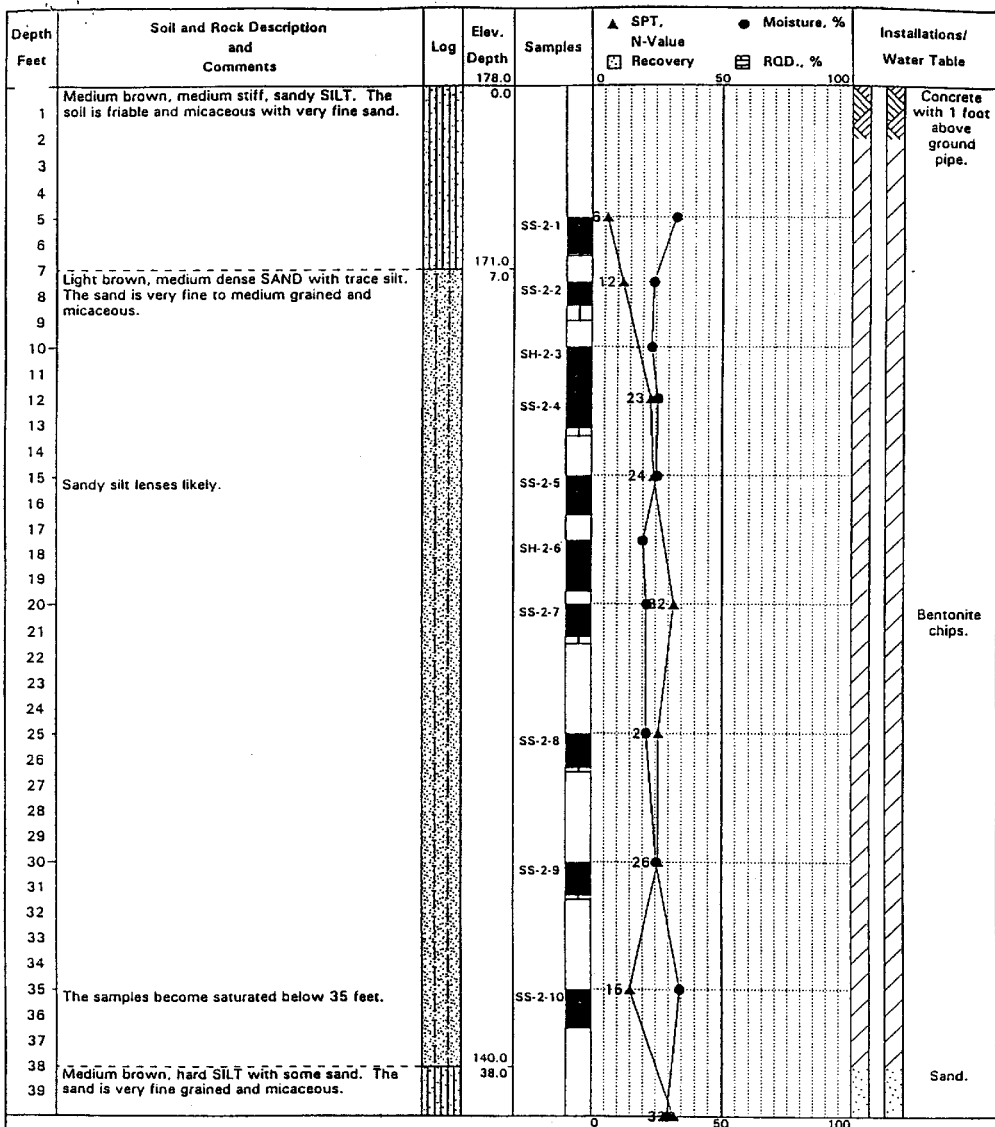
Boring Log: BH-1

Wiessner Reservoir

Keizer, Oregon



Foundation Engineering, Inc.



Project No.: 96100054

Surface Elevation: 178 feet (Approx.)

Date of Boring: April 2, 1996

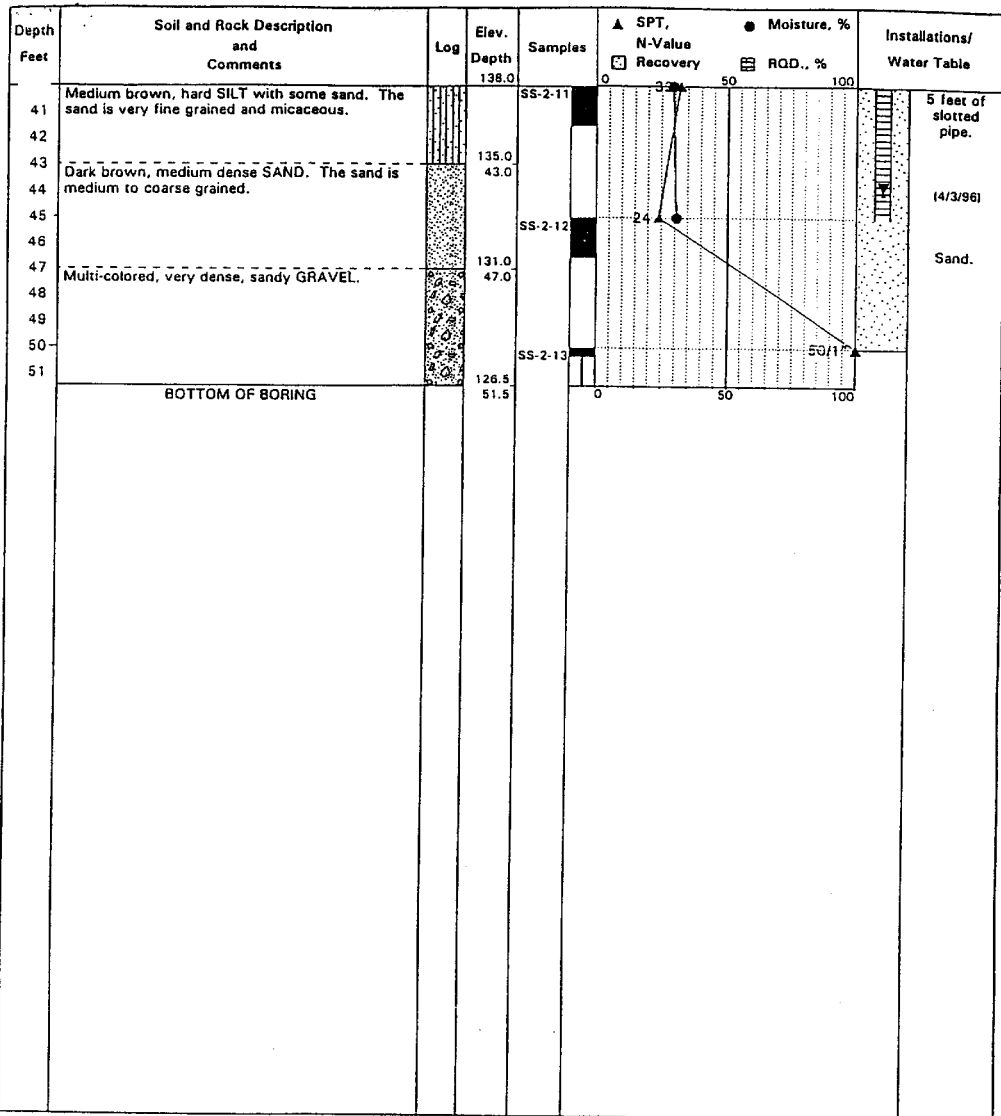


Foundation Engineering, Inc.

Boring Log: BH-2

Wiessner Reservoir

Keizer, Oregon



Project No.: 96100054

Surface Elevation: 178 feet (Approx.)

Date of Boring: April 2, 1996

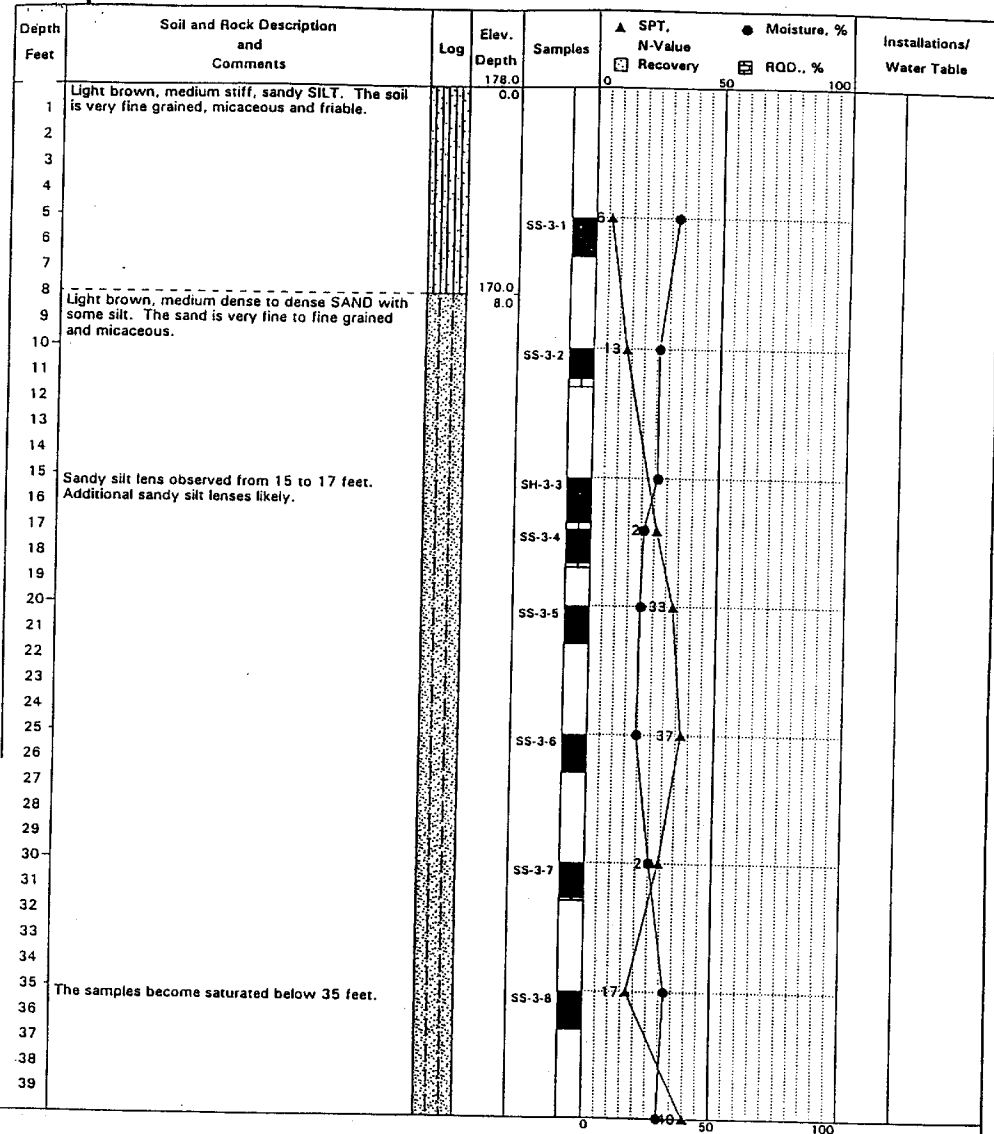


Foundation Engineering, Inc.

Boring Log: BH-2

Wiessner Reservoir

Keizer, Oregon



Project No.: 96100054

Surface Elevation: 178 feet (Approx.)

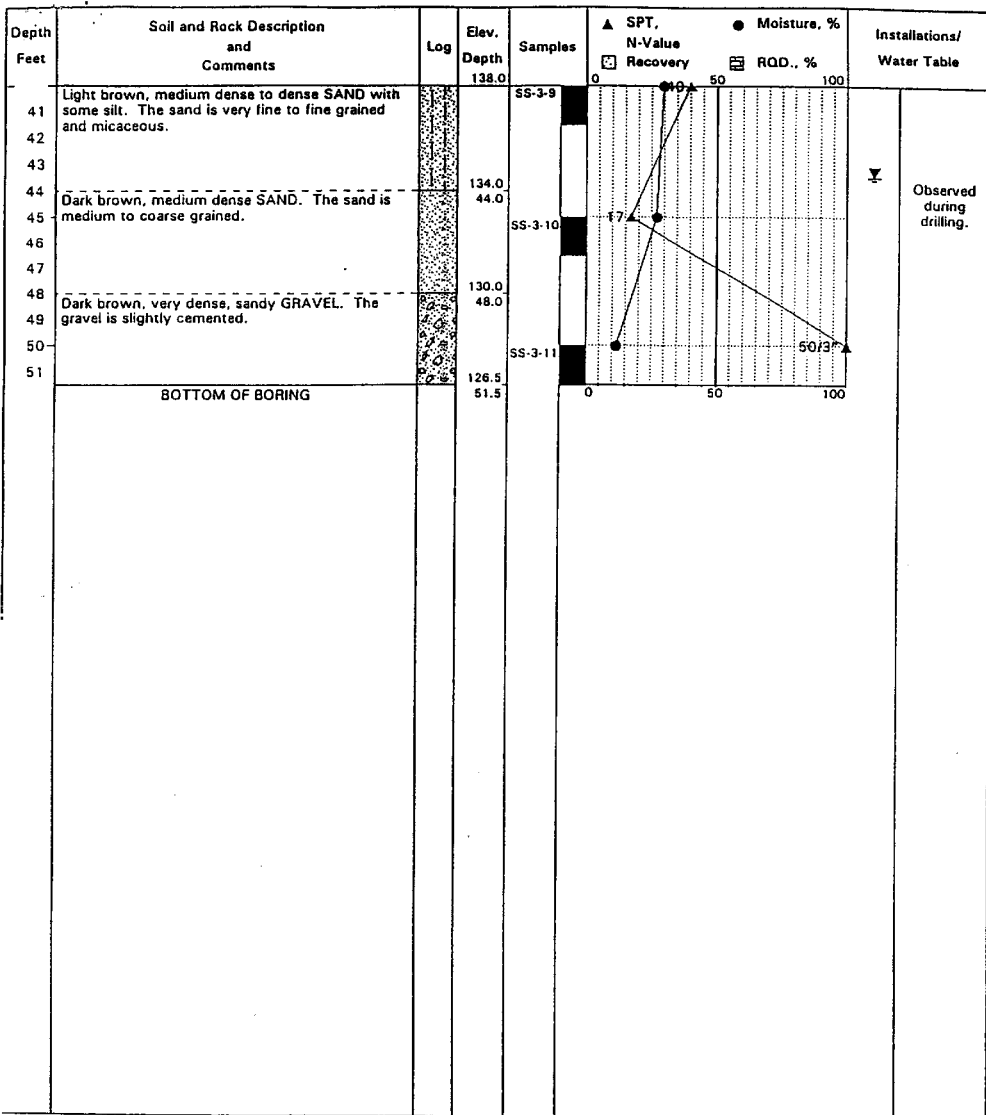
Date of Boring: April 2, 1996

 Foundation Engineering, Inc.

Boring Log: BH-3

Wiessner Reservoir

Keizer, Oregon



Project No.: 96100054

Surface Elevation: 178 feet (Approx.)

Date of Boring: April 2, 1996

Boring Log: BH-3

Wiessner Reservoir

Keizer, Oregon



Foundation Engineering, Inc.



APPENDIX B

Laboratory Test Results

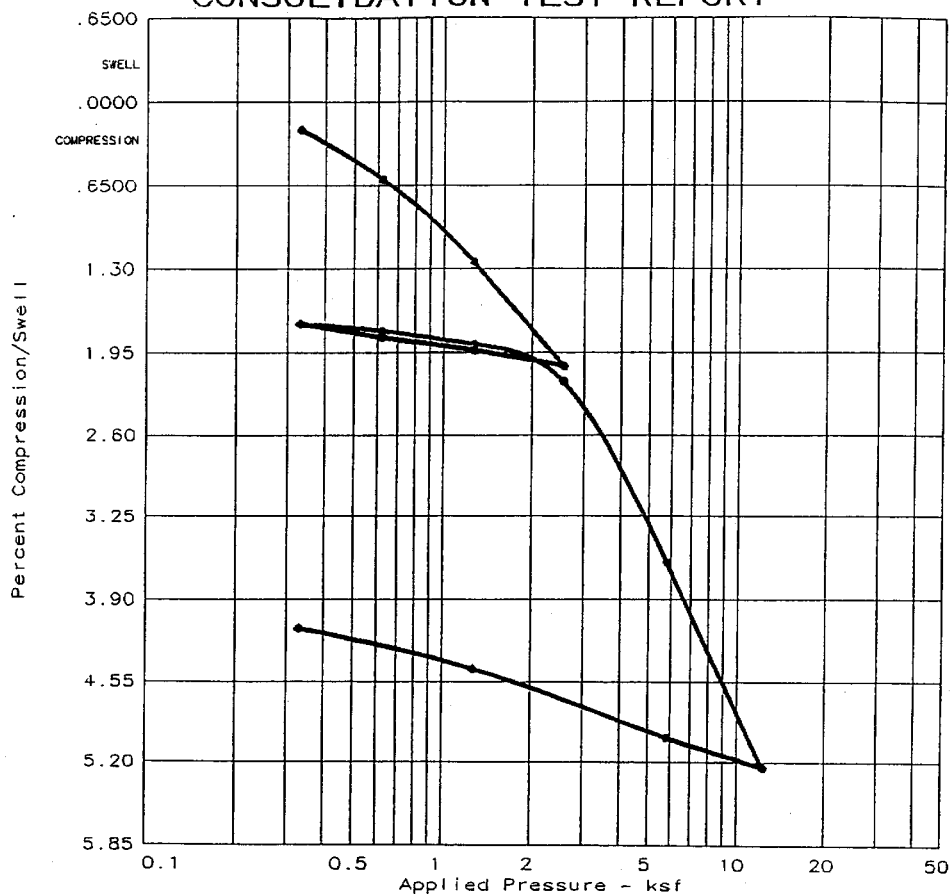
Table 1b. Natural Water Content and Atterberg Limits

Sample Number	Sample Depth (feet)	Natural Water Content (percent)
SS-1-1	5 - 6½	32.8
SH-1-2	7½ - 9½	20.5
SS-1-3	10 - 11½	25.9
SS-1-4	15 - 16½	26.6
SH-1-5	20 - 22	13.8
SS-1-6	22 - 23½	25.1
SS-1-7	25 - 26½	25.4
SS-1-8	30 - 31½	30.7
SS-1-9	35 - 36½	30.5
SS-1-10	40 - 41½	29.8
SS-1-11	45 - 46½	25.2
SS-2-1	5 - 6½	32.7
SS-2-2	7½ - 9	24.0
SH-2-3	10 - 12	23.2
SS-2-4	12 - 13½	25.7
SS-2-5	15 - 16½	25.3
SH-2-6	17½ - 19	19.8
SS-2-7	20 - 21½	21.4
SS-2-8	25 - 26½	21.2
SS-2-9	30 - 31½	25.3
SS-2-10	35 - 36½	34.1
SS-2-11	40 - 41½	29.3
SS-2-12	45 - 46½	30.5
SS-3-1	5 - 6½	32.8

Table 1b. Natural Water Content and Atterberg Limits

Sample Number	Sample Depth (feet)	Natural Water Content (percent)
SS-3-2	10 - 11½	26.0
SH-3-3	15 - 17	26.1
SS-3-4	17 - 18½	20.8
SS-3-5	20 - 21½	20.1
SS-3-6	25 - 26½	19.4
SS-3-7	30 - 31½	25.2
SS-3-8	35 - 36½	31.8
SS-3-9	40 - 41½	29.5
SS-3-10	45 - 46½	27.0
SS-3-11	50 - 51½	11.5

CONSOLIDATION TEST REPORT



Natural Saturation	Natural Moisture	Dry Density	LL	PI	Sp.Gr.	Initial void ratio
42.4 %	13.8	88.7	--	--	2.650	0.8654

TEST RESULTS

MATERIAL DESCRIPTION

Brown, sandy silt.

Class: --

Remarks:

Sample: SH-1-5 at 20 to 22 feet.

Project No.: 96100054
 Project: Wiessner Reservoir
 Location: Keizer, Oregon

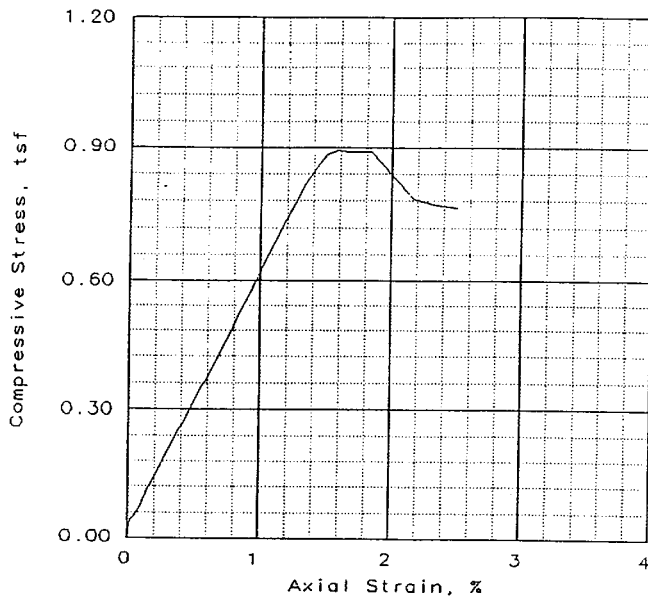
Date: 4-8-1996

CONSOLIDATION TEST REPORT

Foundation Engineering, Inc.

Fig. No. 2b

UNCONFINED COMPRESSION TEST



SAMPLE NO.:	1			
Unconfined strength, tsf	0.89			
Undrained shear strength, tsf	0.45			
Failure strain, %	1.6			
Strain rate, %/min	0.20			
Water content, %	22.3			
Wet density, pcf	112.3			
Dry density, pcf	91.9			
Saturation, %	73.8			
Void ratio	0.8011			
Specimen diameter, in	2.85			
Specimen height, in	5.98			
Height/diameter ratio	2.10			

Description: Brown, silty sand

GS= 2.65

Type: Shelby tube

Project No.: 96100054

Date: 4-9-1996

Remarks:

Sample: SH-2-3 at 10
to 12 feet.

Client:

Project: Wiessner Reservoir

Location: Keizer, Oregon

UNCONFINED COMPRESSION TEST

Foundation Engineering, Inc.

Fig. No.: 3b

Enclosure #2

RECEIVED

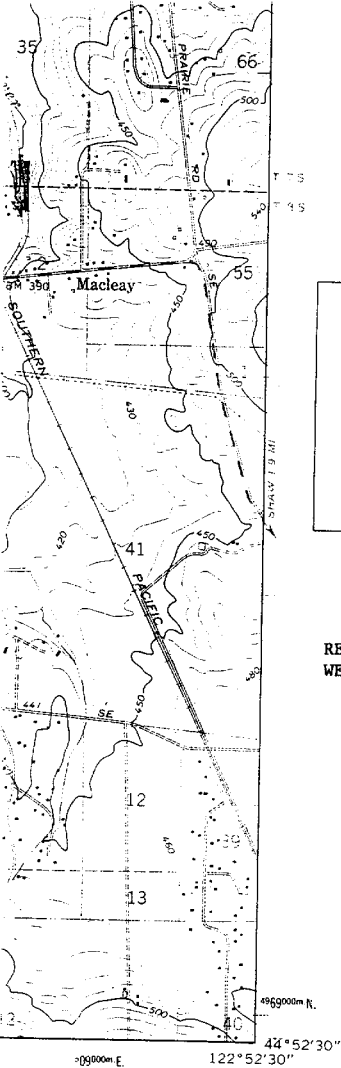
'97 MAY 15 PM 4 40

CITY OF SEASIDE
OREGON 97303

Please note:

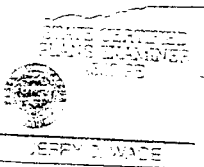
Information provided in this publication should NOT be used in place of site-specific studies. The relative hazard zones are not intended to replace site-specific evaluations, such as for engineering analysis and design. Site-specific earthquake hazards should be assessed through geotechnical or engineering geology investigation by qualified practitioners.

