

To: Mayor Cathy Clark and Keizer City Council Members
Re: REBUTTAL to August 1, 2016 Comments by Wallace Lien, Attorney for the Herber Family
Comprehensive Plan Change/Zone Change/Lot Line Adjustment Case number 2014-11 - REMAND
Date: August 29, 2016

RECEIVED
CITY OF KEIZER

AUG 29 2016

To the Mayor and City Council Members,

My name is Karen Okada, and my family lives at 4705 Verda Lane NE, in Keizer. We live down the street from the Herber Property.

COMMUNITY DEVELOPMENT

I am writing to specifically rebut comments submitted on August 1, 2016 by Mr. Wallace Lien, attorney for the Herber Family.

The issue is whether the revised proposal addresses the issues raised by the City Council in its original decision. I do not believe that those issues have been addressed, and the problems identified earlier by the 2014 City Council still remain.

Need: Mr. Lien states on pages 7/8 that "the City Planning program is based on inventories and availabilities, not the desire of area residents..." Attached is the City Zoning Map, and there is already 24 acres of RM/Medium Density Residential land available for development (shown in yellow). Some parcels might not be "perfect," but over 50% of this RM zoned property is much closer to the central part of the City than the Herber property, is close to existing services (transportation, shopping, etc.) and would have much less impact upon adjacent properties/neighbors.

The Housing Need Analysis (HNA) is a template for the City Council to use in making decisions for the City of Keizer. The City Council is not "required" or "mandated" to change zoning. There is still a greater need for single family residential land, (1, 183 units), versus medium density resident needs of 362 apartment units.

There are many official tables, charts, and graphs, but they all essentially state the same thing- there will never be enough land in Keizer to meet everyone's wishes and desires. That is why there is a zoning map – to use the land that already exists in each classification.

Summary – Need: Keizer does not need a 112-unit apartment complex at this location. And, the City Council is not required to change the zoning, just because a request has been made. There are other parcels available in Keizer that are currently zoned for multi-family housing. The best use for this site is residential. A developer can come in, and build anywhere from 14 – 60 homes. And, they can make the property work so that there will not be 14 driveways (as was stated by city staff), but will have one or two entrances into a nice subdivision. This will add moderate growth to our community, and will meet the zoning criteria that currently exists.

Impact: A large apartment complex would have a huge, negative impact to this neighborhood. The applicant has submitted a list of "special development conditions." There are always unforeseen circumstances, criteria that someone forgets to include, and the potential exists to still end up with an apartment complex that isn't what the City Council envisioned. Why are we working so hard to change something? The land is zoned residential for a reason – it is a residential neighborhood.

In 2014, City Staff noted on page four of the September 12, 2014 Council Meeting packet that "The outcome to the community could be improved with street improvements, landscaping, traffic mitigations, and design

control - if the council chose to place significant mitigations on the proposal. Such additional mitigation measures available for Council consideration might include such things as greatly increased design standards and review process addressing such things as building design, landscaping, traffic mitigation, etc." The applicant has submitted 13 special development conditions. This is not close to the "significant mitigations" that are needed for this request, and does not cover landscaping or traffic mitigation.

Schools – Mr. Lien states that the high school will not turn away students. That is correct. But, putting a 112-unit apartment complex on a busy road – right next to a roundabout, where traffic never stops – is not a smart or logical choice to make. There is a new, 180-unit complex by the Keizer Little League fields, that will be finished in the next few months. The Salem Keizer School District is currently evaluating the school boundaries for this complex, and they hope to have a decision made by the time the school year begins. Currently, the students in this apartment complex will be split between Gubser and Kennedy. 102 units will be in the Kennedy/Claggett boundary, and 78 units will be in the Gubser/Whiteaker boundary. The 2014 SKSD report estimates that 18 students will attend Kennedy (13)/Claggett (5), 14 students will attend Gubser (10) /Whiteaker (4), and 9 students will attend McNary – for a total of 41 students. The report shows a ratio of 23% for students to housing units. I have attached this report to this letter.

The job of the Council is to evaluate all information - estimates based on professional standards, and real life data. In June 2014, I contacted the SKSD to find out how many students lived at the Keizer Terrace Apartments, which are directly across the street from Kennedy School. There were 124 students from the 153-unit complex – the ratio of students to housing units was 81%. If the same percentage is applied to the new 180-unit complex by the Little League fields: 102 units for Kennedy/Claggett is 65 students (Kennedy has 47, and Claggett has 18); Gubser/Whiteaker is 49 students (Gubser has 35, and Whiteaker has 14), and 32 students at McNary. This is a total of 146 new students – a significantly higher number than 41 new students.

The 2014 SKSD report to the City Council for the Herber property has a 23% ratio of students to housing units (28 students for 120-unit complex.) The 2016 SKSD report has a 37% ratio of students to housing units (41 students for 112-unit complex). If the Herber property had the 81% ratio applied, there would be 91 new students from this property – more than twice the amount planned by the school district.

