CITY OF KEIZER MISSION STATEMENT

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

AGENDA

KEIZER CITY COUNCIL

REGULAR SESSION

Monday, November 6, 2006
7:00 p.m.
Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **PUBLIC TESTIMONY**

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

5. **PUBLIC HEARINGS**

   a. **Mario Contreras Subdivision Appeal Case No. 206-28**

   b. **RESOLUTION – Forming McGee Court Street Lighting District**
      ORDINANCE – Spreading Assessments to McGee Court Street Lighting District

   c. **RESOLUTION – Forming Naomi Start Subdivision Street Lighting District**
      ORDINANCE – Spreading Assessments to Naomi Start Subdivision Street Lighting District

6. **ADMINISTRATIVE ACTION**

   a. **RESOLUTION – Adopting Policies for Keizer Parks and Recreation Donation Opportunities**

7. **CONSENT CALENDAR**

   a. **RESOLUTION – Authorizing the City Manager to Enter Agreement with MIG for Parks Master Plan**

b. Approval of Change of Ownership for Wall Street Bar and Grill Liquor License (Wittenberg Inn)

c. RESOLUTION – Authorizing the Donation/Disposal of Surplus Property (Computer Equipment and Cell Phones)

d. Approval of October 2, 2006 Regular Session Minutes

e. Approval of October 9, 2006 Work Session Minutes

f. Approval of October 16, 2006 Regular Session Minutes

g. Approval of October 23, 2006 Special Session Minutes

8. COMMITTTTEE REPORTS

a. Wallace House Task Force Report and Recommendations

9. OTHER BUSINESS

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

a. New Business or Old Business Issues

10. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

11. AGENDA INPUT

November 13, 2006
5:45 p.m. City Council Work Session

November 20, 2006
7:00 p.m. City Council Regular Session
- **Keizer Station Master Plan Amendment Public Hearing**
- **Keizer Development Code Text Amendments Public Hearing**

12. ADJOURNMENT

COUNCIL MEETING:_____
AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY, CITY MANAGER
NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR

FROM: SAM LITKE, SENIOR PLANNER

SUBJECT: **Appeal of Subdivision 2006-28**

BACKGROUND:
An appeal was filed by Dave and Jennifer Lapof and Ray and Doris Clark of the hearings officer's decision on September 20, 2006 granting approval to Mario Contreras for a 4-lot subdivision located at the eastern end of Kestrel St. The lots range in size from 7,019 square feet to 9,682 square feet. The property is zoned RS (Residential Single Family).

ISSUE:
The appellants contend that the hearings officer erred in his approval by; 1) not considering the Fernwood Park Subdivision covenants and deed restriction; and 2) that the applicant will not provide sufficient frontage for flag lot and lot frontage of lots along the Kestrel Street cul-de-sac. A separate letter received from Matthew Lysee, attorney for the appellants, also addresses item #2.

The issue of the covenants and deed restrictions was raised during the public hearing and the hearings officer found that "…consistency with covenants and restrictions is not a criterion in the development code" and so did not decide on the issue of whether this proposal would be allowed by the applicable covenants and restrictions.

Lot 1 is a flag lot that has 20 feet of access along Kestrel Street. The hearings officer found that Lot 1 is a flag lot and that the criterion specifically states that flag lots are entitled to a 20-foot frontage rather than the otherwise applicable 25-foot frontage.

Lots 2, 3, and 4 will be served by a 20-foot wide access easement that will be developed in accordance with Section 2.303. The hearing officer also found that the criterion specifically grants an exception to the lot frontage requirement when the lot would be accessed by an access easement developed in accordance with section 2.303.

The applicant and appellants have been meeting to see if they can come to a mutually agreeable alternative that would allow for the withdrawal of the appeal if certain terms are met. As of the writing of this memo it is unknown if an agreement has been reached.

RECOMMENDATION:
That the Council affirm the hearings officer's decision granting approval of the proposed subdivision.

CITY OF KEIZER
APPEAL FORM

RECEIVED
CITY OF KEIZER
COMMUNITY DEVELOPMENT

Appeal of Staff Decision Fee: $175.00
Appeal of Hearing Officer Fee: ~~$115.00~~ 130.00

APPEAL RIGHTS: Upon final action on a land use application by the Zoning Administrator, Hearings Officer or Planning Commission, the applicant or any persons receiving notice of decision may appeal the decision by filing within ten (10) days from the date of the mailing of the decision. An appeal to the Hearings Officer, Planning Commission or City Council shall include notice at least ten (10) days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision.

Any interested person, including the applicant, who disagrees with this decision, may request that the appropriate body at a public hearing consider the application. The appeal is subject to the appellant paying a fee (see fee schedule above) at the time the appeal form is submitted. This fee will be refunded if the appeal is upheld.

The appeal form must be received by the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on the tenth day following the date of the mailing of the decision. The failure to submit the required fee with the appeal form or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect resulting in the dismissal of the case. ***Appeals shall state the alleged errors in the original action and the specific criteria, which the appeal is based upon.***

Land Use Case Appealed: Contreras Subdivision Case No. 2006-28

Final Date of Appeal Period: _____

Errors identified in original action & Specific Criteria the appeal is based upon: On page 14 of the decision, #8 Section 2310.03 we believe the Hearings Officer fails to provide sufficient frontage for flag lot and lot fronting Kestrel St. Culdesac.

Additionally, the covenants and restrictions for the Fernwood Park Plat Specified lot sizes & Set backs under sub paragraph B & C would be enforceable under the law we believe.

Appellant Name: Dave & Jennifer Lafoy - Ray and Doris Clark

Address, City, Zip: 357 Kestrel St. N. 306 Kestrel St. N. Keizer, OR.

Daytime Phone #: 503-463-5547 - 503 393-1609

The City of Keizer Community Development Department will be in contact to notify you of the scheduled hearing for the appeal of this land use case. If you have any questions, contact the department at (503) 390-3700.

LAW OFFICES OF
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MICHELLE M. MORROW, Associate
MATTHEW J. LYSNE,✧ Associate
MELISSA SEIFER BRIGGS, Associate

✧Licensed in OR and WA

October 26, 2006

City of Keizer
City Council
PO Box 21000
Keizer, OR 97307

Re: Appeal of Contreras Application Subdivision Case No. 2006-28

Dear City Council:

I write to you on behalf of my clients, David Lapof, Jennifer Peery and Roy and Doris Clark, concerning their appeal of the September 21, 2006 decision approval of the Subdivision Application. I wanted to briefly outline the pertinent issues in this Appeal, including those noted in the Notice of Appeal and others in the record. It is their request that the City Council, after review of the issues raised in the original proceedings, will agree that the Hearing Examiner erred and will take appropriate action to deny the proposed subdivisions. My clients are certainly aware of the City's need for development, including residential development, but it is their hope that the City will enforce its Development Code so that any development at the subject property will be completed in compliance with the Development Code.

The Hearings Examiner's approval of the Subdivision resulted from two erroneous legal conclusions. First, the Hearings Examiner failed to properly apply the City's standards for approval of a flag lot within a proposed subdivision. Keizer Development Code (KDC) 2.310.03.E provides that "flag lots shall only be permitted if it is the only reasonable method by which the rear portion of the lot being unusually deep or having an unusual configuration may be accessed . . . ." "Lot #1" was not unusually deep and there are other reasonable means of access to Lot #1. Also, it was pointed out that a flag lot was necessary only when a unique configuration of an existing parcel posed access problems; here, the Applicant's access issues at Lot #1 were created through his choice and placement of lot lines. Nothing in the record suggests that Lot #1 is difficult to access. In fact, Lot #1 can easily serve as the rear yard for Lots #2 and #3, both of which have reasonable means of access. There is simply no evidence, and the Applicant did not and cannot demonstrate that a flag lot is the only reasonable method to access the area designated as Lot #1. Accordingly, the Hearings Examiner erred when he concluded that the subject property satisfied this criterion.

Second, the Hearings Examiner erred by concluding that the applicant provided adequate frontage for Lots #1 and #2. KDC 2.310.03.D(3) provides that "cul-de-sac lots shall have a minimum frontage of 25 feet." Both Lots #1 and #2 have frontage of 20 feet, despite the fact that they lay along the Kestral Street cul-de-sac and are "cul-de-sac" lots[1]. The Hearings Examiner erred when he concluded that flag lots only needed to have 20 feet of frontage pursuant to KDC 2.310.03.E.1, which provides that "the access strip [for a flag lot] shall not be less than 20 feet wide." KDC 2.310.03.E.1 provides only a minimum width in the absence of other applicable criteria, but here, KDC 2.310.03.D(3) provides an additional and mandatory requirement for 25 feet of frontage for all cul-de-sac lots—regardless of whether they are standard lots or flag lots.

The only reasonable way to reconciled the mandatory language of KDC 2.310.03.D(3) and the permissive language in KDC 2.310.03.E.1 is that both criteria would apply where a flag lot is proposed on a cul-de-sac, thereby requiring 25 feet of frontage. No language in the Code suggests that the use of the mandatory term "shall" in KDC 2.310.03D was insincere or exceptional. The Applicant should be bound to provide 25 feet of frontage for Lot #1. In addition, Lot #2, which also is a cul-de-sac lot as it has frontage along the Kestral Street cul-de-sac from which it obtains direct access, should also have 25 feet of frontage. As Lot #2 only has 20 feet, it failed to satisfy the frontage requirements for KDC 2.310.03.D.

Because the decision of the Hearings Examiner was erroneous, we would urge the City Council to deny the proposed subdivision application. Again, my clients are not opposed to development that is consistent with the Development Code, but here, the Applicant has gone beyond what the Development Code permits.

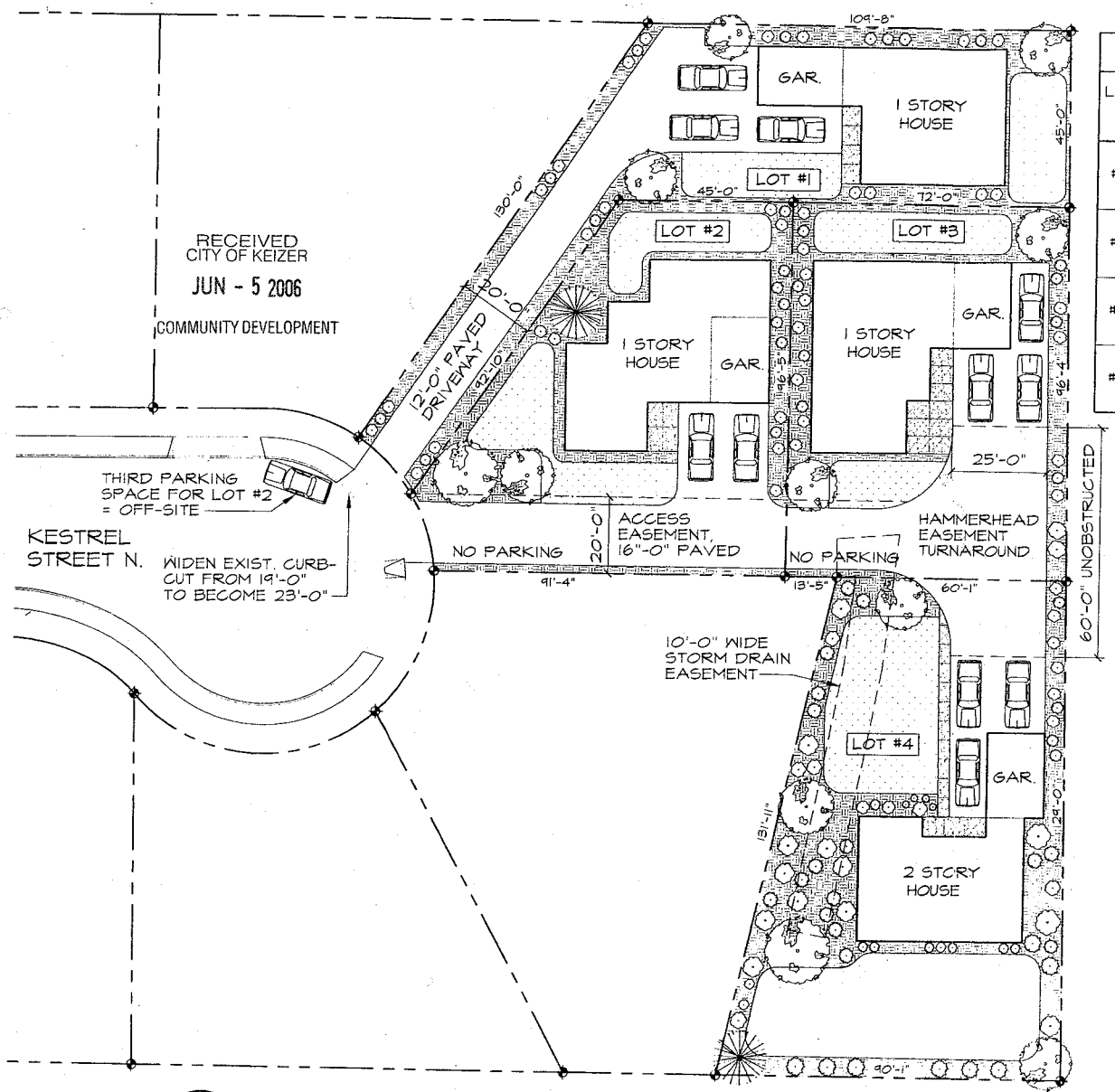
Yours truly,

SHERMAN, SHERMAN, JOHNNIE & HOYT, LLP

Matthew J. Lysne
matthew@shermlaw.com

MJL:ljb
cc: client

1 "Cul-de-sac lots" are not expressly defined in the Code, but a reasonable interpretation is a lot that has frontage or access to a cul-de-sac. Both Lots #1 and #2 have frontage and access to the Kestral Street cul-de-sac.



SITE PLAN

1" = 30'-0"

SUBDIVISION LOT SUMMARY

LOT	LOT AREA	HOUSE AREA / GARAGE AREA	NET LOT AREA	LANDSCAPE AREA/ COVERAGE (MIN. = 30%)
#1	7,317 S.F.	1,400 S.F. 330 S.F.	5,587 S.F. 76%	2,989 S.F. 41%
#2	7,329 S.F.	1,540 S.F. 330 S.F.	5,459 S.F. 74%	3,248 S.F. 44%
#3	7,019 S.F.	1,580 S.F. 330 S.F.	5,109 S.F. 73%	2,328 S.F. 33%
#4	9,682 S.F.	1,300 S.F. 1st FLR 700 S.F. 2nd FLR 330 S.F.	8,052 S.F. 83%	6,533 S.F. 67%

LANDSCAPING LEGEND

- DECIDUOUS TREE
- EVERGREEN TREE
- SHRUBS & GROUND COVER PLANTS
- BARK MULCH
- LAWN

CARLSON VEIT
ARCHITECTS PC
ARCHITECTURE • INTERIOR DESIGN
503-390-0281 • FAX 503-390-2459 • WWW.CARLSONVEIT.COM
3095 RIVER ROAD NORTH, SALEM, OREGON 97303
MEMBER AMERICAN INSTITUTE OF ARCHITECTS

project
CONTRERAS LOT 7
RESIDENTIAL SUBDIVISION
KESTREL STREET N.
KEIZER, OREGON 97303

date: 1-17-06
project: 11105
drawn by: ATA
checked by: CV

copyright © 2005
carlson/veit architects p.c.

SCHEMATIC
SITE PLAN

sheet: A-SPIA
of: 1

DECISION OF THE HEARINGS OFFICER
FOR THE CITY OF KEIZER, OREGON

SUBDIVISION CASE NO. 2006-28

I. GENERAL INFORMATION

A. APPLICANT: Mario Contreras

B. AGENT: Gordon Hanna

C. PROPERTY OWNER: Mario Contreras

D. PROPERTY LOCATION: The subject properties are located at 307 Kestrel St. N. and are identified on Marion County Tax Assessor's Map as Township 7 South; Range 3 West; Section 02BB; Lot # 00100 and 01300. (See Exhibit '1')

E. EXISTING PARCEL SIZE: The area proposed to be subdivided contains approximately 31,347 square feet.

F. EXISTING DEVELOPMENT AND PUBLIC FACILITIES: The properties are undeveloped. One of the lots is a cul-de-sac lot on Kestrel St. N. Approximately 5 years ago, a fire burned down a residence on that lot. Public sewer and water are available to serve the property.

G. PLAN DESIGNATION AND ZONING: The subject property is designated as Low Density Residential on the Comprehensive Plan Map and zoned RS (Residential Single Family).

H. ADJACENT ZONING AND LAND USES: Properties to the north and west are zoned RS (Residential Single Family) and are developed with single family homes. Property to the south and is designated CM (Commercial Mixed Use) and while the area adjacent to the site is undeveloped the property is developed with the School House Square shopping center. To the east property is designated RM (Medium Density Residential) and is developed with apartments and a congregate living facility.

I. PROPOSAL: The applicant is requesting to subdivide 31,347 square feet into four (4) lots. (Exhibit 2).

J. NOTICE: Public notice was mailed, published and posted consistent with notice requirements in KDC § 3.204.

K. HEARING: The Hearings Officer held a public hearing on this application at 7:00 pm on August 24, 2006. The hearing was conducted in accordance with KDC § 3.205 and ORS

197.763. At the close of the oral testimony, the Hearings Officer held the record open for additional written testimony and evidence. New testimony and evidence was due August 31, 2006; rebuttal to that testimony and evidence was due September 7, 2006; and the applicant's final written arguments were due on September 14, 2006.

II. SUMMARY OF THE EVIDENCE

Staff Recommendation

Sam Litke, Senior Planner presented the staff report and recommendation for the proposed subdivision, and submitted comments from Qwest (Exhibit 13). Mr. Litke recommended that the application complied with the development code and should be approved. Bill Peterson, City Engineer, was also present. Mr. Peterson noted that the storm drainage easement on the parcel has no legal description and that it drains a public street area. The City will need a legal description to maintain access.

Applicant's Presentation

Gordon Hanna, Attorney at Law, represented the applicant. Mr. Hanna stated that the applicant concurs with the staff report, and explained that the on-site engineering for storm water drainage will not use the easement area, but will be under each of the driveways for the lots.

Mr. Hanna addressed the letter from Mr. Hoyt (one of the exhibits). Concerning the flag lot, Mr. Hanna stated that it was an incorrect position that flag lots cannot be created as part of a subdivision; he noted that the two lots together have an unusual configuration, and that one of the lots is landlocked and would require a driveway or flag lot configuration. Concerning the location of the driveway, he noted that Lot 2 of the subdivision had a dwelling that burned down five years ago and that the location of the driveway is in the same approximate location. Concerning Mr. Hoyt's argument that a street is a structure that cannot be placed in a setback, Mr. Hanna stated that under the definition of "Structure" in section 1.200, the street is neither an edifice nor a building. The definition of "Structural Alteration" refers to buildings, not to a wall. Concerning the completeness of the storm drainage map, he noted that there are flow lines and that there are few contours because the site is flat with only 2-3 feet of topographic change. The code only requires a draft a plan at this time with a final plan before construction, which allows flexibility to work with the City Engineer.

Oral Testimony Before the Hearings Officer

Matthew Lysne, Sherman, Sherman, Johnnie, & Hoyt, represents David Lapof & Jennifer Peery. He submitted a letter dated August 24, 2006 (Exhibit 14). He stated that there are four problems with the application. First, he argued that code allows a flag lot if it is the only reasonable method for developing the site. Here, the access issue was created by the applicant's design; there is no finding that a flag lot is necessary to serve lot 1. The problem could be resolved by eliminating lot 1.

Second, Mr. Lysne stated that Lot 2 is a cul-de-sac lot that requires 25 feet of frontage under section 2.310.03.D.3. There is no code definition of what is a cul-de-sac lot, but any lot that abuts a cul-de-sac should be considered a cul-de-sac lot. As a cul-de-sac lot, lot 2 is not required

to have access via the easement. Lot 1 should also be considered a cul-de-sac lot because it gets its access from the cul-de-sac, but it too also has only 20 feet.

Third, Mr. Lysne discussed setback issues. If the easement access is a structure, then, lot 3 does not comply with the setbacks for the side yards or for the front yard. The definition of structure should include the access because it is built up and paved. It might not be a structure if it were not paved; as a private access easement, it does not need to be paved. The result of the development in its current configuration is that one piece of property has two streets on it, and access will be blocked by the parked car shown for lot 2. The resolution to this issue is a less intensive site plan.

Fourth, Mr. Lysne stated that the storm drainage plan is insufficient at this time. It needs to be submitted as part of the application, not deferred as a condition of approval, because conditions of approval cannot include things that are impossible for the applicant to meet. There is no discussion of how the proposal complies with the storm drainage requirements.

In conclusion, Mr. Lysne stated that there is a potential for traffic congestion and safety problems for vehicles and pedestrians, and the application should be denied.

Victor Garlock, Manager for Loren's Sanitation and Recycling testified on behalf of the company. He made clear that the company is neutral on the application. Loren's is a service provider that fulfills local, state, and federal requirements. The equipment requires trash containers to be placed a minimum of four feet from any obstruction (including other containers). The company's trucks (42 feet long) may be unable to serve customers as infill development occurs and there is less ability to maneuver.

On weeks where tree debris is picked up, there will be 2 carts per dwelling. With 8 carts separated by 4 feet each, there will need to be at least 32 feet of set-out space. On weeks where recycling is picked up, each dwelling can set out 3 carts, which will require 48 feet of set-out space. If there is parking on the street, then his company would be unable to provide service.