RELATIVE EARTHQUAKE HAZARD MAP OF THE SALEM EAST AND SALEM WEST QUADRANGLES, MARION AND POLK COUNTIES, OREGON



and William J. Leonard,
Industries

digital formats



GMS-105

Relative Earthquake Hazard Maps of the Salem East and Salem West Quadrangles,
Marion and Polk Counties, Oregon

By Y. Wang and W.J. Leonard

Funded in part by the City of Salem and
Oregon State Lottery funds appropriated to
the Oregon Department of Geology and Mineral Industries

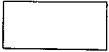
Plate 4

RELATIVE EARTHQUAKE HAZARD MAP OF THE SALEM EAST AND SALEM
WEST QUADRANGLES, MARION AND POLK COUNTIES, OREGON

Explanation

Zone A  Highest hazard

Zone B  Intermediate to high hazard ←

Zone C  Low to intermediate hazard

Zone D  Lowest hazard

This relative earthquake hazard map depicts four zones of greater or lesser earthquake hazard, relative to one another. Refer to the companion text, which explains details of the earthquake hazards associated with this map and their differentiation. Areas within the highest earthquake hazard zone (A) are likely to suffer the most intense damage related to ground response; those in the lowest (D) are likely to suffer the least.

Earthquake Hazard Map of the Salem East and

RELATIVE EARTHQUAKE HAZARD MAP OF THE SALEM EAST AND SALEM WEST QUADRANGLE, MARION AND POLK COUNTIES, OREGON



RECEIVED

Enclosure #3

'97 MAY 15 PM 4 41

CITY OF WEIZER
OREGON 97303

Please note:

Information provided in this publication should NOT be used in place of site-specific studies. The relative hazard zones are not intended to replace site-specific evaluations, such as for engineering analysis and design. Site-specific earthquake hazards should be assessed through geotechnical or engineering geology investigation by qualified practitioners.

LIQUEFACTION SUSCEPTIBILITY MAP OF THE SALEM EAST
AND SALEM WEST QUADRANGLES, MARION AND POLK COUNTIES,
OREGON

ing and William J. Leonard,
y and Mineral Industries

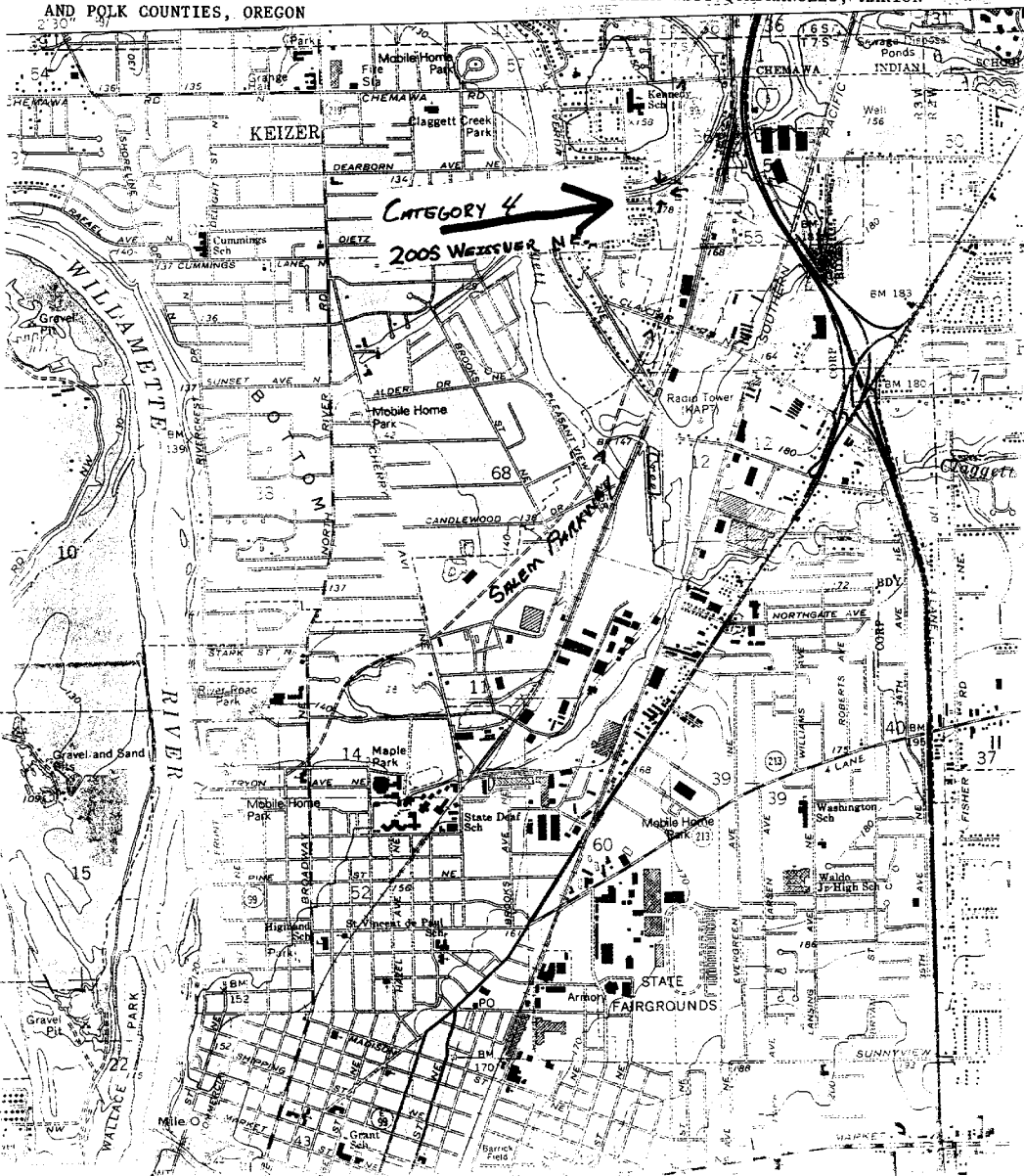
map is available in digital formats



JERRY D. MADE

1

LIQUEFACTION SUSCEPTIBILITY MAP OF THE SALEM EAST AND SALEM WEST QUADRANGLES, MARION
AND POLK COUNTIES, OREGON



GMS-105

Relative Earthquake Hazard Maps of the Salem East and Salem West Quadrangles,
Marion and Polk Counties, Oregon

By Y. Wang and W.J. Leonard

Funded in part by the City of Salem, and
Oregon State Lottery funds appropriated to
the Oregon Department of Geology and Mineral Industries

Plate 1

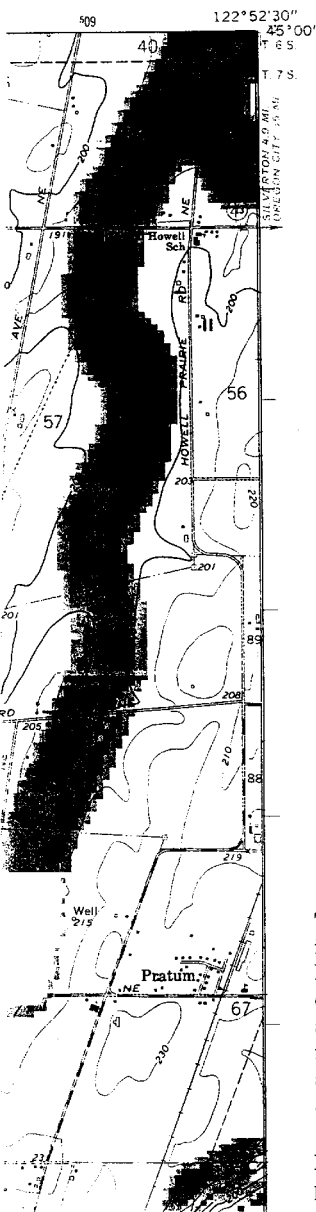
LIQUEFACTION SUSCEPTIBILITY MAP OF THE SALEM EAST AND
SALEM WEST QUADRANGLES, MARION AND POLK COUNTIES, OREGON

Explanation

- | | | |
|------------|---|---|
| Category 5 |  | >24 feet estimated thickness of
liquefiable material |
| Category 4 |  | ≥18-24 feet estimated thickness
of liquefiable material |
| Category 3 |  | ≥12-18 feet estimated thickness
of liquefiable material |
| Category 2 |  | ≥6-12 feet estimated thickness
of liquefiable material |
| Category 1 |  | <6 feet estimated thickness of
liquefiable material |
| Category 0 |  | No susceptibility, with possible
exceptions in small, localized
areas |

This liquefaction susceptibility map depicts six categories identifying levels of susceptibility to earthquake-induced liquefaction. Refer to the companion text, which explains details of the liquefaction hazards associated with this map and of the different categories. In category 0, no susceptibility is expected--with possible exceptions in small, localized areas. For categories 1-5, susceptibility is based on estimated available thickness of liquefiable material.

Liquefaction, the loss of soil strength due to increases in pore pressures, is often compared to "quicksand". Loose, water saturated, sandy soils can liquefy from earthquake shaking and



inclusion #4 April 21, 97 Conditional Land Use - meeting with City Council - the Neighborhood needs Your Support.

Present

OPPOSE SUPPORT Speak

✓	Scott Pulifer	4533 Northside Dr NE	✓		✓
✓	Sam Pulifer	4588 Northside Dr NE	✓		
✓	CLEM PEREIRA	4568 Northside Dr Keizer, OR	✓		✓
✓	Evelyn Pereira	4568 Northside Dr Keizer, OR	✓		
✓	Walt Pflanz	4538 Northside Dr. Keizer	✓		
✓	Clara	4538 Northside Dr. Nekeizer	✓		
✓	Abdali Mimoud	4528 Northside Dr NE Keizer	✓		
✓	David & Paula Carbajal	4508 Northside Dr	✓		
✓	Jon Yoshizumi	4478 Northside	✓		
✓	Julia Tulku	4468 Northside	✓		
✓	ALEX TUCKER	4468 Northside	✓		
✓	Takeshi Litau	4455 Northside	✓		
✓	Donielle Litau	4455 Northside	✓		
✓	Ann E CARLBERG	4448 Northside Dr NE	✓		
✓	Lee & Tammy Foster	4438 Northside Dr NE	✓		
✓	Conn Howell	4428 Northside Dr NE	✓		
✓	Jane Jorell	4428 Northside Dr NE Keizer OR	✓		
✓	Terry & Kathleen Wade	4418 Northside Dr - NE Keizer	✓		✓
✓	Abel & Julie Sanchez	4378 Northside Dr NE Keizer	✓		
✓	Jackie Botter	4488 Northside Dr NE Keizer	✓		
✓	Nicholas & Marie's	4527 Northside Dr NE Keizer	✓		✓
✓	Tahana & Michael	4527 Northside Dr NE	✓		
✓	Mary Hoshino Wills	4557 Northside Dr Keizer	✓		
✓	David & Michael Wills	4547 Northside Dr NE	✓		
✓	David & Cheryl	4593 Northside Dr NE	✓		
✓	Bob & Bette	4598 Northside Dr NE	✓		

Print		Office	Support	Spoke
✓	Peggy L. Bender 4598 NORTHSIDE DR NE	✓		✓
✓	Frederick E. Bender 4598 NORTHSIDE DR. NE	✓		✓
✓	Jean Schwabauer 4577 Northside Dr NE	✓		
✓	Blake J. Schwabauer 4577 NORTHSIDE DR. N.E.	✓		
✓	Richard A. Beck 4485 NW 1st S. 1999 WISSMAN RD. NE	✓		✓
✓	Mawin Larsen 4135 SW. 25 TH CT GRESHAM	✓		✓
✓	Teri Larsen " " " "	✓		
✓	Rena D Cook 4548 Northside Dr NE	✓		
✓	Craig Philpot " " " "	✓		
✓	John P. Jolan 4388 Northside Dr. NE	✓		
✓	SELENIA A. ISLAS 4388 NORTHSIDE DR NE	✓		
✓	Danuel B. Bickman 1929 Western DR. NE.	✓		
✓	KEN LARSEN 4835 TANGLEWOOD CT SE	✓		
✓	Amy Barnhart 1191 Capital St NE Salem 97301	✓		✓

RECEIVED

'97 MAY 15 PM 4 43

5-14-97

Re: Case 96-07 City of Keizer Conditional land use
for 1.5m gal water tank.

Dear Mayor Kohe and council members:

You must reconsider building a 1.5 mc tank on the Wiesner sight. If there's anything I have learned in the past 2 1/2 years of living here is how this soil moves.

During our time in this house we have had 3 sink holes deep enough to require dirt to be brought in to fill them. Whether this is because of the 12" water that runs under our house I can not say for sure. It still shows this land is constantly changing. Another example is when I built my water pond. The pond is 8' x 7' x 2.5' which is approximately 900 gal. Twice the sides collapsed. Once during the building and before water was put there. The second time after the pond was filled. This was not due to incorrect building, the soil is sandy and does not hold its shape hardly at all, we still must be careful.

Can you imagine what a 1.5mc tank will do to an area that is barely big

enough to hold the tank in the first place.
You also say it will not impact our
homes. That I beg to differ. I have
already been told it will effect the
appraisal value for resale as well as
the increase in time it will take to possibly
find a buyer. I have already lost
one prospective buyer just this week due
to the fact a 1.5mc tank will be put there.

Gentlemen, there is a win-win alternative,
please hurry the tank. You can use this
current tank at another location before
housing is put in.

I appreciate your time in reading this.

Respectfully

Peggy A. Binder

and the attached list of names
4598 NORTHSIDE DR NE.

Keizer.

NORTHSIDE DR. Water - LUIBA

- 225.⁰⁰ ^{Dr} Boyd and Doris Byrd, 1948 Wiessner 393202⁰
225.⁰⁰ ^{No} Linda Menden 1969 Wiessner 393-6025
225.⁰⁰ ^{Dr} Daniel Rubin 1929 Wiessner Dr. NE. 3934754
225.⁰⁰ ^{No} Terry & Ora Taylor 4597 Northside Dr. NE. 393-3440
225.⁰⁰ ^{and} Khalid Mamoud 4528 Northside Dr. NE 393-7211
225.⁰⁰ ^{Dr} Janice Butler 4588 Northside Dr. NE 393-8960
225.⁰⁰ ^{Dr} Jan Yoshizumi 4478 Northside Dr. NE 393-9685
Julie Tucker 4468 Northside Dr. NE 463-8796
? Lee: Tam Foster 4438 Northside Dr. NE 463-1375
225.⁰⁰ ^{No} Cady Philpot 4598 NORTHSIDE DR NE
225.⁰⁰ ^{Dr} Sam Rubif 4588 Northside Dr. NE Kenosha DR 390-1796
225.⁰⁰ ^{Dr} Erica Simon & Matt Faatz 4538 NORTHSIDE DR. 390-8446
500.⁰⁰ ^{Dr} Fred & Peggy Bender 4598 NORTHSIDE DR. NE. 390-4943
500.⁰⁰ Richard & Sybille Beck

May 14th, 1997

Post-It® Fax Note	7571	Date	5-15	# of pages	4
To	Tracy	From	Gregory Wade		
Co./Dept.	city of Keizer	Co.			
Phone #		Phone #	692-2000		
Fax #		Fax #			

Mayor, And
Council Members

City of Keizer
City Hall
930 Chemawa Rd.
Keizer, OR. 97307

Delivered by: FAX # 1st 5-15-97

RE: WATER Reservoir - Conditional Use 96-07

This LETTER is to Express my and my wife's concerns with the LEVEL of Care and project management of the Wiessner WATER Reservoir.

FIRST; It Has come to our Attention that City Staff failed to Submit to you our Letter of Opposition which was Hand delivered prior to closing of the record and Council's Final Vote. (See Copy of LTR ATTACHED)

Again, I and my wife (Kathleen) want to Express we are in Opposition to the Construction of the Wiessner Storage tank.

STAFF, Seems to have difficulty in communicating with Council and fully providing information. RE: To include LTRs into the hearing file and Delivering to Council. Why is this? Failing to Provide Value Cost Engineering responses back to Council as per directive. Whats up with guess Estimates?

Using the Conditional Use Criteria 8.30 item (b) I have reviewed the Soils Report and find it substandard for the Scope of Work. I'm in Opposition of the Storage Tank as proposed due to Slope Stability and Soils, with No provisions for Stormwater drainage.

The prepared Soils Report is substandard, failing to meet the NATIONAL And State Building Codes for Geotechnical Reports Seismic Site hazards as required by ORS. 455.447 for essential facilities.

• Slope Stability can be greatly effected by the following,
Lack of Erosion Control; Uncollected or Uncontrolled
Drainage and Stormwater; Toe of The Slope cut by an
old road grade, The Excavation on future Homes down
slope from the Tank Location. All of The Above has or
will happen for this project.

The appropriate Level of Care is unacceptable and is
Substandard for this Reservoir. The Lack of
specifications and inattention to detail — reinforces
the Need to STOP and RE-EXAMINE both the project process
and the Construction requirements.

Keizer's Citizens, the Northside Neighbors, and the city
would all Benefit by higher degree of Quality Control and still
meet the needs of Keizer.

Sincerely,

TERRY WADE
4418 Northside Dr.
Keizer, OR. 97303

March 15, 1997

Mayor and City Council
City of Keizer
930 Chemawa Rd. NE
Keizer, OR 97307

**RE: Conditional Use Case No. 96-07
Wiessner Water Storage Reservoir**

[COPY]

Dear Mayor Koho and Members of the Council:

This letter is to register our firm opposition to the construction of the Wiessner Water Storage Reservoir as proposed. Obviously we are upset with the siting of this enormous, obtrusive, tank in our residential neighborhood.

It is very easy for us to place ourselves in the position of the home owners immediately adjacent (i.e. 40 feet) to the proposed monster. If it so easy for us, while can't it be just as easy for you? If this were your home would you oppose this above ground tank? If you would not object to this tank in your back yard, I would suggest that every member of the Council in support of this structure offer to exchange their homes with those of us who find it offensive.

Beyond the highly charged emotional issues we are further opposed to this permit on technical grounds. It is our opinion that the required criteria for Conditional Use approval (Sec. 8.30) are not supported by the findings made by the Community Development Director for the following reasons:

8.30.a The use is listed as a conditional use in the zone.

It is not at all certain that the "water supply" use as described (SIC 494) is intended to include 1.5 million gallon water reservoirs. It is clearly arguable that SIC 494 relates to distribution and not storage facilities.

8.30.c The proposed use, as conditioned, will not materially alter the character of the surrounding area.

Mayor and City Council
March 15, 1997
Page 2

Who is John Morgan to define the "character" of our neighborhood? Who better to determine the "character" of the area than the characters in the area? We are the ones that will look at this tank; every single day we live here. We won't walk between the car and the front door without looking over at this tank. The eight homeowners immediately adjacent to the site will curse this tank every day of their lives.

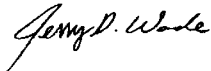
Your staff would like you to believe this tank is not obtrusive because the RS Zone already allows homes to be 35 feet high. This is an absurd comparison. This is an insult to your Council and any intelligent citizen. You can put any three homes in this neighbor hood inside this tank.

Architecturally, character of a neighborhood is generally described in terms of size, scale and bulk. This tank's footprint is almost 8000 square feet; 30% larger than the required lot size in the RS Zone. It has a volume of over 282,743 cubic feet. In bulk that would amount to 15-20 neighboring homes.

It is inconceivable that anyone could conclude that the intrusion of such an enormous structure would not alter, and therefore be detrimental to, the character of this neighborhood.

Is there a solution? Of course! You can build an underground reservoir or move it to a more appropriate location. Yes, it will cost more money. Is it worth it? Of course it is to this neighborhood. But would the rest of the rate payers in the City be willing to spend a couple of more dollars each to see that their neighbor's homes and properties were preserved? I'd bet they would. I trust the citizen's of Keizer, you should too.

Sincerely,



March 15, 1997

Mayor and City Council
City of Keizer
930 Chemawa Rd. NE
Keizer, OR 97307

RECEIVED

'97 MAR 21 PM 4 37

CITY CLERK
GENERAL STOPS

*MEMO distributed
to Council
4-2-97
JL*

**RE: Conditional Use Case No. 96-07
Wiessner Water Storage Reservoir**

Dear Mayor Koho and Members of the Council:

This letter is to register our firm opposition to the construction of the Wiessner Water Storage Reservoir **as proposed**. Obviously we are upset with the siting of this enormous, obtrusive, tank in our residential neighborhood.

It is very easy for us to place ourselves in the position of the home owners immediately adjacent (i.e. 40 feet) to the proposed monster. If it so easy for us, while can't it be just as easy for you? If this were your home would you oppose this above ground tank? If you would not object to this tank in your back yard, I would suggest that every member of the Council in support of this structure offer to exchange their homes with those of us who find it offensive.

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8.30.c The proposed use, as conditioned, will not materially alter the character of the surrounding area.

Who is John Morgan to define the "character" of our neighborhood? Who better to determine the "character" of the area than the characters in the area? We are the ones that will look at this tank; every single day we live here. We won't walk between the car and the front door without looking over at this tank. The eight homeowners immediately adjacent to the site will curse this tank every day of their lives.

Your staff would like you to believe this tank is not obtrusive because the RS Zone already allows homes to be 35 feet high. This is an absurd comparison. This is an insult to your Council and any intelligent citizen. You can put any three homes in this neighbor hood **inside this tank**.

Architecturally, character of a neighborhood is generally described in terms of size, scale and bulk. This tank's footprint is almost 8000 square feet; **30% larger than the required lot size** in the RS Zone. It has a volume of over 282,743 cubic feet. In bulk that would amount to 15-20 neighboring homes.

It is inconceivable that anyone could conclude that the intrusion of such an enormous structure would not alter, and therefore be detrimental to, the character of this neighborhood.

Is there a solution? Of course! You can build an underground reservoir or move it to a more appropriate location. Yes, it will cost more money. Is it worth it? Of course it is to this neighborhood. But would the rest of the rate payers in the City be willing to spend a couple of more dollars each to see that their neighbor's homes and properties were preserved? I'd bet they would. I trust the citizen's of Keizer, you should too.

Sincerely,

Jerry Wade
4418 Northside DR. N.E.
Keizer, OR. 97303

Kathleen M Wade
4418 Northside Dr. NE
Keizer OR 97303



May 19, 1997

AGENDA ITEM 7b

**ORDINANCE - COMP PLAN AMENDMENT/ZONE
CHANGE/SUBDIVISION CASE NO. 96-05 - SPECIAL POLICY
AREA (WHALEN, CHANDLER, PIERCE)**

CITY COUNCIL MEETING: May 19, 1997

AGENDA ITEM NUMBER: 7b

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: COMPREHENSIVE PLAN/ZONE CHANGE/SUBDIVISION CASE 96-05

DISCUSSION:

This matter was postponed until tonight in order to allow each of the jurisdictions involved in the Willow Lake Wastewater Treatment Plan Special Policy Area issue an opportunity to consider and act on the City of Keizer's proposal for resolving issues in that area. Council will be briefed in an executive session tonight on the particulars of the processes so far, but it can be summarized by saying Salem has adopted a position that is probably not acceptable to Keizer. This will necessitate more discussions between the jurisdictions and should have a bearing on the Council's action on this land use case.

Council may wish to postpone this agenda item until after the executive session.

RECOMMENDATION:

The Council, based on the strategy its develops to deal with Salem on the SPA issues, should either adopt the ordinance approving the Comprehensive Plan amendment, zone change, and subdivision tonight, or hold the matter over until a date certain in the future.



