

CITY OF KEIZER MISSION STATEMENT
CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PRO
THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST

A G E N D A

KEIZER CITY COUNCIL
REGULAR SESSION

Monday, November 20, 2000

7:00 p.m.

Robert L. Simon Council Chambers
Keizer City Hall, Keizer, Oregon 97303

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC TESTIMONY**

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

4. **COMMITTEE REPORTS**

- a. Presentation of City County Insurance Services Safety Award

5. **OTHER BUSINESS**

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

- a. New Business
 - Keizer Building Department Application

- b. Old Business

6. **PUBLIC HEARINGS**

- a. Parks System Development Charge Methodology
- b. **ORDER** – Amending Rates for Residential Service for Franchised Solid
Collection within the City
- c. **ORDINANCE** – Banning Backyard Burning

7. ADMINISTRATIVE ACTION

- a. Pre-development Agreement for Chemawa Activity Center
- b. ORDINANCE– Comp Plan/Zone Change/Subdivision Approval (Pro-Construct)
- c. RESOLUTION – Initiation of Vacation for Fernwood Park

8. CONSENT CALENDAR

- a. Property Line Adjustment – Lazy Creek Court and Jakewood Court
- b. RESOLUTION – Initiating Barnick Estates Street Lighting District
- c. Approval of November 6, 2000 Regular Session Minutes

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

10. AGENDA INPUT

December 4, 2000

7:00 p.m. City Council Regular Session

- Library Task Force Report
- Legal Services Agreement
- Lockhaven/Trail Avenue Right of Way Vacation Public Hearing
- Janet Avenue/Chemawa Road Right of Way/Walk Way Vacation Public Hearing
- Portion of Old Radiant Drive Vacation Public Hearing

December 18, 2000

7:00 p.m. City Council Regular Session

- Amendment to Water Master Plan Public Hearing
- Development Code Revisions

January 2, 2001 (Tuesday)

7:00 p.m. City Council Regular Session

- Swearing In of Newly Elected Mayor and City Council Members
- Election of Council President

11. ADJOURN

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



November 20, 2000

AGENDA ITEM 4a

PRESENTATION OF CCIS SAFETY AWARD

COUNCIL MEETING: November 20, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCILOR MEMBERS

THROUGH: CHRIS C. EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, CMC
CITY RECORDER

Tracy

SUBJECT: CITY COUNTY INSURANCE SERVICES SAFETY AWARD

ISSUE:

On October 23, 2000 the City of Keizer was notified that they were the recipient of a City County Insurance Services/League of Oregon Cities Safety Award. Council President Lore Christopher and Councilor Jacque Moir were present to accept the award at the annual League of Oregon Cities conference. Council President Christopher will present the award to the City of Keizer Safety Committee.



Property, Casualty and Employee Benefit Services

P.O. Box 311 • Salem, OR 97308
(503) 585-1121 • 1-800-922-2684
FAX 585-1140 or 375-7996

October 23, 2000

Mayor Bob Newton
City of Keizer
PO Box 21000
Keizer, OR 97307

Dear Mayor,

Congratulations! Your city is a winner in the 2000 City County Insurance Services/League of Oregon Cities' Annual Safety Award contest which provides gold, silver, and bronze medal certificates for successful safety program achievements. Any city that becomes a safety award medalist can be proud as this represents recognition for having achieved great success with excellent results in their employee safety program. Last year 61 cities received awards. Forty gold, fourteen silver, and seven bronze medal certificates were presented.

The Safety Awards will be presented at LOC's Annual Conference at the Doubletree, Jantzen Beach, on November 10, 2000, between 5 p.m. and 6 p.m. (See conference program for room location). We invite you to be present to receive this recognition.

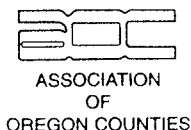
If you are unable to be present, please designate a city representative by filling out the attached postcard and mail it to our office by November 3, 2000.