The City needs to add garbage haulers to its list of service providers that receive notice of developments.

He clarified Mr. Clark's letter (exhibit 9, 3d point). Sometimes his company does access driveways (if the truck can easily turn around) and they can pick up off of sidewalks. They generally avoid private streets because they are not built to handle the weight of the trucks. He would not attempt to send his trucks down this access.

Dave Lapof stated the Mr. Lysne also represented Ray and Doris Clark. He lives next to the flag lot and is concerned about the quality of life. The city needs to balance its infill with quality of life. He noted that the increased traffic and the increased number of residents without buffer areas would change the cul-de-sac life. He is not opposed to development, but believes that a compromise would be to reduce the plan by one lot. Mr. Lapof requested the record be held open.

Lee Vaughn stated that the applicant should rebuild his house, not create more lots. The lot behind Fernwood Park was supposed to be a park. He is concerned about safety if there is another fire.

Staff's Response
Bill Peterson stated that he has met with the applicant 1 or 2 times and that the applicant is aware of the grading issues for the site. The City does not normally require a final site plan at this time.

Sam Litke noted that he is not aware that a driveway is a structure, but that a bridge or a similar aspect of driveway (such as a wall) could be a structure.

Applicant's Response
Gordon Hanna noted that the access easement is allowed to be only 20 feet wide by the code, this more specific provision controls over a general provision that cul-de-sac lots must have 25 feet of frontage. He is not sure what to make of the testimony from Mr. Garlock, except that the residents have the right to use any area of the sidewalk or street, not just the 40 feet of frontage that adjoins the proposal.

Documents Considered by the Hearings Officer
Keizer Community Development Department Staff Recommendation, Subdivision Case No. 2006-28 (August 15, 2006) with Exhibits 1 – 12 attached.

Exhibit 1 – Vicinity Map
Exhibit 2 – Reduced Subdivision Plan, Proposed Drainage Plan, Tree Removal Plan, and Topography and Utilities Plan maps
Exhibit 3 – City of Keizer, Subdivision/PUD/Manufactured Home Park Application (received June 5, 2006) with Statement and List of Attachments
Exhibit 4 – Public Works Requirements, Subdivision 2006-28
Exhibit 5 – Keizer Fire District's comments
Exhibit 6 – Northwest Natural's comments
Exhibit 7 – Marion County Surveyor's Office's comments
Exhibit 8 – Salem-Keizer Public School's comments
Exhibit 9 – Comments from Ray C. and Doris A Clark (with 3 photos)
Exhibit 10 – Comments from Jenifer and Richard Labarthe
Exhibit 11 – Comments from David Lapof and Jennifer Peery with Petition
Exhibit 12 – Letter from Mark C. Hoyt, representing David and Jennifer Lapof

Exhibits submitted at the Hearing:

Exhibit 13 – Qwest's comments
Exhibit 14 – Letter from Matthew Lysne (dated August 24, 2006)

Exhibits submitted after the hearing, but before the record closed:

Exhibit 15 – Letter from Dave Lapof and Jennifer Peery (August 30, 2006)
Exhibit 16 – Letter from Matthew Lynse (August 31, 2006)
Exhibit 17 – Letter from Victor Garlock, Loren's Sanitation Service (received August 31, 2006)
Exhibit 18 – Letter from Gordon Hanna (September 6, 2006)

III. FINDINGS

The Review Criteria for a Subdivision are listed in Section 3.108.06 of the Keizer Development Code (KDC).

A. SECTION 3.108.06.A – THE PROPOSAL SHALL COMPLY WITH THE APPLICABLE DEVELOPMENT STANDARDS IN SECTION 2.405 AND SECTION 2.3 AS APPROPRIATE, INCLUDING PROVISIONS FOR STREETS AND UTILITIES.

Section 2.405 KDC contains development standards for manufactured home parks and is therefore not applicable in this situation. Section 2.3 KDC contains the standards which guide all development approvals within the City of Keizer. Listed below are the development standards contained in Section 2.3 that are pertinent to this subdivision review.

1. SECTION 2.301.03 - APPLICATION OF PUBLIC FACILITY STANDARDS

FINDINGS: In order to promote and maintain healthy, safe environments and to minimize development impacts upon surrounding properties and neighborhoods the public facilities improvement requirements specified in the table found in Section 2.301.03 are found to be the minimum necessary. The applicant will be required to provide the following public facilities: fire hydrant, street improvements, water hook-up, sewer hook-up, storm drain and street lights within the proposed subdivision. With these items placed as conditions of approval, this request can meet this criterion.

2. SECTION 2.302 - STREET STANDARDS – GENERAL PROVISIONS

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

FINDINGS: The site has minimal change in elevation; the topography and utilities plan shows elevations ranging from 130 feet to 128 feet. The site is currently vacant. The site has frontage along the east side of Kestrel Street at the bulb end of the cul-de-sac. The applicant proposes a driveway to serve one lot and that a private access to serve three of the lots. Each of the four lots will be available for single family development. No new public street or street extension is planned to serve the proposed lots. Public Works has not raised any safety issues owing to lacking improvements that would preclude the use of Kestrel Street from serving the proposed Contreras Subdivision. As such, the proposal satisfies this criterion.

b. Section 2.302.03.B - Continuation of Street. Development proposals shall provide for the continuation of, and connection to, existing streets where necessary to promote appropriate traffic circulation in the vicinity of the development. Where necessary to give access or permit a satisfactory future division of lane, streets and utilities shall be extended to property boundaries to allow the future extension of streets and infrastructure. A temporary turnaround shall be constructed for stub streets in excess of 150 feet in length. Exemptions from these street extensions can be found in Section 2302.03.B.1 – 5.

FINDINGS: The proposed access easement that will serve three of the lots within the proposed subdivision will not be a new public street. As such, there will be no continuation of an existing street, so this section is not applicable.

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

FINDINGS: The proposed new access easement will not be a new public street so this provision is not applicable.

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

FINDINGS: Surrounding properties are developed so it is not feasible to require a street extension to serve any adjacent property. This provision is not applicable.

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

FINDINGS: Since the proposed subdivision will not result in the construction of a new street this section is not applicable.

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

FINDINGS: Along the frontage of the applicant's property, Kestrel Street has a 36-foot wide paved street within a 45-foot wide right-of-way. This section of the street is improved with a curb, gutter and 5-foot wide sidewalk. Public Works commented that new construction within the Kestrel Street cul-de-sac must be to the standards of the Department of Public Works. Drop curbs must be provided for handicap accessibility. Additionally, a 10-foot public utility

easement (PUE) shall be required along the frontage of Kestrel Street cul-de-sac. With these comments addressed as conditions of approval, the application will comply with this provision.

g. Section 2.302.03.G - Half-streets may be approved where essential to the reasonable development of an area and when the City finds it to be practical to require the dedication of the other half when the adjoining property is developed. When a ¾ width street can reasonably be developed, as determined the Department of Public Works, a half street will be constructed with an additional 10 feet of pavement on the opposite side of the street from full improvement.

FINDINGS: No half streets are proposed, so this section is not applicable.

h. Section 2.302.03.H - Cul-de-sacs. The maximum length shall be 800 feet.

FINDINGS: While the proposed access easement is located at the end of an existing cul-de-sac street, the subdivision itself will not result in the creation of a new cul-de-sac street so this section is not applicable.

i. Section 2.302.03.I - Street names and numbers shall conform to the established standards and procedures in the City.

FINDINGS: The proposed new access easement that will serve more than one residence within the subdivision is shown unnamed. The access will need to be named and the name of this access will need to be approved by the City of Keizer and the Mid-Willamette Valley Council of Governments to ensure that no other street has this same name. With this placed as a condition of approval, the application can comply with this criterion.

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

FINDINGS: The subject property is essentially flat and has no grades or slopes that will constrain or impact this development of the property. The applicant submitted a drainage plan, but it will need to be revised to show that the private access easement will have a minimum of 0.5% slope. The Department of Public Works submitted comments that the storm drainage plan will need to be [re]submitted. Compliance with this standard will be ensured when the revised drainage plan is submitted and during construction.

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

FINDINGS: The section is not applicable.

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

FINDINGS: No alleys are proposed in the proposed subdivision, so this provision is not applicable.

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

1. Street trees shall be planted at a ratio of no less than one tree per 30 feet of property frontage. Street trees shall conform with the list of acceptable trees included in the City's Street Tree Ordinance. Installation of street trees shall be included in any improvement agreement covering the installation of public facilities and services on a property.

2. Planting strips shall be planted and maintained in predominantly living groundcover materials with hard surfaces consisting of bricks, pavers, rocks, decorative concrete work, etc., only being included as part of an overall landscape design where living plant material is predominant. In no case shall asphalt be used within the planting strip.

FINDINGS: A priority of the Keizer's Transportation System Plan is to provide a safe pedestrian and bicycle facility with landscaped planting strips along streets. While the access that will serve three of the proposed lots is not a street, the requirements within Section 2.316.13 require that the applicant provide street trees along this access consistent with the spacing requirements within this section. With this placed as condition of approval, the application complies with this provision.

n. Section 2.302.03.N - For streets serving infill development as defined under Section 2.316.03, the Infill Street and Access Easement Standards of Section 2.316.06 may be applied.

FINDINGS: The property to be subdivided is comprised of 31,347 square feet, or 0.72 acres and meets the definition as qualifying for infill development. Consistent with the requirements within Section 2.316.06.B, the access serving the three lots will be required to have a 20-foot width and a 16-foot wide pavement within this access easement. The applicant's site plan is consistent with this provision.

3. <u>SECTION 2.302.04 - GENERAL RIGHT-OF-WAY AND IMPROVEMENT WIDTHS</u>

The standards outlined in this section shall be the minimum requirements for all streets, except where a variance is requested as permitted under Subsection 2.202.05.

FINDINGS: The applicant does not request any modification to the right-of-way or improvement width for public streets, so this section is not applicable.

a. SECTION 2.302.08(A) PRIVATE ACCESS EASEMENTS – Private access easements shall only be allowed where the applicable criteria of Section 2.310.03.D., are satisfied. The easement shall comply with the following standards:

1. Minimum width: 14 feet for 1 dwelling unit; 20 feet for two or more dwelling units with no on-street parking within the minimum required width.
2. Minimum paved width: 12 feet for 1 dwelling unit; 16 feet for two or more dwelling unit.
3. Maximum length: 300 feet
4 No more than 4 dwelling units shall have their sole access to the easement

FINDINGS: The proposed subdivision shows that three of the proposed lots will be served by a common access easement. Section 2.310.03.D allows private access easements for residential lots in accordance with the provisions of Section 2.302.08. This access is shown with a 16-foot wide pavement within a 20-foot wide easement and an overall length of 165 feet. The proposal meets this criterion.

b. SECTION 2.302.08(A) PRIVATE ACCESS EASEMENTS – Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City.

FINDINGS: The provisions for the maintenance of the access easement can be accomplished by placing this as a note of the final plat. With a condition of approval requiring this, the application can meet this criterion.

c. SECTION 2.302.08(B) PRIVATE ACCESS EASEMENTS - A turn-around shall be required for any access easement which is the sole access and which is in excess of 150 feet long or which serves two or more residences. Turn-arounds shall be either a circular turn-around with a minimum paved radius of 38 feet, or a "tee" or "hammerhead" turn-around with a minimum paved dimension across the "tee" of 60 feet.

FINDINGS: The applicant's site plan indicates the access easement will be approximately 165 feet in length and includes a turn around at its eastern end that will be 25 feet wide and 60 feet in length. The Keizer Fire District commented that the turn-around location and design are consistent with Fire District standards. The application meets this criterion.

d. SECTION 2.302.08(D) PRIVATE ACCESS EASEMENT – Fire Lanes. All private access easements serving as the sole access for two or more residences shall be designated as fire lanes and shall display No Parking signs approved by the Fire District unless additional paved width is provided.

FINDINGS: The subdivision plan shows that Lots 2, 3, and 4 will be served by the same access easement. The Keizer Fire District has commented that this access easement must be signed to prohibit parking. With an appropriate condition of approval to designate the access easement as a fire lane and to place 'no parking' signs, the application can meet this criterion.

4. *SECTION 2.302.06 - CONSTRUCTION SPECIFICATIONS*

Construction specifications for all public streets shall comply with the standards of the most recently adopted public works street standards of the City of Keizer.

FINDINGS: This is a development requirement and will be ensured during review of the construction and engineering drawings.

5. *SECTION 2.303 - OFF-STREET PARKING AND LOADING*

For single family residences, 2 parking spaces per dwelling unit shall be provided on-site, and 1 additional parking space per dwelling unit provided either on-site or on-street within 200 feet of the property or in a parking lot or bay within 200 feet of the property.

FINDINGS: Lots 1, 3, and 4 each are shown as providing three on-site parking spaces. Lot 2 is shown with two on-site parking spaces and a third on-street parking space within 200 feet of the lot. The access easement will not be wide enough to allow parking along it.

Public comments questioned whether the parking requirement for Lot 2 was met because one of the required spaces would be on-street. The comments noted that this parking on the street might be a safety hazard. The code only requires that some on-street parking is available within 200 feet of the property; it does not require that the on-street parking space serve only the proposed residence. At this time, parking is already allowed on the street, and there are multiple areas on Kestrel St. N. within 200 feet of the subject property for parking. There is no evidence that the increase in the number of dwellings on the cul-de-sac will make any parking within 200 feet of lot 2 unsafe.

This proposal meets this criterion.

6. *SECTION 2.306 - STORM DRAINAGE*

No construction of any facilities in a development included in Subsection 2.306.02 shall be permitted until a storm drainage and erosion control plan for the project is prepared by a professional engineer, and approved by the City. These provisions shall also apply to any cut or fill on a property, which may impact the velocity, volume, or quality of surface water on adjacent property, or may impact any permanent natural body of water.

FINDINGS: To provide for drainage of surface water from residential development, minimize erosion, reduce degradation of water quality due to sediments and pollutants in storm water run off, and reduce downstream flooding, a storm drainage and erosion control plan is required. The drainage plan shows an existing storm water drainage easement, and shows that development can occur outside of that easement. It is unclear which lot that easement benefits. As well, the plan shows roof drain leach lines for each proposed dwelling. The drainage plan does not show how water from the driveways and the access easement will be handled. The drainage plan was also not signed and stamped by a professional engineer. The proposed plan is not approved at this time. Therefore, prior to any development of the proposed subdivision, the applicant shall submit a storm drainage and erosion control plan for the project. All storm water and roof drains are to be

connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces. The City of Keizer will require that storm water detention proposed to be underground must be located within improved street or private drive areas. An existing storm drain easement and drainage facility is located within the proposed development. The development of the subject property shall take into consideration the existing drainage. The developer's engineer shall provide data to the Department of Public Works as to how the development can proceed without any detrimental effects to the existing drainage in the area.

Public comments noted that there is standing water on the subject parcel, and there was testimony that the drainage plan that was submitted with the application does not demonstrate that there will be no problems with storm drainage. There is no evidence that storm drainage cannot be handled in accordance with the City's requirements. The revised plan will be developed by a professional engineer and reviewed by the City's Engineer. The City of Keizer traditionally works with the developer's engineer to develop a storm drainage plan, and the plan will not be approved until it meets the City's requirements. If storm drainage cannot comply with the City's requirements, then building permits cannot be issued. Finally, there is nothing unusual about the subject property as compared to the existing Fernwood Park Subdivision to indicate that storm drainage cannot be adequately handled. There are sufficient checks and balances to ensure that storm drainage will be adequately handled. Doing so may even improve any current situation where there is standing water.

With a condition of approval that the applicant submit a revised storm drainage plan, prepared by a professional engineer, and that plan be approved by the City Engineer, this application complies with this provision.

7. SECTION 2.307 - UTILITY LINES AND FACILITIES

FINDINGS: To provide adequate services and facilities appropriate for residential development, the applicant shall meet the standards set forth in Section 2.307 of the Keizer Development Code relating to water, sanitary sewer, private utilities, street lights and easements. This is a development requirement and compliance will be ensured during review of the construction and engineering drawings.

a. Section 2.307.02.A - The location, design, installation and maintenance of all utility lines and facilities shall be carried with minimum feasible disturbance of soils and site.

FINDINGS: The proposal to subdivide the site will require utility lines to serve the new lots. A detailed engineer's plan is required to be submitted for review and approval. As part of the plan, erosion control measures will be required to ensure that the site can be developed with minimal disturbance to the site and soils. The construction and installation of these facilities will be required to be done so that it satisfies with this requirement.

b. Section 2.307.02(B) - All development that has a need for water service shall install water facilities and grant necessary easements pursuant to the requirements of the City.

FINDINGS: The intent of this provision is to ensure that water lines are installed to city specifications and, if placed outside of public right-of-way are located within an easement to avoid

conflicts. The applicant's statement and the submitted site plan both indicate that each of the proposed lots will be served by public water from the water line to be installed in the access easement. The Keizer Development Code requires that water service installed outside of the right-of-way shall be placed within an easement, and the easement be shown on the final plat. The access easement will need to also show that it is used as a utility easement. Keizer Public Works commented that the developer shall prepare an overall water system plan showing the required changes to the existing system to bring the water mains, fire hydrants and individual services into compliance with the City of Keizer Design and Construction Standards. This plan must be prepared prior to submission of the subdivision plat. Appropriate easements for all public water mains and fire hydrants will be required if construction will be outside of a public right-of-way. Any system development charges for water system improvements will be those in place at the time of individual service connections. With these requirements placed as conditions of approval, this request can meet this criterion.

c. ***Section 2.307.02(C) - Private Utilities, All development that has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.***

FINDINGS: The Department of Public Works commented that to minimize utility line conflicts, a master utility plan including all proposed power, telephone, gas and cable lines shall be submitted to the Department of Public Works for review prior to issuance of construction permits for the proposed project. The applicant will be required to place all utilities underground. With this placed as a condition of approval, this request meets this criterion.

d. ***Section 2.307.02(D) - Sanitary Sewers, All development that has a need for public/private sanitary sewers shall install the facilities pursuant to the requirements of the city. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.***

FINDINGS: The Public Works Department submitted comments addressing this criterion. The subject property is located within the original Keizer Sewer District. Therefore no sanitary sewer trunk line acreage fee will be required. Sewer construction will be required to meet subdivision standards. Prior to platting of the proposed new subdivision, new sanitary sewer plans will need to be developed and approved to provide for a public system meeting both State and City requirements. City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer for review and determination of compliance with the City's Master Sewer Plan for the area. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements for any public sewer mains located within the subject property if located outside platted rights-of-way will need to be recorded which meets the City of Salem Design Standards and shown on the subdivision plat.

To minimize flooding, an underground storm water detention for the proposed development will be required. All storm water and roof drains are to be connected to an approved system designed

to provide adequate drainage for the proposed new driveways and other hard surfaces. The drainage plan submitted with the shows roof drains, but as noted above, it is not approved at this time. A grading and drainage plan shall be developed for the subject property that takes into consideration all development that will result in modifications of the existing property. The Grading and Drainage Plan shall be consistent with City of Keizer Ordinances. Details of the plan shall include adequate conveyance of storm water from adjacent property across the subject property. This plan shall be submitted and approved by the Department of Public Works prior to the issuance of any permits for street or storm drainage construction for the subject property. Additional information regarding street grades, site grading, inverts, etc will be required for review prior to any plan approval. The drainage plan for the development shall comply with the Keizer Development Code. With these addressed as conditions of approval, the application complies with this provision.

e. Section 2.307.02(E) Street Lights. When required, installation of street lights shall be pursuant to the requirements of the city and the company serving the development.

FINDINGS: A street lighting plan is not included as part of the proposed subdivision plan. Street lights will be required along the access easement serving three lots to provide for public safety in the development as specified in Section 2.316.18. Consistent with City policy, formation of a street lighting district will be a requirement of approval. With this as a condition of approval, this application meets this criterion.

f. Section 2.309.04(B)(7f) – The City may require significant trees that are removed (including trees that are removed within two years prior to the application) be replaced at the rate of up to two new trees for each significant tree removed.

FINDING: Significant trees are defined as trees greater than 50 feet in height and or 12 inches in diameter at 5 feet DBH. The City may require the replacement of significant trees (including trees removed within two years prior to this application) at the rate of up to two new trees for each significant tree removed. The applicant's tree removal plan indicates that 8 trees will be removed as part of the development of this property. Consistent with this provision, two new trees for each significant tree removed should be planted, for a total of 16 trees. These replacement trees shall be in addition to any streetscape trees. Replacement trees may be planted along interior property lines or in the interior of lots, and shall have a minimum diameter of 2 inches. The trees shall be planted prior to final inspection approval for each proposed dwelling. Further, any of the existing significant trees that will remain shall be protected during construction so as to avoid damage to the trees. With these provisions attached as conditions, this request meets this criterion.

8. SECTION 2.310 - DEVELOPMENT STANDARDS FOR LAND DIVISIONS

a. Section 2.310.03.A - Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcels are located.

FINDINGS: The purpose of this requirement is to allow for the development of the property in a manner consistent with that of the underlying zone district. The subject property is zoned RS (Residential Single Family). Within the RS zone, the minimum lot size for detached single-family

dwellings is 5,000 square feet. The applicant's site plan indicates that the lots within the proposed Contreras Subdivision range in size from 7,019 sq ft to 9,682 square feet with an average lot size of 7,836 square feet. As well, the net size of each lot (excluding the access easement, and the driveway on the flag lot) meets this minimum parcel size. All of the proposed 4 lots conform to the minimum lot size requirement of the RS zone district. The application meets this criterion.

b. Section 2.310.03.C - Lot width and depth. The depth of a lot or parcel shall not be more than 3 times the width of the parcel.