May 19, 1997

AGENDA ITEM 7c

ORDER - VARIANCE - CASE NO. 97-01
ROEMER, CULPS AND GILLELAND

CITY COUNCIL MEETING: May 19, 1997

AGENDA ITEM NUMBER: 7c

TO: MAYOR KOHO AND COUNCIL MEMBERS
THROUGH: JOHN MORGAN, CO-CITY MANAGER PRO TEM
FROM: E. SHANNON JOHNSON, CITY ATTORNEY
SUBJECT: *RICK AND SARAH ROEMER VARIANCE REQUEST*
(CASE NO. 97-01)
DATE: May 15, 1997

At the April 21, 1997 meeting, Council directed staff to return with an Order approving the variance request by Rick and Sarah Roemer to construct a commercial development on a parcel less than one acre in the Mixed-Use (MU) zone. Such variance was connected with the previous comprehensive plan/zone change which has already been approved.

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

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 ORDER

3 IN THE MATTER OF THE APPLICATION BY RICK AND
4 SARAH ROEMER FOR A VARIANCE TO ALLOW
5 COMMERCIAL DEVELOPMENT ON LESS THAN ONE ACRE
6 IN THE MIXED-USE (MU) ZONE

7 The City of Keizer orders as follows:

8 Section 1. THE APPLICATION. This matter came before the Keizer
9 City Council on the application of Rick and Sarah Roemer for a variance to
10 allow a commercial structure to be built at 5020 7th Street N.E., Keizer. The
11 minimum lot size for a commercial use in the Mixed-Use (MU) zone is one
12 acre. The Roemer property contains approximately .11 acres. Therefore, a
13 variance is necessary.

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

19 Section 3. PUBLIC HEARING. A hearing was held on this matter
20 before the Keizer City Council on April 7, 1997 and April 21, 1997. The
21 following persons either appeared at the City Council hearing or provided
22 written testimony on the application at the April 21, 1997 hearing:

23 1) John Morgan, Community Development Director

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

1 Section 5. OBJECTIONS. No objections have been raised as to notice,
2 jurisdiction, alleged conflicts of interests, bias, evidence presented or testimony
3 taken at the hearing.

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

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

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

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

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

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

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

19 PASSED this ____ day of _____, 1997.

20 SIGNED this ____ day of _____, 1997.

21
22

Mayor

23
24

City Recorder

EXHIBIT "A"

Evidence

Official notice has been taken of the Planning Department staff and all documents filed therein.

John Morgan, Community Development Director, presented the staff report at the April 21, 1997 meeting. He indicated that it had been continued from the April 7, 1997 meeting. The associated comprehensive plan/zone changes were made by separate Ordinance. However, a variance was needed in this case.

Mr. Morgan reviewed the criteria and the associated findings as set forth in his staff report. No further testimony was presented.

Mayor Koho closed the hearing.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant in this case are set forth in Section 6.30 of the Keizer Zoning Ordinance (KZO). These criteria deal with the requirements for a variance application. No other criteria and standards were raised at the hearings.

EXHIBIT "C"

Facts

Approval of the variance requires that the City Council find that the application complies with the variance criteria set forth at Section 6.30 of the Keizer Zoning Ordinance. Those criteria, and the related findings are set forth below:

1. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone. KZO 6.30(a).

The only option to the one acre standard is the size of the subject property at 0.11 acres. Therefore, it is minimum variance that can be granted.

2. There has not been a previous land use action approved on the basis that variances would not be allowed. KZO 6.30(b).

No previous land use case has applied to the subject property.

3. The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property. KZO 6.30(c).

Questions of the impacts to the surrounding neighborhood have been dealt with in the context of the Comprehensive Plan change and the zone change. The findings set forth in the Ordinance approving the comprehensive plan/zone change are referenced herein as if fully set forth. The zoning ordinance provides for appropriate screening from surrounding residential property. The size of the building and parking lot are scaled to fit the property within the required setbacks.

4. The variance will not significantly affect the health or safety of persons working or residing in the vicinity. KZO 6.30(d).

The variance will not create an environment that will affect the health or safety of persons working or residing in the vicinity. As mentioned above, the site will be buffered from adjacent residential uses in accordance with the zoning requirements. As it is an office building, it will not emanate any noise or odor. The applicant and staff have worked out an acceptable design for the parking lot and access to Chemawa Road that will minimize any traffic concerns.

5. The variance will be consistent with the intent and purpose of the provision being varied. KZO 6.30(e).

The Mixed-Use (MU) zone was created as part of the McNary Activity Center Plan. It was a zone specifically designed to allow and encourage mixed uses along both sides of River Road from Lockhaven north to Wheatland Road. As this zone was created, the Planning Commission was concerned that the lots lining the east side of River Road just north of Lockhaven would individually convert to small commercial uses, thereby creating an expansion of the River Road strip commercial corridor. This would be in violation of Comprehensive Plan Policy D.2.d.3(b) which states: "Strip commercial will be located along North River Road generally south of Claggett Street, and along Cherry Avenue."

The Planning Commission and the City Council did not anticipate the attractiveness of the Mixed-Use (MU) zone to the development community. It has now been used in many areas outside of the McNary Activity Center at the request of property owners. The situation that led to the one acre size standard in the original consideration of the zone does not necessarily apply to the application of the Mixed-Use (MU) zone in other parts of the City.

The variance will be consistent with the intent and purpose of the provision, as that provision was developed solely within the context of the River Road corridor north of Lockhaven and did not anticipate the use of the Mixed-Use (MU) zone in other parts of the City.

EXHIBIT "D"

Justification

In this application, Rick and Sarah Roemer are requesting a variance to allow construction of a commercial development on less than a one acre parcel in the Mixed-Use (MU) zone. The subject parcel is approximately 0.11 acres in size.

The Mixed-Use zone was created as part of the work revolving around the McNary Activity Center plan. At the time, the Mixed-Use zone was to be used mainly in such Center and there was a concern that individual development would occur that would not be coordinated and cohesive as required in an Activity Center.

The zone has been used outside the McNary Activity Center several times successfully. In this particular case, the applicants wish to develop a commercial office use. That is entirely appropriate on an arterial street.

Appropriate conditions are already set forth in the zone change/comp plan change, as well as the general development standards of the Keizer Zoning Ordinance. Such conditions will mitigate any adverse affects from the development.

The mixed use development will enhance the policies and goals of the Comprehensive Plan by providing for needed housing as well as a commercial development in the area.

EXHIBIT "E"

Action

The City of Keizer orders as follows:

The City Council hereby **GRANTS** the requested variance to allow commercial development on less than a one acre parcel in the Mixed-Use (MU) zone.

4672COK.001



May 19, 1997

AGENDA ITEM 7d

**MOTION - APPROVING THE COPS PROBLEM SOLVING
PARTNERSHIP PROGRAM**

To: Mayor and City Council

Thru: Wally Mull, Acting Co-City Manager

From: Lt. Pat Bowe *JPB*
Jodi Sherwood, Community Policing Coordinator

Subject: COPS PROBLEM SOLVING PARTNERSHIPS PROGRAM

BACKGROUND

On August 15, 1996, we applied for a grant, through the U. S. Department of Justice, under their COPS Problem Solving Partnerships Program. The purpose of this particular program is to provide unique opportunities to work together with policing agencies and the community to address crime and disorder problems.

On Thursday, May 15, 1997 we were notified by David Danzig of Congresswoman Darlene Hooley's Office that we are to be a recipient of this grant for the full amount we requested of \$58,033. The U.S. Department of Justice asked them to notify us of this award as they will formally make an announcement to us in a packet they hope to have out in the next few weeks. Mr. Danzig advised me that this was a very competitive award as they received over 900 applications. Just over 400 agencies throughout the nation received the award. Springfield and Milwaukie Police Departments are the only two other agencies in the State of Oregon to receive funding under this program.

We did receive the entire award amount that was requested of \$58,033. In August, 1996 I did present a staff report to the council that explained the scope of our request and the purpose of the grant. Below is a brief synopsis of that report:

The grant requires us to focus on one specific crime or disorder problem. "Larceny" (theft) was selected to be addressed under this grant. While this crime is to be the focus, it will not preclude us from working on other related problems, especially those at the same location.

We choose to focus on the District One area of the city. Our research shows that this area generated 47% of the larceny related cases in the first six months of the year. As you know it has the same population base and geographical area as the other two districts. The District Two and Three areas generate 53% of the larceny cases when combined.

This grant has several expectations that are required and covers a one year period. An in-depth inquiry into the cause of the problem is expected. Along with reporting on our responses and assessment of the impact on the problem. They do request that at least 5% of the award be used to evaluate the impact of the problem solving effort. They suggest that a community based entity

be involved with the program. We have selected our Main Community Policing Committee and the District One Community Policing Committee as our partners in this collaboration.

Our program would include the hiring of a (*temporary*) full-time Community Policing - Crime Analyst Assistant. (Note-The grant covers the hiring of non-sworn personnel for a one year period only). This position would work together with the Community Policing Coordinator and the District One Supervisor. Most of the assistants work will go beyond the more traditional crime analysis functions of identifying offenders and generating general crime statistics for the department. There are several areas other than larceny that will be tracked to view any correlation between them. We will also focus on enhancing our Neighborhood Watch, Senior Citizen and Business programs in the District One area. The COPS Problem Solving Partnership Program will work very well with the Local Law Enforcement Grant. The development of new brochures and information received from that grant will assist in the improvements in the District One area and will enhance our public awareness and crime prevention abilities.

The funds requested would cover salary, benefits, computer, printer, software and miscellaneous office supplies. The cost of developing, implementing and tracking of a citywide survey was also included. This will cover the need to evaluate the impact of our efforts. They do request that members of your agency participate in at least one COPS Conference during the year.

FISCAL IMPACT

There is no anticipated fiscal impact with the receipt of this grant award. The employee would be hired with the understanding that the hiring period is a temporary one-year position. The police department will be under the understanding that they should not become dependent on this position to the extent that it would jeopardize the programs as this position comes to a close. The grant period would begin July 1, 1997 and end on June 30, 1998.

RECOMMENDATION

Staff recommends a motion to approve acceptance of the grant.



May 19, 1997

AGENDA ITEM 8a

**APPROVAL OF MARCH 17, 1997 REGULAR SESSION
MINUTES**

MINUTES
KEIZER CITY COUNCIL
Monday, March 17, 1997
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:04 p.m. Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Dawn Meier, Councilor
Al Miller, Councilor
Garry Whalen, Councilor

Staff:

John Morgan, Community Development Director
Charles R. Stull, Chief of Police
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
John Lien, City Attorney
Pat Bowe, Lieutenant, Keizer Police Department
Tracy L. Davis, City Recorder

RESOLUTION -
APPROVING CITY
MANAGER
EMPLOYMENT
TERMINATION
AGREEMENT

Councilor Keller moved a Resolution Approving the Keizer City Manager Employment Termination Agreement. Councilor McGee seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Meier and Whalen (5)

NAYS: Beach and Miller (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Miller departed the meeting at 7:06 p.m.

PUBLIC
TESTIMONY

Norm Cobb, 4606 Rivercrest Drive N, and Jim Hupy, Keizer Florist, 5099 River Road N, Keizer distributed a memo to the Council members about the upcoming Keizer Heritage Foundation Car show. The goals for the show are to raise money for further restoration of the Keizer School House and introduce more people to Keizer.

Mr. Cobb stated the Keizer Heritage Foundation would like to have for-profit vendors at the show which will be held on city park property - Chalmer Jones Park. Councilor Keller asked about any restrictions in the Heritage Foundation contract for special events.

Shannon Johnson, City Attorney, responded the ground lease only concerned the School House building area. He felt City park policies should be checked since they would affect the park at City Hall. Councilor Keller was supportive of the Foundation and their show. Mayor Koho agreed. Councilor McGee asked if gun sales or swaps would be included. Mr. Cobb said no, nor would alcohol sales be included.

Mayor Koho asked Mr. Johnson to research the issue and return to the Council if further action is needed.

Don Allenby, 284 Manbrin Drive N, Keizer voiced concerned about the past due water bill notices being sent so soon after the due date. He pays his bill when his money is received and he was concerned about the cost of excess billing. Mr. Allenby also mentioned the differing postal rates.

Mr. Allenby also asked about the bond measure payment schedules. He recently found out the bond interest rate has been renegotiated and he would like to see these items addressed for the public.

Councilor McGee stated the interest rate for the City has been renegotiated for a savings for the water district. The bond should be paid off in 2002. Mr. Allenby asked if the length of time had been extended. Councilor McGee said the timing is the same. To answer a question about the Fire District, Councilor Meier said their bond issue is for 20 years and began in 1996.

Councilor McGee believed Mr. Allenby had a good suggestion for the water bill mailing. He said about 18% of the population of Keizer is retired and might receive their checks on the first of the month. With this in mind, having the payable date be the first will always be a conflict. Mr. Mull, Public Works Director, was willing to look at the issue. He also noted bills are mailed under bulk mailing, making the cost less per piece of mail.

Wayne Trucke, 6330 14th Avenue NE, Keizer, a member of the Gubser Neighborhood Association, asked if the committee had been formed to look at the noise and light issues. Mayor Koho answered that construction is ahead of schedule but the committee was to be formed at a later date. Mr. Trucke wanted to be sure the committee was created before the stadium opened.

Mayor Koho appointed Councilors Keller and Meier from the Council to serve on the committee. The group will also include two members from the Neighborhood Association and a representative from the stadium. Councilor Keller will chair the committee.

COMMITTEE REPORTS SOUTH EAST KEIZER NEIGHBORHOOD ASSOCIATION ANNUAL REPORT

Ken Gierloff, 4035 Arnold Street, President of South East Keizer Neighborhood Association, presented the group's Annual Report. Current records and minutes have been given to the City Recorder. Among the issues dealt with by the Association were a Claggett Creek greenway meeting, Pleasantview park needs survey, Park wetland enhancement, Cherry Avenue Urban Renewal plans, local graffiti watch, land use meeting facilitation, budget process participation, neighborhood watch, Linda Avenue land use, and a proposed new park.

Also, the group held a candidate forum, a food drive and a number of food related events. Members of the Association work with many community organizations, i.e. STOMP program, Cub Scouts, Community policing committee, Planning Commission, Park Advisory Committee. Upcoming is an Arbor Day tree planting event.

Mayor Koho moved to extend the recognition of the South East Keizer Neighborhood Association for another year. Councilor Meier seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

COUNCIL LIAISON REPORTS

Mayor Koho requested the cancellation of **Budget Committee** meetings scheduled for the future. Measure 47 has been rewritten by the House of Representatives, making the ballot measure passed by the Keizer voters valid. The Senate is expected to approve the rewrite also, but if not, Keizer is included in the Attorney General's opinion. The ballot measure should take effect on July 1, 1997.

Councilor McGee praised Mayor Koho for his professional and successful lobbying at the legislature. Councilor Beach agreed.

The **Parks Advisory Board and Claggett Creek Task Force** both received the report from the McNary Science Club. Councilor McGee praised the excellent job done by the Science Club. Councilor Beach suggested sending a letter of commendation for a job well done. Mr. Mull noted the Keizer Times had presented considerable coverage in their weekly paper.

No report was available from the **Planning Commission** meeting.

OTHER BUSINESS

Councilor Keller asked about the **usage of McLeod for construction traffic**. Mr. Mull said the heavy trucks and weather caused the failure of Radiant on Friday and McLeod was used for one day until the street could be repaired.

Councilor McGee asked about the addition of an agenda item for **Old Business** to include unfinished business. He will create a proposal at a later date.

John Morgan, Community Development Director, updated the Council on the issue of **Wireless Communication facilities**. He noted he would be asking the Council to suspend their rules for consideration tonight. Mr. Morgan said two permits are pending, one from US West Corporation and one from Western Wireless (trade name - Voice Stream). In the meetings with those companies, City staff has addressed concern about the height of the proposed towers. Alternative sites were considered including the City Hall area and McNary High School.

Mr. Morgan said the committee has been concerned about the lack of regulation. He reviewed a letter from Western Wireless, in the form of a contract, stating they will erect a portable 70 foot tower on a trailer. For their side, the City will investigate and negotiate use of the City Hall site or another site. The company will not begin construction for 60 days and will also consider alternative sites.

He recommended the Council suspend their rules, approve issuance of a building permit for US West, and move to approve the agreement with Wireless with authorization to proceed.

Shannon Johnson, City Attorney, talked with the company's attorney and his only suggestion would be adding to their agreement the company's obligation to negotiate use of another site. He offered specific technical language for changing the contract to include Western PCS's negotiation responsibility and the conditional land use approval required if a City Hall siting is chosen. Mr. Johnson believed the contract to be a positive one and Western was willing to bear the expense of a temporary tower allowing further time for the City to define their policy.

The Council agreed by consensus to suspend the rules in order to take action on the Wireless Communication issue.

Councilor Meier asked if one of the additions included the school district in negotiations. Mr. Johnson said Western would be

responsible for negotiating with the school district but their initial indication from the district had been negative.

Councilor Beach asked if co-location could be a possibility. Mr. Morgan said that could be negotiated through the process. His concern was the number of companies that might be interested in sites. Many details must be worked out. In answer to a question from Councilor McGee, Mr. Morgan stated he knew of one other major vendor although other private providers may be interested.

Councilor Keller mentioned ordinances are in the works for guidance in the future. He was pleased with the cooperation of the vendors. Mayor Koho was also pleased.

Mayor Koho moved for the Council to approve of the agreement as described and amended by City Attorney, Shannon Johnson. Councilor Keller seconded the motion.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

Mayor Koho moved to direct staff to approve the building permit for US West. Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

Mr. Mull announced the garbage haulers and the City of Keizer have scheduled the **Spring Clean Up Day** on May 3, 1997 at McNary High School.

Mr. Mull said surveying for the **water level at Staats Lake** should be completed this week. He also said meetings are continuing regarding Labish Ditch. Multi-Tech has completed their analysis of the size of ditch needed to control the water. The numbers have been sent to other consultants for conformation and will be discussed at the next meeting.

Councilor Whalen asked about a culvert for River Road bridgeway. Mr. Mull answered a mitigation grant has been applied for removal of the culvert and replacement with a bridge. Tentative approval has

been given. Meetings with FEMA have taken place, including one at the site. Work is considered for next spring.

Councilor Meier asked if permission had been given to a Gubser teacher for field trips to the wetlands. Since no calls have been received by the City Staff, Councilor Meier will do additional research.

Chuck Stull, Chief of Police, stated a part of their report was not available to be distributed but will be handed out at the next meeting. He announced five new additions to the neighborhood watch groups, now numbering 136.

Chief Stull reported one of the **murder cases** mentioned last month has reached a conclusion. Lieutenant Pat Bowe updated the Council on the particulars of the case. Fourteen people have been arrested to date and more are expected. He also reported 33 days were spent putting the case together throughout the Valley. Councilor Keller commended the Department for their work. Mayor Koho also commented on the impressive job.

PUBLIC HEARINGS CHEMAWA ACTIVITY CENTER PLAN

Mayor Koho reopened the Public Hearing.

Mr. Morgan presented two staff reports, one in the packets and one handed out. The initial staff report transmits an adoption draft of the document. Also included are the ordinances, one for adopting the Industrial Business Park (IBP) zone and the other for adopting the Chemawa Activity Center Plan with implementation of all recommendations. He recommended action be taken in that order.

Mr. Morgan noted that he and Mr. Johnson are continuing to work with Oregon Department of Transportation (ODOT). He thanked the ODOT staff for their many hours of work with the City staff, especially recently.

The second staff report contains proposed language amendments concurred with by the ODOT staff. Mr. Morgan reviewed the proposed language as outlined in the staff report which would meet the concerns of ODOT.

Also attached to the staff report was a recommendation from the Planning Commission previously seen by the Council and a drawing from City Engineer, Bill Peterson, showing the street improvements to be included with the final plan. Mr. Morgan reviewed the procedure recommendation from the staff.

In conclusion, Mr. Morgan explained one point brought up by property owners. In area C, the property owners wished to know the exact

location of the realignment of Ridge Drive to discover the impact on their property. The Commission stated the alignment would be plus or minus 100 feet allowing the street to be moved if needed. Mr. Morgan recommended the 100 feet variance apply only west of the two properties which front on Ridge drive as defined by tax lot numbers. Councilor Keller asked a clarifying question regarding another property having the same issue. Mr. Morgan felt, as did the Planning Commission, that a route could not be made until the actual design function.

Councilor Keller questioned whether on page 10, the state requirement still remained in effect which mandated building entrances be no farther than 50 feet from the street. Mr. Morgan felt this point was included not because it was a requirement but because it made sense for an industrial district. He believed traffic must be kept under control and mass transit may be an alternative. In that case, having the entrances closer to the street makes sense for industrial property, if not for commercial. Councilor Keller brought up the possibility of a safety issue with the police not being able to see the parking area. Mr. Morgan suggested a common development plan for industrial sites is to have the parking beside the building. Parking lots behind often are secured.

Councilor Meier was concerned that the Council had just received the information which appears long and detailed. She did not feel comfortable making a decision without study. Mr. Morgan said the ODOT material was new but the Council received and accepted the other material in September. Also being a new Councilor, Councilor Whalen concurred with Councilor Meier.

Presenting testimony were:

Karen Trucke, 6330 14th Avenue NE, Keizer spoke about specific safety issues. She related her concern for pedestrians when Whiteaker dismisses, even at this time. Ms. Trucke has not seen a study of the impact on pedestrians of school dismissal on Lockhaven. Relating school dismissal timing to a possible shift change, she felt an analysis must be made.

Ms. Trucke also was concerned about Tepper Lane and the safety of grade school children as the traffic finds another route through the neighborhood. She pointed out that the stadium lease says Tepper Lane might be closed permanently. She urged time be spent to study the issues before the document is passed.

Greg Lamb, Gubser Neighborhood Association President, 2323 Latona Drive, Keizer said he had received calls from concerned citizens regarding traffic problems, especially Tepper and McLeod. He knew trucks may be using McLeod periodically which is

understandable. The greatest concern of the neighborhood is that Tepper Lane will be used as a collector street. Since funding was not allocated for an underpass, he believed there would be no other option.

The Gubser Neighborhood Association remains behind the project, especially the zone change. Traffic still appears to be their major issue. Mr. Lamb highlighted safety concerns if Activity Center traffic uses McLeod. Mr. Morgan explained the second item from the revisions includes a Radiant and Lockhaven interchange which would hopefully ease traffic issues. Mr. Lamb did not have the revision packet. He also said the Fire Department has needed Tepper Lane to remain open for safety. He believed neighbors are watching the situation closely and continue to be concerned.

Councilor McGee asked Mr. Lamb to read the revisions carefully to discover if the Association's concerns are addressed. He encouraged his return to the Council with any additional issues. Mr. Mull stated McLeod will be improved with curb sidewalks and storm drainage in the next fiscal year. The plan will be sent to the Association.

Dale Nason, 2200 Chemawa Road N, Keizer read the proposal, discussed it with neighbors and wished to comment. He agreed with the realignment of Ridge Drive but was concerned about the final statement regarding building within 100 feet of the line shown. He encouraged the Council to set the street plan and change it if needed in the future.

Mr. Morgan said the fear is the City might be held to the line by an attorney. A plan amendment might have to be done if the line needed shifting. The staff could craft language saying the Master Plan could approve realignment. Mr. Johnson stated two reasons were involved in the recommendation to the Planning Commission. First, if a development wishes to come in and the alignment does not work for their plans, then a full Comprehensive Plan change would be required. Secondly, if the land must be condemned for the street, the City is bound to an exact location. Mr. Johnson said the line could be made exact and then the Plan changed to accomplish condemnation.