Summary – Impact: Changing the zoning will significantly and adversely affect the surrounding properties. There are too many special development considerations needed to make this project work. The impact on the schools is also significant. As Mr. Lien states on page 7, the estimated number of students came from the school district, not the Herber family. However, changing the zoning would significantly impact the adjacent properties, and that is part of the approval criteria for the City Council to decide. There are already several apartment complexes in this area, and adding another complex with 112-units will have a huge impact on the schools these students will attend. Other properties were ahead of this proposal, and single family homes will be a better use for the Herber property.

Traffic: Mr. Lien states on page 6 that the "family have submitted traffic analysis from two different registered professional traffic engineers" over the past two years. The council's job is to evaluate the data, based on the information presented, as well as use common sense.

The issue is not the roundabout, or the vehicle capacity of Verda Lane/Chemawa Road. The issue is that adding 100+ apartments WILL significantly increase traffic in this area. And, the driveways will be very close to the roundabout. While the "plan" is to direct traffic in different directions when leaving the apartment complex, this will funnel traffic to other parts of Verda, instead of having cars leave on Chemawa Road. The impact of an additional 100 cars, and probably closer to 200 cars, from this property, driving every day on Verda Lane, will not

be absorbed by the addition of the roundabout. It will just add more cars to the already long lines that currently exist.

The March 2016 TPR report states that if 60 residential homes were built, there would be an estimated 571 trips per day. The proposed 112-unit apartment would generate 745 trips per day. The report recommends setting a trip generation cap of 750 trips as a condition of approval. How would this be enforced? Also, common sense would suggest that almost doubling the amount of house (60 house versus 112 apartments) would almost double the number of trips – so the apartment complex could generate almost 1000 trips/day. The documents submitted to the council show 226 parking spaces for 112 units. If 60 houses were built on this property, there would be approximately 120 – 150 cars in the subdivision. More cars mean more drivers, which means more trips generated per day. A cap of 750 trips seems very unrealistic, and impossible to regulate or enforce.

Mr. Lien states on page 6 “Where a layman’s opinion conflicts with that of several expert qualified engineers, a reasonable decision maker will in every case follow the opinion of the expert and not the layman.” A reasonable decision maker also needs to use common sense, and to closely read and evaluate the written data. The report recommends setting a “trip generation cap of 750 trips as a condition of approval.” So, the traffic will immediately be almost at the cap that is recommended by the engineering firm that was hired by the family requesting the zoning changes? This doesn’t seem to reflect well on a request to change the zoning for this property. In reality, traffic usage in the area will quickly increase above and beyond what the “professional reports” estimate. While Verda and Chemawa roads can “handle” this increased traffic, it would still significantly impact traffic in this area. A zoning change is not needed for this property.

Summary – Traffic: The report submitted by the engineering firm hired by the family has a trip generation cap that will immediately be exceeded once the apartment complex is fully occupied. A 112-unit complex would severely impact traffic in this area. An apartment complex next to a roundabout will lead to increased traffic in a short span of roadway, which will continue to add to the lines of traffic in this area. A single family homes, residential subdivision is a better use for this property.

Conclusion: Mr. Lien states on pages 9/10 that “the Herber family has worked hard, and spent considerable funds in redesigning the project to meet the original concerns of the City.” “The project is a good one for the City.” “Herber consultants have worked closely with staff to modify the project in such a way as to gain their favor.” The family has worked hard, and spent a lot of money, but that should not impact the decision made by the City Council. I would suggest that their money has not been well spent. The “experts” they hired should have given them better information in the beginning – and suggested a residential subdivision for this property. That would have saved everyone a lot of time and money. The project is NOT good for the City. And, to state that they modified the project to “gain their favor?” The City Council should be above such statements.

The Verda Lane/Chemawa Road intersection is a gateway to our community. Do we really want a 112-unit apartment complex here? This is a great location for a very nice, single family home complex that a developer could build for our community.

I urge the City Council to **not approve** the request for a comprehensive plan/zone change for the Verda Lane property. The land is currently zoned residential, and that is the best use for this property, and for our community. Changing the zoning is not needed, and NOT required, and would have a significant, adverse effect on the adjacent properties. The proposal submitted does not meet the burden of proof stated by the City Council in 2014, and should be denied.

If you have any questions, please feel free to contact me. Again, thank you for your time and consideration of our concerns.

Sincerely,

Karen and David Okada
4705 Verda Lane NE
Keizer, OR
503-390-7887 home phone
dkokada1@comcast.net

Attachments:

City of Keizer Zoning Map
2014 Salem Keizer School District memo –Land Use Activity - Keizer Station C



DAVID FRIDENMAKER, Manager
Facility Rental, Planning, Property Services
3630 State Street, Bldg. C • Salem, Oregon 97301-5316
503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

November 10, 2014

Sam Litke, Senior Planner
Keizer Community Development Department
PO Box 21000
Keizer OR 97307-1000

RE: Land Use Activity
Keizer Station Area C Amendment

SUMMARY OF COMMENTS

School Assignment: Phase 1 is located in the Kennedy Elem, Claggett Creek Middle School attendance area. Phase 2 is located in the Gubser, Whiteaker Middle School attendance area. Both phases are located in the McNary High School attendance area.