FINDINGS: The requirement for lot width-to-depth ratio is to ensure that lots are not created through the subdivision process that would be practically unbuildable. The applicant's site plan indicates that the proposal will not contain lots where the depth is more than three times the width. The application meets this criterion.

c. Section 2.310.03.D - Access. All lots and parcels shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. Cul-de-sac lots shall have a minimum frontage of 25 feet and Flag lots shall have an access strip of no less than twenty (20) feet. The following exceptions shall apply: residential lots or parcels may be accessed via a private street or access easement developed in accordance with the provisions of Section 2.303 when the City finds that a public street is not necessary to provide for the future development of adjoining property.

FINDINGS: Lot 1 has 20 feet of access along Kestrel Street. Lots 2, 3, and 4 will be served by a 20-foot wide access easement that will be developed in accordance with Section 2.303. Each of the proposed lots meets or exceeds this standard.

Mr. Lysne argued that Lot 1 does not meet this standard because it is a cul-de-sac lot. Similarly, he argues that Lot 2 as it would be reconfigured would change from meeting this standard to not meeting this standard.

The hearings officer disagrees with Mr. Lysne that Lot 1 is a cul-de-sac lot. It is a flag lot. This criterion specifically states that flag lots are entitled to a 20-foot frontage rather than the otherwise applicable 25-foot frontage. Because Lot 1 is a flag lot, it may have only 20 feet of frontage.

Similarly, the criterion specifically grants an exception to the lot frontage requirement when the lot would be accessed by an access easement developed in accordance with section 2.303. The code is silent whether a cul-de-sac lot that is modified to have its access from an access easement would still be considered a cul-de-sac lot, or could be entitled to the exception in this criterion. There is the potential for abuse, along with unanticipated issues (such as providing sanitation service access). However, where as here, reconfiguration to use an access easement provides access to previously landlocked land. There are good arguments on both sides and the City could consider clarifying this.

On balance, the ability to reconfigure lots is persuasive to the hearings officer. The hearings official will conclude that this application falls within the exception to this criterion.

d. Section 2.310.03.E -Flag Lots. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed and when in compliance with Section 2.302.03.B. If a flag-lot is permitted, the following standards shall be met:

1. The access strip shall not be less than 20 feet wide. The access strip shall be improved with a minimum 12 foot wide paved driveway and paved encroachment which meet applicable City standards.

2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.

FINDINGS: Proposed Lot 1 is a flag lot. Lot 4 appears to be a flag lot and will function as a flag lot but given the fact that it is served by an access easement it is technically not a flag lot. Each lot has been shown to be able to be developed in accordance with the RS zone district lot area requirements. Each lot is served by a 20-foot wide access that will have a minimum pavement width of 12 feet for Lot 1, and 16 feet for Lots 2, 3, and 4. When the access strip is subtracted from each lot, each will still comply with minimum lot area requirements. Lot 1 is shown with a net area of 5,587 square feet however; staff calculates the actual square footage to be 5,130 sq. ft. Lot 2 is shown with a net area of 5,459 sq. ft., Lot 3 is shown with 5,109 sq. ft. of net area, and Lot 4 is shown with 8,052 sq ft of net area.

Public comment questioned whether Lot 1 should have been a flag lot because it is not unusually deep, nor has an unusual configuration. The hearings officer believes that the subject site has an unusual configuration. The site contains one triangular lot and a long, narrow lot at the rear, which make an unusual shape when combined. Combined, they are also large enough for four dwellings. However, the long narrow lot is landlocked, so access to it is difficult. The applicant resolved that difficulty by using a flag lot, which the code permits. The code does not prohibit flag lots. It allows flag lots to maximize development potential. Here, the applicant did just that.

e. Section 2.310.03.F - Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. Through lots shall be no less than 100 feet in depth. Screening or buffering, pursuant to the provision of Section 2.307, may be required by the City during the review of the land division request.

FINDINGS: There will be no through lots within the proposed subdivision.

f. Section 2.310.03.G - Lot Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than 1/2 the dimension of the front lot line.

FINDINGS: The intent of this provision is to allow for the creation of lots that can result in their being utilized for residential single family development. The applicant has submitted a site plan that shows that each of the proposed lots can be developed with a single family dwelling consistent with zoning setback requirements. The subject property is an irregular shaped area that will result in the creation of parcels that will generally be slightly irregular. Lot 1 has a rectangular-shaped buildable area although the west property along the access strip will be at a 45-degree angle as opposed to

perpendicular as it typically found in flag lots. Lot 2 is a generally regular shaped parcel except the west side property line is not parallel to the east property line. Lot 3 is regular shaped. Lot 4 is almost a rectangular shaped parcel except the west and east property lines are not parallel. The other proposed lot lines run, as far as practicable, at right angles to the access right-of-way line. The rear lot lines are no less than one-half the dimension of the front lot line. The application complies with this criterion.

g. Section 2.310.03.H - Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 2.302.04 of this Code.

FINDINGS: There is an existing 10-foot wide storm drainage easement located on Lot 4. The development of the subject property shall take into consideration the existing drainage. The current drainage plan shows that development avoids this storm drainage easement, however, the developer's engineer shall provide additional information to the Department of Public Works as to how the development can proceed without any detrimental effects to the existing drainage in the area. Public Works commented that it would require that easements be granted to the City and shown on the final plat for any utility lines that would be located on any lot. This is a development requirement and shall be placed as a condition of approval of this subdivision application. The application can comply with this criterion.

9. SECTION 2.310.04 - ADDITIONAL DESIGN STANDARDS FOR SUBDIVISIONS

a. Section 2.310.04.A - Standards for Blocks:

1. General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography.

2. Sizes: Blocks should not exceed 600 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet.

FINDINGS: There will be no new streets created by this subdivision so this provision is not applicable.

b. Section 2.310.04.B - Traffic Circulation. The proposed subdivision shall be laid out to provide safe and convenient vehicle, bicycle and pedestrian access to nearby residential areas, transit stops, neighborhood activity centers such as schools and parks, commercial areas, and industrial areas; and to provide safe and convenient traffic circulation. At a minimum, "nearby" is interpreted to mean uses within ¼ mile which can be reasonably expected to be used by pedestrians, and uses within 1 mile of the subdivision boundary which can reasonably be expected to be accessed by bicyclists.

FINDINGS: The intent of this provision is to allow for safe pedestrian and bicycle access from the lots within the subdivision to other nearby facilities. There is an existing sidewalk along the frontage of the property with Kestrel Street. This sidewalk is part of the city's pedestrian system

and provides a link to shopping and employment centers located to the east along River Road. The applicant will be responsible for replacing any portions of the sidewalk that may be damaged during construction. The application complies with this criterion.

Public comment stated that having four dwellings use the same curb cut is not a safe situation, but provides no evidence to demonstrate this. Merely asserting this opinion is not sufficient for the hearings officer to find that the access easement/flag lot driveway combination is unsafe.

10. ***SECTION 2.310.06 - IMPROVEMENT REQUIREMENTS***

a. ***Section 2.310.06.A - Frontage Improvements. Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.303 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.***

FINDINGS: The applicant's property is located at the terminus of a cul-de-sac bulb that is an improved street. The City has no plans for future street improvement and there is not a need for any additional dedication or improvements to the street. Public Works indicated that the applicant must provide curbs drops consistent with current standards. The application complies with this criterion.

b. ***Section 2.310.06.B - Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 and 2.316 only if sidewalks currently exist along the connecting street.***

FINDINGS: The applicant is not proposing any private street so this section is not applicable.

c. ***Section 2.310.06.C - Project Streets. All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.302.***

FINDINGS: No new streets, either public or private will be constructed so this provision is not applicable.

d. ***Section 2.310.06.D - Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.***

FINDINGS: This section is not applicable since there will be no new streets constructed.

e. ***Section 2.310.06.E - Bench Marks. Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.***

FINDINGS: The applicant will be responsible for complying with this requirement as part of the design and construction of the new subdivision. The application can meet this criterion.

f. ***Section 2.310.06.F - Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas. Drainage shall be designed to avoid impacts on adjacent property.***

FINDINGS: The intent of this provision is to ensure that new development can be done in such a manner to avoid any flooding onto neighboring properties or onto the property being developed. Public Works has commented that a Grading and Drainage Plan must be submitted and approved by the Department of Public Works prior to the issuance of any permits for street or storm drainage construction for the subject property. The proposed new lots shall be served with a public storm drain system meeting the design and construction standards of the Department of Public Works. All storm water and roof drains are to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces. In addition, this system shall include a storm water detention system. With the Public Works' Department's comments applied as conditions of approval, the application complies with this criterion.

g. ***Section 2.310.06.G - Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.***

FINDINGS: The intent of this provision to protect the public from failing on-site septic systems and to ensure the efficient use of urban land because homes constructed on lots that can connect to a municipal sanitary sewer system require less land than homes constructed on lots with private on-site septic systems. The subject property is located within the original Keizer Sewer District and so no sanitary sewer trunk line acreage fee will be required. Sanitary sewer construction will be required to meet subdivision standards. Prior to platting of the proposed subdivision the sanitary sewer plans shall be approved. This will require City of Salem approval for local sewer permits to be issued prior to construction and with City of Keizer approval. Prior to submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer for review and determination of compliance with the City's Master Sewer Plan for the area. Further, it will be the responsibility of the developers engineer to locate any existing wells (including on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. The developer, prior to platting of the proposed subdivision, shall remove any conflicts between existing wells and proposed sanitary sewers. With conditions of approval addressing these issues, the application can comply with this criterion.

h. ***Section 2.310.06.H - Water System. Water lines with valves and Fire District approved fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed and operating prior to start of combustible construction. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the developer will be responsible for water main sizes necessary to meet minimum fire***

flow requirements per Uniform Fire Code. The City will not expect the developer to pay for the extra pipe material cost of mains exceeding 8 inches in size.

FINDINGS: Public Works commented that an overall water system plan shall be developed showing the required changes to the existing system to bring the water mains, fire hydrants and individual services into compliance with the City of Keizer Design and Construction Standards and shall be prepared prior to submission of the subdivision plat. Appropriate easements for all public water mains and fire hydrants will be required if construction is allowed outside of public rights-of-way. Any system development charges for water system improvements will be those in place at the time of individual service connections. Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to approval of any plans for the development. The location of all meters is to be approved by Keizer Water Department. With conditions of approval addressing these issues, the application can comply with this criterion.

i. ***Section 2.310.06.I - Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks (e.g., pedestrian walkways) or sidewalks fronting public property shall not be deferred.***

FINDINGS: There is an existing 5-foot wide sidewalk along the Kestrel Street frontage including along the frontage of the applicant's property. The proposed development does not contain any sidewalks or pathways for the use of pedestrians or bicycles. Staff recommends that a 4-foot wide sidewalk be provided along one side of the paved access. The sidewalk may be located within the 20-foot access easement, or outside the access easement provided that an easement allowing public use is executed. To alleviate any confusion on the part of future property owners this requirement, along with the necessary easements shall be noted and described on the plat map. With this as a condition of approval, the application complies with this criterion.

j. ***Section 2.310.06.J - Street Lights. The installation of street lights is required at locations determined to be appropriate by the City and shall be of a type required by City standards.***

FINDINGS: Street lights are required within new subdivisions to ensure there is adequate lighting for public safety. Street lights must be installed within the subdivision along the new access easement serving three lots. The subdivision plan does not indicate the placement of any street lights. With a condition of approval requiring streetlights, the application can meet this criterion. In addition, a street lighting district will also be required to be formed to ensure ongoing maintenance and operation of the street lights.

k. ***Section 2.310.06.K - Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type required by City standards. Each street sign shall display the one hundred block range. Street signs shall be installed prior to obtaining building permits.***

FINDINGS: The applicant will be required to install a street name sign at the intersection of the new access serving three lots and Kestrel Street consistent with city standards. With this as a condition of approval, the application can comply with this criterion.

l. Section 2.310.06.L - Public Works Requirements. All facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works.

FINDINGS: The application can meet this criterion. This is addressed as a condition of subdivision approval.

m. Section 2.310.06.M - Curb Cuts. Curb cuts and driveway installations, excluding common drives, are not required of the subdivider, but if installed, shall be according to the City standards.

FINDINGS: The application can meet this criterion. This is addressed as a condition of subdivision approval.

n. Section 2.310.06.N - Street Trees. Street tree planting is mandatory where a planting strip is part of the street design. Plantings shall conform to Section 2.302.03(M).

FINDINGS: The intent of this provision is to allow for street trees to be planted along streets to improve the streetscape appeal of the street. Because this development will be infill development Section 2.316.13 will govern the placement and spacing of trees. The applicant must plant at least one tree for each lot less than 45 feet in width and two street trees for each lot more than 45 feet in width along the frontage of the access easement serving three lots. With a condition of approval requiring street trees, this application can comply with this criterion.

o. Section 2.310.06.O - Grading & Fills. All grading which results in fills in excess of 3 feet located within the identified building envelope on a subdivision lot or parcel must be engineered.

FINDINGS: Since the property is flat, there should be minimal placement of any fill prior to construction of any dwellings. However, since this is a State Building Code requirement it is intended as advisory at this point of the subdivision review.

p. Section 2.310.06.P - Financial Requirements. All improvements required under this Section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision.

FINDINGS: This requirement will be placed as a condition of approval.

11. <u>SECTION 2.316 – INFILL DEVELOPMENT STANDARDS</u>

a. Section 2.316.03 - Infill Development Parcel Criteria. Parcels that meet the following criteria shall be subject to the provisions and standards of this chapter: An infill development parcel is any residential parcel not more than two (2) acres in size that is a lot of record, and which meets any two of the following criteria: A parcel with less than 250 feet of frontage along a public street; A parcel with an existing structure; A parcel that is irregular in shape,

such that it cannot be partitioned or subdivided to meet the maximum density of the underlying zone without a variance; A parcel that is bounded on two or more sides by existing development or natural constraints (i.e. waterways, steep slopes, resource protections areas).

FINDINGS: The subject site is comprised of less than 2 acres, has less than 250 feet of frontage along a public street, and is bounded by development on two or more sides and so it must comply with the Infill Development Standards.

b. Section 2.316.05 - Dimensional Standards. Infill lots shall meet the following minimum standards that shall be used in place of standards of the zone in which the parcel is located. A. Detached dwellings shall have a minimum side yard setback of 5 feet. For each additional 2 feet of building height over 16 feet, the setback shall be increased by 1 foot. The minimum required side yard setback shall not exceed 10 feet. Where a dwelling consists of a combination of sections of varying heights or stories, the side yard setback shall be applied to each building section. Minimum Rear Yard Setbacks. Dwellings shall have a minimum rear yard setback of 14 feet. For each additional 2 feet of building height over 16 feet, the setback shall be increased by 1 foot. The minimum required rear yard setback shall not exceed 20 feet. Where a dwelling consists of a combination of sections of varying heights or stories, the rear yard setback shall be applied to each building section.

FINDINGS: The applicant's preliminary plan indicates that the lots can be developed to accommodate a single family dwelling consistent with building setbacks. In addition, at the time of the application of a building permit this will be reviewed to ensure compliance with these provisions and Section 2.316.14 (Infill Compatibility), 2.316.15 (Garages and Carports) and 2.316.17 (Building Orientation). A condition of approval will ensure compliance with this provision.

The hearings officer disagrees with Mr. Lysne's argument that an access easement is a structure that must meet setback requirements. The code is not specific, but other definitions in the code (e.g., "structural alteration") indicate that a road is not to be treated as a structure in the development code.

c. Section 2.316.06.B - Access Easements. Private access easements serving infill development shall be allowed only if the applicant can demonstrate that no public street can provide reasonable access to the infill parcels, future through connections to other streets are not possible, and the access easement will serve less than 5 dwelling units. Private access easements serving infill development shall adhere to one of the access easement standards in the table in this section.

FINDINGS: Kestrel Street is the only public street in the vicinity. It touches the subject parcels at one point, but continuation of it would not be feasible because it would require removal or modification of adjacent development. A private access easement is the only means to provide reasonable access to the entirety of the property. The access easement is shown as 20 feet wide and having pavement 16 feet in width and so satisfies this section.

d. Section 2.316.07.A - Infill Turnarounds. Access Easements. A turnaround shall be required for any access easement that provides the sole access for two or more residences and is

150 feet or greater in length. Turnarounds shall either be a circular turnaround with a minimum paved radius of 38 feet, or a "tee" or "hammerhead" turnaround with at minimum paved dimension across the "tee" of 60 feet (see Figure 41- Approved Turn Around Designs).

FINDINGS: There is a turnaround shown at the end of the private access easement. The turnaround is a "hammerhead" turnaround with 25 feet of width and 60 feet in length. The application complies with this provision.

e. Section 2.316.16.A - Infill Parking. Single family and duplex units must provide two on-site parking spaces.

FINDINGS: Three of the lots are shown with three on-site parking spaces, and one lot with two spaces and so the applicant meets this provision.

f. Section 2.316.16.B - Tandem parking. Stacking two cars end to end in a private drive way, shall be an acceptable method of meeting infill parking requirements.

FINDINGS: Three of the lots are shown with stacked parking consistent with this provision.

B. SECTION 3.108.06.B - EACH LOT SHALL SATISFY DIMENSIONAL STANDARDS AND DENSITY STANDARDS OF THE APPLICABLE ZONING DISTRICT, UNLESS A VARIANCE FROM THESE STANDARDS IS APPROVED.

FINDINGS: The applicant has indicated that each of the lots will be developed with single-family homes. Section 2.102.05.A of the Keizer Development Code requires that each lot to be developed with a single-family dwelling contain a minimum average width of 40 feet. The lots have widths that range from 45 to 75 feet, and so each satisfies this requirement. This section also specifies a minimum average depth of 70 feet for lots with single-family homes. Each of the lots exceeds the minimum lot depth requirements with depths ranging from 96 to 129 feet. Section 2.102.06.I specifies a minimum density of 4 units per acre and a maximum density of 8 units per acres. The proposed subdivision has a density of 5.6 dwellings per acre. This complies with the minimum density requirements of this section of the code.

C. SECTION 3.108.06.C - ADEQUATE PUBLIC FACILITIES SHALL BE AVAILABLE TO SERVE THE EXISTING AND NEWLY CREATED PARCELS.

FINDINGS: As previously discussed, public sewer and water are available and will be extended to serve the newly created lots within the proposed subdivision and the applicant will be responsible for complying with the applicable conditions governing the construction and installation of these facilities. With this placed as a condition of approval, this application can comply with this criterion.

The hearings officer heard testimony from Victor Garlock, representing Loren's Sanitation Service. Mr. Garlock initially testified that his company was neutral about the application, but that he was presenting testimony about the lack of space for collection of residential waste. Subsequently, Mr.

Garlock submitted a letter stating that Loren's recommended the application be denied because the roadway system is inadequate for operation of the company's trucks and because there is inadequate space to place collection containers. Mr. Hanna responded to this letter noting that there is nothing in the development code addressing waste collection issues, and that it would be up to the applicant to develop a means for garbage collection.

Section 2.302.01.C states that one of the purposes of the street standards is, "Public Facilities Access. To provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines *and other utilities commonly and appropriately placed in such rights-of-way.*" (emphasis supplied). The development code, however, does not address any public facilities other than the facilities listed in 2.301.03. Waste collection is not addressed in the development code and thus the hearings officer cannot base this land use decision on that factor.[1] However, the hearings officer will include a condition of approval requiring the applicant to provide a copy of a waste collection plan, contract, service agreement, or other documentation of on-site or on-street waste collection to the City. Because the development code is silent, the hearings officer cannot make this a requirement prior to approval of the final plat. Requiring this prior to issuance of building permits will highlight this issue for the applicant to work with Loren's or other collection service as part of the developing the final plat.

D. SECTION 3.108.06.D - ROUGH PROPORTIONALITY. IMPROVEMENTS OR DEDICATIONS REQUIRED AS A CONDITION OF DEVELOPMENT APPROVAL, WHEN NOT VOLUNTARILY ACCEPTED BY THE APPLICANT, SHALL BE ROUGHLY PROPORTIONAL TO THE IMPACT OF DEVELOPMENT. FINDINGS IN THE DEVELOPMENT APPROVAL SHALL INDICATE HOW THE REQUIRED IMPROVEMENTS OR DEDICATIONS ARE ROUGHLY PROPORTIONAL TO THE IMPACT.

FINDINGS: There are no dedications or exactions for which rough proportionality findings are required.

E. OTHER ISSUES RAISED IN THE TESTIMONY

Mr. Lysne argued that the proposal will conflict with covenants and restrictions for the Fernwood Park Plat (*See* Exhibit 16). Mr. Lysne may be correct, but consistency with covenants and restrictions is not a criterion in the development code. Again, the hearings officer believes the City could require that an applicant demonstrate compliance with applicable covenants and restrictions. However, there is no such requirement. The hearings officer does not decide whether this proposal

[1] The hearings officer believes that the City of Keizer has authority to require that new partitions and subdivisions would need to meet additional standards to ensure safe and efficient waste collection for the residents. The testimony at the hearing makes evident that issues for sanitation service may include lot frontage, street widths, and on-street parking, and private investment in new and innovate collection equipment. Even if no new standards are developed, the Community Development Department could notify the local sanitation service of proposed partitions and subdivisions to help ensure that applicants consider sanitation service when designing proposals.

would be allowed by the applicable covenants and restrictions. If the applicant must modify the proposal to comply with applicable covenants and restrictions, then a new land use application may be needed. The Community Development Department staff can work with the applicant in such an event.