Mr. Nason's second issue was dissatisfaction with the statement regarding St. Croix Street. He believed, as a property owner on that street, the language should be specific. His suggestion was: "St. Croix shall be disconnected from Chemawa Road and be extended south to the realigned Ridge Drive. The street shall be designed and developed to minor arterial street standards." He believed traffic has been surveyed and there is a problem turning onto St. Croix. Mr. Nason wanted to have any new street defined rather than such vague language.

Councilor McGee asked if it would be better to have a new street in that area. Mr. Morgan answered the vague words were placed in the plan because of concerns from people on the street. If staff had heard neighborhood interest in recommending closure, they would have included it in the plan. Although he thought Mr. Nason's idea was good, Mr. Morgan disagreed with him since he was uncertain of the neighbor's desires.

Councilor McGee discussed the use of St. Croix with Mr. Morgan. Mr. Nason said support of his proposal depends upon resident's desire for future plans for the street.

Troy Costales, 7132 35th Avenue NE, Salem provided written testimony to the Council asking the Transportation Study be held open. He had presented testimony twice before to the Council and promises for ODOT and City staff to contact him had not been fulfilled. Mr. Costales contacted ODOT who said his concerns were valid. The representative also suggested Marion County should be involved in the study since one road leading into the Center was a county road.

Mr. Costales' concerns related to the Center Plan not including all of the area now in the Activity center, specifically 35th Avenue which is not discussed in detail. He was also concerned about discussion of traffic other than automobiles in the northern portion. Finally, Mr. Costales believed the roadway design is not adequate to handle the current traffic on Radiant, Tepper and 35th, especially double trucks with construction debris. He related several personal examples of unsafe experiences. Mr. Costales did note his appreciation for the road cleaning from the construction crews but noted the road is in bad shape from their use. He again encouraged the Study not be adopted as presented.

Rodney R. Stubbs, Eldred Realty, 3460 Dogwood Drive S, Salem represented the Northwest Property Owners Association. He received the final plans only on Friday and had not time to review them. Concerns were raised about area A where the applicant is required to identify and implement improvements necessary to maintain a v/c ratio of better than 0.87 plus or minus 2% using acceptable strategies as listed. Mr. Stubbs said investors are willing to pay for their fair share on the improvements, but the Chemawa Interchange is now the designated intersection for serving the new Silverton Gardens which will add additional traffic.

Mr. Stubbs explained ODOT deeded interchange land to sovereign tribes and he did not wish to have investors carry the burden for land owned by the tribes. He said investors must have a Master Plan so they can be certain about their investments. As a side note, his investors appear to be in line with the City's desired plan for the development.

Councilor McGee asked how to assure future development pays a fair share. Mr. Morgan stated he had raised the same concerns to ODOT. Keizer should only be responsible for what they will be developing at this time. When the Master Plan is created, an analysis will take place which will serve as the constant. Mr. Morgan did not think the language will bind a developer or the City for more than their responsibility. In a philosophy change, ODOT now wants the local jurisdiction to analyze needs from their development.

If present developers make their improvements and then additional needs are presented in 5 years, Councilor McGee asked how those traffic problems would be solved. Mr. Morgan answered the traffic problems are solved with street improvements. He explained the Keizer interchange is different from other city's because it will be a multijurisdictional area with several agencies utilizing the interchange.

In answer to a question from Councilor McGee, Mr. Stubbs stated he would feel more comfortable about the situation after the investors meet with the City and ODOT to work through the specifics. He gave an example of his concern about the interchange design and voiced his frustration with the freeway system.

Mr. Johnson discussed the financial strategy. He explained the major methods of funding including system development charges and conditions of approval. Mr. Johnson stated a great deal of work is still ahead in that area.

Councilor Meier asked why the loop would be included. Mr. Morgan answered the loop was added to make the Chemawa Activity Plan work. He said it would be crucial to development. To explain the relationship of the tribal lands to the project, Mr. Morgan said ODOT still has control over tribal actions and are able to assert authority because a state highway is involved. He believed ODOT will assist in defense of the City but his fear is the chance the interchange capacity might be depleted by the placement of a tribal activity.

Stating her concern, Councilor Meier, asked if the tribal authorities had been approached. Mr. Morgan said the City has met with the Indian School superintendent, suggesting the donation of land would be to their advantage for creation of loops and ramps.

Mr. Stubbs, in his final comments, said in his discussion with the investor he had said a variance to make Tepper a cul-de-sac might be possible. He thanked the City Council for their time spent in regards to the issue.

Connie Garland, 5525 St. Croix Way, Keizer spoke to the Council about the discussion on her street. She encourage them to visit the street to see that it could not handle through traffic if it were made a connector. If the street were "punched through" and improved, Ms. Garland said the majority of the homeowners would lose their yards and perhaps even part of their homes. If this were to happen, she would rather see the street become commercial development. She encouraged the making of a decision since the homeowners have been waiting for 10 years. Her preference is to leave the street the way it is, rather than becoming a residential island in the middle of commercial zoning.

Dan Fricke, Senior Transportation Planner, Oregon Department of Transportation, 2960 State Street, Salem stated the information contained in the report accurately reflected the discussion and language included in the meetings between the City and ODOT. He spoke positively of the presentation made by Mr. Morgan.

Mr. Fricke addressed the issue of responsibility for future levels of improvement. He said the idea was that applicants would be responsible for the impacts they create but in today's meetings there was a strong acknowledgment that interchange development will be affecting more than just Keizer. A long term study of the I-5 corridor will be initiated in the near future, including Woodburn and some exits south. He supported inclusion of the language in the final action.

Councilor Whalen asked about ODOT's view on tribal lands, highway plans and access. Mr. Fricke said unless access is needed, ODOT has little control. ODOT's only real authority is through an approach road permit although they try to work with jurisdictions to produce agreement.

Councilor Keller asked for further clarification of the comments. Mr. Fricke stated ODOT has access and control of state highways. He pointed out the specific wording from the plan. Mr. Morgan stated Chemawa Road has state right-of-way almost all the way to Radiant Drive and the alignments on the plan are in that section. Mr. Fricke added ODOT bought access control land in that area, to control the placement of driveways.

Continuing discussion on the issue, Councilor Whalen asked how the right-of-way would be available for the loop if it were the property of the Indian tribes. Mr. Fricke stated he understood the land to be owned by the Bureau of Indian Affairs (BIA) but not yet deeded to individual tribes. Mr. Morgan said whether the land is owned by the BIA or individual tribes, they will still need access through the ODOT authority.

Councilor Meier asked if it were appropriate for the City of Keizer to have a Master Plan showing a loop situated on property not owned by the City. Mayor Koho pointed out none of the dark lines on the map are on City owned property. Councilor Meier noted those were private properties as opposed to BIA land.

In responding to the question, Mr. Johnson explained on all the property other than BIA land and Area D, the City would have the right of condemnation. He said the loop must work as drawn for traffic purposes and Area D could not develop without access. The only viable way seems the interchange underpass system.

Douglas Schultz, 7790 Marion Road, Turner owns the property west of Mr. Nason in the Area C with the longest stretch of Ridge Drive realignment. He appreciated the opportunity to look over the plan but would have preferred to address the Planning Commission with his questions, earlier in the process.

Mr. Schultz suggested the 100 feet of alignment could be a matter of simple Master Plan modification. He asked a question concerning access to Ridge Drive and Chemawa. Mr. Morgan said the realignment of the streets is to be done to access standards and cut down on driveways. Mr. Schultz clarified the businesses might not front on Ridge Drive which concerned him as a property owner in the area. He asked if re-zoning automatically resulted from approval of the Plan. Mr. Morgan stated it did.

Mr. Schultz suggested closing the existing end of Ridge Drive and creating a right hand turn to Lockhaven to encourage traffic flow. Mayor Koho shared concerns resulting from the loop in that area.

Wayne Trucke, 6330 14th Avenue NE, Keizer related his concern about approval of the Plan not knowing if the loop will be able to be constructed. He also mentioned the possibility the tribal lands may not be developed until future years.

Karen Amico, 3756 Cherokee Drive S, Salem owns the property in the northeast section of Area C. She was concerned about area road layouts, future retail site accessibility, and excess traffic flow through the residential areas. She suggested Ridge Drive being left open with a frontage road along Lockhaven, feeding back into Chemawa. Her final suggestion was allowing more time to extend or rethink the traffic flow in Area C.

Randy McCool, 5530 St. Croix Way, Keizer asked specific, clarifying questions about the plan including use of an overlay of the Ridge Drive plan, the method of traffic control considered for Ridge and Harmony, and plans for residential zones in Area C. Mr. McCool stated his concern about southern development being focused on

Ridge Drive. St. Croix residents must also use that intersection. He encouraged the Council and City planners to visit the St. Croix intersection. Mr. Morgan stated the Plan language is not definitive since it may change over time depending on the type of development which occurs.

Mr. McCool's was concerned the plan result would be all the traffic focused on Harmony, McLeod and Ridge Drive intersections. He wanted the Planning Commission to create a plan addressing traffic in Area C. He agreed with Mr. Nason regarding St. Croix remaining a dead end. Mayor Koho asked a clarifying question regarding St. Croix being capped at Chemawa. Mr. Morgan stated the present language did not specify that although that was the intent. In response to Mr. McCool, Mr. Morgan said the Planning Commission very much wanted to get involved in the Master Plan but the neighbors preferred another method.

Mayor Koho questioned the Council about their preference regarding discussing the issue in the present meeting. Councilor Meier said if a decision was not to be made in the meeting, she would prefer delaying discussion so she might study the information. That was supported by Councilor McGee who believed the neighbors would not object to deliberation and decision making at the next meeting.

Councilor Keller asked Mr. Morgan to respond to the idea that the BIA/individual tribal land might not be developed for 10-15 years. Mr. Morgan stated the way the performance standards are set up, a certain level of service must be retained. If nothing happens on the south side, another plan must be made. Councilor Keller asked if feedback could be received from the property owner. Mr. Morgan did not realistically believe an alternative plan or the needed property information could be available for the next meeting.

Councilor Whalen believed receiving the information is critical before adoption of the plan. Councilor McGee asked if the Congressional delegation has been approached. Mr. Morgan said that has not been done and will be considered if information is still not forthcoming. Councilor McGee asked if sewer and water would be needed and if that could be used as leverage. He believed if there was no cooperation, then the plan needed to be redesigned. Mr. Morgan pointed out tribal development could work favorably for the City. The issues have come up only recently.

Gina Sloan, 5905 Radiant Drive N, Keizer encouraged the Council to take a vote on the issue. She said the issue has gone on too long, 12 years for her, and she wanted the Council's decision.

Mayor Koho closed the Public Hearing.

Mayor Koho announced the record would remain open for 10 days for written testimony only.

**LIQUOR LICENSE
APPLICATION -
SCHLOTSKY'S DELI**

Charles Stull, Chief of Police, gave the staff report recommending approval of the liquor license application for Schlotsky's Deli.

Mayor Koho opened the Public Hearing.

There was no public testimony to come before the Council.

Mayor Koho closed the Public Hearing.

Councilor Meier moved for approval of the liquor license application for Schlotsky's Deli. Mayor Koho seconded the motion.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

**ANNEXATION/ZONE
CHANGE/PARTITION
CASE NO. 97-1/
ROBERTS**

Mayor Koho opened the Public Hearing.

Mr. Morgan gave the staff report asking the hearing be carried over until the April 7, 1997 meeting. The complexity of the issue in relationship to Measure 47 will require more study. The plan to hold open the hearing has been communicated to the parties involved.

Presenting testimony were:

Lori Hayhurst, 6987 Fenwick Court, Keizer, distributed pictures and maps to Council members which she explained. The 25 foot easement, where a road is planned, is very close to her patio. She believed there was no easement property next to her home.

Mr. Morgan stated his understanding is that Mr. Roberts wants to go to Ridgeview Drive and he will need to acquire the easement to place a road. Ms. Hayhurst spoke in opposition to the placement of a road so close to her property. She suggested, if a road must be created, the lane be single lane, a private drive and paved. The neighbors would like continued use of the present access easement. Ms. Hayhurst was also concerned about the possible building of a two-story house which would interfere with the neighbor's privacy. She asked for courtesy for the neighbors.

Councilor Meier asked Mr. Morgan if any of the issues being considered included an easement. He said it was a part of the partitioning and stated a full staff report will include that information.

Steve Mollett, 388 Ridgeview Drive, Keizer, had concerns about the increased amount of traffic and dust already in the area. He also questioned where water and sewer would originate.

Mayor Koho recessed the hearing until April 7, 1997.

ADMINISTRATIVE ACTIONS

CITY OF KEIZER LIQUOR LICENSE RENEWALS

Chief Stull introduced the liquor license renewals for La Brisa, La Estrellita Restaurant and Safeway. He said reports on the calls for service were attached. Councilor Whalen asked about the present situation at La Brisa. Chief Stull stated that, based on the current ordinance, La Brisa's number of calls for service would fall in the acceptable category for the past year. He noted a new ordinance is presently being crafted. Councilor Keller was pleased to see all three establishments have met the requirements needed.

Mayor Koho moved to approve the liquor license renewal applications for La Brisa, La Estrellita Restaurant and Safeway. Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

RESOLUTION - DECLARING SURPLUS PROPERTY

Wally Mull, Public Works Director, reported two houses near the City Hall had been declared surplus property several years ago. One ended up being moved and the other remains. Since that time a third house, adjacent to one of the previous ones, has become vacant. He did not believe the houses could be made inhabitable so he recommended their donation to the Keizer Fire Department.

Councilor Keller moved a Resolution Declaring Structures Located at 4965 Rickman Road and 4925 Rickman Road, Keizer as Surplus Property and Authorizing Destruction. Amending Resolution R94-761. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

**RESOLUTION -
LEVY REQUEST ON
BALLOT**

Mayor Koho announced due to the legislative revisions of Measure 47 which will be placed on May 20, 1997 ballot, the City will not pursue the levy request.

**CONSENT
CALENDAR**

The consent calendar consisted of the following:

- a. RESOLUTION - Amending Compensation Plan
- b. RESOLUTION - Adoption of City Manager Compensation Package
- c. MOTION - Endorsing STOMP (Sales of Tobacco to Minors Prohibited)
- d. Approval of December 16, 1996 City Council Regular Session Minutes
- e. Approval of January 13, 1997 City Council Work Session Minutes
- f. Approval of January 21, 1997 City Council Regular Session Minutes
- g. Approval of February 3, 1997 City Council Regular Session Minutes

Councilor Keller removed items a, b, and c from the Consent calendar.

Mayor Koho moved for approval of the remaining items on the Consent Calendar. Councilor Keller seconded the Motion

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

item "c"

Councilor Keller introduced Item "c" and explained the STOMP program. He thought it was a great program. Councilor McGee stated the program was run last Saturday in the Southeast Keizer neighborhood. He said in 40% of the cases, underage youth would have been able to purchase tobacco.

Mayor Koho moved for the City Council to endorse the STOMP (Sales of Tobacco to Minors Prohibited) Proclamation.
Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

items "a" and "b"

Councilor Keller stated Items "a" and "b" were removed in light of previous action by the Council regarding the City Manager.

Councilor McGee said that although no action was to be taken, the compensation committee report would need to be rescinded.

Councilor McGee moved to rescind the resolution accepting the compensation committee's report in all compensation aspects.
Councilor Meier seconded the Motion.

In answer to Mayor Koho's question, Councilor McGee said he was talking about the compensation aspects only. Mayor Koho noted one of the recommendations talked about the cost-of-living increase which was a previous action of the Council. Councilor McGee answered that there was not an incumbent to receive the increase.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

**WRITTEN
COMMUNICATION**

Mayor Koho noted the acceptance of the Survey Report on the City Manager Leave Policy.

There were no further written communications to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items, highlighting a scheduled Work Session to be held on Monday, March 24 at 5:30 p.m.

Mr. Morgan reported there will be a public hearing in the April 7th meeting for a sign code variance for the stadium sign. As has been done with all variances, the policy issue is being brought directly to the Council.

Mayor Koho noted a resolution needs to be adopted at the next meeting regarding the plan to employ a City Manager pro tem which Mr. Johnson will create.

Councilor Beach requested future discussion on a policy for an Urban Renewal spending limit.

ADJOURNMENT

The meeting was adjourned at 10:29 p.m.

Tracy L. Davis
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Dawn Meier

(absent)
Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



May 19, 1997

AGENDA ITEM 8b

APPROVAL OF APRIL 7, 1997 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, April 7, 1997
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:08 p.m. Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Dawn Meier, Councilor
Garry Whalen, Councilor

Absent:

Al Miller, Councilor

Staff:

John Morgan, Community Development Director
Charles R. Stull, Chief of Police
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

Wayne Fish, 6270 Trail Avenue N, Keizer came before the Council to discuss the property located at the corner of Trail and Manzanita Avenues. As the head of a Gubser Neighborhood Association committee on this matter, he requested the property be returned to City property roles. The Neighborhood Association could then design a site plan for the property to serve as a transition from the commercial properties to the residential zone. Mr. Fish stated action by the Association has previously not been pursued because the property was for sale by the City.

Councilor Keller questioned the status of the property sale. Wally Mull, Public Works Director, believed the most recent correspondence related that the buyer felt the City's price was too high and his anticipated supplier had also raised their price. For those reasons, he did not intend to purchase the property.

Councilor Meier thanked Mr. Fish for attending the meeting. She asked about the process for bringing the property out of surplus property and rezoning it. Mr. Mull said a Comprehensive Plan zoning amendment would be required.

Mayor Koho said that if the potential sale is dead, then an appeal of the resolution declaring the property as surplus would be required.

Mr. Mull had discussed the issue with City Attorney Shannon Johnson. Since the property was merely approved for sale and not declared surplus, a different route may be taken. Mr. Johnson explained it had not been declared surplus therefore the resolution could be repealed. Mayor Koho believed the entire issue should be revisited.

Mr. Fish stated the Neighborhood Association would like a date scheduled to present their idea for the buffer zone. Councilor McGee clarified only the City owned property was being considered.

Mayor Koho directed staff to return with information on the resolution for consideration as soon as possible.

Cynthia Vannoy, 683 Faymar Drive NE, Keizer represented the Claggett Creek Neighborhood Association reading a letter on their behalf. She spoke of the need for Police officer attendance at Neighborhood Watch meetings. Suggestions included hiring additional officers or allowing overtime for present officers to attend meetings.

Ken Gierloff, 4035 Arnold Street NE, Keizer said he reviewed the City Charter and believed a violation under Section F (interference in administration and elections) has occurred. From his conversations with Keizer Police Officers, he felt inappropriate contact had been made. He requested the City Attorney research the issue to return with a clear policy.

His second concern regarded a written request given to the interim City Managers to allow Police officer overtime for attendance at a Community Policing meetings. He said the meeting would not be effective without an officer attending. Mr. Mull had received the request and thought the issue would be discussed later in this meeting.

Councilor Keller asked for clarification of the first issue. After understanding the concern related to the Council requiring City approval on surveys, he noted that if Neighborhood Association surveys were sent out no approval was needed. Those surveys should inform the public they are not City sponsored. On surveys mailed for Community Policing, City approval would be required since City funds were used for the postage.

Councilor Keller also said he had a conversation with Jim Warner, Chair of the Community Policing group, who indicated that Police Department overtime would not be an issue for these particular meeting. Mr. Gierloff believed the meetings to be a team effort and attendance in his district was low. Councilor Keller suggested the idea of including Community Policing meetings in Neighborhood Association meetings. He will be gathering input from the Associations on the idea. Mr. Gierloff did not believe there would be enough time in the meetings.

Councilor Meier said her Community Policing Committee report included announcement of a meeting to be held soon for discussion of Police issues, i.e. overtime, etc. She believed the Community Policing effort is struggling without police attendance. Mr. Gierloff stated he had requested in advance for an exception but did not receive an answer. Mayor Koho asked Chief of Police, Charles Stull, the type of attendance that could be expected for Mr. Gierloff's meeting without utilizing overtime. Chief Stull stated the on-duty sergeant is presently scheduled to attend the meeting, but if he is called out, he must leave.

Councilor Whalen related a previous meeting had included discussion regarding schedule shifting to alleviate immediate concerns. Councilor McGee suggested trying meetings utilizing only the officer on duty. Mr. Gierloff said the last two meetings have been a trial and attendance has dropped significantly. Chief Stull clarified when the overtime restriction began in relation to the timing of those two meetings.

Councilor Beach believed the study previously approved needs to be done and then Council could consider the resulting recommendation.

Councilor Meier believed the Committee would be meeting within the next two weeks.

In regards to Mr. Gierloff's first issue, Mayor Koho asked for clarification how his issue applied to Section F of the City Charter. Mr. Gierloff was concerned that Councilors were violating this section which is causing a Police Force morale problem. Mayor Koho asked the City Attorney to provide an interpretation of this to the Council.

There was no further public testimony.

COMMITTEE REPORTS WATER UTILITIES AWARD

Mr. Mull announced the March technical meeting of the Oregon Association of Water Utilities included the City of Keizer being honored as the recipient of an Award for the Best Drinking Water Supplier in the state. Jason Green from the Association presented the award to the Mayor and congratulated the City officials. Also recognized was Rob Kissler, the Water Superintendent.

COUNCIL LIAISON REPORTS

Councilor Meier gave the remainder of her report from the **Community Policing Committee**. She announced two Ordinances dealing with curfew hours for minors and truancy were adopted in 1995 with sunset clauses in August 1997. Their success will be assessed before future plans or changes are made.

Mayor Koho gave a brief **Traffic Safety Commission** report. He said attendance has become an issue for the Commission and will be addressed soon. The group expressed an interest in expanding their role beyond the charge given by the Council. A request to that effect should be discussed in the future.

The **River Road Redevelopment Board** meeting report was given by Councilor Beach. He said the meeting included visiting Boy Scouts, working on their Community Service badge. Citizens representing the Claggett Creek group and the Gubser Neighborhood Association also attended. Project updates were given by John Morgan, Community Development Director. Inland Shores continues to develop. A motel, along with a restaurant, is planned for the Wittenberg property and the Hydrotube site should be remodeled or demolished soon. Development will also take place across from Burger King. Iris Lane plans were discussed. Councilor Beach reported a shoe store is considering the property at the corner of Chemawa and River Road. The owner was approached for a gift to the City but declined.

At the Chemawa Activity Center, the ball park is about two weeks ahead of schedule and under budget. Opening Day will be June 22. The Board discussed plans for development of the River Road and Lockhaven gateway. They will request approval by the Urban Renewal agency for \$25,000 in Urban Renewal funds for the project.

Councilor Beach reported the Chamber of Commerce has begun a merchant promotion in Keizer. Finally, the Board is considering a name change which would more realistically encompass the charge of the group. He said the meeting was a positive one to begin the new year.

OTHER BUSINESS

Mayor Koho reported on a letter from **Marion County** Commissioners regarding a budget meeting to be held at Keizer City Hall on April 15. Input on the County budget from the community is requested.

Councilor Keller reported the **Management Committee** has met with the interim Co-City Managers on two occasions. The meetings have been helpful and informative. Mr. Morgan believed these meetings have been helpful and established a line for communication between the staff and Council.

Councilor Meier distributed a copy of the work plan for the **Policy and Procedures Manual committee**. Councilors Whalen and McGee will be serving on that committee. She asked the Council for comments. Mayor Koho gave background on the committee formation and asked for endorsement and approval.

Mayor Koho moved to approve a Council subcommittee (Meier to chair, with Councilors McGee and Whalen) to review the policy and procedures manual according to the work plan created by Councilor Meier. Councilor Beach seconded the motion.

Councilor Meier noted the City Human Resources staff person, Diane Suek would staff the Committee. The work may take several months and reports will be given to the Council monthly rather than reporting all the revisions at the end.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

Councilor Whalen reported work on the **CCTV survey** should be completed by early May and results will be presented in May.