School Capacity: Sufficient school capacity currently exists to serve the estimated elementary and middle school enrollment and does not currently exist to serve the estimated high school enrollment.

Please find below information and comments regarding the proposed land use activity identified above. If you have questions, please call at (503) 399-3335.

ELEMENTARY SCHOOL INFORMATION (GRADES K TO 5)

1. School Name: Kennedy Elem./Gubser Elem. Schools
2. Estimated change in student enrollment due to proposed development: 13/10
3. Current school capacity: 541/567
4. Estimate of school enrollment including new development: 471/487
5. Ratio of estimated school enrollment to total capacity including new development: 87/86%.
6. Walk Zone Review: Information not available at this time..
7. Estimate of additional students due to previous 2013 land use applications: 0/0
8. Estimate of additional students due to previous 2014 land use applications: 16/0
9. Estimated cumulative impact of 2013-2014 land use actions on school capacity: 90/86% of capacity.

MIDDLE SCHOOL INFORMATION (GRADES 6 TO 8)

1. School Name: Claggett Creek/Whiteaker Middle Schools
2. Estimated change in student enrollment due to proposed development: 5/4
3. Current school capacity: 1,040/871
4. Estimate of school enrollment including new development: 931/737
5. Ratio of estimated school enrollment to total capacity including new development: 90/85%
6. Walk Zone Review: Information not available at this time..
7. Estimate of additional students due to previous 2013 land use applications: 8/0
8. Estimate of additional students due to previous 2014 land use applications: 11/3

9. Estimated cumulative impact of 2013-2014 land use actions on school capacity: 91/85% of capacity.

HIGH SCHOOL INFORMATION (GRADES 9 TO 12)

1. School Name: McNary High School
2. Estimated change in student enrollment due to proposed development: 9
3. Current school capacity: 1,964
4. Estimate of school enrollment including new development: 2,071
5. Ratio of estimated school enrollment to total capacity including new development: 105%
6. Walk Zone Review: Information not available at this time..
7. Estimate of additional students due to previous 2013 land use applications: 11
8. Estimate of additional students due to previous 2014 land use applications: 16
9. Estimated cumulative impact of 2013-2014 land use actions on school capacity: 107% of capacity.

ESTIMATE SUMMARY (GRADES K TO 12):

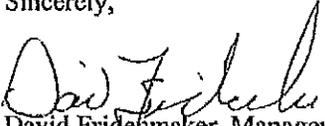
1. Total estimated change in student enrollment: 41
2. Total estimated student enrollment over capacity: 9
3. Total estimated cost to District for new facilities, beyond current facility capacity, due to change in student enrollment: **\$ 138,000**
4. Total estimated additional income to District for new facilities due to change in student enrollment: **\$ 0**

Developer should provide paved walk route(s) to allow pedestrian and bicycle access to school(s) from all residences within the new development and should provide all improvements required by the City of Keizer where new transportation routes are established or existing transportation routes change, such as school flashers, crosswalks, and signage. As per ORS 195.115, when the walk zone review indicates "eligible for transportation due to hazard" the District requests that the City initiate a planning process with the District to identify the barriers and hazards to children walking or bicycling to and from school, determine if the hazards can be eliminated by physical or policy changes and include the hazard elimination in the City's planning and budgeting process.

ASSUMPTIONS:

1. When land use request is granted, 102 (Kennedy and Claggett Creek area) and 78 (Gubser & Whiteaker area) and (180 McNary High area) additional residences will be built.
2. Estimates are computed using the Student Rate per Dwelling Method described in the District's Long-term Facilities Plan for years 2008-2015.
3. If current capacity exists at the schools currently serving the parcel then an estimate of zero cost, or no significant impact, is made.
4. If current capacity does not exist at the schools currently serving the parcel then an estimate of cost for one-time capital improvements is made.
5. Income from the proposed land use for capital improvement is assumed to be zero since capital improvement funds come from voter approved bond measures that can be an unpredictable and irregular source of income.
6. Income from a State School Facilities grant may be available depending on state funding. The grant amount ranges from 0% to 8% of the construction cost. Since the funding is unpredictable, it has not been included as income. The current 2011-13 biennium facilities grant funding for the District was \$5,450,719.
7. General Fund Budget Amount for the 2013-14 school year is \$9,241 per student (ADMw). The State School Fund Revenue for 2013-14 is estimated to be \$8,021 per student (ADMw). ADMw is "Average daily membership" as defined in ORS 327.006 (3).

Sincerely,


David Fridehmaker, Manager
Facilities and Planning Dept.
Planning and Property Services

c: Mike Wolfe, Chief Operations Office
Jim Jenney, Manager – Custodial and Property Services
William White, Manager – Risk Management
Michael Shields, Manager - Transportation

City of Keizer Zoning Designations

Updated March 18, 2009

The zoning designations provided are for reference purposes only. Check with the Community Development Department for exact location of designated zones. The zoning information on this map replaces any data printed on previous publications/maps.