IV. DEVELOPMENT CONSIDERATIONS

A. The Keizer Development Code requires the developer to connect to public utility services. The Development Code also requires all utility services to be placed below ground. These requirements apply to this request. Further, the developer is responsible for all utility connection costs.

B. The City's System Development Charge for park development shall be the fee in place at the time of building permit application. These Development charges, as well as those involving the extension of sewer, water, and storm drainage, will apply to this request.

C. The subject property is located within the original Keizer Sewer District. Therefore a sanitary sewer trunk line acreage fee will not be required. Connection to existing sewer lines that serve the general area will be the responsibility of the developer. An overall sanitary sewer master plan for the proposed development shall be submitted to the City of Keizer Department of Public Works for review prior to the submittal of any engineering drawings for public sewer lines for the proposed development.

D. Any system development charges for water system improvements will be those in place at the time of individual service connections.

E. Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.

F. All grading which results in fill in excess of three (3) feet located within the identified building envelop on a subdivision lot or parcel must be engineered.

V. DECISION AND CONDITIONS OF APPROVAL FOR SUBDIVISION

Based on the above evidence and findings of fact, the Hearings Officer approves the proposed 4-lot subdivision on the subject 31,347 square foot site with the following conditions of approval. Compliance with the Conditions of Approval shall be the sole responsibility of the applicants and/or property owner.

General:

1. Improvement work shall not commence until plans have been checked for adequacy and approved by the Department of Public Works. Plans shall be prepared in accordance with

requirements of the City. Plans for the proposed subdivision shall be consistent with previously submitted plans for the existing parcels.

2. Improvement work shall not commence until the Public Works Department has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the Public Works Department has been notified.

3. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.

4. Any wells on bordering properties within 50 feet of any proposed sanitary sewers shall be located. Development of the subject property will require the design and construction of an adequate public water system to provide for fire protection for the development. A preliminary water master plan shall be submitted to the Department of Public Works for review to indicate fire protection adequacy and where individual water meters are proposed. New construction within the Kestrel Street cul-de-sac shall be to the standards of the Department of Public Works. Drop curbs shall be provided for handicap accessibility. Additionally, a 10-foot public utility easement (PUE) shall be required along the frontage of Kestrel Street cul-de-sac.

5. The applicant shall install streetlights along the access easement and move, improve, or install additional lights within the cul-de-sac bulb as required by the City to ensure safety within the cul-de-sac, and on the sidewalk. The street lights within the access easement shall be located, hooded or shaded, and aimed so as not to cast direct light onto any of the adjacent lots within the Fernwood Park subdivision. The applicant shall submit with the City a request for the formation for a street lighting district for the new subdivision, and shall form the district as required by the City.

Prior to Plan Submittal:

6. A Pre-design meeting with the City of Keizer Department of Public Works will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review. An engineering site plan shall be submitted for review and approval to the Keizer Department of Public Works. The site plan shall include information concerning storm water detention, street improvements, easements, sewer, water and other engineering information as necessary to show compliance with Public Works development standards. At the pre-design meeting the following items shall be submitted for review and approval:

   a. A master water system plan showing proposed routes of public water mains, fire hydrants (if any are required by the Fire District) and individual services.

   b. An overall storm drainage plan, prepared by a professional engineer, which provides service to this development consistent with the City of Keizer Master

Storm Drain Plan for this area of Keizer. All storm water and roof drains are to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces. A grading and drainage plan shall be developed for the subject property. The grading and drainage shall comply with Section 2.306 (storm drainage) of the Keizer Development Code.

The City of Keizer will require that storm water detention proposed to be underground will be located within improved street or private drive areas. An existing storm drain easement and drainage facility is located within the proposed development. The development of the subject property shall take into consideration the existing drainage. The developer's engineer shall provide data to the Department of Public Works as to how the development can proceed without any detrimental effects to the existing drainage in the area.

Additional information regarding street grades, site grading, inverts, etc, shall be submitted prior to any plan approval.

c. Local sewer permits are required prior to construction and are issued through the City of Salem. The City of Salem requires sanitary sewer laterals be constructed that serve each lot conforming to the City of Salem Sewer Design Standards. Sewer laterals shall be located within the access and utility easement or appropriate easements.

Prior to submitting plans to the City of Salem for approval, plans shall be submitted to the Public Works Department for review and determination of compliance with the City of Keizer's Master Sewer Plan for the area.

Prior to Issuance of Construction Permits by The Department Of Public Works:

7. Construction permits are required by the Department Of Public Works prior to any public facility construction.

Contact Scott Peterson at the City Engineer's office at (503) 390-7402 for the required permit information.

8. An improvement agreement shall be executed between the developer and the City of Keizer prior to recording of the subdivision plat. This agreement can be picked up at the City Engineer's Office.

9. Any required connection taps shall be to the City of Keizer standards paid for by the developer.

10. Final development plans shall be submitted to the Keizer Fire District for review and approval regarding access and adequate location of fire hydrants. Applicant shall provide new fire hydrant consistent with Keizer Fire District requirements. Location of all water meters to be approved by Keizer Public Works Department.

11. A master utility plan including all proposed power, telephone, gas and cable TV lines shall be submitted to the Department of Public Works for review prior to the Department issuing construction permits for the proposed project.

12. A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.

13. A power plan shall be submitted to Qwest.

During Public Improvements:

14. All underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of any streets or access ways.

15. A street opening permit will be required for the new private driveways and access easement. Plans for the private drives to be constructed shall be submitted to the Department of Public Works prior to any construction beginning.

Prior to Satisfaction of Improvements:

16. Certified as-built drawings of all public utility improvements and street improvements shall be provided to the City's Public Works Department upon completion of the public improvements and prior to final acceptance of the improvements by the City. As-built conditions and information shall be reflected on one set of Mylar base as-built drawings. The as-built drawings shall be submitted to the City Engineer.

Prior to Preliminary Plat Approval:

17. The detailed preliminary plat shall include the following provisions:

    a. Include all engineering elements as required by the Department Of Public Works requirements.

    b. Easements for all public water mains, fire hydrants and any public sewer mains located within the subject property (if located outside platted rights-of-way). These easements shall meet the City of Keizer or City of Salem (where applicable) Design Standards and shall be shown on the subdivision plat.

    c. The access easement shall be improved to City standards. The standards shall be identified in the pre-design meeting, and shall include one 4-foot wide sidewalk along one side of the paved access way.

    d. The plat shall contain a note stating that maintenance of the access easement shall be the responsibility of the owners within the subdivision, or the owners that use the easement for access to their homes. Maintenance of the easement shall be to the standards required by the City; the standards shall be identified in the pre-design meeting.

e. The plat shall contain a note stating that the improvements to the access easement, including the sidewalk, are conditions of approval of for this subdivision, and may not be removed without approval by the City.

Prior to Final Plat approval (Mylar):

18. All existing wells on the subject property shall be abandoned. Any existing neighboring well conflicts with proposed sanitary sewers shall be reported to the department of Public Works and a method for resolving the conflict shall be determined prior to the construction of any sanitary sewers on the subject property. A copy of a well abandonment permit from the State Water Resources Department indicating completion of the abandonment of all wells on the property shall be submitted to the Public Works Department.

Prior To Obtaining Building Permit(s):

19. No building permits shall be issued until the plat is recorded and all conditions of any construction permits are completed to the satisfaction of the Department of Public Works. All lots to comply with Infill Development building setback requirements.

20. The applicant's tree removal plan indicates that 8 trees will be removed as part of the development of this property. Two new trees for each significant tree removed (a total of 16 trees) shall be planted on the subject site. These replacement trees shall be in addition to any streetscape trees. Replacement trees may be planted along interior property lines or in the interior of lots, and shall have a minimum diameter of 2 inches. The trees shall be planted prior to final inspection approval for each proposed dwelling. Further, any of the existing significant trees that will remain shall be protected during construction so as to avoid damage to the trees.

21. The applicant shall plant at least one tree for each lot less than 45 feet in width and two street trees for each lot more than 45 feet in width along the frontage of the access easement serving three lots.

22. The applicant shall provide a copy of a waste collection plan, contract, service agreement, or other documentation of an agreement with Loren's or other sanitation service provider for on-site or on-street residential waste collection to the Community Development Director.

Prior to Obtaining Building Permit Final for each dwelling within the Subdivision:

23. The residential address requirements found in the Oregon Uniform Fire Code shall be completed as approved by the Keizer Fire District.

24. No parking signs shall be placed along the access easement. The number and location of the signs shall be approved by the City prior to placement.

25. The applicant shall install a street name sign at the intersection of the acess easement and Kestrel Street consistent with City standards.

26. The dwellings shall comply with the applicable setback requirements.

DATED this 20 day of September 2006

Jeffrey B. Litwak
Hearings Officer

COUNCIL MEETING: November 6, 2006

AGENDA ITEM NUMBER:

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

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

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

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

ISSUE:

On February 1, 2006 the developer of McGee Court subdivision filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R2006-1671 on March 6, 2006 to initiate formation of a street lighting local improvement district and direct the City Engineer to make a survey and file a report. On October 16, 2006 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to the proposed assessments. Notice of public hearing stating the intention to form the district and to assess for the lighting improvements, was distributed as required under City of Keizer Ordinance 94-278.

FISCAL IMPACT:

The City initially pays the street lighting expense to the utility company as it is billed throughout the year. The operating cost of the lights is then billed to the property owners on an annual basis, thereby recovering the City's costs for bills paid throughout the year. In addition, the bills include the cost of the City Engineer's Report in the first year, and an administrative charge in the first and subsequent years to recover the City's cost for administering the lighting districts. All funds are budgeted through the Utility Fund.

RECOMMENDATION:

Open the public hearing to first consider oral objections and written remonstrances to formation of McGee Court Street Lighting Local Improvement District. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are presented to the Council at the public hearing, close the hearing and suspend formation of the district for six months. If remonstrances are not received, close the public hearing and consider adoption of the Resolution forming the lighting district. If Council forms the district, consider adoption of the proposed assessment ordinance.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2006-_____

FORMING MCGEE COURT STREET LIGHTING

LOCAL IMPROVEMENT DISTRICT

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

WHEREAS, the City Council has adopted a Resolution approving the City Engineer's Report for McGee Court Street Lighting Local Improvement District; and

WHEREAS, notice of public hearing to consider formation of street lighting district was mailed as required by Ordinance 94-278; and

WHEREAS, the City Council conducted a public hearing to receive objections and remonstrances to the formation of the street lighting district; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that McGee Court Street Lighting Local Improvement District is hereby formed, and that the street lights shall be installed within a reasonable time and in the manner set forth in the City Engineer's Report for McGee Court Street Lighting Local Improvement District.

PASSED this _____ day of _____, 2006.

SIGNED this _____ day of _____, 2006.

_____
Mayor

_____
City Recorder

BILL NO._____ **ORDINANCE NO. 2006-_____**

A BILL FOR

AN ORDINANCE SPREADING ASSESSMENTS TO MCGEE COURT STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

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

a. The City Council did heretofore declare its intention to install street lights to serve an area known as McGee Court Street Lighting Local Improvement District which is described as follows:

> McGee Court - identified on the assessors map 06 3W 26DB – tax lots 3500, 3501, and 3502 in the City of Keizer, County of Marion, State of Oregon;

which includes the installation of two (2) 150-watt high pressure sodium flat lens luminaries mounted on six-foot long mast arms and attached to 35 foot gray fiberglass poles located within the subject local improvement district, all in accordance with the City Engineer's Report for McGee Court Street Lighting Local Improvement District.

b. The total initial estimated cost of McGee Court Street Lighting Local Improvement District is $239.10.

c. The per space/lot assessment formula was used for this district.

d. The improvements in the district have been or will be constructed as provided in the Engineer's Report.

e. Notice was duly mailed to the benefited property owners on October 24, 2006.

f. A meeting of the City Council was held at the time and place fixed by public notice for the purpose of considering any such written objections to the proposed assessments.

g. No written objections to the proposed assessments were filed.

h. The Council has considered the matter and determined that construction of said improvements was and is of material benefit to the City, and all the property to be assessed therefore will be specially benefited by the improvements in the amounts shown on the assessment roll.

NOW, THEREFORE, the City Council of the City of Keizer ordains as follows:

Section 2. ASSESSMENTS.

a. First Annual Assessment. It is hereby determined that the share of the cost of the improvements for McGee Court Street Lighting Local Improvement District for each parcel and property benefited thereby for the first annual assessment is the amount set opposite the description of each piece or parcel of land as described in McGee Court Street Lighting District Assessment Roll as set forth in Exhibit "A" attached, and that each piece or parcel of land benefited by the improvements, to the full extent of the amount so set opposite such piece or parcel and that the respective amounts represent the proportionate benefits of said improvements to said respective parcels of property, and the Council does hereby declare that each of the parcels of property described in McGee Court Street Lighting District Roll as set forth in Exhibit "A" attached is hereby assessed the first annual assessment amount set opposite each respective description.

i. Summary of first annual assessment costs for formation of the lighting district to serve the area known as "McGee Court Street Lighting Local Improvement District":

2 – Pole and 150 Watt Luminaries	$176.40
Engineering Costs	$42.00
Administrative Fee	$20.70
Total Estimated Assessments	$239.10

ii. The Recorder of the City of Keizer is hereby directed to send a notice of first annual assessment to each owner of assessed property by mail within ten (10) days after this Ordinance levying the first annual installments is passed. The notice shall include information that an application to make installment payments may be filed with the City if the assessment is collected directly from the property owner and not pursuant to ORS 223.866.

b. Second and Subsequent Annual Assessments. After a municipal lighting district has been formed in accordance with City of Keizer Ordinance 94-278, the second and subsequent annual assessments shall be spread by Resolution which may include changes in the mode of collecting the assessment. The method of assessment and notification for subsequent annual assessments shall be determined in accordance with City of Keizer Ordinance 94-278.

c. Mode of Collecting Assessments. Assessments for McGee Court Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

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

PASSED this _____ day of _____, 2006.

SIGNED this _____ day of _____, 2006.

_____
Mayor

_____
City Recorder

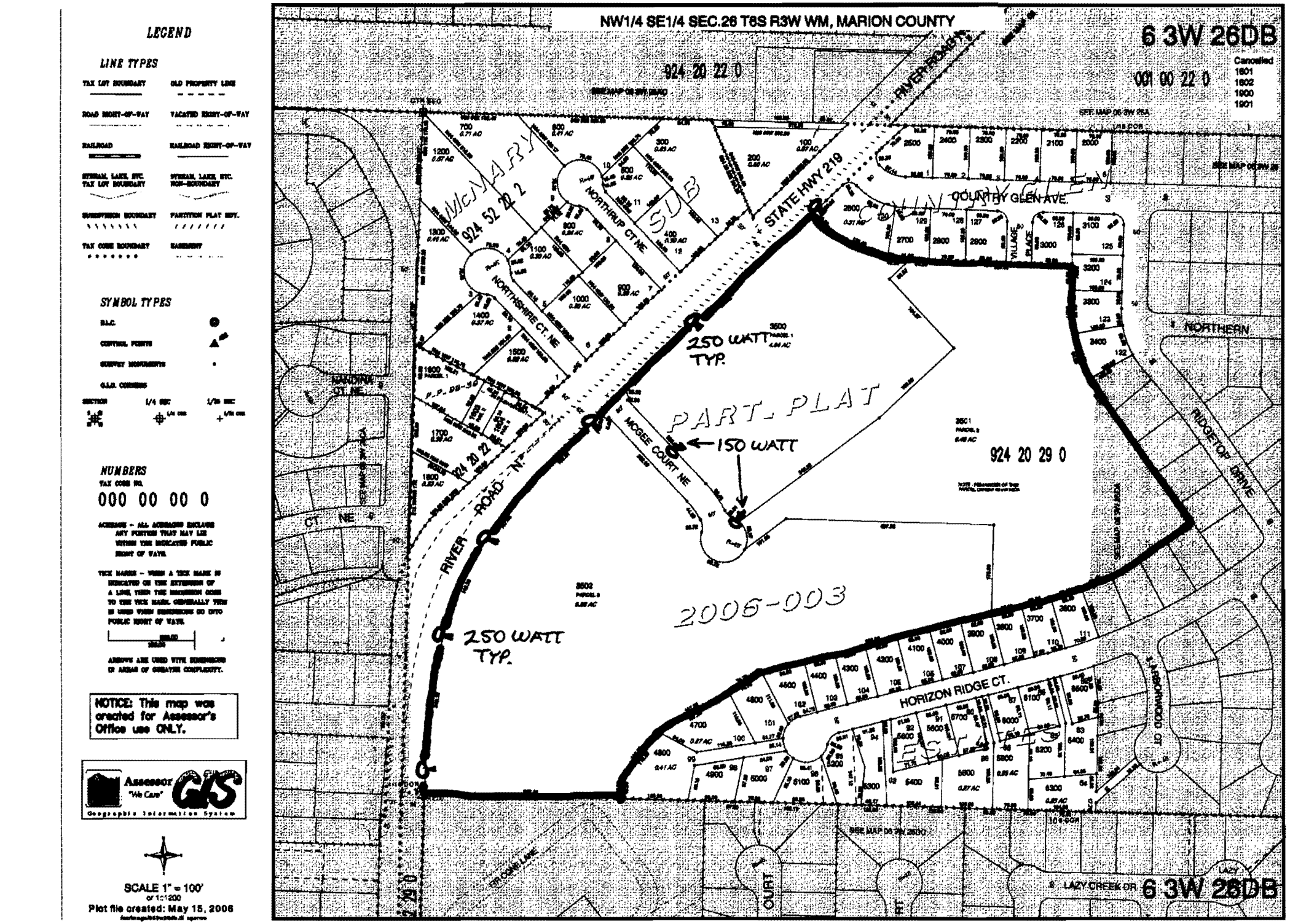
PRELIMINARY ASSESSMENT ROLL

McGEE COURT
STREET LIGHTING DISTRICT

*Assessors Maps 06 3W 26DB

Tax Lot #:	Owners Name and Address	Cost per Lot	Lots	Assessment
3500 & 3501	EPPING, LARRY & JEANETTE FAMILY FOUNDATION 2485 LANCASTER DR NE SALEM, OR 97305	$79.70	2	$159.40
3502	A LEE SJOTHUN INVESTMENTS LLC TIM C SMITH INVESTMENTS LLC STATE INVESTMENTS LLC 53.694 PO BOX 21209 KEIZER, OR 97307	$79.70	1	$79.70

TOTAL ASSESSMENT: $239.10



LEGEND

LINE TYPES

TAX LOT BOUNDARY

OLD PROPERTY LINE

ROAD RIGHT-OF-WAY

VACATED RIGHT-OF-WAY

RAILROAD

RAILROAD RIGHT-OF-WAY

STREAM, LAKE, ETC. TAX LOT BOUNDARY

STREAM, LAKE, ETC. NON-BOUNDARY

SUBDIVISION BOUNDARY

PARTITION PLAT REV.

TAX CODE BOUNDARY

EASEMENT

SYMBOL TYPES

B.L.M.

CONTROL POINTS

SURVEY MONUMENTS

G.L.O. CORNERS

SECTION 1/4 SEC 1/16 SEC

NUMBERS

TAX CODE NO.

000 00 00 0

ACREAGE - ALL ACREAGES EXCLUDE ANY PORTION THAT MAY LIE WITHIN THE INDICATED PUBLIC RIGHT OF WAY.

TICK MARKS - WHEN A TICK MARK IS INDICATED ON THE EXTENSION OF A LINE, THEN THE DIMENSION GOES TO THE TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAY.

ARROWS ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY.

NOTICE: This map was created for Assessor's Office use ONLY.

Assessor GIS "We Care" Geographic Information System

SCALE 1" = 100'
or 1:1200

Plot file created: May 15, 2006

COUNCIL MEETING: November 6, 2006

AGENDA ITEM NUMBER:_____

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

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

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

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

ISSUE:

On May 1, 2006 the developer of Naomi Start subdivision filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R2006-1712 on July 10, 2006 to initiate formation of a street lighting local improvement district and direct the City Engineer to make a survey and file a report. On August 21, 2006 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to the proposed assessments. Notice of public hearing stating the intention to form the district and to assess for the lighting improvements, was distributed as required under City of Keizer Ordinance 94-278.

FISCAL IMPACT:

The City initially pays the street lighting expense to the utility company as it is billed throughout the year. The operating cost of the lights is then billed to the property owners on an annual basis, thereby recovering the City's costs for bills paid throughout the year. In addition, the bills include the cost of the City Engineer's Report in the first year, and an administrative charge in the first and subsequent years to recover the City's cost for administering the lighting districts. All funds are budgeted through the Utility Fund.

RECOMMENDATION:

Open the public hearing to first consider oral objections and written remonstrances to formation of Naomi Start Street Lighting Local Improvement District. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are presented to the Council at the public hearing, close the hearing and suspend formation of the district for six months. If remonstrances are not received, close the public hearing and consider adoption of the Resolution forming the lighting district. If Council forms the district, consider adoption of the proposed assessment ordinance.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2006-_____

FORMING NAOMI START STREET LIGHTING

LOCAL IMPROVEMENT DISTRICT

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

WHEREAS, the City Council has adopted a Resolution approving the City Engineer's Report for Naomi Start Street Lighting Local Improvement District; and

WHEREAS, notice of public hearing to consider formation of street lighting district was mailed as required by Ordinance 94-278; and

WHEREAS, the City Council conducted a public hearing to receive objections and remonstrances to the formation of the street lighting district; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Naomi Start Street Lighting Local Improvement District is hereby formed, and that the street lights shall be installed within a reasonable time and in the manner set forth in the City Engineer's Report for Naomi Start Street Lighting Local Improvement District.