Councilor McGee introduced an additional item, asking if the Council would consider using staff research time. The first issue related to placing a light at the City entrance sign on Bailey Road and the second request was for staff suggestions to increase parking at City Hall. Mayor Koho asked to include repair of the broken City Hall sign. He directed staff to research those three items.

Mr. Morgan reported the shoe store did apply for a building permit on the corner of Chemawa and River Road although several access issues remain.

POLICE STATISTICAL REPORT

Chief Stull distributed the Police report. He said February was encouraging because of the decline in crimes. Nineteen sex offenses have been listed since January 1st and Chief Stull defined the types of cases reported. Overall calls for service have declined.

Mayor Koho highlighted percentage increases of cases cleared this year as compared to last year. Councilor Keller pointed out the impounded auto decrease, hoping the message is getting out.

During Spring Break, the Community Policing Coordinator worked out a program with the Bowling Alley and gave kids wearing bike helmets while they ride, free bowling passes. Chief Stull voiced a concern relating to the number of juveniles being arrested for the use of guns.

The Chief polled the Council regarding a liquor license request for KeizerFest at Saint Edwards Church and there were no objections.

Finally, Chief Stull introduced an experiment by Departmental staff to answer phone calls personally. If all phones are busy, the call will be forwarded to an answering device.

Councilor McGee believed "live" answering of the phones is significant to the Community Policing concept. He was pleased to see the experiment.

Mr. Mull reported on several issues. Three new street lights have been installed on Bailey. The road is in at the baseball field, along with the sanitary and sewer lines. Rebuilding on Radiant Drive will be done soon.

With a possible school boundary change, Mr. Mull said rebuilding of the foot bridge at Swingwood Court may be required. The Keizer Forum show this month included Mr. Morgan and Mr. Mull discussing their plans for transition and interim management of the City. Finally, Mr. Mull reported Kim Krause, Finance Officer, has resigned with a departure date of approximately May 2. She offered to help in the interim period with training of the new person.

Shannon Johnson, City Attorney, reported his research regarding the Keizer Heritage Car Show request. He did not find prohibitions but suggested a short agreement be drafted. He also suggested the Parks Board consider reviewing the Park Regulations for expansion on the types of activities allowed in the City parks. The Council agreed to ask the Parks Advisory Board to pursue those changes in the Regulations.

Mr. Johnson asked if affirmation from the Council would be needed for the Finance Officer search since a hiring freeze has been in affect. Mr. Morgan added all hiring must be approved by the Council and will be done on a case-by-case basis. Mayor Koho noted the Council desired the position be filled.

**PUBLIC HEARINGS
COMP PLAN
AMENDMENT/ZONE
CHANGE/
SUBDIVISION CASE
NO. 96-05**

Mayor Koho reopened the Public Hearing continued from March 3, 1997.

Councilor Whalen excused himself from the discussion since he was one of the applicants.

Mr. Morgan gave the staff report noting the City of Salem has scheduled consideration of the Keizer proposal on April 21. He offered four options for the Council in dealing with the issue:

- Continue the hearing until May 5 to allow additional negotiation
- Deliberate on the case and ask staff for orders after Salem and Marion County take action
- Deliberate on the case and ask staff for orders on April 21, but include a condition limiting development until the special policy area issue is resolved
- Deliberate on the case and return on April 21 for action.

He explained the ramifications of each decision stating the hearing should be opened no matter what course is chosen.

Mr. Johnson reminded the Council of the work done in a recent work session on the indemnity issues. The original request was for consideration of an odor level greater than the Council would wish to indemnify. Since that discussion, Mr. Johnson stated he has had numerous phone conversations with the City of Salem legal counsel. Initial discussions questioned the type of measurement to be utilized. The City of Salem is working to determine the best scale. Mr. Johnson advised against choosing options three or four.

Presenting testimony to the Council were:

Jim Murch, Attorney for the Applicants, 687 Court Street, Salem, spoke for Ken Sherman. He noted Mr. Sherman had submitted material to meet the criteria and has a preference for the second option. He believed that would give the City of Salem deference but also include the City of Keizer's concerns. He introduced Mark Grenz to answer technical questions.

Mark Grenz, Multi-Tech Engineering, 1155 13th Street SE, Salem, spoke as the consultant for the applicants and the Appletree subdivision. He used an area map to point out elements changed

from the first submitted plan. Mr. Grenz said an agreement has been reached which would allow access from Appletree Estates through another landowner's property. This property, owned by Mr. Pierce, provides more direct access to Windsor Island Road.

Mr. Grenz stated discussions have also been held with other property owners having access. A verbal agreement has resulted in elimination of Bowden Lane as an access making a better situation for all. Portions of the subdivision within the flood plain will be filled to eliminate flooding. With those changes, Mr. Grenz believed the plan to be a good one. He stated his willingness to work with staff to make sure minor points of the conditions are acceptable.

Councilor McGee asked if option two were chosen, what developer progress could be made. Mr. Grenz stated it would depend upon the amount of risk a developer would be willing to take. Probably his firm would move forward and work with the Public Works staff to finalize plans so that when the decision is final, work can begin. He said it does allow them to take advantage of the stalled time.

Councilor Meier said previously a farm on the north boundary desired a buffer, probably a fence. Since an access road has been added, she asked about plan changes. Mr. Grenz replied that the change differs from the previous plan because landowner approval was not available at that time. Mr. Morgan clarified that the road Mr. Grenz allude to was on the south boundary. For the north edge, he suggested including a condition of approval that a fence be installed on the north and west boundaries. He cautioned the Council not to require the developer specifically to provide the fence unless other development did not construct the barrier. Mr. Grenz said he would be comfortable with the staff wording regarding the fencing and will construct the fence if needed.

In answer to a question by Councilor Keller, Mr. Grenz clarified he had completed construction documents and received approval from the City of Salem, although it has since expired.

Tom Bowden 525 Bowden Lane, Keizer said he had testified in the previous public hearing about fencing on the west side. He also had a concern regarding the flood plain being filled. In the event of flooding, the water will then go into his house. He would prefer the subdivision being built with minimal disturbance of the land. Mayor Koho said the Council was very concerned about flooding issues. Mr. Morgan said a separate flood plain development permit process is required which will address Mr. Bowden's concerns.

Mayor Koho closed the Public Hearing.

Councilor McGee believed the fence issue had been resolved but Mayor Koho said that will be determined in this meeting. The Mayor also said he preferred option two which stated the Keizer position without making hasty actions. He believed the talks with the other agencies would be completed this month. Councilor McGee agreed with option two but asked for the inclusion of a date. Mayor Koho stated May 5 would be the target date although the meetings schedule for the City of Salem could result in action a week later. Councilor McGee wanted a specific date after which action will be taken by the City of Keizer.

Mr. Johnson said the date depends on what the Council desires to accomplish. The whole issue will not be completed by May 5, perhaps not even consensus on all the details. He suggested not setting a strict deadline when Salem is working on the issue. Mayor Koho preferred to have the appeal go to LUBA if talks continue until June. Mr. Johnson discussed options for timing.

Mayor Koho moved to direct staff to return with the appropriate orders for action in May, 1997 after Salem and Marion County have acted on the proposed strategy, which includes the proper fencing requirements and flood engineering reports that the Council has discussed. Councilor McGee seconded the Motion.

Councilor Keller reminded the Council several discussions have been held with the City of Salem. In answer to a question, Mayor Koho clarified that Salem will have to take formal action on the agreement. Councilor Meier asked the level of commitment that would be required to show action. Mr. Johnson noted the action on option two is not confrontational because it is not a final action. If the scenario changes and the documents are returned to the Council, then further action can be taken.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, and Meier (5)

NAYS: None (0)

ABSTENTIONS: Whalen (1)

ABSENT: Miller (1)

**ANNEXATION/ZONE
CHANGE/PARTITION
CASE NO. 96-01
(ROBERTS)**

Mayor Koho reopened the public hearing continued from March 17, 1997

John Morgan, Community Development Director reported Norman and Ada Lee Roberts for annexation, zone change and partition for a 1.37 acre parcel of property located at the south end of Fir Grove Lane. Mr. Morgan pointed out this parcel is presently designated low density residential in the Keizer Comprehensive Plan and

currently zoned urban transition - 5 acre (UT-5) by Marion County. Mr. and Mrs. Roberts have requested this parcel be annexed to the City and to change the zoning to single family residential. In addition, they have then requested the parcel be partitioned to divide the 1.37 parcel into two parcels; one of 10,000 square feet and the other to 49,677 square feet.

In summarizing the issues, Mr. Morgan indicated this is a full consent annexation which allows the governing body to set the final boundaries of the area by legal description to proclaim the annexation. The implications due to the passage of measure 47 will result in the lack of capturing the developed value of the land for assessment purposes, but will allow Keizer the value of all future improvements under the standards as defined.

Mr. Morgan explained as outlined by the subdivision and partitioning ordinance, the request for partitioning should be denied due to the failure to conform to the access standards. The standard conditions of approval have been outlined by the City Engineer's report. Mr. Morgan recommended the City Council direct staff to prepare the Ordinances for approval of the annexation and a zone change to single family. In addition, an Order denying the partition should also be prepared.

Responding to an inquiry from Mayor Koho, Mr. Morgan pointed out the vicinity map shows the access via a Ridgeview Drive extension. There is also an access easement angling from the southwest to serve a single family dwelling which is west of the subject property.

Councilor Meier confirmed approval of the annexation and zone change will not approve the relocation of the easement.

Presenting testimony were:

James Murch, Attorney for the Applicant, 687 Court Street, Salem indicated there has been a change to the location of the easement and has been officially recorded. Mr. Murch requested removal of the request for partitioning previously filed. He explained there is a ten-year no build agreement on this property, therefore the partition becomes invalid until that time. He asked the Council for approval of the annexation and zone change requests at this time.

In regards to the annexation, the procedure outlined under ORS 222.125 is the authority in this case which states that all of the owners and electors approve the request for annexation. Since Mr. and Mrs. Roberts are the only property owners and electors of this area, there is a 100% consent. Mr. Murch pointed out the zone change request is supported by the statement of reason which shows that all the requirements for a zone change have met. Based

upon these reasons, Mr. Murch requested the annexation and the zone change be granted.

Mr. Murch stated the applicant is in agreement with all except one of the recommendations and conditions as outlined in the staff report. The exception is listed on page 6 of the staff report, B(2) - Prior to the occupancy of any new dwelling, the entire length of the private access easement, including turn-around area, shall be paved (minimum paving width - 16 feet). Mr. Murch believed this condition will increase the cost of the project by \$12,000 to \$15,000 and effect the economic viability of a house in this area. Mr. Murch explained the only way to feasibly mitigate this condition would be to move the house from the back portion of the property to the front, however in discussions with the neighbors this was not agreeable. He requested the Council consider removal of the paving condition if the house is sited in the rear of the parcel. This would remove the undue hardship on the applicant.

Norman Roberts, 6959 Fir Grove Lane NE, Keizer and Jeff Glennie (son-in-law of applicant), 551 Rosemont Avenue NW, Salem expressed his concern with the financial hardship the paving requirement will cause. He believed it was unnecessary to require a 16-foot wide paved driveway. Mr. Roberts indicated he would be willing to pave the roadway to the property line, but does not believe a 16-foot width is necessary.

In response to an inquiry from Councilor Meier, Mr. Roberts indicated the angled easement is what is currently being used.

Councilor Whalen pointed out the newly recorded easement was necessary to address this issue of concern expressed at the previous meeting.

Mr. Morgan explained there is a difference between a single driveway serving a single house and a driveway serving multiple houses. According to the fire code, multiple houses require a 20 foot easement with 16 feet of paving and a turn around. A single dwelling only requires 12 feet without a turn around. In addition, paving is not required and a gravel roadway would be sufficient. He explained the requirements listed in the subdivision ordinance and the zoning ordinances on this issue.

Mr. Roberts indicated he has permission to continue to use the previous easement by the property owner.

Shannon Johnson, City Attorney recommended the applicant apply for a separate variance to address this issue when use of the current easement is completed. The matter can be resolved at that time.

In regards to the neighborhood concern of the dust a gravel drive would cause, Councilor McGee questioned if this may be addressed under the nuisance ordinance. Mr. Morgan indicated it may, however a portion of the driveway would be outside the city limits.

Councilor McGee believed the applicant would attempt to keep the dust levels at a minimum, however he desired a process for the neighbors to pursue if compliance was not met.

Councilor Beach confirmed the cost of approximately \$12,000 would be for the paving from Ridgeview Drive to the house.

In regards to Councilor Keller voicing his concerns with the dust levels, Mr. Roberts indicated there are different alternative methods used to keep dust at a minimum.

Wally Mull, Public Works Director pointed out if pavement was placed from Ridgeview Drive up to the property line of lot 7700, this may alleviate the dust concerns.

Steven Mollett, 388 Ridgeview Drive N, Keizer indicated he lives on the corner of Ridgeview Drive and Fir Grove Lane. His is concerned with the potential increased traffic from additional homes being constructed in this area. He suggested a speed bump be installed to keep the traffic speed to a minimum. Mr. Mollett pointed out his bedroom window is seven feet from the edge of his property and is also concerned about the dust and noise levels. He urged the Council to require Mr. Roberts to pave the driveway.

In response to a question by Councilor Whalen, Mr. Mollett indicated he has lived in that area for two years. He purchased the home in the winter time, therefore he was not aware of the potential dust factor at that time.

Brian Walker, 6937 Fenwick Court, Keizer explained he lives on lot 7400 and the proposed building site is directly behind his home. He enjoys the park like setting of the area and would be opposed to construction of a new home in close proximity. He requested the applicant consider building a single story home to maintain the privacy and minimize the obstruction of his view. In addition, Mr. Walker noted he is concerned with the dust level and noise that may caused by the gravel driveway. He urged the Council to require the driveway be paved.

Lori Hayhurst, 6987 Fenwick Court NE, Keizer indicated she previously testified on the dust and noise level the potential driveway would cause. Since the opening of the public hearing on March 17, she had an opportunity to discuss this issue with the applicants. She favored having a gravel road directly behind her home rather

than moving the home forward on the parcel. Ms. Hayhurst questioned if it was necessary for the driveway to be 16 feet wide since there would only be one home for at least ten years.

In response to a question from Councilor Beach, Ms. Hayhurst indicated her patio is approximately 8 feet from the revised easement.

There was no further testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Keller believed a compromise on the width of the driveway should be considered. He suggested requiring only a 10 foot wide paved area with the balance in gravel. This may alleviate the financial concerns of the applicant and the dust concerns of the neighbors.

Councilor Meier favored the withdrawal of the partitioning request and after the ten-year no build period is over, the applicant may reapply.

Councilor McGee confirmed if the annexation and zone change is approved, the applicant will be allowed to construct one new home on this lot.

In response from an inquiry from Mayor Koho, Mr. Murch stated the applicant is willing to construct a 8 foot standard width paved driveway with 4 feet of gravel on each side.

Mr. Morgan recommended the Council approve the compromised width of 8 feet with 4 feet of gravel on each side which would be for any portion of the easement or driveway that is adjacent to the properties fronting on Fenwick. He explained the annexation will allow the applicant to receive sewer and water service from the City.

Councilor Keller moved to direct staff to return on April 21, 1997 with the appropriate ordinances and orders to approve the annexation and the petition for the zone change in accordance with the conditions of approval as outlined in the staff report with the exception of an amendment to item B(2) which would read... Prior to the occupancy of any new dwelling, the entire length of the private access easement, including turn-around-area shall have 8 foot of pavement and 4 foot of gravel on each side for a total of 16 feet for the portion of the easement adjacent to the property to the east. Councilor Whalen seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

**COMP PLAN ZONE
CHANGE/VARIANCE
CASE NO. 97-01
(Roemer, Culps and
Gilleland)**

Mr. Johnson gave the applicable criteria for the case and proposed waiving the reading of them. He gave the procedures for the hearing. Councilor Whalen said he had spoken to Mr. Roemer regarding his property in his professional occupation, but it would have no impact and he will be voting on the issue.

Mr. Morgan gave the staff report and shared the case involves three pieces of property near 7th and Chemawa. He gave the history of his conversations with Mr. Roemer and their work in putting the application together. Mr. Morgan reviewed the staff recommendations for improvements. Those renovations would be deferred to the future when the work on Chemawa is being done. On the issue of site and design, Mr. Morgan said the conditions of site design suggested by the Community Development department were not included by the Hearings Officer. He suggested the Council not recommend a condition of approval for access but allow staff to continue discussions with the applicant. Mr. Morgan recommended the Council hold the hearing and request staff return with the appropriate documents.

Presenting testimony to the Council was:

Rick Roemer, 3105 Zee Lane, Salem, stated he has been working on the project individually with City staff and appreciated their help. In a discussion with the City Planner, the siting was discussed. He introduced two concerns to the Council; access to Chemawa Road and required improvements. The City Engineer's request for widening the road and making improvements would be difficult. Mr. Roemer did not believe they should be required since the planned building is to be the same size as the house previously on the property, but would have less uses. Mr. Roemer explained his plan for access to Chemawa Road which he believed to be the safest idea. He has submitted the information to the City Engineer.

Councilor Keller asked about the driveway exiting on Chemawa. Mr. Roemer said that area is a buffer for Chemawa and it makes for easier access to his property. He offered examples of roadway issues and the traffic flow. Anticipated vehicles per day to his property would be 6-8. Councilor Meier was concerned about the difficulty of access so close to the Fire Department entrances.

Raising a question regarding improvements, Councilor Whalen asked the responsibility of property owners in that area. Mr. Morgan responded that a storm drainage plan must be submitted, with a design to tie in with the future storm drain. He said Chemawa Road improvement is scheduled to take place in approximately eight years. Councilor Whalen supported approval with the staff and applicant working together to develop plans for the site and driveway issues.

Councilor McGee offered comments regarding future exits for nearby properties. He suggested combining the access rather than having three separate driveways onto Chemawa. Mr. Johnson pointed out the staff has final control over the issue through the driveway permit process. All lots that front on a public street have a common law right to access. He felt the decision could be made through the process, rather than adding a condition to the proposed plan. Mr. Morgan suggested the Council allow staff and the applicant to work out the details. He offered options which are being considered.

Mayor Koho was willing to allow staff work on the issue but was concerned about additional Chemawa driveways. Councilor Meier was also concerned, believing it was very dangerous to add more accesses.

Cynthia Vannoy, 683 Faymar Drive NE, Keizer spoke as part of the Claggett Creek Neighborhood Association. The property change to a business is supported but the Association is concerned about commercial traffic on neighborhood streets. She pointed out Mr. Roemer's lot is the only area property which did not presently have access onto Chemawa. The other two lots mentioned by Councilor McGee already have Chemawa driveways. She also would like to work with the Planning Department to come to a positive solution. Since the neighborhood streets are filled with children and activity, having traffic exit to Chemawa is preferable.

Mayor Koho moved to continue the public hearing until April 21, 1997 and have staff return then with the appropriate ordinances and orders approving the Comprehensive Plan and zone changes, and the variance request. Councilor McGee seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

ADMINISTRATIVE ACTION

CHEMAWA ACTIVITY CENTER

Mr. Morgan gave the staff report, recommending this meeting include deliberation on specific language changes to the plan. The Council will be considering adoption of the IBP zone and amendment of the Comprehensive Plan. Mr. Morgan made two points, one regarding building frontages in Area A and the other relating to access concerns in Area D.

Regarding the latter, the property in Area D is being transferred over to individual tribes with their only access being through ODOT property. ODOT has endorsed the Activity Center Plan. Mr. Morgan said questions about the plan, of timing, and whether access can be accommodated inside the existing right of way, have arisen. The City Engineer and Mr. Morgan visited the site and determined the City cannot create access within the right of way so a partnership with the tribes will be essential. He said representatives from the Grand Ronde tribe were available tonight to offer information.

Mayor Koho suggested addressing the zone change and then discussing the second issue. Councilor McGee said he had two issues to discuss regarding the design.

Mayor Koho moved a bill for an Ordinance Adopting an Industrial Business Park Zone: Amending Keizer Zoning Ordinance Chapters 4 and 19 to Accompany the Industrial Business Park Zone (Amending Ordinance No. 87-078). Councilor Keller seconded the Motion.

The Motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

Mayor Koho said although the hearing was closed, perhaps the Council should hear the presentation from the representatives of the Confederated Tribes of Grande Ronde. Mr. Johnson reminded the Council any comments made in this meeting are not part of the record since the hearing was closed.

Francis Somday, Executive Officer of the Confederated Tribes of Grande Ronde, began the presentation. He spoke only for the Grande Ronde Confederated Tribes and not on behalf of the Siletz tribe. The property in question is under the Bureau of Indian Affairs and the Chemawa Indian School. Recently a request was made for control of the land to revert to the Confederated Tribes of Grand Ronde and Siletz to provide employment opportunities to the students.

Mr. Somday stated a casino would not be built on the land. He also said the Activity Center plan is being reviewed by Confederated

Tribes' technical staff. There is concern about the impact for future development for the tribes. At present, specific plans for property use have not been made.

Michael Mason, the Tribal Attorney, emphasized that the Tribes of Grand Ronde has a strong record of working with local communities and paying their way. He believed the partnership between their organization and the City of Keizer would be a good one.

Mayor Koho said that he did not believe a significant amount of tribal property would be required for the loop. Mr. Morgan explained both sides of the loop would be available for development. Councilor Keller asked if one of the options would be sale of the property. Mr. Somday believed that would be doubtful because of the cultural significance. Councilor Whalen asked if the Confederated Tribes of Siletz would be in agreement with the comments from the Grand Ronde tribe. Mr. Somday said previous joint meetings have been cordial and along the same lines.

Councilor McGee suggested this could be a win/win situation for both parties. The interchange could offer need access for Tribal development while being significant for Keizer's transportation plan. He appreciated the representative's attendance and hoped the cooperative effort could begin quickly. Mr. Somday also believed the experience could be positive. Work is being done on the plans now. Mayor Koho thanked Mr. Somday, Mr. Mason and Mr. Thom for attending. Mr. Somday added that the Chemawa property has been considered by the tribes for years and it could be helpful if the City would notify the BIA representative of Keizer's timeline.

On another subject, Councilor Keller introduced amendments to the design standards. On page 10, Site Design section, 3rd bullet, he suggested changing the word "all" to "industrial" so the clause would read, "For industrial properties fronting Radiant Drive or Tepper Lane..." On page 29, 46.04 Conditions of Approval, Councilor Keller suggested the same word change. Mr. Morgan said the second change would not work because the Activity Center overlay zone already exists in the code. Amending the existing ordinance text would require initiation of a new process. Mr. Morgan said the binding language would be the change made in the design standards. Councilor Keller was concerned that orientation to transit services would be required for retail businesses. Mr. Johnson concurred that the design standards would be the law in this case.

Councilor Keller explained that commercial/retail could be oriented toward automobile traffic while industrial sites would accommodate transit services. Councilor McGee's concern related to deliveries which would occur with industrial buildings. He did not feel the 50 foot setback would be appropriate for either commercial or industrial and

preferred it to be optional. He believed requiring a setback would be a safety mistake. Councilor Keller said design could accommodate deliveries. Industrial properties could be designed to reduce traffic, which is a large concern in the area.

In answer to a suggestion about the transit system by Councilor McGee, Mr. Morgan stated they will not locate on private property. He suggested that if the standard is written, safe circulation will be developed. Because of a variety of reasons, including the traffic issues and the state transportation goals, Mr. Morgan felt strongly about this standard.

Councilor Meier commented that a safety issue has arisen as a result of the transportation rules. She gave the example of Albertson's, with the change from two entry doors to one, symbolized a trend. She did not want people to be locked out of the building by coming into a rear parking lot. Mayor Koho believed the amendment by Councilor Keller made sense.