Again, congratulations on an excellent safety record! Keep up the good work!

Sincerely,

Noel Klein
Executive Director

NJK:drc
Enclosures



A Membership Service Of





November 20, 2000

AGENDA ITEM 5a

NEW BUSINESS

MEMO TO: Mayor Newton and City Councilors

FROM: Maria Meier, Senior Planner

THROUGH: Chris Eppley, City Manager

RE: City of Keizer Application for Building Department to the Oregon State Building Codes Division.

DATE: November 16, 2000

Currently, the City of Keizer contracts with the Marion County Building Inspections Division for plans review and inspections for building, electrical, mechanical, and plumbing permits. The City accepts permit applications at City Hall, the plans are hand delivered to the County office for review, then returned to the City of Keizer to issue the permit. The permit process begins at the City of Keizer to address zoning and public works issues efficiently, however the Marion County Building Division must answer customer inquiries regarding building code requirements. In an effort to improve this customer service, the City has initiated the examination of developing a building department within the City.

On November 15, 2000 the City of Keizer submitted an application to the Oregon State Building Codes Division to assume the building code program. Analysis of the permit activity and revenue generated by development within the City of Keizer indicates that permit fees can sustain the service of a Building Department. Staff conducted thorough research to determine permit activity for the past fifteen years in conjunction with developing growth projections and permit activity. Permit data indicates that plans review, inspections, and permit processing can be supported by the permit fees. Therefore, the City of Keizer has an opportunity to provide a better customer service to Keizer residents.

The application submitted to the State Building Codes Division notifies the State and Marion County that the City of Keizer intends to assume the building program effective July 1, 2001. Within the next month, staff will continue research on planned expenditures for the City to review during budget proceedings. Data will then be presented to the City Council to determine if this is a level of customer service the City intends to provide Keizer residents. The City can withdraw the application to the State at any time prior to July 1, 2001.



November 20, 2000

AGENDA ITEM 6a

PARKS SYSTEM DEVELOPMENT CHARGE METHODOLOGY

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: ROB KISSLER
DIRECTOR OF PUBLIC WORKS**



SUBJECT: PARKS SDC METHODOLOGY

DATE: NOVEMBER 16, 2000

BACKGROUND:

At the August 7, 2000 City Council Meeting Don Ganer and Associates presented a Parks System Development Charges Methodology Report Update. This report identifies the current Level of Park Service provided by the City and develops a cost analysis to fund additional neighborhood and community parks based on growth. The proposed SDC rate increase does not address the current level of service deficiencies as identified in the 1992 Parks Master Plan.

The Parks SDC Methodology Report identifies the service area of each Neighborhood Park. Service Areas provide guidance for SDC expenditures for each Neighborhood Park, which keeps the City in compliance with State Statute's

Attachment 1 is a copy of the 1992 Parks Master Plan Level of Service (LOS).

Attachment 2 is a copy of the City's current (LOS) identified in the SDC Report.

Attachment 3 is a copy of a section in a draft ordinance addressing annual adjustments to SDC rates.

FISCAL IMPACT:

SDC'S are charged to future residential construction and paid at the time of water service hook up. Current SDC rates are 300.00 per single family dwelling unit including Duplexes. Multiple dwelling units greater than Duplexes are accessed \$200.00 per dwelling unit. The proposed fee in the SDC Methodology Report is \$880.00 and \$624.00 respectfully.

RECOMMENDATION:

Council direct staff to come back with an Ordinance at the December 4, 2000 Council Meeting, adjusting the Parks SDC's to \$880.00 per single family dwelling unit and \$624.00 per multiple dwelling unit effective January 1, 2001.

Council direct staff on what type of annual adjustment indexing, be placed in the new Ordinance.