PASSED this _____ day of _____, 2006.

SIGNED this _____ day of _____, 2006.

_____
Mayor

_____
City Recorder

BILL NO._____ **ORDINANCE NO. 2006-_____**

A BILL FOR

AN ORDINANCE SPREADING ASSESSMENTS TO NAOMI START STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

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

a. The City Council did heretofore declare its intention to install street lights to serve an area known as Naomi Start Street Lighting Local Improvement District which is described as follows:

> Naomi Start - identified on the assessors map 7S 3W 11BA – tax lots 8100, 8200, 8300, and 8400 in the City of Keizer, County of Marion, State of Oregon;

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

b. The total initial estimated cost of Naomi Start Street Lighting Local Improvement District is $200.12.

c. The per space/lot assessment formula was used for this district.

d. The improvements in the district have been or will be constructed as provided in the Engineer's Report.

e. Notice was duly mailed to the benefited property owners on October 24, 2006.

f. A meeting of the City Council was held at the time and place fixed by public notice for the purpose of considering any such written objections to the proposed assessments.

g. No written objections to the proposed assessments were filed.

h. The Council has considered the matter and determined that construction of said improvements was and is of material benefit to the City, and all the property to be assessed therefore will be specially benefited by the improvements in the amounts shown on the assessment roll.

NOW, THEREFORE, the City Council of the City of Keizer ordains as follows:

Section 2. ASSESSMENTS.

a. First Annual Assessment. It is hereby determined that the share of the cost of the improvements for Naomi Start Street Lighting Local Improvement District for each parcel and property benefited thereby for the first annual assessment is the amount set opposite the description of each piece or parcel of land as described in Naomi Start Street Lighting District Assessment Roll as set forth in Exhibit "A" attached, and that each piece or parcel of land benefited by the improvements, to the full extent of the amount so set opposite such piece or parcel and that the respective amounts represent the proportionate benefits of said improvements to said respective parcels of property, and the Council does hereby declare that each of the parcels of property described in Naomi Start Street Lighting District Roll as set forth in Exhibit "A" attached is hereby assessed the first annual assessment amount set opposite each respective description.

i. Summary of first annual assessment costs for formation of the lighting district to serve the area known as "Naomi Start Street Lighting Local Improvement District":

1 – Pole and 100 Watt Luminaries	$51.48
1 – Pole and 150 Watt Luminaries	$65.04
Engineering Costs	$56.00
Administrative Fee	$27.60
Total Estimated Assessments	$200.12

ii. The Recorder of the City of Keizer is hereby directed to send a notice of first annual assessment to each owner of assessed property by mail within ten (10) days after this Ordinance levying the first annual installments is passed. The notice shall include information that an application to make installment payments may be filed with the City if the assessment is collected directly from the property owner and not pursuant to ORS 223.866.

b. Second and Subsequent Annual Assessments. After a municipal lighting district has been formed in accordance with City of Keizer Ordinance 94-278, the second and subsequent annual assessments shall be spread by Resolution which may include changes in the mode of collecting the assessment. The method of assessment and notification for subsequent annual assessments shall be determined in accordance with City of Keizer Ordinance 94-278.

c. Mode of Collecting Assessments. Assessments for Naomi Start Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

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

PASSED this _____ day of _____, 2006.

SIGNED this _____ day of _____, 2006.

_____
Mayor

_____
City Recorder

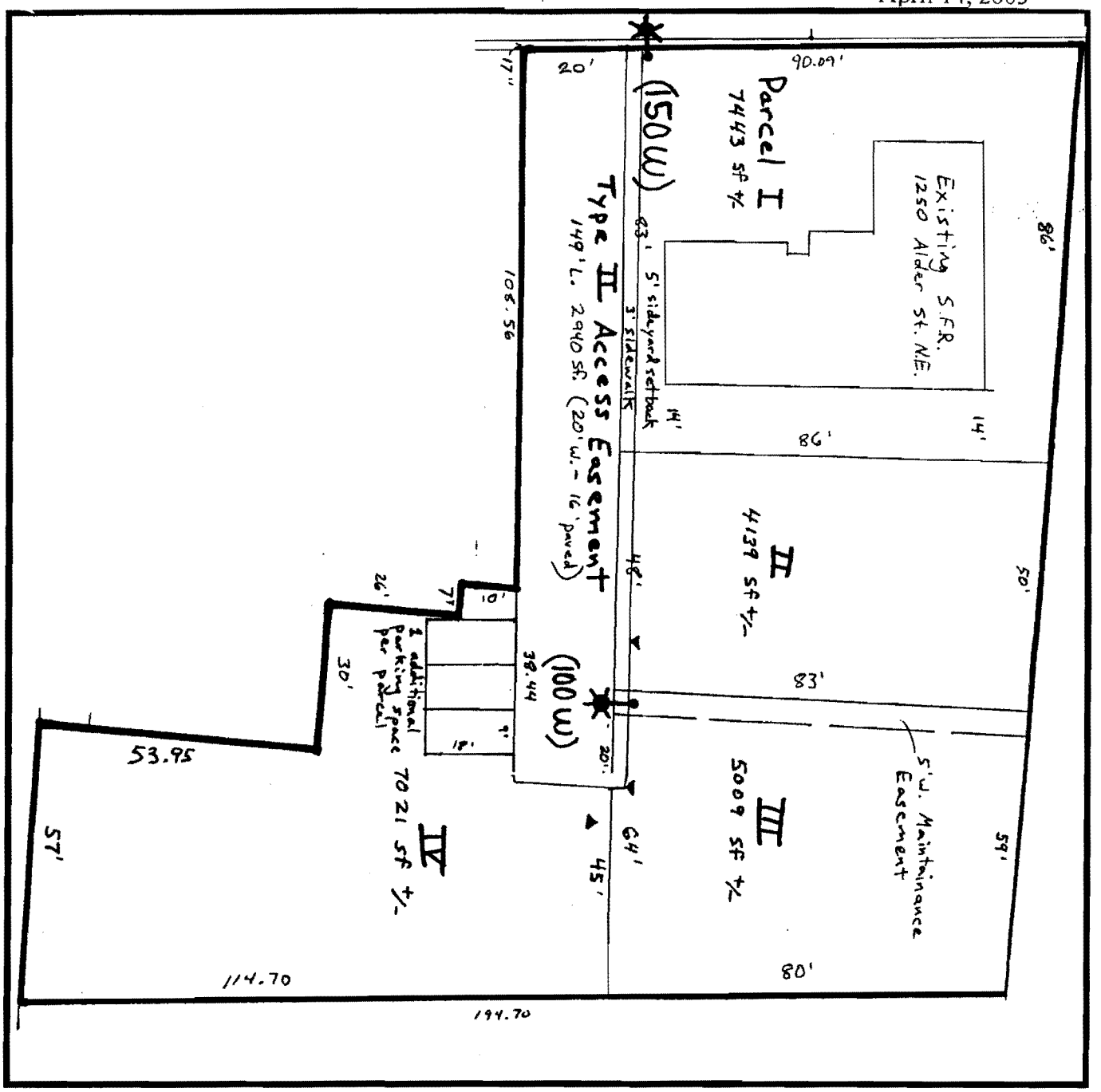
PRELIMINARY ASSESSMENT ROLL (First Year)

CANDLEWOOD COURT
STREET LIGHTING DISTRICT

*Assessors Map 7S 3W 11BA

Tax Lot #	Owners Name and Address	Assessment
8200, 8300, 8400 3 Lots	PIKE, DON & FINLEY, DON 1763 SUNBURST TR NW SALEM, OR 97304	$150.09
8100	SIEGEL, RYAN & SIEGEL, SHELLY 1250 ALDER DRIVE NE KEIZER, OR 97303	$50.03
	TOTAL ASSESSMENT:	$200.12

Exhibit '2'
Subdivision Case 2005-09
For Hearings Officer's Meeting
April 14, 2005



PROPOSED PLAN MAP

Subdivision Case No. 2005-09 1250 Alder St NE

CITY COUNCIL MEETING: November 6, 2006

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *RESOLUTION ADOPTING KEIZER PARKS AND RECREATION DONATION OPPORTUNITIES POLICIES*

The Parks and Recreation Advisory Board has proposed the adoption of policies for the donation of funds and personal property to the Parks Department. Such items may include benches, playground equipment, sports equipment or tree and shrub planting among others. The policies would spell out guidelines for the donations.

RECOMMENDATION:

Adopt the attached resolution.

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

ESJ/tmh
attachments

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2006-_____

ADOPTING POLICIES FOR KEIZER PARKS AND RECREATION DONATION OPPORTUNITIES

WHEREAS, the Keizer Parks and Recreation Board has considered the adoption of policies with regard to donations to the Parks and Recreation Department;

WHEREAS, the Parks and Recreation Advisory Board recommends to the City Council the adoption of the attached "Keizer Parks and Recreation Donation Opportunities" policies;

WHEREAS, the City Council has considered such policies and wishes to adopt them for future donations to the Parks and Recreation Department;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the attached Keizer Parks and Recreation Donation Opportunities policies is hereby adopted.

PASSED this _____ day of _____, 2006.

SIGNED this _____ day of _____, 2006.

_____
Mayor

_____
City Recorder

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

KEIZER PARKS AND RECREATION
DONATION OPPORTUNITIES

The Keizer City Council and Keizer Parks and Recreation Board appreciate individuals, groups and organizations who wish to observe, acknowledge or honor a significant event, occasion or individual through donations to improve public parks. It is a great way to leave a legacy for future generations.

Typical gifts donated to the Parks are under $500 and are designated for a specific park or program. Items are limitless but can include:

- Park Equipment (benches, picnic tables, kiosks, walkways)
- Playground Equipment
- Trees and shrub plantings
- Recreation Programs and Scholarships
- Youth recreation Programs
- Sports Equipment
- Artwork
- Structures

All gifts are tax deductible. Each individual, group, or organization will receive a letter of appreciation and appropriate tax verification information.

When carried out in a manner that helps accomplish a recognized need within Keizer and that adds to the quality of a park or building, such donations are positive and significant contributions to the community. To insure that donations are a positive addition to the city park system, the following guidelines and principles have been established by the Keizer Parks and Recreation Board:

Should a potential donation involve a physical structure or change to a public space, their review will be guided by the following principles. To be accepted, such donations should:

1. Preserve the integrity and artistry of the parks, trails, and open spaces. Donations should be placed in a park to enhance the master plan for the park. Any memorials should be part of a landscape design plan and become a part of the fabric of the site rather than a feature of the site. Memorials to major events or the cultural or natural history of Keizer may be stand-alone as part of the landscape design.

2. Provide a "Quiet Reverence" instead of a public display. Donations should allow the existing natural scenery and architecture to dominate. Memorials should not detract

from the quality of the visitor's experience or overpower the setting. Those seeking recognition of "loved ones"; donors, or individuals who are held in high esteem are encouraged to consider methods that provide a meaningful contribution in the name of the individual without the need for a memorial. Assisting in the renovation of a feature or the design and construction of a site, trail, or structure, or planning of trees and shrubs may be a lasting memory that also contributes to the quality of the site.

3. Less is Better than More. A conservative approach is warranted for the approval of memorials and great consideration must be given to site design if a memorial is located in scenic or historic environs of parks, trails, and open spaces. The site is the memorial and should not be the site of monuments.

4. Broad Community Values. All memorials should have significance that is readily apparent to the general public and not that of a small special interest group.

All non-monetary donations must be approved by the Parks Director prior to acceptance.

CITY COUNCIL MEETING:_____

AGENDA ITEM NUMBER:_____

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

THROUGH: **CHRIS EPPELY**
CITY MANAGER

FROM: **BILL LAWYER**
PUBLIC WORKS SUPERINTENDENT

SUBJECT: **COMPREHENSIVE PARKS MASTER PLAN UPDATE**

DATE: **October 31, 2006**

BACKGROUND:

The Department of Public Works solicited quotes to provide consulting services for updating and consolidating the Comprehensive Parks Master Plan. Three quotes were received. All of the prospective vendors made presentations to the Parks Advisory Board on October 3rd and the Parks Board and staff chose Moore, Iacofano, Goltsman Inc. (MIG) as the preferred vendor.

FISCAL IMPACT:

The funds for the consulting services to update the Comprehensive Parks Master Plan are available in the Park Improvement Fund line 13.

RECOMMENDATION:

Staff recommends Council adopt the attached resolution authorizing the City Manger enter into a contract with MIG for $50,000.00 to update the Comprehensive Parks Master Plan.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2006-_____

AUTHORIZING CITY MANAGER TO ENTER INTO CONTRACT WITH MIG, INC. FOR COMPREHENSIVE PARKS MASTER PLAN UPDATE

WHEREAS, quotes were solicited and received for consulting services for updating and consolidating the Comprehensive Park Master Plan;

WHEREAS, the Parks and Recreation Advisory Board and staff recommends the firm of Moore, Iacofiano, Goltsman Inc. (MIG) as the preferred vendor;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is authorized to enter into the attached consulting contract with MIG for $50,000.00 to update the Comprehensive Parks Master Plan.

PASSED this _____ day of _____, 2006.

SIGNED this _____ day of _____, 2006.

_____
Mayor

_____
City Recorder

Lien & Johnson
Attorneys at Law
4855 River Road North
Keizer, Oregon 97303
503-390-1635

Agreement Between

CITY OF KEIZER

and

MOORE IACOFANO GOLTSMAN, Inc.

for **Keiser Comprehensive Parks Master Plan**

This Agreement, made and entered into the 2nd day of ***November***, 2006, by and between ***City of Keizer, Oregon***, 930 Chemawa Rd., NE, Keiser, Oregon, 97307-1000 **("CLIENT")**, and **MOORE IACOFANO GOLTSMAN, Inc.,** a California corporation having a place of business at 800 Hearst Avenue, Berkeley, California, 94710 (**"MIG"**).

RECITALS

WHEREAS CLIENT requires the assistance with a project to ***Develop a Comprehensive Parks Master Plan***, hereinafter referred to as ("Project") and as more fully described in this Agreement and

WHEREAS, MIG has offered to render certain specialized professional services in connection with this **Project**;

NOW, THEREFORE, the parties hereby agree as follows:

AGREEMENT

1. Term of Agreement. This Agreement shall cover services rendered from *Month Day*, 200_ until *Month Day*, 200_. Work will not begin until *Month Day,* 200_.

2. MIG's Services. MIG agrees to provide services described in **Exhibit A**, which is attached hereto and incorporated by reference into this Agreement.

3. Compensation. MIG's compensation shall be as outlined in proposal dated *September 4, 2006*, which is **Exhibit B**, and is attached hereto and incorporated by reference into this Agreement. MIG's compensation for the services described under this Agreement shall not exceed $50,000, unless the parties agree to a change in scope and/or compensation.

3.1 Extra Services beyond those basic services described in **Exhibit A** may be provided if requested by CLIENT and confirmed in writing by MIG.

4. Payment Terms. Payment for services shall be made per monthly invoice for services performed within 30 days of receipt of invoice. MIG may assess a late payment penalty of 1.5% per month on late payments. For extra services not a part of this Agreement, payment shall be based on hourly rates in Exhibit B.

5. Independent Contractor. It is agreed to that MIG shall act and be an independent contractor and not an employee of the CLIENT, and shall obtain no rights to any employee benefits, which

accrue, to CLIENT's employees.

6. Assignments. Neither the CLIENT nor MIG shall assign this Agreement without the written consent of the other.

7. Changes to this Agreement. Except as provided herein, this Agreement may be modified only by a written agreement executed by CLIENT and MIG.

8. Insurance Requirements. During the term of this Agreement, MIG shall maintain, at a minimum, the following insurance.

8.1 General Liability. MIG shall maintain commercial general liability insurance in the amount of $1,000,000 per occurrence / $2,000,000 annual aggregate, which protects it from claims for personal injury, bodily injury and property damage.

8.2 Automobile Liability. MIG shall maintain automobile liability coverage for non-owned and hired autos, in the amount of $1,000,000.00 per occurrence which protects MIG from claims for bodily injury and property damage.

8.3 Workers' Compensation Insurance. MIG shall maintain workers' compensation insurance as required by State statutes.

8.4 Certificates of Insurance. Prior to commencing services, and on an annual basis thereafter, MIG shall, if requested, provide CLIENT with certificates of insurance attesting to existence of the insurance coverage required by this Agreement. Certificates shall be endorsed to name the City of Keizer as an additional insured. Such certificates shall provide that no coverage shall be cancelled without 30 days written notice to CLIENT except 10 days notice for non payment of premium. In the event MIG does not obtain or maintain the coverage required by this Agreement, CLIENT may, at its option, terminate this Agreement.

9. Ownership of Work Product. Upon payment of all fees an expenses, all instruments of professional services prepared by MIG on this project, including but not limited to, drawings and specifications are the property of the CLIENT.

10. Mediation. CLIENT and MIG agree to mediate claims or disputes arising out of or relating to this Agreement before initiation litigation. The mediation shall be conducted by a mediation service acceptable to the parties. A party shall make a demand for mediation within a reasonable time after a claim or dispute arises, and the parties agree to mediate in good faith. In no event shall any demand for mediation be made after such claim or dispute would be barred by applicable law. Mediation fees shall be shared equally.

11. Severability. In the event that any term or provision of this Agreement is found to be unenforceable or invalid for any reason, the remainder of this Agreement shall continue in full force and effect, and the parties agree that any unenforceable or invalid term or provision shall be amended to the minimum extent required to make such term or provision enforceable and valid.

13. Client Responsibilities. CLIENT agrees to provide MIG with all information, surveys, reports, and professional recommendations and any other related items reasonably requested by MIG in order to provide its professional services. MIG may rely on the accuracy and completeness of these items. CLIENT agrees to provide such items and to render decisions in a timely manner so as not to delay the orderly and sequential progress of MIG's services.

14. Governing Law. This Agreement shall be construed, interpreted and applied in accordance with the laws of the State of Oregon.

15. Standard of Care. MIG shall provide its services in accordance with generally accepted standards of its profession.

16. Schedule. MIG's services shall be performed as expeditiously as is consistent with professional skill and care.

17. Termination. Either CLIENT or MIG may terminate this Agreement upon seven days' written notice. If this Agreement is terminated, CLIENT agrees to pay MIG for all services rendered and reimbursable expenses incurred up to the date of termination. Upon not less than seven days' written notice, MIG may suspend the performance of its services if CLIENT fails to pay MIG in full for services rendered or expense incurred. MIG shall have no liability because of such suspension of services or termination due to CLIENT's non-payment.

18. Entire Agreement. This Agreement represents the entire and integrated agreement between CLIENT and MIG and supercedes all prior negotiations, statements or agreements, either written or oral. There are no conditions, agreements or representations between the parties except as expressed herein. Nothing in this Agreement shall create a contractual relationship for the benefit of any third party.

18. Notices. All notices hereunder shall be given in writing and mailed postage prepaid, addressed as follows:

A. To *City of Keizer*
930 Chemawa Rd., NE
Keiser, Oregon 97307-1000

B. To Moore Iacofano Goltsman, Inc.
MIG, Inc.
(Susan Goltsman or Daniel S. Iacofano, Chief Executive Officer)
800 Hearst Avenue
Berkeley, CA 94710

20. No Responsibility for Construction Means or Methods. Irrespective of any other term in this Agreement, MIG shall not control or be responsible for construction means, methods, techniques, schedules, sequences or procedures, or for construction safety, any other related programs, or for another party's errors or omissions or for another party's failure to complete its

work or services in accordance with MIG's documents.

21. Prevailing Party. Should any legal proceeding be commenced between the parties to this Agreement seeking to enforce any of its provisions, including, but not limited to, fee provisions, the prevailing party in such proceeding shall be entitled, in addition to such other relief as may be granted, to a reasonable sum for attorneys' and expert witnesses' fees, which shall be determined by the court or forum in such proceeding or in a separate action brought for that purpose. For purposes of this provision, "prevailing party" shall include a party that dismisses an action for recovery hereunder in exchange for payment of the sum allegedly due, performance of covenants allegedly breached, or consideration substantially equal to the relief sought in the action or proceeding.

22. Public and Media Relations. MIG shall be permitted to identify CLIENT as a customer, to use CLIENT's name in connection with proposals to prospective customers, to reference CLIENT on the MIG website and to otherwise refer to CLIENT in print or electronic form for marketing, publicity or reference purposes. However, MIG shall not publish CLIENT's confidential or proprietary information. MIG and CLIENT shall coordinate all publicity efforts relating to the work covered in this Agreement. Each party agrees to assist the other party in seeking to promote the work completed under this Agreement and to mention the other party in press and promotional materials. CLIENT agrees to credit and reference MIG in all material (print or electronic) relating to the work covered in this Agreement and to seek prior written approval for content that makes reference to MIG beyond simple mention.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CLIENT

By:_____ _____
Date:

MOORE IACOFANO GOLTSMAN, Inc.

By:_____ _____
Principal Date:

UPDATED SCOPE OF WORK FOR
KEIZER COMPREHENSIVE PARKS MASTER PLAN
NOVEMBER 1, 2006

Task 1 Project Initiation/Background Research

1.1 Project Initiation/City Staff Meeting #1

The MIG Planning Team will meet with City staff to review and discuss contract administration; review the project scope, time schedule and budget; outline roles and responsibilities; confirm end products; and discuss public process. Based on this discussion, MIG will revise the scope of work, end products, schedule and public process as needed.