Mr. Morgan said the focus for the standard is to make transit use a viable choice for employees, especially in industrial sites. Councilor McGee wanted the City Planners, rather than the Transit District, to determine locations for bus pull-outs and shelters. Councilor Meier believed the Transit District made those decisions. Mr. Morgan said pullouts and shelters would require right-of-way which the City would approve.

Mayor Koho moved a bill for an Ordinance adopting the Chemawa Activity Center Design Plan; amending the Keizer Zoning Ordinance (Amending Zoning Ordinance No. 87-077 and Ordinance No. 87-078); Declaring an Emergency (Repealing Ordinance No. 93-263) with the amendments outlined by Councilor Keller on Page 10, Site Design, 3rd bullet, changing the word "all" to "Industrial." Councilor Keller seconded the motion.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

**RESOLUTION -
INITIATE
AMENDMENT TO
ZONING ORDINANCE/
SIGN CODE**

Mr. Morgan gave the report, stating the Resolution before the Council would initiate an amendment allowing Salem-Keizer Volcano signage to exceed the current sign code standards. The resolution would merely initiate the change, which would then go to the Planning Commission for specific language and return to the Council for a Public Hearing and action.

Mayor Koho moved a Resolution in the Matter of Initiating an Amendment to Chapter 15 of the Zoning Ordinance (Sign Code). Councilor Whalen seconded the Motion.

Councilor McGee asked if the lease defined signage. Mr. Johnson said the Council, as lessor, gave preliminary approval to a rough sign design without scale. The lessee was told the sign was not being approved at that time so would be considered later. Councilor McGee questioned whether additional advertising was proposed for the sign. Mr. Johnson answered that sponsors will be included. Councilor McGee believed advertising would not benefit Keizer.

The Motion was passed:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

CITY OF KEIZER LIQUOR LICENSE RENEWALS

Tracy Davis, City Recorder, reported the new owners of Sandwich Express applied for a renewal of their liquor license and a trade name change. Previously, in April 1996 a liquor license was approved for the previous owners. Both the Planning and Police Departments reviewed the request and do not have any objection to the renewal.

Mayor Koho moved to recommend the change of ownership and trade name application for a restaurant liquor license for Sandwich Express and Bakery. Councilor Keller seconded the Motion.

The motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

MOTION TO WAIVE FILING FEES FOR ZONE CHANGE/COMP PLAN AMENDMENT

Mr. Morgan gave the report regarding a lot at the end of Faymar Drive. He said the property is zoned commercial/retail with a single family home. The Neighborhood Association is suggesting the zoning is incorrect. They are also arguing the filing fee required for a zone change request should be waived because the property owner is not making the request to profit, but to refinance. Mr. Morgan said the \$800 filing fee would need to be absorbed by the City which could be done.

Mayor Koho moved the filing fees for a zone change and Comprehensive Plan change application for the property located at 689 Faymar Drive, Keizer. Councilor Beach seconded the Motion.

The motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

The Council recommended this issue be brought directly to the Council for hearing.

CONSENT CALENDAR

The consent calendar consisted of the following: .

- a. Motion to Allow Municipal Court to Proceed with Request for Proposal of Unpaid Fines
- b. RESOLUTION - Designating Check Signers for the City of Keizer
- c. Approval of City Manager Recruitment Schedule and Process
- d. RESOLUTION - Amending Compensation Plan
- e. Approval of February 18, 1997 City Council Regular Session Minutes

Councilor Beach removed item "a" from the Consent calendar. Item "e" was removed by Councilor McGee.

Councilor Keller moved for approval of the remaining items on the Consent Calendar. Mayor Koho seconded the Motion

The motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

item "a"

Councilor Beach requested removal of item "a" because he believed discussion was needed on the delinquent fine situation. Because some fines have still not be entered on the system, he proposed hiring temporary help to assure the all data is entered.

Councilor Beach also believed a policy should be created for future collections. He was concerned that the amount owed has accumulated to such a degree without Council knowledge. His suggestion was inclusion of the balance on Council financial statements. He also offered ideas for collection. In conclusion, Councilor Beach asked the situation be addressed.

Mayor Koho mentioned that was the reason for the Motion on the Calendar. Councilor McGee reported he had discussed some options with the City Recorder. He believed the staff had valid suggestions for action. His preference would be staff preparation of a plan, including a recommendation, before the approaching collection agencies. Following a request from the Mayor, Councilor McGee shared some of the options, i.e. hire additional staff, contract the service, or create levels/criteria for the procedures. The City Recorder is also exploring what other municipalities are doing, especially in the area of unitary tax..

Councilor Keller desired the approach to be aggressive. He gave an example of a person who has been committing crimes for over 20 years. Councilor McGee said an advantage of an outside collection agency is that they will take the heat. He would prefer getting all the options before making a decision. Councilor Meier disagreed, stating the City needs to be aggressive on the issue. Since the situation has been ongoing, she believed a collection agency will be much more assertive. She felt citizens would approve of an aggressive tactic.

Councilor McGee said if the Council is convinced the collection agency is the only option, it should be approved. Councilor Beach believed the Council agreed on aggressive action, but thought more information would help make an appropriate decision. Councilor Whalen requested staff return in the next meeting with the best options so the Council could select. Mayor Koho wanted the money collected by an outside agency.

Mr. Mull believed both requests could be satisfied. The staff would like to prepare a request for proposals to identify the process and costs of using a collection agency. They would also prepare a report on other options during the same time.

Mayor Koho moved the Council direct staff to prepare a Request for Proposals for collection of fines through an agency and to also provide additional information on other options available for collection at the May 19, 1997 meeting. The Motion was seconded by Councilor Beach.

The motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

In consideration of item "e", Councilor McGee requested the word "only" be removed from the February 18, 1997 minutes on page 8. He believed he asked cities with a signoff policy should be included in the survey.

Mayor Koho moved to approve the minutes of the February 18, 1997 council session with the amendment as noted by Councilor McGee. Councilor Beach seconded the Motion.

The motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller (1)

WRITTEN COMMUNICATION

There were no written communications to come before the Council.

AGENDA INPUT

Mayor Koho asked that 30 minutes be added to the work session of April 14 for Council issues.

Councilor Whalen asked the Council to request staff identify services and resources to be utilized by hotel/motels in the community. He would like to see a way for the hotels/motels to finance their use of these services, believing implementation of a tax should be done prior to the siting of those businesses.

Councilor Meier agreed, noting the Fire District would like a percentage of the tax and would like to work on a joint effort for the tax creation.

Councilor McGee mentioned that the former City Manager had previously done significant survey work on the issue. He said the main concern then was distribution of the funds. Mr. Morgan said the issue would be considered in May.

Mr. Morgan also noted the Yard Waste program will be considered on April 14, along with the garbage haulers appearing to request a rate increase. Mayor Koho asked that the visitors be confined to an hour of discussion.

Mr. Mull asked for appointment of a subcommittee for City Manager recruitment. Mayor Koho said the management committee will consider the issue in their next meeting.

ADJOURNMENT

The meeting was adjourned at 11:02 p.m.

Tracy L. Davis
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Dawn Meier

(absent)
Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



May 19, 1997

AGENDA ITEM 8c

APPROVAL OF APRIL 21, 1997 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, April 21, 1997
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:05 p.m. Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Dawn Meier, Councilor
Garry Whalen, Councilor

Staff:

John Morgan, Community Development Director
Wally Mull, Public Works Director
John Lien, City Attorney
Pat Bowe, Lieutenant, Keizer Police Department
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

Kevin Zielenski, 5292 Hazel Green Road, Salem spoke about the City's impound ordinance after being referred to the Council by Judge Larsen. Upon being stopped for a traffic violation, the officer discovered his drivers license had expired six days prior. After waiting approximately 15 minutes, Mr. Zielenski was informed his vehicle was being impounded for driving without a valid license. He and his 3 year old son were left standing on the street without receiving the opportunity for a phone call to his residence. Mr. Zielenski had requested the officer read the applicable statute which authorized the impoundment of the vehicle. He paid \$193 to get his vehicle out of impoundment which he believed to be excessive and unnecessary. He asked the Council for reimbursement of the \$50 administrative fee required to release the vehicle.

Mayor Koho requested the matter be taken under advisement of the City staff. He told Mr. Zielenski no action would be taken in the present meeting but staff would research the issue. Mr. Zielenski confirmed his insurance and registration were both current. He also said the officer kept his license which made it difficult to produce the picture identification required for the towing company. Mayor Koho directed staff to return a report by the first meeting in May and also notify Mr. Zielenski with the results.

Wayne Fish, 6270 Trail Avenue N, Keizer, as a member of the Gubser Neighborhood Association Committee on the property at Trail and Manzanita, returned to the Council to request the issue be placed on the next Council agenda. Mr. Fish said conflicting motions were passed at recent Council meetings. He believed the property should be appraised and would like the issue revisited by the Council.

Councilor McGee stated that he was planning, in the Other Business section of this meeting, to ask the Council to differentiate between actions allowed at work sessions and Council meetings. His position was that work sessions should follow the same guidelines as Council meetings, not allowing action on Other Business items, unless the rules were suspended. He planned to move to reconsider the property issue in this meeting because of possibly conflicting motions. Mr. Fish appreciated the explanation and offered to answer any questions at that time.

The Gubser Neighborhood Association requested Councilor Meier review City Council Minutes and compile information regarding the issue for the Council. She said the results had been distributed along with her comments in the overview section.

Jerry Watson, 1237 Manzanita Way NE, Keizer wished to speak on the same issue. He asked for a copy of Councilor Meier's work. Mr. Watson agreed with the approach suggested by Councilor McGee. He believed the property should be kept as a buffer for the neighborhood and is not a part of the property adjacent. The City has no obligation to sell although many opportunities have been given to the potential seller. If the property must be sold, he requested an appraisal be considered to determine the price.

Kenneth Moody, 791 Cade Avenue NE, Keizer spoke regarding ORS 162.355. He believed it was out of harmony with the spirit of that law and intends to convey those thoughts through the court system.

COMMITTEE REPORTS

COUNCIL LIAISON REPORTS

Mayor Koho signed a proclamation declaring April 27 through May 1, 1997 as Beta Sigma Phi Week within the City of Keizer.

Councilor Keller reported on the **Planning Commission** meeting. The major business item was the proposed sign for the baseball stadium. John Morgan, City Development Director, said the Commission also set the May meeting for the first public hearing on the draft Development Code.

The **Parks Advisory Board** meeting was reported on by Councilor Miller. He said the main focus of the meeting was the Willamette Manor Park playground structure which appears on the agenda.

Councilor Meier reported the **Community Policing Committee** met last week for district reviews. There is one new Neighborhood Watch request. A Truancy and Curfew Ordinance review is scheduled for the summer. Work is being done to secure skateboarding areas. The Gubser Neighborhood Association meeting was also reviewed by Councilor Meier. The two appointments for the Stadium noise committee will be Dennis O'Shay and Karen Trucke.

The **Emergency Management Committee** updated their Manual in their recent meeting reported Councilor Meier. Results from the February emergency exercise are being sorted. A subcommittee is surveying possible sites for a secondary EOC location. The group recommended City staff create a timeline for addressing flooding issues and the request has been completed by Wally Mull, Public Works Director.

Mayor Koho reported the **Claggett Creek Task Force** is pursuing options available for water shed council. Mr. Mull added designs are being creating by McNary High School Science Club for creek crossing signs.

OTHER BUSINESS

Councilor McGee introduced discussion on the Trail/Manzanita property issue. He explained Council meeting procedure for regular meetings and work sessions. The work session differs in that fewer items are considered, testimony is invited, and focus is limited to the few items. Regular meeting agendas have become shorter as a result.

In the meeting of April 14, a topic, not on the agenda, was introduced, debated and action taken. Councilor McGee believed the Council rules for work sessions should be the same as for regular meetings.

Councilor McGee moved to reconsider the motion of April 14, 1997 which authorized the City to move forward with the negotiations on the sale of the subject property to Duane VanCleave at the original price of \$23,700. Mayor Koho seconded the Motion.

Councilor Miller asked if any action had occurred since April 14. Mr. Mull said he contacted Mr. VanCleave after the meeting to inform him of the motion results. Mr. VanCleave submitted a letter and a \$1000 check for earnest money. Mr. Mull accepted the check but let the purchaser know the Council would make the final decision.

Councilor Miller confirmed the contents of the motion and then asked for legal counsel regarding reconsideration of the motion.

John Lien, City Attorney, did not believe there had been a formal offer to sell the property to Mr. VanCleave. He did not think there was an agreement since all negotiations thus far have been verbal.

Mr. Mull received a one paragraph letter stating Mr. VanCleave's interest in purchasing the property but not an application as previously submitted. That application had numerous conditions. Mayor Koho believed the motion should be passed. He will have a suggestion how the damage done to all parties might be remedied.

The motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee and Meier (5)

NAYS: Miller (1)

ABSTENTIONS: Whalen (1)

ABSENT: None (0)

Council President Keller moved to form a subcommittee of three Council members (Keller, Koho and Whalen), Gubser Neighborhood Association representatives and Mr. VanCleave to review what has transpired and formulate a solution for review by the Council in three weeks (May 19, 1997 Council meeting). Mayor Koho seconded the Motion.

Councilor McGee asked who would be involved and their topics for discussion. Councilor Keller answered the question and stated his belief that a solution could be determined if all the parties work together.

Councilor Meier stated her concern about the purchase price being below land value. She would like the appraisal number to be verified and addressed in the discussions. Councilor Whalen asked the City Attorney be involved for clarification on the procedural process. Councilor McGee said the test is what a buyer would pay. He believed competitive bidding should be considered.

Councilor Keller hoped a solution might result which would serve the needs for all the parties. Councilor McGee would support the motion with the addition of a timeline.

Councilor Miller will vote against the motion. The original discussion, several years ago, resulted in the VanCleave's indicating interest, bringing a site plan, and adding conditions originated from the Gubser Neighborhood Association. Councilor Miller gave a chronology of event, relating the amount of time and money Mr.

VanCleave spent. He believed the concerns of the neighborhood have been considered.

Mayor Koho encouraged the Council to pass the motion, since he believed solutions were available and discussion could take place in early June. Councilor Meier asked if a motion to sell City property in Keizer is followed by a resolution. Mayor Koho explained the two ways of approaching a property sale. First, the property could be declared surplus and bids would be solicited. The other way, which was used in this instance, is directing the City Manager to negotiate with interested parties within certain restrictions. Councilor Meier, in her research of the Minutes, did not find a resolution although many motions have been made.

Councilor Whalen said research, perhaps by legal counsel, would still need to discover whether existing documents given to the City Manager constitute a contract as of now. Councilor Keller accepted addition of a June time frame to his motion. He also commented that although he agreed with Councilor Miller's timeline, the work of the Council has been disjointed. A meeting between the parties would be helpful.

The motion passed with the following votes:

AYES: Keller, Koho, McGee, Meier and Whalen (5)

NAYS: Beach and Miller (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

In her research, Councilor Meier found the definition of study sessions which she read to the Council. By definition, no motions or action should be taken at those meetings. Mayor Koho stated he will rule motions for action in work sessions out of order unless the rules are suspended.

Councilor Miller discussed correspondence received from the **McNary Home Owner's Association**. The letter mentioned their frustration at not being accepted as a Neighborhood Association. He asked staff for background on the issue.

Mr. Morgan explained that staff had been working with members of their Board. They were told bylaws would need to be created but they submitted the bylaws of the Home Owners Association. The document was evaluated by Mr. Johnson, City Attorney, to discover if it complied with the ordinance requirements. The Home Owner's bylaws did not comply. Staff corresponded with Board members, telling them that approval of their bylaws could not be recommended. The letter included an offer for assistance in creating new bylaws and invited them to call. Mr. Morgan stated the

bylaws did not meet the standards according to the guidelines set forth in the Neighborhood Association ordinance.

On another subject, Councilor Miller stated it was his understanding that tonight's meeting would include a **public hearing for the sign code amendment**. He was concerned that the Council had been made aware that a hearing needed to be held in this meeting for the stadium sign to be in place in a timely manner. Mr. Morgan stated he had discussed the unfortunate incident with the Walkers and apologized. Since other issues took precedence, notice was not sent out or documentation drafted. He did discuss with the sign contractor ways to proceed prior to the hearing on May 5. Mr. Morgan said, in this instance, staff was not able serve the Council and meet the needs of the ball team as well as desired.

Another stadium concern was raised by Councilor Miller. He stated temporary water had been disconnected and permanent water has not yet been installed. He did not want to see the new turf damaged. Mr. Mull said the service is still connected and will not be disconnected until the other meter hookups are set.

Along the same lines, Mayor Koho said controversy has arisen concerning whether System Development fees pay for the water meters. Legal counsels, for the City and the team, will be determining the answer. Mayor Koho suggested the water meters be installed prior to having the payment issue solved.

Councilor Whalen said, from his understanding of the lease, that issues subject to debate should result in the team placing the funds with the City or in an escrow account to be refunded if needed. He believed the developer is responsible to make payments up front prior to installation.

Mayor Koho related the issue was not raised in the negotiation process resulting in confusion now. Councilor Meier said she questioned the Council, probably after the contract signing, about fees or building permits. She found, in the contract, that the team specifically is responsible for all fees and assessments.

Councilor Keller hoped this discussion was not a preview of the future. He was disappointed that a phone call to Public Works could not have cleared up the issue. He did not want to spend Council time arguing the contract.

Mayor Koho was suggesting the meters be installed and the money be put in escrow until a decision is made. Councilor McGee supported putting the money in escrow and believed it was very clear in the lease. He also noted the loser should pay the legal fees including those of the City attorney.

The Council agreed by consensus to require payment of the Systems Development Charges by the Baseball team, which will be held in escrow until the attorney for each party resolves the issue.

Councilor Miller introduced his concern regarding **release of a letter received by City officials from the Police Association** regarding Chief Stull. He understood only four parties received the letter, yet the contents were published in the Keizertimes. He asked if Councilor Keller had disclosed comments to the paper's editor. Councilor Keller replied he had not.

The **delinquent traffic fine situation** was introduced by Councilor Beach. He had distributed a letter about Marion County's use of Valley Credit Service to collect their unpaid balances. He suggested a similar basis be used in Keizer. He had contacted Valley Credit, asking for information and a proposal will be sent. Mayor Koho noted Keizer could be a part of the Marion County effort if money and time would be saved.

Councilor Meier received a copy of the **Traffic Safety Commission web page**. She asked if the page has been approved by City officials. Mr. Mull and Mr. Morgan were not aware of the page.

On a similar topic, Councilor McGee had read the **City of Keizer has a web page**. Mayor Koho stated he wrote the page and had informed the Council previously. He explained the contents of the page. Councilor McGee did not remember the issue coming before the Council. Mayor Koho said he had maintained a web page privately until the library's service opened then it was moved to open.org Councilor McGee had no problem with his name and phone number being distributed locally but disliked out of country access. Mayor Koho replied the same information could be found in the City Hall library. Councilor Beach asked for a copy of the page. Mayor Koho will distribute copies.

Returning to the **stadium issue**, Councilor Whalen asked if direction was needed from the Council to get services to the field. Mr. Mull understood from the Council that the team was to pay for the meters, the money would be put in an account and the attorneys were to work out the responsibility issue.

Mayor Koho stated he would be holding a **press conference on Thursday, April 24 at 10:00 a.m.** to discuss issues related to the City of Keizer. He asked that the City Council president and one or both of the interim co-city managers be present. Discussion items would include timelines for hiring the City Manager and Finance Director, Measure 50, Flood Mitigation and other information on the City.

Mayor Koho also wanted to schedule a **Town Hall meeting** for Thursday, May 1, 1997 at 7:00 p.m. The focus would be to improve community relations, relations with staff and distribute information to the public. He believed Council's response to issues facing the City will determine the mark of their leadership. He said sharp debates and close votes were indicative of a diverse council. He urged the Council to join in getting the story out.

Mr. Mull said he had distributed a brochure on **hiring the City Manager** and asked Councilors for response. Advertising copy is complete and the process can begin.

Lieutenant Pat Bowe of the Keizer Police Department alerted the Council to a situation that happened recently at the Keizer Lions Club. A large gathering of 300 people were visited by six to eight 18th Street Gang members. A stabbing occurred, resulting in treatment at the Salem Hospital. Research is being done regarding the incident and the Police Department wishes to be proactive. Security was present but became inadequate. The Department will secure the schedule for large meetings at the location and set up discussions with the Lions Club to avert a repeat experience.

PUBLIC HEARINGS RESOLUTION - ADOPTING ANNUAL HOUSING AND COMMUNITY DEVELOPMENT STRATEGIC PLAN

Mayor Koho opened the Public Hearing.

Mr. Morgan gave the staff report stating this was an annual action plan, laying out the housing work intent for the coming year. The plan was created with the City of Salem since work is done and funds are distributed cooperatively under a single housing consortium. Keizer is represented by Bob French on the Housing Committee.

Major housing projects are planned for the coming year stated Mr. Morgan. Homeowner assistance is for first time homeowners and is administered by the local banks. The program was slow getting started but this year four applications have been received. Another project, tenant based assistance aims to help families move off housing authority rolls and into Section 8 housing. This program fills the gap while home buyers are waiting for the housing to become available.

Mr. Morgan continued, discussing the new security deposit program. The housing authority will be assisting families with loans for rental security deposits. He explained that homeowner occupied rehab helps low income homeowners with housing rehabilitation. Since Keizer's average income was too high, the grant was not received for this year. Mr. Morgan expected Keizer would receive grant funds next year.

Mr. Morgan explained the public hearing is for citizens to tell the Council of other ways for housing fund use. After the hearing is closed, he asked for consideration of the resolution.

There was no testimony to come before the Council.

Mayor Koho closed the Hearing.

Council President Keller moved a Resolution Adopting the Action Plan: One Year Use of Funds - Salem and Keizer 1997/1998.
Councilor Beach seconded the Motion.

Councilor McGee asked if the home owner occupied rehabilitation program was the only one functioning in Keizer. Mr. Morgan clarified that was not the case. He explained the funds listed in the package were those utilized by Keizer citizens in all the programs, including 72 families in the security deposit program.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**COMP PLAN/ZONE
CHANGE/VARIANCE
CASE NO. 97-01
(ROEMER/CULPS/
GILLELAND)**

Mayor Koho reopened the hearing.

Mr. Morgan presented the staff report giving a chronology of events leading to this meeting. Staff were directed to bring orders to approve the Comprehensive plan change and zone change which will be considered tonight. As Mr. Johnson reviewed the testimony, he discovered a variance request was added by the Hearings Officer. The applicant completed an application but staff did not have a basis on the record to write up an order approving the variance. Mr. Morgan presented to the Council a brief review of the variance criteria and showed how the proposal conforms.

Mr. Morgan recommended the Council conduct the Hearing and pass the ordinance changing the Comprehensive plan and zone. The variance would then be considered in two weeks.

Councilor Keller asked if the driveway issue had been settled. Mr. Morgan replied the driveway will be located on Chemawa Road as far from the 7th Street intersection as possible.

Since he did not attend the April 7, 1997 hearing, Councilor Miller will abstain from discussion and voting.

There was no public testimony.

Mayor Koho closed the hearing.

Mayor Koho moved an Ordinance in the Matter of the Application of Rick and Sarah Roemer, William Culps, and Emma Gilleland for a Comprehensive Plan Amendment from Low Density Residential (LDR) to Mixed Use (MU) and a Zone Change from Single Family Residential (RS) to Mixed Use (MU) for property located at 683/685 Chemawa Road NE, 689 Chemawa Road NE and 5020 7th Street NE, in which the City of Keizer Grants approval in accordance with the Keizer Hearings Officer's recommendation dated March 11, 1997. Councilor Whalen seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, and Whalen (6)

NAYS: None (0)

ABSTENTIONS: Miller (1)

ABSENT: None (0)

Mayor Koho directed staff to return on May 5, 1997 with an order approving the variance request in this case.