1.2 Community Tour

With the assistance of the public works staff and other city officials, MIG will tour the community to observe changes that have occurred since the last plan was completed. This would take place on the same day as Task 1.1.

1.3 Document Review

MIG will collect, review and analyze past studies and documents relevant to the study, including:

- 1992 Comprehensive Park System Development Plan
- 2000 System Development Charges (SDC) methodology report
- Other parks plans completed since 1992
- Keizer Rapids Master Plan

1.4 Parks Advisory Board Meeting #1

The MIG Team will meet with City staff and Parks Advisory Board to identify issues and needs for parks and recreation. This meeting of the Advisory Board would be advertised and open to the public, and would occur on the same day as Task 1.1.

Task 1 Products

- Revised scope of work
- Refined schedule and budget
- Documentation of community tour
- Synthesis of document review
- List of identified issues

Task 2 Community Profile

2.1 Base Map Preparation

Using mapping information provided by the City, MIG will prepare an AutoCAD or GIS base map of the planning area. This drawing will later be used to analyze the existing park system, assess park and facility needs, and develop a layout plan of future park sites.

2.2 Community Profile

MIG will produce community profile information that may affect parks and recreation interests, needs and participation. The MIG Team also will study existing demographic information, such as the 2000 Census, population forecasts and other statistics affecting park use.

2.3 Discussion Paper #1

MIG will produce a summary of the community profile information as Discussion Paper #1 and provide this to City staff for review.

Task 2 Products

- Base maps
- Discussion Paper #1 (Community Profile)

Task 3 Analysis of the Park Areas, Facilities, and Programs

3.1 Park Evaluation

MIG will evaluate each park or recreation area managed by the City according to:

- Condition, deficiencies and current operational problems
- Overall evaluation of the park system including its strengths and weaknesses

3.2 Park Operations, Maintenance, and Organizational Analysis

In this task, MIG will review the current park maintenance operations in terms of overall cost per acre, number of labor hours assigned to park maintenance, maintenance responsibilities, and organizational format of the maintenance park crew. In addition, MIG will make comparisons of park maintenance cost per acre with other similar agencies. The results of this analysis will appear as recommendations in Task 7.5. In addition, MIG will analyze the current organizational structure for parks management and maintenance. The results of this analysis will appear as recommendations in Task 7.8.

3.3 Existing Conditions at Undeveloped Park Sites

The MIG Team will prepare an existing conditions analysis for the three undeveloped park sites to prepare for site master planning.

3.4 Discussion Paper #2

MIG will summarize the findings of the park areas and facilities analysis, existing conditions analysis for undeveloped park sites, and the park maintenance operations analysis as Discussion Paper #2 and provide this to City staff for review.

Task 3 Products

- Discussion Paper #2

Task 4 Recreation Needs Assessment

The needs assessment is an analysis of the need for parkland and facilities in quantifiable terms. The information will be collected from a number of sources, including City staff, the Parks Advisory Board, information from the Keizer Rapids Park survey that related to other parks, input from a community forum, and a level of service the City believes it can afford. Need will be quantified for specific land areas and facilities and will be expressed as a standard or ratio to a population base. The updated standards will be formulated specifically for Keizer and will be derived from mathematical models developed by MIG.

4.1 Community Forum

With input and assistance from the City, MIG will facilitate a community forum to involve community members in identifying needs and issues for city-wide parks and recreation, and for the three undeveloped park sites. The forum will also include a discussion of desired levels of service and community priorities for park maintenance. The City will determine the appropriate location and time for the meeting, organize and publicize the event. City staff, the Parks Advisory Board and City Council will be encouraged to participate. Outcomes of this meeting will include perceived park and recreation needs and suggestions for improvements at the three undeveloped park sites, and a summary of community priorities and desired levels of service for park maintenance.

4.2 Sport Groups Survey

MIG will contact the organized sport groups through a survey and/or personal contact to obtain specific information about the needs of organized sports. Information collected will include the number of teams, frequency of play and practice, seasons of play, etc. The MIG Team will use this data to identify desired service levels for sport facilities and subsequently develop demand standards for facility needs.

4.3 Identification of Park and Facility Needs

Based on information derived from the community forum, the sport groups survey, input from City staff, and mathematical models previously developed by MIG, the MIG Team will develop demand standards specific to Keizer. These standards will be expressed in terms of a ratio of acres or facilities per 1,000 people. The recommended standard will then be compared with the existing supply to identify existing and future needs in terms of acres, miles or number of facilities. The Needs Report will include:

- A discussion on national recreation trends
- A comparison of land/facilities with other cities
- Input data from the community forum
- Input from special interest groups
- A description of how each demand model was developed and what it means in terms of additional land or facilities

4.4 Discussion Paper #3

The MIG Team will summarize findings of the Recreation Needs Assessment as Discussion Paper #3 and provide this to City staff for review.

4.5 City Staff Meeting #3/Park Advisory Board Meeting #2

MIG will present the results of the Community Profile (Task 2), park areas and facilities analysis, including operations and maintenance (Task 3), Recreation Needs Assessment and Community Forum (Task 4) to City staff and the Parks Advisory Board. This meeting of the Advisory Board would be advertised and open to the public.

Task 4 Products

- Community Forum
- Summary of Community Forum input
- Discussion Paper #3 (Recreation Needs Assessment)

Task 5 Site Design Programs and Master Plans

5.1 Draft Design Programs

Using the information from the needs assessment and issues from the community, the MIG Team will prepare design programs outlining recommendations for park upgrades and facilities.

5.2 Draft Site Master Plans

Using the information from the needs assessment and issues from the community, MIG will prepare draft site master plans at the conceptual level for three undeveloped park sites.

5.3 Preliminary Cost Estimates

The MIG Team will prepare preliminary cost estimates for the recommended improvements.

5.4 Revise and Finalize Site Design Programs, Master Plans, and Cost Estimates

Based on input from City staff and the Board in the brainstorming session under Task 6.5, MIG will revise and finalize the site design programs, master plans, and cost estimates. These will become part of the final plan document.

Task 5 Products

- Design programs for park sites
- Three site master plans
- Cost estimates

Task 6 Issues and Services

6.1 Current Service Providers

MIG will prepare a current service matrix that identifies and evaluates park and recreation services and facilities now offered by the City and other agencies in the community. The purpose of this task is to identify where voids and overlaps exist. This information will be used to establish the City's role in providing park and recreation services.

6.2 Service Level Standards

MIG will calculate current standards and recommended service level standards for parkland and recreation facilities. This information can later be used for updating SDCs.

6.3 Brainstorming Session/City Staff Meeting #4

MIG will hold a half-day brainstorming session with key City staff to discuss recommendations and policies in the plan based on work completed to date. MIG will also review the draft site master plans and cost estimates for undeveloped park sites and make recommendations for revisions.

Task 6 Products

- Current services matrix
- Brainstorming session summary

Task 7 Recommendations and Policies

7.1 Design and Development Standards

MIG will prepare design and development standards for each type of park or open space area proposed in the Plan.

7.2 Layout Plan

Based on the conclusions formed in Tasks 4.5 and 6.3, MIG will update the Park and Facility Layout Plan that describes the general location of future park sites, open space areas, and other facilities.

7.3 Recommendations to the Existing Park System

MIG will recommend changes, additions or improvements needed to existing parks and will provide associated costs for each.

7.4 Feasibility Analysis for Recreation Services

Based on the information derived from the analysis of the recreation programs (Task 6.1) and other sources, MIG will provide recommendations on the viability of city-run recreation programming, and also recommend where partnerships might be a viable option.

7.5 Maintenance Operations

Based on the analysis made in Task 3.2 (Park Operations and Maintenance Analysis), MIG will recommend changes and approaches to park maintenance which could result in a more efficient maintenance operation. These recommendations may include:

- Organization of the park maintenance crew
- Suggested design standards for reducing maintenance costs
- Establishment of park maintenance budget goals
- Suggested park maintenance performance levels (such as a tiered system)
- Equipment needs to reduce maintenance time

7.6 Funding Maintenance Operations
Based on the analysis made in Task 3.2, MIG will recommend changes to park maintenance which could result in more efficient operations. This task will also include recommendations on other options for maintaining parks and facilities such as:

- Adopt-a-park programs
- Alternative community service
- Group volunteers
- Multi-handicap training programs

7.7 Forecast of Maintenance Impacts
MIG will forecast park maintenance impacts based on the recommendations in the Plan.

7.8 Organizational Structure for Park Operations
Based on the analysis made in Task 3.2, MIG will make recommendations for an organizational structure for parks management and operations.

Task 7 Products

- Park design and development standards
- Outline of recommendations and policies
- Park and Facility Layout Plan

Task 8 Action Plan

8.1 Criteria for Prioritizing Projects
MIG will develop criteria for prioritizing projects. Establishing the criteria first makes prioritizing easier.

8.2 List of Capital Projects
MIG will list all capital projects and actions recommended in the Plan and prioritize them according to the criteria established in Task 8.1.

8.3 Funding Options
MIG will identify and evaluate various funding options the City has for capital development.

8.4 Funding Strategy
MIG will prepare an overall funding strategy for capital improvements. This could include multi-funding sources such as a bond measure, SDCs, grants, serial levies, and special state and local budget allocations and partnerships.

8.5 Capital Improvement Plan
A short-term (usually six years) capital improvement plan will be developed listing projects in their priority, their cost and funding source.

8.6 System Development Charges (SDCs)
MIG will evaluate the existing system development charges to determine ability to meet demand. We will also evaluate the feasibility of modifying SDCs or adding other facilities to the calculation for financing park improvements.

Task 8 Products

- Criteria for prioritizing projects
- List of funding sources
- Capital Improvement Plan
- Forecast of future maintenance requirements
- Review of park development fees

Task 9 Adoption and Documentation

9.1 Draft Master Plan

MIG will prepare a draft report of the entire Comprehensive Parks Master Plan Update and send one reproducible copy and one electronic copy to City staff for reproduction and distribution.

9.2 City Staff Meeting #5/Parks Advisory Board Meeting #3

MIG will review the draft report with City staff and the Parks Advisory Board for comments. This meeting of the Advisory Board will be advertised and open to the public.

9.3 City Council Meeting

MIG will present the Plan to the City Council in either a workshop or public hearing.

9.4 Final Master Plan

MIG will make revisions based on input from the City Council, public testimony, Park and Recreation Advisory Board and City staff. We will then finalize the Master Plan document.

Task 9 Products

- Draft Master Plan
- Final Master Plan

Keizer Comprehensive Parks Master Plan Update — Exhibit B

Prepared by MIG Inc.

FEES

Date: September 4, 2006

	Hourly Billing Rates	*$135*	*$105*	*$75*	*$65*	*$125*	*$65*			
1. PROJECT INITIATION										
1.1	Project Initiation/City Meeting #1	4	12		12			$2,580	$200	$2,780
1.2	Community Tour (takes place same day as Task 1.1)							$0		$0
1.3	Document Review		4					$420		$420
1.4	Park Board Meeting #1 (takes place same day as Task 1.1)							$0		$0
	Coordination/Miscellaneous tasks		4					$420		$420
	Subtotal	**4**	**20**	**0**	**12**	**0**	**0**	**$3,420**	**$200**	**$3,620**
2. COMMUNITY PROFILE										
2.1	Prepare base maps of park sites (4 drawings)		2		24			$1,770	$200	$1,970
2.2	Community Profile		2		8			$730		$730
2.3	Discussion Paper #1		2		8		2	$860	$200	$1,060
	Coordination/Miscellaneous tasks		4					$420		$420
	Subtotal	**0**	**10**	**0**	**40**	**0**	**2**	**$3,780**	**$400**	**$4,180**
3. ANALYSIS OF PARK AREAS, FACILITIES, PROGRAMS										
3.1	Park Evaluation		2		8			$730		$730
3.2	Park Operations Analysis		2	8	4			$1,070		$1,070
3.3	Existing Park Site Analysis		2		4	8		$1,470		$1,470
3.4	Discussion Paper #2		2		8		2	$860	$200	$1,060
	Coordination/Miscellaneous tasks		2	2				$360		$360
	Subtotal	**0**	**10**	**10**	**24**	**8**	**2**	**$4,490**	**$200**	**$4,690**
4. RECREATION NEEDS ASSESSMENT										
4.1	Community Forum (includes preparation time)		14		14			$2,380	$945	$3,325
4.2	Sports Group Survey			4				$300		$300
4.3	Identification of Park and Facility Needs		2	2	8			$880		$880
4.4	Discussion Paper #3		2		8		2	$860	$200	$1,060
4.5	City Meeting #3/Park Board Meeting #2		6		6			$1,020	$200	$1,220
	Coordination/Miscellaneous tasks		4	2	2			$700		$700
	Subtotal	**0**	**28**	**8**	**38**	**0**	**2**	**$6,140**	**$1,345**	**$7,485**

Keizer Comprehensive Parks Master Plan Update — Exhibit B

Prepared by MIG Inc.

FEES

Date: September 4, 2006

5. SITE DESIGN PROGRAMS/MASTER PLANS									
5.1	Draft Design Programs		4			8		$1,420		$1,420
5.2	Draft Site Master Plans		2			24		$3,210		$3,210
5.3	Preliminary Cost Estimates	2				8		$1,270		$1,270
5.4	Revised Design Program, Site Plans and Cost Estimates	1	1		6	8		$1,630	$400	$2,030
	Coordination/Miscellaneous tasks		4	2		2	8	$1,340		$1,340
	Subtotal	**3**	**11**	**2**	**6**	**50**	**8**	**$8,870**	**$400**	**$9,270**
6. ISSUES AND SERVICES									
6.1	Current Service Providers				4			$260		$260
6.2	Issue Papers				8			$520		$520
6.3	Service Level Standards			4				$300		$300
6.4	Brainstorming Session/City Meeting #4		10		12			$1,830	$400	$2,230
	Coordination/Miscellaneous tasks		4					$420		$420
	Subtotal	**0**	**14**	**4**	**24**	**0**	**0**	**$3,330**	**$400**	**$3,730**
7. LAYOUT PLAN									
7.1	Design and Development Standards		1		4			$365		$365
7.2	Layout Plan				10			$650		$650
7.3	Recommendations to Existing Park System	2	4					$690		$690
7.4	Feasibility Analysis for Existing Parks Services		4	4				$720		$720
7.5	Maintenance Operations	2						$270		$270
	Subtotal	**4**	**9**	**4**	**14**	**0**	**0**	**$2,695**	**$0**	**$2,695**
8. ACTION PLAN									
8.1	Criteria for Prioiritizing Projects		2					$210		$210
8.2	List of Capital Projects		4					$420		$420
8.3	Funding Options	4						$540		$540
8.4	Funding Strategy	14						$1,890		$1,890
8.4	Capital Improvement Plan	4						$540		$540
8.5	Capital Improvement Plan	8						$1,080		$1,080
8.6	System Development Charges	2						$270		$270
	Coordination/Miscellaneous tasks	4						$540		$540
	Subtotal	**44**	**24**	**8**	**28**	**0**	**0**	**$5,490**	**$0**	**$5,490**
9. ADOPTION AND DOCUMENTATION									
9.1	Draft Master Plan		8		40		4	$3,700	$200	$3,900
9.2	City Meeting #5/Park Board Meeting #3		8		8			$1,360	$200	$1,560
9.3	City Council Meeting		8		4			$1,100		$1,100
9.4	Final Master Plan		4		10		6	$1,460	$400	$1,860
	Coordination/Miscellaneous tasks		4					$420	$0	$420
	Subtotal	**0**	**32**	**8**	**90**	**0**	**10**	**$8,040**	**$800**	**$8,840**

CITY COUNCIL MEETING: November 6, 2006

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

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

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

SUBJECT: **WALL STREET BAR AND GRILL (WITTENBERG INN)**
CHANGE OF OWNERSHIP

BACKGROUND:

On October 9, 2006 an application was received from Keizer Hospitality Inc. requesting City approval of a change of ownership for the liquor license for Wall Street Bar and Grill – Wittenberg Inn, located at 5188 Wittenberg Lane, Keizer, Oregon. The City of Keizer Ordinance indicates the Council must review the requested change; however no public hearing is required.

On October 29th a request was sent to the Keizer Police Department for background check on the applicant, Hardial Gill. The Department reports there is no criminal history record for the applicant and the calls of service at this location have been within acceptable standards.

RECOMMENDATION:

It is recommended the City Council review the application and forward a recommendation for approval to the Oregon Liquor Control Commission for the change of ownership for Wall Street Bar and Grill – Wittenberg Inn.

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

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

ACTIONS

- [X] Change Ownership
- [ ] New Outlet
- [ ] Greater Privilege
- [ ] Additional Privilege
- [ ] Other _____

Applying as:

- [ ] Individuals
- [ ] Limited Partnership
- [X] Corporation
- [ ] Limited Liability Company

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

_____ (name of city or county)

recommends that this license be:

Granted [ ] Denied [ ]

By: _____ (signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: LVB

Date: 10.4.06

RECEIVED
OREGON LIQUOR CONTROL COMMISSION
OCT 04 2006
SALEM REGIONAL OFFICE

90-day authority: [ ] Yes [ ] No

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

① KEIZER HOSPITALITY, INC ③ _____

② _____ ④ _____

2. Trade Name (dba): ~~WITTENBERG LANE~~ Wall Street Bar & Grill

3. Business Location: 5188 WITTENBERG LANE, KEIZER, OR 97303
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 5188 WITTENBERG LANE, KEIZER, OR 97303
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-390-4733 503-390-1108
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? [X] Yes [ ] No

7. If yes to whom: Wall Street Bar & Grill, Inc. Type of License: F-PL

8. Former Business Name: Wall Street Bar & Grill

9. Will you have a manager? [X] Yes [ ] No Name: PAUL PLUNK
(manager must fill out an individual history form)

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

11. Contact person for this application: HARDIAL GILL (name) 425-802-9363 (phone number(s))

17142 SE 58TH STREET, BELLEVUE, WA 98006 (address) (fax number) 425-562-7889 (e-mail address) gill@luggagecenter.com

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

Applicant(s) Signature(s) and Date:

① Hardial Gill Date 9/27/06 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

OREGON LIQUOR CONTROL COMMISSION

BUSINESS INFORMATION

Please Print or Type

Applicant Name: Keizer Hospitality, INC. Phone: 495-802-9363

Trade Name (dba): ~~WITTENBERG INN~~ Wall Street Bar & Grill

Business Location Address: 5188 WITTENBERG LANE

City: KEIZER , OR ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	8AM	to	2AM
Monday		to	
Tuesday		to	
Wednesday		to	
Thursday		to	
Friday		to	
Saturday		to	

Outdoor Area Hours: NA

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

The outdoor area is used for: NA

☐ Food service Hours: _____ to _____

☐ Alcohol service Hours: _____ to _____

☐ Enclosed, how _____

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

_____ (Investigator's Initials)

Seasonal Variations: ☐ Yes ☐ No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

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

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	noon	to	2AM
Monday		to	
Tuesday		to	
Wednesday		to	
Thursday		to	
Friday		to	
Saturday		to	

SEATING COUNT

Restaurant: _____ Outdoor: _____

Lounge: _____ Other (explain): Meeting Room 100

Banquet: 300 Total Seating: 400

OLCC USE ONLY

Investigator Verified Seating: ____(Y) ____(N)

Investigator Initials: _____

Date: _____

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

Applicant Signature: Harchial Gill **Date:** 9/27/16

1-800-452-OLCC (6522)

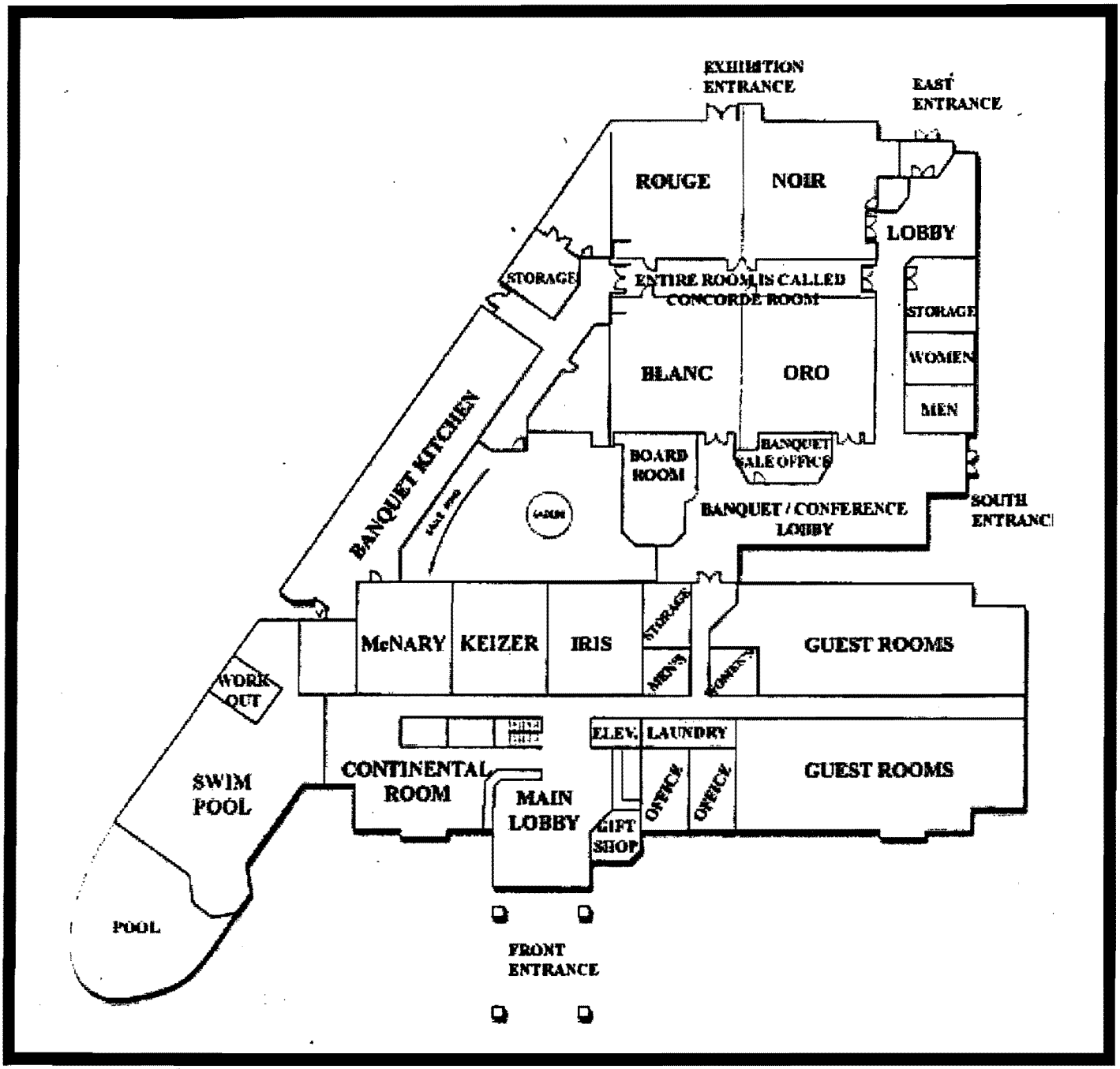
www.olcc.state.or.us

(rev. 04/03)

OREGON LIQUOR CONTROL COMMISSION

FLOOR PLAN

- **Your floor plan must be submitted on this form.**
- Use a separate Floor Plan Form for each level or floor of the building.
- Applicants must provide a sketch that shows the specific area of the premises (e.g. dining area, bar, lounge, kitchen and restrooms). Full On-Premises (commercial establishments) applicants must also show dining tables. See example on back.



Applicant Name
WITTENBERG INN

Trade Name (dba):
KEIZER, OR 97303

City and ZIP Code

.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)

Date:_____ Initials:_____

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

(rev. 05/03)

CITY COUNCIL MEETING: November 06, 2006

AGENDA ITEM NUMBER:_____

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

THRU: **CHRIS EPPLEY, CITY MANAGER**

FROM: **DIANNE HUNT, HUMAN RESOURCES DIRECTOR**

SUBJECT: **Authorization of Disposition of Surplus Property**

ISSUE:

The City of Keizer Human Resources Department has identified several technical resources that have nominal value and are no longer usable.

Keizer City Ordinance 2000-427 allows for surplus personal property of nominal value to be sold, donated, used as a trade-in, or disposed of, upon recommendation by the Keizer City Manager and approval of the City Council.

The surplus property identified in Exhibit 'A' are outdated and in some cases no longer supported by the manufacturer, and the City no longer has a need for the items. In addition, the City has no room to store the property.

RECOMMENDATION:

It is recommended that Council adopt the attached resolution authorizing the items listed in the resolution as surplus.

If you have any questions please contact Dianne Hunt, 503.856-3417, huntd@keizer.org

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R06_____

AUTHORIZING THE DONATION OR DISPOSAL OF SURPLUS PROPERTY

WHEREAS, Ordinance 2000-427 allows for identified surplus property to be donated or disposed of; and

WHEREAS, the Human Resources Department has identified several technical resources listed on Exhibit "A" having nominal value and of no further use for public purposes;

WHEREAS, the Human Resources Department proposes to donate or dispose the surplus property;

WHEREAS, the Human Resources Director and City Manager approve of the donation or disposal of surplus property;

NOW, THEREFORE,

BE IT RESOLVED that the City Council of the City of Keizer declares the property listed in Exhibit "A" as surplus property.

BE IT FURTHER RESOLVED that the City Council hereby authorize the technical resources and other inventory property to be donated or disposed;

BE IT FURTHER RESOLVED that City Manager and the Human Resources Director are authorized to take any and all necessary acts to effectuate the donation or disposal of the surplus property.

PASSED this _____ day of _____, 2006.

SIGNED this _____ day of _____, 2006.

_____
Mayor

_____
City Recorder

EXHIBIT "A"

City of Keizer
Surplus Inventory as of 11/01/2006

Computers		
Pentium 4	8	Over 4 yrs old – replaced with new computers
Celeron	1	Over 5 yrs old - replaced with new computers
Pentium 2	4	Over 10 yrs old – replaced with new computers
Pentium 3	1	Over 7 yrs old – replaced with new computers
Police Laptops		
Hewlett-Packard	7	5 yrs old, not designed for patrol cars and broke down. 2 are usable, 5 broken
Dell	2	1 usable – 1 broken
Gateway	2	1 usable – 1 broken
UMAX	2	2 broken
Monitors – 15"	16	Old – replaced with new computer sets
Keyboards	12	Old - replaced with new computer sets
Speakers	5 pair	Old – replaced with new computer sets
Mice	7	Old - replaced with new computer sets
Printers - Deskjets		
Hewlett-Packard	2	Broken
Hewlett-Packard 540	1	Broken
Hewlett-Packard 940C	1	Broken
Hewlett-Packard 5p	1	Broken
Hewlett-Packard 930C	1	Broken
Nikon	1	Broken
Del	1	Broken
Cell Phones		
Motorola	33	Police & Public Works phones- broken and have been accumulating over the past 3 years.
Nokia	1	Broken
Various accessories/adapters/wires		
Palm Pilots	2	Broken

MINUTES
KEIZER CITY COUNCIL
Monday, October 2, 2006
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:00 pm. Roll Call was taken as follows:

Present:	Staff:
Lore Christopher, Mayor	Shannon Johnson, City Attorney
Richard Walsh, Council President	Chris Eppley, City Manager
Chuck Lee, Councilor	Marc Adams, Chief of Police
David McKane, Councilor	Rob Kissler, Public Works
Jacque Moir, Councilor	Tracy Davis, City Recorder
Troy Nichols, Councilor	
Jim Taylor, Councilor	

FLAG SALUTE

The pledge of allegiance was led by Marion County Commissioner, Janet Carlson.

PUBLIC TESTIMONY

Eric Meuer, Keizer, explained the advantages of the design build process and suggested that it be used for the new civic center in order to get the most for taxpayer dollars.

City Manager, Chris Eppley, reviewed the three different processes: (1) Design-build, (2) traditional design-bid-build, and (3) CMGC (Construction Manager-General Contractor). He explained that the design build process might not be appropriate in this case because it would involve doing the public input piece first and then turning the project over to a contractor who would exclude further input. He added that the budgeted funds are included in the RFP so the first two processes are somewhat meshed.

Mike Gotterba, Salem Public Works, reported that Phase 1 of the work at Willow Lake Wastewater Treatment plant is complete. Phase 2 will take place weekdays 7 am to 3 pm during October. If any work occurs on Saturday, he will notify Rob Kissler of Public Works.

PUBLIC HEARINGS

None

ADMINISTRATIVE ACTION

A. Public Input – Keizer Rapids Park Master Plan

RESOLUTION ~ Approval of Master Plan and Direction to Make Application to Marion County For Land Use Approval

Nate Brown explained that the Master Plan is the result of work done by the Regional Intergovernmental Visions Enhancing River Resources (RIVERR) Task Force working jointly with the Parks Board to establish a park utilizing the State-owned property and to acquire additional available property to connect the city to the park. He explained that the plan incorporates buffering, providing for emergency services and the locating of facilities to minimize impacts to neighbors, but the plan should be considered conceptual only. He added that the proposed master plan is not a legally binding document because the city does not have jurisdiction over the property. Council approval of the plan is sought along with direction for staff to apply to Marion County for the necessary Conditional Use Permit establishing the legal land use decision and to establish a Boat Launch Design Task Force consisting of representatives from the neighborhood and the boating community in general to deal with the issues related to the proposed boat ramp.

Nate explained that additional details will be filled in during the development process with use of experts in various fields and with consideration to available funding. Various reports will be presented to council in coordination with the Parks Board. He noted that the Task Force and Parks Board tried to include in the conceptual plan everything of reasonable potential for the maximum use of the park. Mayor Christopher encouraged continued citizen participation through Parks Board and Council Liaison for the Parks Board, Jacque Moir (2006) and David McKane (2007).

Councilor Lee declared a potential conflict of interest because he resides on the river.

Janet Carlson, Marion County Commissioner, speaking as a Marion County Commissioner and not for the Marion County Planning Department, voiced support for the park master plan, commended the RIVERR Task Force, Chair Walsh and the Parks Advisory Board for their work and Keizer citizens for their participation in the planning process. She detailed Marion County's contributions to the park, provided a copy of the Natural Heritage Parks plan and concluded that this park is a gift for the community to be enjoyed by generations to come.

Mike Smith, Keizer, voiced support for the park in general but expressed concern about the boat ramp adding that neighbors along the river have expressed similar concern. He noted that he understood that funding received from the Marine Board was contingent upon the city agreeing to build a boat ramp facility at the park but that in task force ranking of priorities the boat ramp does not appear because it was assumed that it would be part of the park and that assumption was of concern to the neighbors. He concluded articulating his concern:

- A large-scale motorized boating facility was not part of the original vision for Keizer Rapids Park and could significantly alter the area

with negative impacts on the environment, the enjoyment of park users and the surrounding neighborhoods.

- The water trail emphasis of various state entities stresses importance on water trails to address the growing interest in canoeing, rafting and kayaking.
- Boat ramp users will potentially create chaos, calamity, congestion and clamor disturbing the park setting, the natural environment, wildlife and the surrounding neighborhoods.
- The boat ramp can potentially bring a large number of users into an area not capable of handling the traffic.
- The area of navigable water during low water times is limited both upstream and downstream by gravel and sand bars.
- Conflicts between motorized and non-motorized water craft are likely to create dangerous conditions.
- Intense use in a confined area may create public safety concerns.
- There is concern over adequate plans for marine law enforcement.
- Public documents do not support a need for a boat ramp 3 miles from Wallace Marine Park.
- The City has not taken public testimony on this issue and has no intention of doing so, thus denying citizens the right to appeal.

David Hilgemann, Keizer, thanked and commended members of the task force, planning, parks and staff for the effort put into this project. He voiced concern over the Marine Board grant and the resultant obligations and added that he and his neighbors supported the compromise which he and Chris Eppley had authored regarding this issue.

Don Beckman, Keizer, voiced excitement over the park and pointed out that the access issue had been resolved because it would be provided through a new housing development and not in the currently established neighborhood. He noted, however, that he was concerned about the planned boat ramp and the associated parking but added that he thought his neighbors' concerns were unrealistic because the water is too shallow to accommodate motorized boats. He encouraged the development of a boat ramp and parking for canoe users.

Ron Anderson, Keizer, co-chair of the Bikeways Advisory Committee explained the committee's participation in the task force and recommended that Council adopt the Master Plan.

Craig Nichols, Keizer, voiced concern over mixing motorized boats with canoes and kayaks and concluded that 40 boats is too many.

Rhonda Rich, Keizer, President of West Keizer Neighborhood Association, voiced appreciation of the task force in inviting representation of the neighborhood association. She added that the association supports:

- Amenities such as the educational facility, playground and dog park

- The good neighbor buffer
- Incorporation of the caretaker facility to oversee park activities
- Adequate informational signage for park boundaries and rules.

She requested notification of grants when submitted to allow for response from the neighborhood and pointed out that acceptance of grants with obligations attached without community input has been a source of contention. She expressed appreciation for the commitment of the task force but encouraged them to keep in mind the impact that certain activities will have on adjacent neighborhoods and homeowners.

Steve Stocker, Keizer, expressed concern about the boat facility and the danger of too many motorized boats in the water. Mayor Christopher explained that the $300,000 was not what was appealing, but the construction and lifetime maintenance of a permanent restroom. This would be a tremendous expense to taxpayers so, if a compromise could be found that would benefit the community and allow the neighbors to be comfortable, then it would be a savings for Keizer residents.

Dan & Robin Bishop, Keizer, voiced the alarm previously stated including safety and environmental concerns. Mr. Bishop explained that he and his family spend a great deal of time enjoying the river and added that even 10 motorized boats would make the area crowded. He expressed concern for the environmental impact of a boat ramp comparing it to changing the river into a freeway. In conclusion he stated that he was against a boat ramp in the area because Wallace and Wheatland ramps were adequate.

Shirley Deshon, Keizer, expressed concern regarding the boat ramp focusing on congestion on the river and the danger caused by shallow water and obstacles in the water. She explained that those living on the river consider themselves stewards of the river and suggested that a smaller non-motorized boat ramp be considered to minimize impact to wildlife and reduce pollution and congestion.

Tim Kelsh, Keizer, voiced support of the testimony of Mike Smith and Dave Hilgemann and focused on the safety of the river. He recounted a story about a boating accident that resulted in death occurring 11 years ago and echoed previous testimony that the river would be unsafe if additional access was provided. He pointed out that the goal and commission of the Willamette River Water Trail is to provide canoe and kayak access to the river and that canoe and kayak users are encouraged to use a different ramp at Wallace Marine Park to prevent conflict. He added that the wind on the river, combined with additional motorized boats would pose an unacceptably high risk to public safety.

Verena Wessel, Keizer, questioned how the additional usage of the river would impact Polk County who patrols this stretch of the river and suggested that a study be done. Discussion followed regarding this. Mayor Christopher pointed out that everything that might be included in

the park should be included in the master plan but if further study indicated certain features, such as the boat ramp, were unsafe, they could be left out. The Marine Board would be concerned about safety issues as well.

Larry Dick, Keizer, urged the inclusion of an off-leash dog park in the master plan for this park.

Terry Moor, Keizer, encouraged the inclusion of a boat dock on the river but urged that it be for non-motorized watercraft only because mixed use boat docks are dangerous.

MariLee Moore, Keizer, explained that she felt there was no shortage of available boat ramps for motorized craft with Wallace, Independence, Canby, Willamette Mission and Newberg. She encouraged the inclusion of a non-motorized craft ramp at Keizer Rapids Park and keeping the park natural to allow users to connect with nature and relax.

Christine Dieker, Keizer, representing the Chamber of Commerce, voiced support for the Keizer Rapids Park and its connection of the city to the Willamette River. She pointed out that the park will be a draw for visitors to the area making Keizer a destination.

Steve Vineyard, Keizer, pointed out that the area of the river serviced by a boat ramp at the park will be considerably smaller than areas serviced by other boat ramps causing significant congestion. He concluded that the proposed boat ramp is a very large project for a very small body of water.

Jill Nuttbrock, Keizer, pointed out that she lives adjacent to the park and complained that the "good neighbor buffer" is only planned for the east side of the park and not for the rest of the neighbors. She pointed out that the north picnic area leaves no buffer for some neighbors and sends people down a private drive. Nate Brown explained that the driveway is part of an easement granted for access along the north property line. He added that the details for providing necessary security particularly at the gravel pit will be worked out through discussion with the owners of the gravel pit. Fencing and security is planned but no vegetative buffer. Mr. Brown added that any vegetative buffer planted in this area of the park would not survive because it is heavily wooded and too shady. However, the multi-use path is at least 70 feet away from the neighboring property utilizing the existing buffer and it will be paved for use by the Police in patrolling the park.

Jerry Nuttbrock, Keizer, voiced concern for the development of a safe park and questioned why the public was being encouraged to make use of the north portion of the park considering the inherent danger of the rock pits nearby. Mayor Christopher reminded Mr. Nuttbrock that this is a conceptual plan and subject to change as development of the park takes place. Mr. Nuttbrock added that he was pleased that the city was reconnecting to the river but questioned why a public hearing was not

being held to give citizens a right to appeal.

Nate Brown responded that this meeting is not legally required and is not a land use public hearing. Notices were sent out to encourage the public expression of concerns to the City Council. The Public Hearing will fall under Marion County jurisdiction.

Gib Gilmore, Keizer, voiced opposition to the 4-lane boat ramp and 35-space parking lot. He pointed out that this facility would be detrimental to the park and adjacent Keizer neighborhoods in general. He encouraged Council to protect the river environment, minimize the impact of the park to neighborhoods adjoining the river and visualize the possible dangers. He requested that the Council receive input from those people who would be most impacted by this park and added that he hoped law enforcement would be provided on the river. Finally, he added that public documents do not support the need for a boat ramp three miles from Wallace Marine Park and concluded that prior to this meeting he supported a lesser facility but now he felt the only thing necessary was a trail for canoes and kayaks.

Mayor Christopher responded that a Boat Ramp Task Force has been established with Mike Smith, Dave Hilgemann, Councilors Moir and McKane and a Marine Board representative working together toward a solution. She reiterated that that everything that might be included in the park should be included in the master plan but if further study indicated certain features were unsafe, they could be left out.

Cathy Clark, Keizer, voiced excitement over this regional park that will be a legacy to our children and grandchildren. She pointed out that this is a great way to bring many jurisdictions together to enjoy now and in the future. She commended the RIVERR Task Force for their common effort to put together a great park and concluded that as details become clear, good management and design will combine to meet the needs of neighbors, the community and the future.

Steve Schnurbusch, Keizer, voiced support for the park and asked the Boat Ramp Task Force to take an objective approach to deciding size and feasibility of having a boat ramp. He encouraged research, the use of experts and consideration of ecological issues, shoreline habitat and overcrowding.

Dennis Spencer, Keizer, voiced support for a boat ramp that would serve motorized watercraft adding that perhaps the facility could be smaller than what is included in the proposed plan. He pointed out that those living adjacent to the river seem to be the most opposed to the ramp so that they can keep the river for themselves but he would like to use the river. He concluded that the park is for everyone and everyone should be allowed to use it and the river.

Myron Music, Keizer, pointed out that if 40, 30 or even 20 boats were on that 1½ mile stretch of river it would be unsafe. He noted that it would be safer to put a boat ramp at Staats Lake and let 20 boats run around in circles on the lake and suggested that no boat ramp be placed in Keizer Rapids Park.

Mayor Christopher then read letters from

- *Gordon and F. Miller* asking to approve the request for a special committee to work out an acceptable boating plan for the park to be presented to the State Marine Board for approval and to Council for inclusion in the Keizer Rapids Park plan.
- *Mike Valdez, Deborah and Troy Sanders and Eliina Valdez* opposing the Keizer Rapids Park because of potential traffic, noise, crime and gang problems and law enforcement, maintenance and funding issues.
- *Oregon Parks and Recreation Department* supporting the general concepts for future recreational use and park resource management represented by the draft master plan objectives, policies and park development illustration. The OPRD also offered comments and recommendations regarding recreational objectives, design standards, the boat-in camp, paddler parking and at-risk species.

  Suggested changes to the proposed master plan were as follows:

  1. **Recreational Objectives:** Under Objectives 1 and 2 adding language indicating the City's intent to provide recreational opportunities and facilities that optimize the recreational experiences of the visitors, prevent overcrowding, prevent conflicts between recreational uses and with adjacent neighborhoods, and are appropriately located, signed and designed in relation to the site characteristics.

  It was the consensus of Council to add the language suggested.

  2. **Design Standards:** Consistent with Policy 4, the addition of basic design standards that would help assure that the park use and management objectives are being met with flexibility allowing for needed adjustments in the implementation phases.

  Council decided rather than adopt design standards verbiage suggested by ORPD to go through the Parks Advisory Board and citizen task forces to design different elements in the park as approved by Council.

  3. **Boat-in Camp:** Better definition of the Boat-in Camp with some basic design standards, as alluded to in Policy 4 indicating the intended number of campsites and the allowable number of people that may occupy a campsite. A portable toilet should be installed seasonally, located to minimize odors and discourage vandalism. Adequate separation should be provided between the camp and other park use areas. The multi-use path should

be located close enough to the camp to enable oversight and enforcement, but far enough away to allow reasonable privacy for the campers.

Council decided rather than adopt these details to go through the Parks Advisory Board and citizen task forces to design these elements in the park with approval by Council.

4. **Paddler Parking:** Inclusion of a provision for overnight paddler parking.

Council decided rather than adopt this provision to go through the Parks Advisory Board and citizen task forces to develop appropriate facilities in the park as approved by Council.

5. **At-Risk Species:** On Page 9 changing the verbiage to read "no rare or endangered wildlife were found at the site in the natural resource assessment process."

It was the consensus of Council to add the language suggested.

Councilor Walsh moved to approve the Keizer Rapids Park Master Plan and Direction to Make Application to Marion County for Land Use Approval as amended, adding the Oregon Parks Department additions to *Recreational Objectives* and *At-Risk Species* and to reference the Keizer Rapids Park Boat Launch Design Task Force and attach as an Exhibit Objective 8: The development of Keizer Rapids Park will be done in a manner that is sensitive to the existing neighborhood and will make use of good neighbor buffering, fencing, signage and other design considerations to avoid potential conflicts to the greatest extent feasible. Councilor Taylor seconded.

Councilor McKane recommended the addition of goals to the Boat Launch Design Task Force. He proposed that language be added that the capacity of the river in the area be taken into account, that inventory be made of the usage of other facilities in the area and that input be requested from safety professionals regarding capacity. Nate Brown explained that the Marine Board consists of safety professionals and they have extensive documentation regarding usage of the river. Staff endorses the Task Force as a good opportunity to work with the Board and receive education from them on the statistics and safety of the river.