**ADMINISTRATIVE
ACTION
CONDITIONAL USE
APPEAL - CASE NO.
96-7 - CITY OF
KEIZER WATER
RESERVOIR**

The staff report was presented by Mr. Mull. He said on March 3 the Council directed staff to look at alternative options for locating the water reservoir tank. A cost sheet for prestressed concrete tanks, prepared by Ch2M Hill Designs, was included in the packets. Mr. Mull noted prices did not include engineering, land permitting, off-site piping and other site improvements. He said a 1.5 million gallon tank could be constructed at the Wiesner site, fully buried, for a cost of approximately one million dollars. This would result in a System Development Charge (SDC) increase, for a single family dwelling, from \$300 to \$800.

Mr. Mull reviewed the four options suggested by staff. He also read the Conditional Use criteria applicable to the appeal. Mr. Mull said he had met with Mr. Beck and the neighbors.

In answer to a procedure question by the Mayor, Mr. Morgan explained that the Council could adopt an order upholding the original administrative decision. Conditional findings could be attached to that action. Another alternative would be to adopt a new order with new findings and facts which would reverse the original decision. He also confirmed the Council's action is appealable to the Land Use Board of Appeals.

Councilor Meier inquired of Mr. Mull whether the already purchased tank could be used at Clear Lake, where no houses are located, so the Wiesner tank might be buried.

Mr. Mull said that could be done. One of the proposed options that lowers the tank could be used in the Clear Lake area. Presently not enough money is available to build an underground reservoir at the Wiesner site. He said two years might be required to acquire the money if a loan were not secured. Mr. Mull believed the tank should be built this summer although he was uncertain that could happen with the late start. In answer to Councilor Meier's question whether building could begin in Clear Lake, Mr. Mull said no. He explained building subdivisions, laying underground piping and siting the tank would all take place at the same time.

Councilor Meier asked if the SDC would be increased to \$800 if the present tank were used at Clear Lake and money saved or borrowed for an underground tank at Wiesner. Mr. Mull replied that any use of the prestressed concrete tank would necessitate the SDC increase. He confirmed use of a steel tank at Wiesner would not result in an SDC raise nor is a water rate increase planned for the future. Councilor Meier did not want the future to contain a rate increase if the Council chose to bury the tank at Wiesner. Mr. Mull clarified that water rates are raised by the Council and water rate money is not normally used for capital improvements. In a rate review two years prior, the present plan was created and no raise was determined to be needed.

Councilor Keller asked the original projected construction price for the steel tank. Mr. Mull replied the original cost was \$650,000 of which \$313,000 has been spent.

Councilor McGee questioned if the Council had entered the discussion phase of the issue. Mayor Koho stated the hearing had been closed and the Council was free to discuss.

Richard Beck, 4485 River Road S, Salem objected to the closing of the hearing. He stated his belief that staff were charged to produce options and that the hearing would be reopened for continued discussion.

Mayor Koho said he believed the hearing was closed two weeks ago. He requested the City Recorder check the minutes.

Mayor Koho reviewed the notes from the March 3 meeting. The record said written testimony could be received but reopening the hearing would require additional written notice. Also, Mayor Koho had proposed to leave the record open for receipt of written material, feasibility, financing and undergrounding information. Those

documents would then be available for the neighborhood to review. Mayor Koho reiterated the record stated the hearing was closed.

Mr. Beck said his understanding was the hearing was postponed and additional information could be added. He said he had only received a letter from Mr. Mull this past week. The neighborhood attended this meeting to respond. He asked for 15 minutes which would only include 2-3 people speaking.

Mayor Koho asked if any new information was available. He believed the position of the neighborhood had been clearly stated previously. Mr. Beck said nothing new has surfaced but this is a land use issue. He desired a win/win situation for Keizer. He announced an attorney had become involved in the process.

Mayor Koho said notice has not been provided for the hearing to be reopened. He thought the substance of the arguments had been received. The Council did not believe the issue should be set over for a hearing at a later date.

Amy Barnhouse, attorney for the appellant, objected to the closing of the record. She said her client understood the hearing would be held over. She had prepared a memorandum of law that deals with the issues she would like to submit for Council consideration. The document relates to how criteria are not being met and she believed it should be included as part of the record. Mayor Koho stated if anything is received by the Council, the issue will be set aside and the hearing opened at a later time. He could not accept the document. Ms. Barnhouse then stated her client did not want the process continued but she wanted the objections noted for the record.

Councilor McGee asked for the financial difference between burying the Wiesner tank and moving the larger tank to Clear Lake, as opposed to the option of placing the steel tank at Wiesner as recommended by the staff. Mr. Mull believed the cost would be \$300,000 to \$400,000 additional City funds. Councilor McGee repeated his question in another manner, including the two year time frame required for the first option, to confirm Mr. Mull's estimate. Mr. Mull replied in the affirmative.

In answer to Councilor McGee's question if the SDC would be the funding source, Mr. Mull explained the reservoir plan. He said both storage facilities, Wiesner and Clear Lake, were included in the Master Plan to be funded by the SDC. With the addition of a concrete reservoir, additional funds would be needed.

Councilor Miller said if an estimated increase of SDC by \$500 each would fund the cost, he wondered how that additional number of

meters can be located in Keizer. Mr. Mull stated all the available lots were examined, in addition to the lots that would be created within the Urban Growth Boundary, to determine future needs. The result was 1,000 meters. Councilor Miller wished to know if the estimate was realistic and what time frame was considered. Mr. Mull answered a 3-4 year time frame is anticipated.

Mr. Mull also said a loan would be required to build the concrete tank because of the timing of anticipated fee collection. Councilor Miller noted the additional loan expense and questioned how the cost would be repaid. Mr. Mull confirmed the cost of the loan interest would be paid by the City and no reservoir would be available for two years.

Councilor Beach requested clarification on the letter from Bill Peterson, City Engineer. He remembered discussion on placing the tank in the industrial complex at the Chemawa interchange. The site did not appear to be suitable at the time. Councilor Beach asked why that option was now included on the list. Mr. Mull replied the Activity Center had always been a third location option. Although the area is a low spot, depending on the type of development, a tank might be required. The expense could become the developer's if their demand is great.

Councilor Beach believed action should be taken to bury the tank on Wiesner. He did not want to shift the burden to the Clear Lake area. His suggestion was to reduce the tank size to one million gallons, bury it at the Wiesner site, put a million gallon tank at Clear Lake and place the presently purchased 1.5 million tank on the industrial site. This action would result in 3.5 million gallons of storage and the objectionable tank would be in the industrial area. He thought the onsite work already completed could be used. He supported burying the tank so that neighborhood impact would be minimal. Mr. Mull explained the onsite work was \$96,000. He said Councilor Beach's scenario could be done but SDC would still increase.

Mayor Koho asked the Council to return to the land use focus of the issue. The question to be answered is whether the tank would significantly change the character of the area. He said the use could not be granted if it does. He believed the tank would have a significant and detrimental effect to the neighborhood. He noted no Councilor would buy a house with a tank view out the back door.

Councilor Keller asked Mr. Mull to repeat information on the study done to determine if homes near water tanks were affected detrimentally. Mr. Mull said property value analysis was done in 3-5 areas in Salem. Values have increased from 3-10% in those neighborhoods adjacent to the tanks. Properties that did not see the tank had no apparent difference.

Councilor Meier believed the Council was trying to find an alternative rather than focusing on the land use issue. She asked the City Attorney to read again the applicable conditional use criteria. Mr. Lien read the criteria to the Council. Councilor Meier said she believes the tank will substantially limit enjoyment of the homes.

Although he philosophically agreed with Councilor Meier, Councilor Whalen said the zone is residential and property owners can continue to live there. He believed the criteria related to substantial limitations of the primary zone use. He said difficult options are making the immediate neighborhood unhappy or placing a risk on the balance of the community. The water system needs the tank to meet appropriate pressure levels for the fire fighting purposes. He stated his empathy for the neighborhood but believed the entire community responsibility must be considered.

Councilor McGee questioned whether the tank costs could be tied directly to an increase of city-wide SDCs. Mr. Mull believed that could be done. Mayor Koho offered that without additional housing being built, additional water would not be needed. The new development requires the building of a tank thus should bear the burden. Councilor McGee understood that the need now exists without any additional houses online. He thought the second options, Chemawa interchange and Clear Lake, were legitimate SDC issues. Mr. Mull said this storage was part of the original Master Plan but growth has outgrown the Capital Improvement plan. Until last year, projections were on track. He said Keizer has become the third fastest growing city in the state and 2,000-3,000 more people than projected have moved to town. Water usage has increased.

Continuing the discussion, Councilor McGee said if the SDC were increased three years ago, they would have been justified. He did not understand how the increase could take place after the fact. Mr. Morgan thought SDC would not finance the Wiesner tank, but Mr. Mull clarified the tank would be funded by the increase. Councilor McGee asked if the increase could be tied directly to additional housing. Mr. Mull stated he was comfortable that an SDC increase would be appropriate.

Councilor McGee said he had not heard discussion that the reservoir was not needed. He dissected the applicable criteria (3 or C) in light of the issue. He said the first clause, "materially impacts the character of the neighborhood," could not be denied but other conditions follow. He pointed out that the use of the neighborhood will not be affected although it might not be as nice. He asked the City Attorney to read and give interpretation of applicable criteria.

Mr. Lien read "The proposed use as condition 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." Councilor McGee asked if "surrounding properties" meant those properties not developed. Mr. Lien believed it did.

Councilor McGee stated the applicable zone is RS and the houses already there will not have their use altered. He said the area down below, where no houses exist, might be affected in their ability to develop. Mr. Lien said the applicable zone is residential and the Council would be responsible to interpret the language. They would have to decide whether it precludes the use of the properties in the residential zone. Councilor McGee said the answer is no. The tank would not preclude property use since houses are built in the shadow of tanks in other areas.

Councilor Whalen moved to adopt the recommendation of the staff to construct a 1.5 million gallon steel tank at the Wiesner site with the design height of 35 feet and appropriate engineering and pumping stations as explained. Councilor Miller seconded the Motion.

Councilor Meier did not believe the argument was based on tank need. She asked the City Attorney if the Council should say that although the tank alters the character, it can be overlooked for the good of the greater community. Mr. Lien said the Council is responsible for interpretation of the language and making the decision.

The motion passed with the following votes:

AYES: Keller, McGee, Miller and Whalen (4)

NAYS: Beach, Koho and Meier (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

**ORDINANCE -
ANNEXATION/ZONE
CHANGE/PARTITION
CASE NO. 96-01
(ROBERTS)**

John Morgan, Community Development Director reported at the April 7th meeting, staff were directed to return with an ordinance approving annexation and a zone change partition ordinance. The partition ordinance denies the partitioning but approves the zone change with the conditions desired by the Council. He recommended separate passage of both ordinances.

Mayor Koho asked about the emergency clause. Mr. Lien said that issue is a Council judgment call and could be deleted.

Mayor Koho moved a bill for an Ordinance Annexing a 1.37 parcel of property to the City of Keizer (Roberts property) deleting section 3 - emergency clause. Councilor Whalen seconded the Motion.

Councilor Miller announced he would abstain from voting since he was not present at the hearing.

Councilor Meier asked when the ordinance would take effect without the emergency clause. Mr. Morgan answered 30 days. Mayor Koho asked if the time might be a hardship for the applicant. Mr. Morgan understood construction was planned for the near future. Mayor Koho said he was willing to restate his motion. Councilor McGee did not disagree with including the clause in this ordinance but he did not want inclusion to be taken lightly. He thought Mayor Koho's point was well taken and good instruction to the staff regarding use of the clause. Councilor Keller agreed. Mayor Koho restated his Motion.

Mayor Koho moved to amend his motion to include the emergency clause as written in the Ordinance. Councilor Beach seconded the Amendment.

The Amendment passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: Miller (1)

ABSENT: None (0)

The Main Motion as amended passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: Miller (1)

ABSENT: None (0)

Mayor Koho moved a bill for an Ordinance in the matter of the Application of Norman J. Roberts and Ada Lee Roberts for a Partition and Zone Change to RS (Single Family Residential) on a 1.37 acre parcel located at 6959 Fir Grove Lane North (Tax Lot 8400): Declaring an Emergency (Case No. ZC 96-01). Council President Keller seconded the Motion.

Councilor Meier clarified the motion would result in approval for the zone change but not for the partitioning. Mr. Morgan stated that was correct.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: None (0)

ABSTENTIONS: Millier (1)

ABSENT: None (0)

**ORDER -
KEIZERFEST NOISE
VARIANCE**

Mr. Mull reported St. Edward's Church filed a request for a Noise Variance for the Keizerfest. The event will begin on May 15 and continue until the 18th. He said the Church's request included 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. Notification of the Council meeting was posted along the church property and in the Keizertimes. Mr. Mull suggested if a public hearing is determined to be needed, it should be scheduled for May 5. If the Council decides a hearing is not necessary, the staff recommends the request be granted.

Councilor Meier was concerned the Keizer Retirement Center receives the brunt of the noise. She asked if they had complained. Mr. Mull said none had been received. Councilor Keller added the church had also received no complaints from the Center.

Councilor McGee remembered one neighborhood brought up the sound issue. The church was willing to discuss the issue with them but no meeting occurred. He said the neighbor who spearheaded the petition has since moved. One of the unusual facts is that neighborhoods closer to the Church have no complaints. Councilor McGee noted the unique way sound moves. Mr. Mull talked with some of the neighbors in the concerned area, finding they signed the petition under pressure. He said the people he contacted were not bothered by the music.

Although he supported the request, Councilor McGee wanted the Council to be cognizant of the neighbors. He asked if the City would run a decibel meter test if a complaint came in during the music. Councilor Keller believed only one complaint was received last year and a Community Service Officer went to the neighborhood. The readings that were taken were within the ordinance. He assured the Council the Church was concerned about noise issues. With the purchase of their own decibel meter, readings were taken often to assure the noise level was not exceeded. Councilor McGee was comfortable with past arrangements.

Mayor Koho moved an Order in the Matter of the Application of St. Edward's Church for a Variance From the Requirements of the Keizer Noise Ordinance (Ordinance No. 93-269). Council President Keller seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**REQUEST FOR
EXTENSION OF SIGN
CODE COMPLIANCE
DEADLINE**

Mr. Morgan reported AK Media/NW requested the Council amend the sign code to allow a six month extension for compliance. He said the current deadline is May 7, 1997. Four alternatives have been identified:

- Accept the request and initiate an amendment to the Code
- Reject the request and not initiate enforcement proceedings for six months allowing discussions
- Reject the request and initiate enforcement proceedings with a six month period for compliance allowing discussions
- Reject the request and initiate enforcement proceedings

The staff recommendation was alternative three which would still allow six months for compliance and discussions.

Mayor Koho asked if the motion could be worded in a kinder fashion.

In answer to the question regarding the strong language, Mr. Morgan said the choice was made to portray seriousness and fairness. Approximately 20 other sign owners will not be in compliance and enforcement proceedings will be issued against them.

Councilor Keller said actions of the company show they understand the guidelines of the Code. He appreciated they are looking for alternatives. Mayor Koho said AK Media/NW intends to fight the Code as long as possible in the courts, but they have mentioned alternatives which may be appealing to the Council.

Councilor Meier clarified the length of time the deadline has been known. Mr. Morgan stated the ordinance has been in effect for almost seven years. Councilor Meier believed the company has had all those years and did not need an additional six months. She will be supporting option four which initiates enforcement proceedings on May 7.

Agreeing with Councilor Meier, Councilor Whalen believed the company has had the information and the opportunity, thus he will support option four. Councilor McGee supported the staff recommendation of option three believing all sign owners not in compliance would receive the same offer. Mr. Morgan said that would not be the case.

Councilor McGee said AK Media/NW has fought the ordinance for seven years and would possibly beat the City in court. He felt their

request indicated a desire to discuss the issue and he wished to hear their thoughts. He did want the same offer applied to the other sign owners not in compliance. If they would be offered 30 days, then he suggested AK Media/NW be offered the same option. His major focus was encouraging dialogue.

Councilor Beach's suggestion was a compromise of 90 days. He did concur with Councilor Meier regarding the need to be serious. He wanted to work out a settlement if possible so supported option three, but cutting down the time to three months.

Councilor Keller believed the company acknowledges the validity of the sign code by asking for an appeal. He was open to any of the time lengths mentioned but wanted all businesses treated the same.

Mayor Koho said he had discussions with the company. Since his recent job change, he is now more free to discuss alternatives. He believed they would offer a different type of billboard, removal of all signs from River Road and a request for permission to place two elsewhere. Future discussions are worth considering.

Mayor Koho moved to recommend staff reject the request and initiate enforcement proceedings but give a 90 day grace period for coming into compliance with the code to allow time for discussions to take place. Councilor Beach seconded the Motion.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

The consent calendar consisted of the following:

- a. Willamette Manor Park Playground Equipment Replacement Purchase

Council President Keller moved for approval of the item on the Consent Calendar. Mayor Koho seconded the Motion

Mr. Mull said bid number two did not include installation which would cost \$600.

AYES: Beach, Keller, Koho, McGee, Meier, Miller, and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**WRITTEN
COMMUNICATION
AGENDA INPUT**

There were no written communications to come before the Council.

Mayor Koho indicated a work session will not be held next week.

Councilor Meier mentioned the League of Oregon Cities newsletter had an article regarding garbage service rate increase exemptions offered by some Oregon cities. These exemptions, such as using yard debris on site or using a City approved landscaper, can be requested by home owners. She thought the garbage haulers in Keizer might consider such exemptions.

Councilor McGee noted the yard debris proposal would originate from the Council and could be designed with such exemptions. The proposal will then be submitted to the haulers. He did not want the two issues, rate increase and yard debris, intermingled. Councilor Meier clarified the two separate programs but noted a rate increase will occur for the yard debris program. Councilor McGee stated payment for yard debris program would not increase the basic garbage rate.

In the same issue of the newsletter, Mayor Koho highlighted an article on interviewing candidates by video. He recommended that process as a cost savings for initial interviews.

ADJOURNMENT

The meeting was adjourned at 9:37 p.m.

Tracy L. Davis
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Garry Whalen

Councilor #4 - Carl Beach

Councilor #2 - Dawn Meier

Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

MEMORANDUM
Keizer Traffic Safety Commission

handed out
by
Fredric
George

DATE: May 19, 1997
TO: Keizer City Council
FROM: Keizer Traffic Safety Commission
SUBJECT: Proposed Revision of City Ordinance #17.18

5-19

The purpose of this memorandum is to request hearing and approval of the proposed revision of City Ordinance #17.18. You will find a copy of the proposed revision attached as "Exhibit A". Additionally, you will find a copy of the current ordinance attached as "Exhibit B".

The Traffic Safety Commission has become increasingly concerned about the hazards trees, shrubs and other plantings present when they have overgrown into the public right-of-way. These are potentially the root of many traffic accidents as well as damaging lawsuits against the city.

As we will present in the hearing, there are several areas of concern to the commission in regards to vision hazards. One such area is the ordinance itself. The current city ordinance provides good guidelines for vision clearance areas. It falls short, however, in some key areas and is severely lacking with regards to enforcement. The proposed revision will serve to fill in the holes left by the previous ordinance and give specific instructions for enforcement of the ordinance.

If you have any questions you would like answered prior to the hearing, please contact either Ernest Smyres at (503)393-3838 or Fredric George at (503)463-5820.

Respectfully,

Mike Kirby, Acting Chair

Ernest Smyres

Fredric S. George

Attachments:

Exhibit A: Proposed revision of City Ordinance #17.18
Exhibit B: Current City Ordinance #17.18



Proposed Ordinance Revision

Vision Hazards (Ordinance #: 17.18)

Contacts:

Commissioner Ernest Smyres
Commissioner Fredric George

Keizer Traffic Safety Commission
Mike Kirby, Acting Chair

17.18. **VISION CLEARANCE AREAS.** The following regulations shall apply to all intersections of streets, alleys and private driveways other than in the business district in order to provide safe visibility for vehicular and pedestrian traffic.

(a) There shall be a vision clearance area at all intersecting and intercepting streets and highways. Such vision clearance area shall have a minimum of 30 foot legs along each street or highway intersection.

(b) There shall be a vision clearance area on each side of any private driveway or alley intersecting a highway, street or alley. Such vision clearance area shall have a minimum of 10 foot legs along private driveways or alleys and along intersecting streets or alleys. The provisions of this subsection shall not apply to the established business district.

(c) Where, due to grade or an irregular lot shape, vision clearance areas such as described on "Figure A" would not in the opinion of the director of public works, provide for intersection visibility, he may prescribe the dimensions and conditions which will comply with the intent of the vision clearance area described in this section, according to recognized traffic engineering standards.

(d) Except as provided in this subsection and in section 17.14, the vision clearance area shall not contain temporary or permanent obstructions to vision, including any planting, fencing, or walls exceeding 30 inches in height above the curb level or street shoulder where there is no curb, except a supporting pillar or post not greater than 12 inches in diameter or 12 inches on the diagonal of a rectangular pillar or post; and further excepting utility poles and those posts, poles, or supporting members of street signs, street lights, bus shelters, and traffic control signs installed as directed by the department of public works or any other public agency having such jurisdiction.

(e) Vision clearance shall not be required at a height of 12 feet or more above the curb level or 12 feet six inches (12'6") above a street that does not have a curb on any street that is not designated a state highway and 14 feet above the surface of any street that is designated a state highway.

(f) The vision clearance provisions of this section shall not be construed as waiving or altering any yard, landscaping or setback requirements that may be required by this or any other ordinance.

(g) The street classification (local, collector or arterial) shall be established in the City of Keizer Comprehensive Plan.

17.18.1. **TRIMMING OF TREES AND SHRUBS PROJECTING OVER STREETS.** Trees, shrubs, or plants standing in or upon any public street or alley or on public or private grounds having branches projecting into a public street or sidewalk shall be kept trimmed by the owner or owners, lessees, occupants, or person in charge of the property adjacent to or in front of which such trees, shrubs, or plants are growing so that:

(a) The lowest branches shall not be less than 12 feet above the surface of the street and shall not be less than 14 feet above the surface of a street designated as a state highway.

(b) The lowest branches shall not be less than eight feet above the surface of any sidewalk or footpath.

(c) No planting, bush, or shrub shall be more than 30 inches in height on a street, highway or alley without a curb and 24 inches in height on a street, highway or alley with a curb in that triangular area at the street or highway intersection of a corner lot as previously described or the intersection of a private driveway/road of a lot or public alley and a street or highway, such area being defined by a line across the corner between the points on the street right-of-way line measured ten feet back from the corner and extending such line to the street curbs, then to that portion of the street or alley used for vehicular traffic.

(d) Newly planted trees may remain untrimmed provided they do not interfere with street traffic or persons using the sidewalk or obstruct the light of any street electric lamp and that when they do become more fully grown, they comply with this section.

17.18.2 DISEASED TREES AND SHRUBS PROHIBITED. It shall be unlawful for any owner or owners, lessees, occupants, or person in charge of private property to allow any tree, shrub, or other vegetation growing on said property to grow in such a manner as to become a harbor for insects, pests, or disease so as to create a hazard or potential hazard to public use of any street, sidewalk, or alley right-of-way. Any private property that contains such trees, shrubs or other vegetation as described in this subsection shall be subject to the penalties set forth in this section.