Councilor McKane proposed an amendment to add a sentence at the end of the first paragraph of the Task Force goals: "Take into consideration (1) the carrying capacity of the river in the area of the boat launch, (2) inventory and usage of other facilities in the area and (3) the safety of the users and physical layout of the river."

City Attorney Shannon Johnson suggested the following verbiage to be added to the end of the first paragraph of the Task Force goals: "*As part*

of the process, an inventory and usage of other facilities, the carrying capacity of the river, and the safety for the users in this area of the river will be also considered."

Councilor McKane offered a friendly amendment using the language suggested by City Attorney Johnson.

Councilors Walsh and Taylor accepted the amendment.

Councilor Moir offered a friendly amendment to add to the end of Objective 8: "While providing the greatest good for the majority of the community as a whole."

Councilors Walsh and Taylor accepted the amendment.

Councilor Taylor noted that this park will benefit generations to come. Mayor Christopher thanked everyone for participating in the park process and invited them to stay involved. Councilor Walsh expressed gratitude to all those who participated in the project especially the jurisdictions outside Keizer. Councilor Nichols thanked the Keizer citizens for their cordiality and input in the process. Councilor Lee commended all who participated on the project.

Motion passed unanimously as follows:

AYES: Christopher, Walsh, Nichols, Lee, Moir, McKane and Taylor (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

Taken out of order.

A. RESOLUTION ~ Establishing Keizer Police Community Response Unit Petty Cash Fund

Councilor Walsh moved for approval of the Consent Calendar. Councilor Lee seconded.

Chief Adams explained that the fund allows for "scuff" money for investigators who work narcotic investigations so that they have ready cash to pay for expenses or information.

Motion passed as follows:

AYES: Christopher, Walsh, Nichols, Moir, Lee, Taylor and McKane (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

COMMITTEE REPORTS

Taken out or order.

City Manager, Chris Eppley, reported that there were two vacancies on the Planning Commission. Notice of the vacancies was published and Martin Matiskainen and Craig Prins were unanimously recommended to fill the vacancies by the Volunteer Coordinating Committee. They were invited to attend the City Council meeting to receive a proclamation for their appointments.

Councilor Moir moved to accept the recommendation of the Volunteer Coordinating Committee and appoint Martin Matiskainen and Craig Prins to the Planning Commission each for a three-year term. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Nichols, Lee, Moir, McKane and Taylor (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Christopher read the proclamation and Mr. Matiskainen explained why he wished to serve.

City Manager, Chris Eppley, reported that there were two vacancies on the Budget Committee. Notice of the vacancies was published and Donna Bradley and David Lapof were unanimously recommended to fill the vacancies by the Volunteer Coordinating Committee. They were invited to attend the City Council meeting to receive a proclamation for their appointments.

Councilor Walsh moved to accept the recommendation of the Volunteer Coordinating Committee and appoint Donna Bradley and David Lapof to the Budget Committee each for a three-year term. Councilor Moir seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Nichols, Lee, Moir, McKane and Taylor (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Ms. Bradley and Mr. Lapof explained why they wished to serve.

OTHER BUSINESS

a. New Business

b. Old Business

Deferred to next meeting.

WRITTEN COMMUNICATIONS

Mayor Christopher reported that the League of Oregon Cities is sponsoring a "City Hall Day" in Newberg on October 19 from 3 to 5 pm at the Public Safety Building. Everyone is invited.

AGENDA INPUT

October 9, 2006

5:45 p.m. City Council Work Session

- Neighborhood Association Task Force Recommendations

October 16, 2006

7:00 p.m. City Council Regular Session

- Volunteer of the Quarter Awards
- Civic Center RFP Recommendation
- Parks Master Plan RFP Recommendation

November 6, 2006

7:00 p.m. City Council Regular Session

ADJOURNMENT Mayor Christopher adjourned the meeting at 10:33 p.m.

APPROVED:

MAYOR:

Debbie Lockhart, Deputy City Recorder

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Jacque Moir

Councilor #2 – Troy Nichols

Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

Councilor #6 – James Taylor

Minutes approved:

MINUTES
KEIZER CITY COUNCIL
WORK SESSION
Monday, October 9, 2006
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Council President Walsh called the work session to order at 5:47 pm. Roll Call was taken as follows:

Councilors Present:
Richard Walsh, Council President
Jacque Moir, Councilor
Jim Taylor, Councilor
Chuck Lee, Councilor
David McKane, Councilor

Staff:
Rob Kissler, Public Works
Chris Eppley, City Manager
Tracy Davis, City Recorder

Absent:
Lore Christopher, Mayor
Troy Nichols, Councilor

PUBLIC TESTIMONY

Francis Kessler, Wastewater Service Director for the City of Salem, updated the progress of construction at the Willow Lake Treatment Plant explaining that the noisy work would begin on October 12 and continue for 4 to 5 weeks possibly 10 hours a day, six days a week. Discussion followed regarding the depth of the water table and Troutdale aquifer.

Bill Quinn, Keizer, questioned why Homeowners Associations were not considered part of a Neighborhood Association adding that it seemed like a good fit and would probably bring up attendance. Councilor Moir explained that neighborhood associations are non profit so cannot charge dues and Homeowners Associations charge dues and fees and they lobby for residents. Discussion followed regarding the size of the Neighborhood Associations and the process for resurrecting or beginning one.

Beth Daniell, Gubser Neighborhood Association President, enthusiastically endorsed neighborhood associations and their positive impact on neighborhoods and the city as a whole. She reviewed past activities of Gubser Neighborhood Association and explained uses for the funding which Council granted to the group. She then fielded questions regarding using the school for the meetings and meeting agenda.

DISCUSSION Keizer Neighborhood Association Task

Councilor McKane reported that the task force had agreed on the following goals:

1. Enhance the ability of citizens to communicate with City officials.
2. Enhance the ability of City officials to communicate with citizens

Force Recommendations

3. Provide a venue for local problem solving
4. Provide opportunities within our community where individuals can develop leadership skills.

He explained the importance of

- funding for the associations
- City representation at the meeting (staff/council liaisons)
- Two-way communications (possibly having meetings outside City Hall or having a City Hall open house similar to the Public Works open house.)
- Recognizing Homeowners Associations as sources of input and information.
- Using Channel 23 for notification of Neighborhood Association meetings.
- The ordinance for Neighborhood Associations being enforced to hold the associations accountable

Councilor McKane concluded that the task force recommends the above bullet point list. Discussion followed regarding use of communication tools, mailings, staffing, neighborhood association representatives/contacts, recognition criteria, staff attendance at homeowner associations and hosting a citywide open house.

Councilor McKane added that he felt it would be appropriate to take action on the inactive neighborhood associations, with appropriate notice and due process, giving them a final date to reenergize or cease to be recognized.

ADJOURNMENT Meeting adjourned at 7:05 p.m.

APPROVED:

MAYOR:

Debbie Lockhart, Deputy City Recorder

~ Absent ~
Lore Christopher

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Jacque Moir

~ Absent ~
Councilor #2 – Troy Nichols

Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

Councilor #6 – James Taylor

Minutes approved:

MINUTES
KEIZER CITY COUNCIL
Monday, October 16, 2006
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:00 pm. Roll Call was taken as follows:

Present:	Staff:
Lore Christopher, Mayor	Shannon Johnson, City Attorney
Richard Walsh, Council President	Chris Eppley, City Manager
Chuck Lee, Councilor	Marc Adams, Chief of Police
David McKane, Councilor	Rob Kissler, Public Works
Jacque Moir, Councilor	Tracy Davis, City Recorder
Troy Nichols, Councilor	
Jim Taylor, Councilor	

FLAG SALUTE

The pledge of allegiance was led by Marion County District Attorney, Walt Beglau.

PUBLIC TESTIMONY

Bill Quinn, Keizer, requested guidance and permission to resurrect a smaller Clear Lake Neighborhood Association beginning with a mass mailing. City Attorney, Shannon Johnson, pointed out that because no neighborhood association recognition had yet been revoked, Mr. Quinn should postpone formation of a new association until the old one had been officially "unrecognized".

PUBLIC HEARINGS

None

ADMINISTRATIVE ACTION

None

CONSENT CALENDAR

A. **RESOLUTION ~ Authorizing the City Manager to Enter Agreement with IOS Capital for City Hall Copy Machine**
B. **RESOLUTION ~ Approving Engineer's Report for McGee Court Street Lighting District**
C. **Approval of September 12, 2006 Work Session Minutes**

D. Approval of September 18, 2006 Regular Session Minutes

Councilor Taylor pulled items C and D from the Consent Calendar.

Councilor Walsh moved for approval of the Consent Calendar. Councilor Moir seconded.

Motion passed unanimously as follows:

AYES: Christopher, Walsh, Nichols, Moir, Lee, Taylor and McKane (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Councilor Walsh moved for approval of the September 12, 2006 Work Session Minutes. Motion passed as follows:

AYES: Christopher, Walsh, Nichols, Lee, Moir and McKane (6)
NAYS: None (0)
ABSTENTIONS: Taylor (1)
ABSENT: None (0)

Councilor Walsh moved for approval of the September 18, 2006 Regular Session Minutes. Motion passed as follows:

AYES: Christopher, Walsh, Nichols, Lee, Moir and McKane (6)
NAYS: None (0)
ABSTENTIONS: Taylor (1)
ABSENT: None (0)

COMMITTEE REPORTS

a. PROCLAMATION ~ Domestic Violence Awareness Month

Mayor Christopher read a proclamation recognizing October 2006 as Domestic Violence Awareness Month.

Jayne Downing, Executive Director of Mid-Valley Women's Crisis Service, explained the services provided to women and their families and thanked everyone for their efforts in making a difference.

Walt Beglau, Marion County District Attorney, thanked Keizer and those dedicated to this cause for their support. He explained that his office prosecutes over 1000 domestic violence cases each year and detailed various aspects of the crime. He also offered details on the meth strike force adding that the goal is to create a model that can be duplicated state wide. He gave details on the December 5 fundraiser at Mission Mill. Ms. Downing added that anyone wishing to donate items for the auction fundraiser should call 503-378-1572. The crisis hotline is 503-399-7722 or 1-866-399-7722.

b. Volunteer of the Quarter Award (2nd Quarter 2006)

Mayor Christopher reported that the Volunteer Coordinating Committee had selected Roy Shelton as Volunteer of the Quarter for the second quarter of 2006. She noted that Mr. Shelton was instrumental in organizing and leading of the Keizer Community Band and invited him

Roy Shelton

to receive his award. Mr. Shelton explained the impetus to begin the band adding that there were 55 members now. The smaller summer concert band plays every summer from June through August in the Chalmers Jones gazebo at 7 p.m. on Wednesdays.

c. Volunteer of the Quarter Award (3rd Quarter 2006) Vickie Hilgemann

Mayor Christopher reported that the Volunteer Coordinating Committee had selected Vickie Hilgemann as Volunteer of the Quarter for the third quarter of 2006. Councilor Moir explained that Ms. Hilgemann had served on the Points of Interest Committee and the Parks Advisory Board where she participated in organizing skate park events and was instrumental in the recognition of the Wallace House at River's Edge Park. She currently is involved in the exploration of possibilities for developing River's Edge Park to showcase the Wallace House.

Ms. Hilgemann accepted her award and summarized briefly the research that she did on the Wallace House location.

OTHER BUSINESS

a. New Business

b. Old Business

Councilor McKane reviewed Neighborhood Association Work Session action items:

- Notify currently recognized neighborhood associations of the need for reinstatement or dissolution with recognition or dissolution occurring in January.
- Use Channel 23 as a communication tool for neighborhood associations.
- Scheduling of city meetings such as a work session at locations other than city hall.
- City representation at the association meetings as requested.
- Although Homeowner's Associations may not be the same as a neighborhood association, City communication with them was encouraged.

Councilor McKane also reported that Traffic Safety Commission had been questioned about the elimination of several bus stops for Claggett Middle School. Dialog with the school district will begin to determine why this decision was made and how the children can get to school safely. Additionally a request was made for a stop sign at Crater and Ventura and was turned over to public works. Discussion followed regarding crossing guards and controlled intersections and the establishment of a safe walking route for the children.

Rob Kissler interjected that following a study the stop sign for Crater/Ventra has been ordered and will be installed.

Councilor Moir reported that

- Planning Commission elected Holly Braun Graf as Chair and Kevin Baker as Vice Chair. New Commissioners are Martin Matiskainen and Craig Prins. Nate Brown added that the three text amendments reviewed by the Planning Commission will be presented to Council for approval in December.

- Candidate forum is October 17 at 6 pm
- Parks Board went through RFP process for the master planning update of parks. Rob Kissler interjected that MIG out of Portland was selected. Staff received draft contract and will bring it to Council soon for authorization.

Councilor Taylor announced that River Road Renaissance Advisory Committee will meet on Tuesday, October 24 at 5 pm.

Councilor Walsh reported that

- Darlene Hooley is hosting a Willamette River United meeting on October 19 at the Salem Conference Center which will include all the cities along the Willamette River from Albany to West Linn. This will be an opportunity to provide input which may result in federal funding.
- RIVERR Task Force and Bikeways meet on October 18 5:30 and 7 pm respectively.
- Government Affairs met earlier and discussed expansion of the UGB. He encouraged interested parties to attend the subsequent meetings on the third Monday of each month at noon.
- Commissioner Brentano attended the Commissioner breakfast where discussion took place regarding possible freeway access north of Keizer.
- He attended the "Meet the Candidates Fair" at the Chamber which was well attended with every candidate participating.
- At the League of Oregon Cities Conference Councilor Nichols participated as a regional expert on Councilor and Local Government Official Interaction with State Government and Mayor Christopher was made president of the Oregon Mayors Association.
- Evan Christopher won the statewide award for his essay "If I were mayor".
- The October 19 City Hall Day in Newberg has been cancelled.

Councilor Nichols reported that Keizer Urban Renewal Board will be meeting on Wednesday, October 25 at 5:30 pm.

Councilor Lee voiced optimism on the development of a swat team in the meth effort. He added that a consequence of the fight against meth has been the need for foster families. The faith community will be involved in this recruitment. He added that the Marion County Children and Families Commission recently had an excellent workshop with legislators in attendance for an update prior to the next legislative session.

Captain Teague reported that there are four openings in the Police Department. Interviews with 6 lateral applicants are on the 30th, with two officers graduating on the 27th. It is hoped that all four vacancies will be

filled by mid December. Background checks are being done on 3 Reserves to bring the total reserve capacity up to 10.

Nate Brown reported that an additional caretaker site for an RV host near the BMX area was not included in the Keizer Rapids Park master plan prior to submission to Council. Discussion is underway considering flooding and whether this could be addressed by the Parks Advisory Board at a later date.

City Attorney, Shannon Johnson, reported that the Wilsonville manufactured home ordinance trial has been moved to November. Consequently action will be delayed until conclusion of the trial unless otherwise directed by Council.

City Manager, Chris Eppley reported that

- Citizen Task Force met last week to interview the three architect/engineering candidates for the Civic Center. Additional discussion is planned for October 17 to determine the final recommendation.
- A request has been made by Rotary to put placards at city entrances to designate Rotary as a group that exists in Keizer. They have agreed to build a nice sign to house other service groups as well. The sign code would allow this but Council would need to designate the signs as meeting a public purpose. Council agreed by consensus to move forward with this concept.

WRITTEN COMMUNICATIONS

Mayor Christopher reported that Planning Commissioner Prins called her to report that the Planning Commission meeting was the most fun he had had in long time.

AGENDA INPUT

November 6, 2006
7:00 p.m. City Council Regular Session
- Mario Contreras Subdivision appeal Public Hearing

November 13, 2006
5:45 p.m. City Council Work Session
- ***Emergency Management - NIMS

November 20, 2006
7:00 p.m. City Council Regular Session
- Keizer Station Master Plan Amendment Public Hearing
- Keizer Development Code Text Amendments Public Hearing

ADJOURNMENT

Mayor Christopher adjourned the meeting at 8:34 p.m.

APPROVED:

MAYOR:

Debbie Lockhart, Deputy City Recorder

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #2 – Troy Nichols

Councilor #3 – Charles E. Lee

Councilor #4 – Jacque Moir

Councilor #5 – Richard Walsh

Councilor #6 – James Taylor

Minutes approved:

MINUTES
KEIZER CITY COUNCIL
SPECIAL SESSION
Monday, October 23, 2006
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the special session to order at 12:06 pm. Roll Call was taken as follows:

Councilors Present:
Lore Christopher, Mayor
Richard Walsh, Council President
Jacque Moir, Councilor
Chuck Lee, Councilor
David McKane, Councilor
Troy Nichols, Councilor

Staff:
Chris Eppley, City Manager
Marc Adams, Police Chief
Tracy Davis, City Recorder

Absent:
Jim Taylor, Councilor

PUBLIC TESTIMONY

None

DISCUSSION

a. Authorizing the City Manager to Negotiate a Contract with Group Mackenzie for Architectural and Engineering Services for Civic Center

City Manager, Chris Eppley, reviewed the process undertaken to secure a consultant for architectural and engineering services for the new City Hall and Police Department facilities. He explained that the Task Force had, after lengthy deliberation, selected Group Mackenzie for the project. Staff recommends that Council accept the recommendation and authorize contract negotiations for Council ratification.

Councilors Moir and Nichols commended the task force for their efforts. Kelly Walther and Bob Emmerich echoed Councilors Moir and Nichols. Chris Eppley publicly recognized Dianne Hunt and Cathy Lenox for their monumental efforts in coordinating this task. Mayor Christopher reported that she had received a supportive email from Amy McLeod who also volunteered to serve during the design phase.

Councilor Walsh moved to accept the recommendation from the City Hall and Police Department Task Force and authorize the City Manager to immediately negotiate a contract with Group Mackenzie for architect and engineering services to design new City Hall and Police Department facilities. Such contract shall include terms and pricing and be presented to City Council for ratification as soon as practicable. Councilor Moir seconded. Motion passed unanimously as follows:

AYES: Christopher, Walsh, Nichols, Lee, Moir and McKane (6)

NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Taylor (1)

OTHER BUSINESS

Regarding traffic training offered to non-English speaking people by the Keizer Police Department, Councilor McKane questioned if this same training will be offered to English speaking people. Chief Adams responded that the training would be offered if there is a demand but there are other avenues for English speaking people to get the training. He explained that this was also an opportunity for the Hispanic population of the community to interact with Police Officers in a non-confrontational roll and stressed that this class was not about teaching illegal aliens anything, it is a "rules of the road" class for people who speak Spanish. He explained that the hope is to avoid unnecessary citations through education. Chief Adams noted that he was concerned with the overrepresentation of minorities in traffic court and this class was offered with the intent of lessening this. He concluded that an added benefit of this class is that attendees develop a rapport with police officers.

Councilor McKane asked for a copy of the curriculum. Councilor Moir agreed that perhaps this class should be offered to English speaking drivers as well.

ADJOURNMENT Meeting adjourned at 12:25 p.m.

APPROVED:

MAYOR:

Debbie Lockhart, Deputy City Recorder

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Jacque Moir

Councilor #2 – Troy Nichols

Councilor #5 – Richard Walsh

Councilor #3 – Charles E. Lee

~ Taylor ~
Councilor #6 – James Taylor

Minutes approved:

Wallace House Task Force Report

Purpose of the Task Force:

- Make recommendations to the Keizer Parks Board as to the verification and commemoration of the site of Wallace House including historic designation.
- Solicit input from neighbors to River's Edge Park to make recommendations for development of the park

Task Force Members: Jacque Moir, Vickie Hilgemann, David McKane, Darrell Monk, Kathie Beach, Butch Dunn, Jeanne Bond-Esser, Terry Witham, staff representative.

Givens about this Project:

- We are still planning to do a preliminary archeological dig to verify the location of the Wallace House. Timing is undetermined.
- Master planning for this park is taking place this year. Neighbors will be notified as to when the process begins and ways to give input will be provided.
- This fall the Keizer Parks Department will begin clearing the berry bushes from the North side of the park.
- A historical feature that will denote the location of the Wallace House will be developed but the development of the park will be kept natural.
- Features that are being considered for park development will include: picnic tables, benches, playground toy, river overlook, osprey viewing area and others as determined through neighborhood input.
- Parking will be the most difficult issue to resolve.

Input gathered from the neighborhood: On August 27 several members of the task force canvassed neighbors abutting the park to get input on three questions. Others were left flyers to give input to these questions by going to Keizer's website (http://www.keizer.org).

- When the master plan of the park is completed, what features would you like included in this park? (i.e., tables, benches, toys, others)
- What features would you not like to see in the park?
- As parking will be added to this facility, how do you want to see this done?

Recommendations to City Council and Parks Board:

The Task Force hereby recommends the following:

- Recognize the location of the historical site of the Wallace House by renaming River's Edge Park to Wallace House Park. We advise that the council take action soon so that the new name will appear in the Parks Master Plan.
- Include a historical feature to commemorate the Wallace House on this site. Start with a plaque and add additional features as further historical research determines. One idea for a feature is a ghost structure like at Willamette Mission Park
- Include neighbors in the overall parks master planning process.
- Keep the park as natural as possible with the inclusion of picnic tables, river overlook, viewing benches, osprey nest pole, and a play toy. We recommended that the play toy structure be located at the North end of the Park, between the two houses and that the site be fenced.
- Work with neighbors to make added parking as unobtrusive as possible. This will continue to be a work in progress. We recommend that the amount of parking be small as possible and still provide for potential users of the park.