17.18.3 NOTICE TO ABUTTING PROPERTY OWNER TO TRIM OR REMOVE TREES AND SHRUBS. Whenever the owner of owners, lessees, occupants or person in charge of private grounds shall neglect or refuse to trim or remove any tree, shrub or plant provided in this section, it shall be the duty of the regional parks director to cause to be served upon such owner or owners, lessees, occupants, or person in charge a written notice to trim or remove such tree or trees, shrubs, or plants within ten business days after the receipt of such notice. If in the event the owner or owners, lessees, occupants, or person in charge fail to comply with the written notice to trim or remove such tree or trees, shrubs, or plants within the allotted time, he/she/they shall be guilty of a violation of this section and subject to the penalties provided by subsection 5 of this section.

(a) Such notice shall be served upon the owner or owners, lessees, occupants, or person in charge of the property by the regional parks director by means of the following, whichever the regional parks director deems appropriate or necessary:

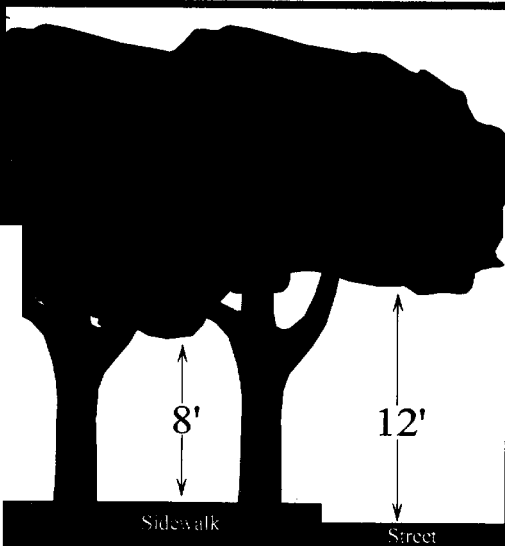
- (1) Notification to the Keizer chief of police to instruct him/her or his/her representative to cause notice to be served; OR
- (2) Certified mail to the last known address of said person or person.

17.18.4 NOTICE BY CITY UPON FAILURE OF ABUTTING PROPERTY OWNER. If the owner or owners, lessees, occupants, or person in charge of the property shall fail or neglect to trim or remove such trees, shrubs, or plants within ten business days after receiving the notice provided in subsection 3 of this section, the regional parks director shall with such assistance as he/she may deem necessary, trim or remove such trees, shrubs, or plants to comply with the provisions set forth in this section.

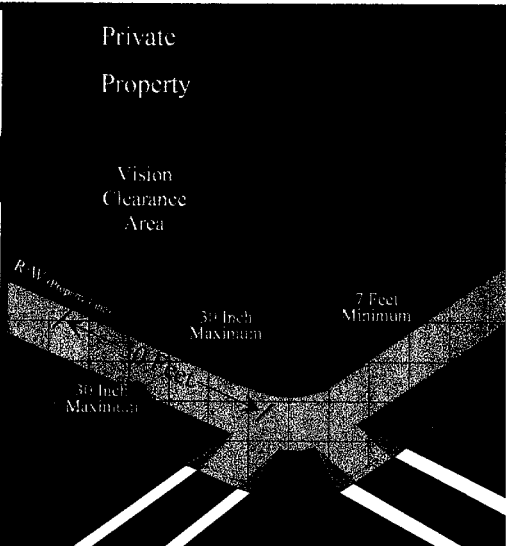
17.18.5 STATEMENT OF COSTS; BILLING AND LIEN PROCEDURES.
Upon completion of the work under subsection 4 of this section, the regional parks director shall file with the director of finance an itemized statement of costs thereof, plus 10 percent to cover the expense of inspection, overhead, enforcement of this section, and the giving of the notice required by subsection 2 of this section. The minimum charge for any lot or parcel of land shall be not less than \$50. The director of finance shall, upon receipt of the itemized statement from the regional parks director, notify the owner or owners, lessees, occupants, or person in charge of the property affected thereby of the sum of money due the City of Keizer. If said costs are not paid in full within 30 days of the billing date, the director of finance shall thereafter file with the Keizer City Council the aforesaid mentioned itemized statement of costs, including the 10 percent overhead, plus an additional 5 percent to cover assessment procedure expense. After a reasonable opportunity to be heard in objection thereto, the Keizer City Council shall then, by resolution, declare the correctness of such statement and declare the same to be a lien upon the property involved, to be entered in the minor lien docket and enforced against the property.

17.18.6 PAYMENT AND CREDIT OF COST FROM AND TO THE STREET MAINTENANCE FUND. Upon docketing of a lien pursuant to subsection 5 of this section, the amount of the lien shall be charged to the street maintenance fund, and all income resulting from enforcement of the lien shall be credited to such fund.

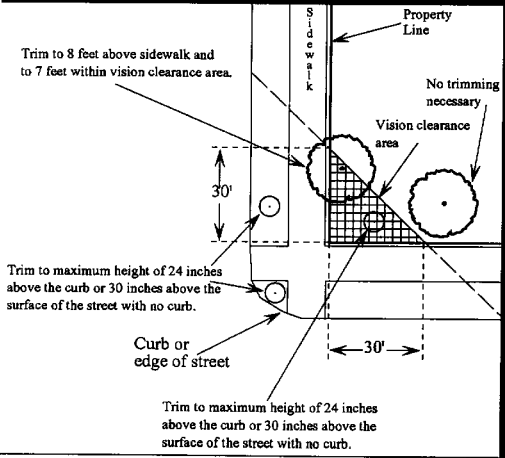
Figure A



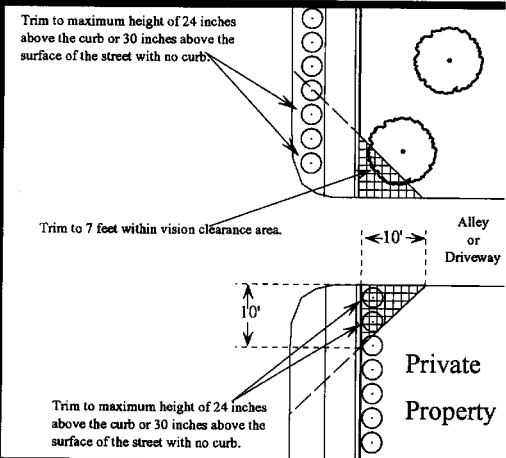
Trees that overhang a street or sidewalk must be trimmed to the height of eight feet above the sidewalk and 12 feet above the street, unless that street is designated a state highway. It is then 14 feet above the surface of the street.



All trees within the vision clearance area not overhanging the public right-of-way, shall be trimmed to the height of not less than seven feet above the curb or seven feet, six inches above the surface of a street without a curb.



Trees that overhang the sidewalk or are contained even partially in the vision clearance area must be trimmed to the height of eight feet above the sidewalk and no less than 7 feet within the vision clearance area. Shrubs, bushes or other plantings must be trimmed to a maximum height of 24 inches above the curb or 30 inches above the surface of the street with no curb. The vision clearance area is shown as that area within 30 feet in both directions of the property line with a line drawn diagonally across to form the triangular area.



Trees, shrubs, bushes and other plantings contained within the vision clearance area around alleys, private driveways or roads must also comply with the vision clearance ordinance. A 10 foot leg along each property line defines the area. Trees, shrubs, bushes and other plantings must be trimmed in accordance with that previously shown.

- (a) Cornices, eaves, gutters, steps and fire escapes when not prohibited by any other ordinance, may project into a required side yard not more than one-third of the width of the required side yard, nor more than three feet in any case.
- (b) Planter boxes, window bays, greenhouse windows, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, solar collectors, and ornamental features may project not more than 24 inches into a required side yards.
- (c) Uncovered decks and patios attached to the main building when not elsewhere prohibited may be extended to the side lot line when they are three feet or less above grade measured directly beneath the outside edge of the deck or patio.

17.17 REAR YARD PROJECTIONS.

- (a) Planter boxes, window boxes, greenhouse windows, steps, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters, solar collectors, and ornamental features, may project not more than 24 inches into a required rear yard.
- (b) A fire escape, balcony, outside stairway, cornice, or other unenclosed, unroofed projection may project not more than five feet into a required rear yard provided that no portion thereof is within six feet of any lot line.
- (c) Uncovered porches, covered but unenclosed porches or patios with roofs having no floor area more than four feet above grade and which shall not come closer than 8 feet from the rear lot line, are, except for this section, exempt from all rear yard setback requirements, provided that any covered floor area shall be set back at least 8 feet from the rear lot line.
- (d) No permitted projection into a required rear yard shall extend within ten feet of the centerline of an alley, or within six feet of an accessory building.
- (e) Uncovered decks and patios attached to the main building when not elsewhere prohibited may be extended to the rear lot line provided they are four feet or less above grade measured directly beneath the outside edge of the deck or patio.

17.18 VISION CLEARANCE AREAS. The following regulations shall apply to corner lots at all intersections of streets, alleys, roadways and driveways in order to provide safe visibility for vehicular and pedestrian traffic:

- (a) Local street intersections shall have vision clearance areas defined by a minimum of 30 foot legs along each street. Where there is stop control at the intersection of local streets no vision clearance is required. *Leave as is*

- (h) The vision clearance provisions of this section shall not be construed as waiving or altering any yard, landscaping or setback requirements that may be required by this or any other ordinance.

17.19 STANDARDS FOR SINGLE FAMILY DWELLINGS. The following standards will be applied to all single family dwellings, whether modular or manufactured homes, or site-built homes, to be constructed or located in RS, RL, or RM zones:

- (a) All single family homes shall utilize at least two of the following design features to provide visual relief along the front of the home:

1. dormers;
2. gables;
3. recessed entries;
4. covered porch entries;
5. cupolas;
6. pillars or posts;
7. bay or bow windows;
8. eaves (minimum 6" projection);
9. off-sets on building face or roof (minimum 16")

17.20 SPECIAL STREET SETBACKS.

- (a) The special setbacks in this section are based upon the functional classification of streets and roads as described in the comprehensive plan. The purpose of these special setbacks is to permit the eventual expansion or improvement of streets and roads in order to safely accommodate vehicular or pedestrian traffic. The special setback shall be measured from the centerline of the street right-of-way.
- (b) Except as provided herein structures and paved surfaces shall not be located within the special setbacks specified in (e) below. Any portion of a structure lawfully established within a special street setback prior to adoption of this ordinance shall be considered a nonconforming structure. Other yards and setbacks specified adjacent to streets shall be in addition to the special setbacks required by this Section. These setback distances shall be measured at right angles to the centerline of the established right-of-way.
- (c) The Zoning Administrator may approve placement of signs or light standards, and temporary structures, or paved surfaces upon determination that the City or Division of State Highways, if applicable, has no objections and provided the property owner signs a written agreement that the owner or his heirs or assigns will, within 45 days after being notified by the City remove all portions of the

MEMORANDUM
Keizer Traffic Safety Commission

DATE: May19, 1997

TO: Keizer City Council

FROM: Keizer Traffic Safety Commission

SUBJECT: Proposed Revision of City Ordinance #17.18

The purpose of this memorandum is to request hearing and approval of the proposed revision of City Ordinance #17.18. You will find a copy of the proposed revision attached as "Exhibit A". Additionally, you will find a copy of the current ordinance attached as "Exhibit B".

The Traffic Safety Commission has become increasingly concerned about the hazards trees, shrubs and other plantings present when they have overgrown into the public right-of-way. These are potentially the root of many traffic accidents as well as damaging lawsuits against the city.

As we will present in the hearing, there are several areas of concern to the commission in regards to vision hazards. One such area is the ordinance itself. The current city ordinance provides good guidelines for vision clearance areas. It falls short, however, in some key areas and is severely lacking with regards to enforcement. The proposed revision will serve to fill in the holes left by the previous ordinance and give specific instructions for enforcement of the ordinance.

If you have any questions you would like answered prior to the hearing, please contact either Ernest Smyres at (503)393-3838 or Fredric George at (503)463-5820.

Respectfully,

Mike Kirby, Acting Chair

Ernest Smyres

Fredric S. George

Attachments:

Exhibit A: Proposed revision of City Ordinance #17.18
Exhibit B: Current City Ordinance #17.18



Proposed Ordinance Revision

Vision Hazards (Ordinance #: 17.18)

Contacts:

Commissioner Ernest Smyres
Commissioner Fredric George

Keizer Traffic Safety Commission
Mike Kirby, Acting Chair

17.18. VISION CLEARANCE AREAS. The following regulations shall apply to all intersections of streets, alleys and private driveways other than in the business district in order to provide safe visibility for vehicular and pedestrian traffic.

(a) There shall be a vision clearance area at all intersecting and intercepting streets and highways. Such vision clearance area shall have a minimum of 30 foot legs along each street or highway intersection.

(b) There shall be a vision clearance area on each side of any private driveway or alley intersecting a highway, street or alley. Such vision clearance area shall have a minimum of 10 foot legs along private driveways or alleys and along intersecting streets or alleys. The provisions of this subsection shall not apply to the established business district.

(c) Where, due to grade or an irregular lot shape, vision clearance areas such as described on "Figure A" would not in the opinion of the director of public works, provide for intersection visibility, he may prescribe the dimensions and conditions which will comply with the intent of the vision clearance area described in this section, according to recognized traffic engineering standards.

(d) Except as provided in this subsection and in section 17.14, the vision clearance area shall not contain temporary or permanent obstructions to vision, including any planting, fencing, or walls exceeding 30 inches in height above the curb level or street shoulder where there is no curb, except a supporting pillar or post not greater than 12 inches in diameter or 12 inches on the diagonal of a rectangular pillar or post; and further excepting utility poles and those posts, poles, or supporting members of street signs, street lights, bus shelters, and traffic control signs installed as directed by the department of public works or any other public agency having such jurisdiction.

(e) Vision clearance shall not be required at a height of 12 feet or more above the curb level or 12 feet six inches (12'6") above a street that does not have a curb on any street that is not designated a state highway and 14 feet above the surface of any street that is designated a state highway.

(f) The vision clearance provisions of this section shall not be construed as waiving or altering any yard, landscaping or setback requirements that may be required by this or any other ordinance.

(g) The street classification (local, collector or arterial) shall be established in the City of Keizer Comprehensive Plan.

17.18.1. TRIMMING OF TREES AND SHRUBS PROJECTING OVER STREETS. Trees, shrubs, or plants standing in or upon any public street or alley or on public or private grounds having branches projecting into a public street or sidewalk shall be kept trimmed by the owner or owners, lessees, occupants, or person in charge of the property adjacent to or in front of which such trees, shrubs, or plants are growing so that:

(a) The lowest branches shall not be less than 12 feet above the surface of the street and shall not be less than 14 feet above the surface of a street designated as a state highway.

(b) The lowest branches shall not be less than eight feet above the surface of any sidewalk or footpath.

(c) No planting, bush, or shrub shall be more than 30 inches in height on a street, highway or alley without a curb and 24 inches in height on a street, highway or alley with a curb in that triangular area at the street or highway intersection of a corner lot as previously described or the intersection of a private driveway/road of a lot or public alley and a street or highway, such area being defined by a line across the corner between the points on the street right-of-way line measured ten feet back from the corner and extending such line to the street curbs, then to that portion of the street or alley used for vehicular traffic.

(d) Newly planted trees may remain untrimmed provided they do not interfere with street traffic or persons using the sidewalk or obstruct the light of any street electric lamp and that when they do become more fully grown, they comply with this section.

17.18.2 DISEASED TREES AND SHRUBS PROHIBITED. It shall be unlawful for any owner or owners, lessees, occupants, or person in charge of private property to allow any tree, shrub, or other vegetation growing on said property to grow in such a manner as to become a harbor for insects, pests, or disease so as to create a hazard or potential hazard to public use of any street, sidewalk, or alley right-of-way. Any private property that contains such trees, shrubs or other vegetation as described in this subsection shall be subject to the penalties set forth in this section.

17.18.3 NOTICE TO ABUTTING PROPERTY OWNER TO TRIM OR REMOVE TREES AND SHRUBS. Whenever the owner or owners, lessees, occupants or person in charge of private grounds shall neglect or refuse to trim or remove any tree, shrub or plant provided in this section, it shall be the duty of the regional parks director to cause to be served upon such owner or owners, lessees, occupants, or person in charge a written notice to trim or remove such tree or trees, shrubs, or plants within ten business days after the receipt of such notice. If in the event the owner or owners, lessees, occupants, or person in charge fail to comply with the written notice to trim or remove such tree or trees, shrubs, or plants within the allotted time, he/she/they shall be guilty of a violation of this section and subject to the penalties provided by subsection 5 of this section.

(a) Such notice shall be served upon the owner or owners, lessees, occupants, or person in charge of the property by the regional parks director by means of the following, whichever the regional parks director deems appropriate or necessary:

- (1) Notification to the Keizer chief of police to instruct him/her or his/her representative to cause notice to be served; OR
- (2) Certified mail to the last known address of said person or person.

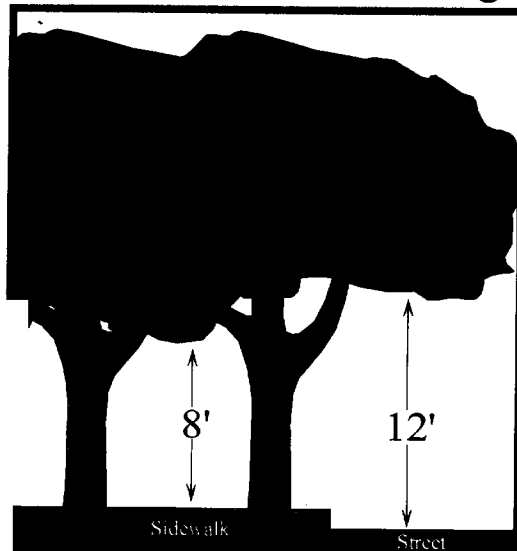
17.18.4 NOTICE BY CITY UPON FAILURE OF ABUTTING PROPERTY OWNER. If the owner or owners, lessees, occupants, or person in charge of the property shall fail or neglect to trim or remove such trees, shrubs, or plants within ten business days after receiving the notice provided in subsection 3 of this section, the regional parks director shall with such assistance as he/she may deem necessary, trim or remove such trees, shrubs, or plants to comply with the provisions set forth in this section.

17.18.5 STATEMENT OF COSTS; BILLING AND LIEN PROCEDURES.

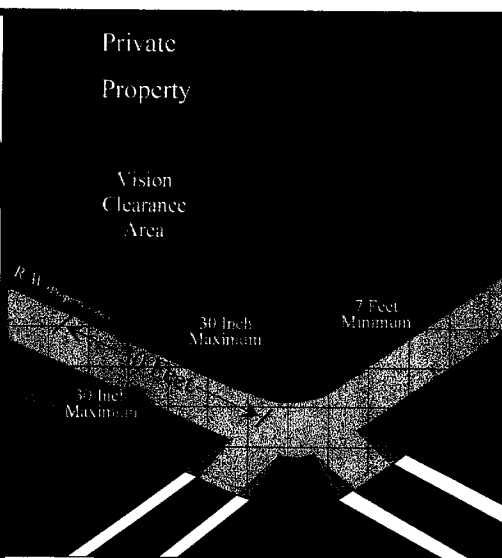
Upon completion of the work under subsection 4 of this section, the regional parks director shall file with the director of finance an itemized statement of costs thereof, plus 10 percent to cover the expense of inspection, overhead, enforcement of this section, and the giving of the notice required by subsection 2 of this section. The minimum charge for any lot or parcel of land shall be not less than \$50. The director of finance shall, upon receipt of the itemized statement from the regional parks director, notify the owner or owners, lessees, occupants, or person in charge of the property affected thereby of the sum of money due the City of Keizer. If said costs are not paid in full within 30 days of the billing date, the director of finance shall thereafter file with the Keizer City Council the aforesaid mentioned itemized statement of costs, including the 10 percent overhead, plus an additional 5 percent to cover assessment procedure expense. After a reasonable opportunity to be heard in objection thereto, the Keizer City Council shall then, by resolution, declare the correctness of such statement and declare the same to be a lien upon the property involved, to be entered in the minor lien docket and enforced against the property.

17.18.6 PAYMENT AND CREDIT OF COST FROM AND TO THE STREET MAINTENANCE FUND. Upon docketing of a lien pursuant to subsection 5 of this section, the amount of the lien shall be charged to the street maintenance fund, and all income resulting from enforcement of the lien shall be credited to such fund.

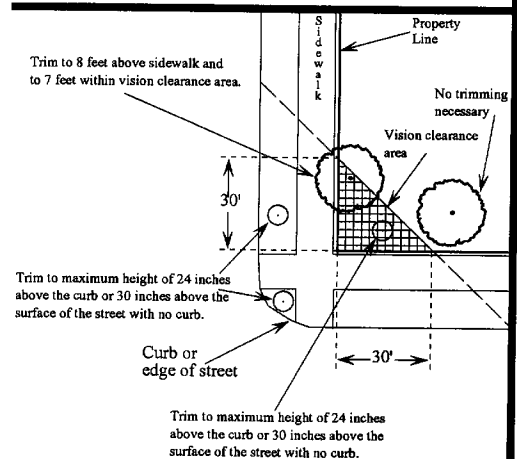
Figure A



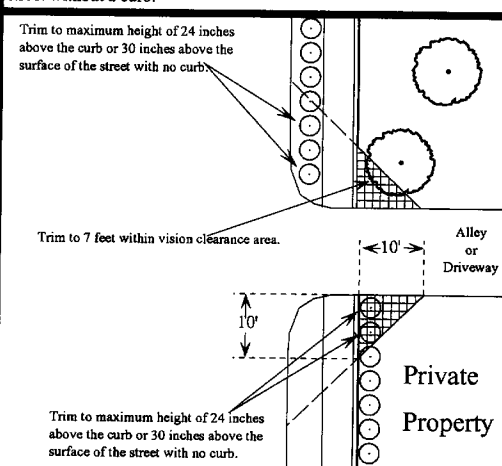
Trees that overhang a street or sidewalk must be trimmed to the height of eight feet above the sidewalk and 12 feet above the street, unless that street is designated a state highway. It is then 14 feet above the surface of the street.



All trees within the vision clearance area not overhanging the public right-of-way, shall be trimmed to the height of not less than seven feet above the curb or seven feet, six inches above the surface of a street without a curb.



Trees that overhang the sidewalk or are contained even partially in the vision clearance area must be trimmed to the height of eight feet above the sidewalk and no less than 7 feet within the vision clearance area. Shrubs, bushes or other plantings must be trimmed to a maximum height of 24 inches above the curb or 30 inches above the surface of the street with no curb. The vision clearance area is shown as that area within 30 feet in both directions of the property line with a line drawn diagonally across to form the triangular area.



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- (c) Uncovered decks and patios attached to the main building when not elsewhere prohibited may be extended to the side lot line when they are three feet or less above grade measured directly beneath the outside edge of the deck or patio.

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- (c) Uncovered porches, covered but unenclosed porches or patios with roofs having no floor area more than four feet above grade and which shall not come closer than 8 feet from the rear lot line, are, except for this section, exempt from all rear yard setback requirements, provided that any covered floor area shall be set back at least 8 feet from the rear lot line.
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- (b) Except as provided herein structures and paved surfaces shall not be located within the special setbacks specified in (e) below. Any portion of a structure lawfully established within a special street setback prior to adoption of this ordinance shall be considered a nonconforming structure. Other yards and setbacks specified adjacent to streets shall be in addition to the special setbacks required by this Section. These setback distances shall be measured at right angles to the centerline of the established right-of-way.
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PUBLIC HEARING SIGN UP SHEET

PUBLIC HEARING RE: COMP PLAN AMENDMENT/ZONE CHANGE
CASE NO. 97-02 (MCCAWLEY)

DATE: MAY 19, 1997 TIME: 7:00 P.M. AGENDA ITEM # 6a
 PLACE: ROBERT L. SIMON COUNCIL CHAMBERS

BEFORE THE: KEIZER CITY COUNCIL
 (PLEASE PRINT)

NAME

ADDRESS

GENERAL PROPONENT

OPONENT

Handwritten signature: M. Keizer