CITY OF KEIZER
COMPREHENSIVE PARK SYSTEM DEVELOPMENT PLAN
11/19/91

City of Keizer Population Data:

Population, 1982----- **19,600**
 Current Population, 1991----- **23,000**
 Estimated Population, 2005----- **30,000**

Current Park Acreage:

Claggett Park	10.8 acres	(Community Park)
Keizer Little League Park	16.7 acres	(Community Park)
Wilark Park	8.4 acres	(Neighborhood Park)
Willamette Manor Park	2.1 acres	(Neighborhood Park)
Northview Park	2.1 acres	(Neighborhood Park)
The Meadows Park	3.5 acres	(Neighborhood Park)
Mike Whittam Park	5.0 acres	(Neighborhood Park)
Fernwood Park	.9 acres	(Neighborhood Park)
City Hall	4.5 acres	(Neighborhood Park)
Palma Cia Park	.8 acres	(Natural Area)
Sunset Park	1.2 acres	(Natural Area)
Rivers Edge Park (City of Salem)	10.3 acres	(Natural Area)
North Ridge Park	9.6 acres	(Natural Area)
TOTAL	75.9 acres	

Recommended Park Acreages:

	N.R.P.A. Standard Ac./1000 Pop.	Recommended Standard Ac./1000 Pop.	Existing 1991 23,000	N.R.P.A. Rec. Acres Year 2005	Recommended Acres Year 2005 Est. 30,000 Pop.
Community Parks	5-8 Ac.	2.2 Ac.	27.5 Ac.	240.0 Ac.	66.0 Ac.
Neighborhood Parks	1-2 Ac.	1.3 Ac.	26.5 Ac.	60.0 Ac.	39.0 Ac.
Natural Areas	-----	5.8 Ac.	21.9 Ac.	-----	174.0 Ac.
TOTALS			75.9 Ac.	300.0 Ac.	279.0 Ac.

The City's Comprehensive Park System Development Plan includes recommended standards¹ for parks acreages of 2.2 acres of developed Community Parks, 1.3 acres of developed Neighborhood Parks, and 5.8 acres of Natural Area Parks per 1,000 persons. In order for the City to charge SDC's at rates required to meet the adopted standards, the City must either already provide facilities at standard or have a viable plan for how it will remedy the deficiency using a funding source not associated with growth. To meet these standards, the City would need to acquire/develop an additional 34.61 acres of Community Parks, 23.26 acres of Neighborhood Parks, and 153.70 acres of Natural Area Parks *just to correct current deficiencies in parks acreages*.

As an alternative to using the standards included in the Plan, the current Levels of Service (LOS) identified in Table 2.1 (page 6) may serve as alternative LOS standards by which growth-related facility needs may be determined.

G. Facilities Needed to Serve Growth

To determine the City's growth-required needs, the current LOS for each type of facility (i.e., Developed Community Park acres, Developed Neighborhood Park acres, etc.) was applied to the projected 2010 population of the City. The City's population is expected to grow by 6,724 residents by the year 2010, when it is expected to reach 37,000². Table 2.4, below, presents a summary of *additional* needed facilities resulting from application of these LOS standards.

TABLE 2.4
ADDITIONAL FACILITIES NEEDED TO SERVE GROWTH
(2000 - 2010)

<u>Facility Type</u>	<u>Current LOS</u>	<u>Growth- Required Units</u>
Developed Community Parks (acres)	1.2	8.04
Developed Neighborhood Parks (acres)	0.5	3.58
Undeveloped/Partially Developed Parks (acres)	0.8	5.09
Natural Area Parks (acres)	<u>0.7</u>	<u>4.86</u>
Total City Parks System (acres)	3.2	21.56

¹ Comprehensive Park System Development Plan, *otak*, May 7, 1992, Tab 1

² City staff projection estimate.

- (d) The Applicant shall at the time of Application provide the Administrator with the information requested on an SDC application form regarding the previous and proposed use(s) of the New Development, including a description of each of the previous and proposed uses for the property for which the Building Permit is being sought, with sufficient detail to enable the City to calculate the number of dwelling units under the previous use and for the proposed use(s) of the New Development.
- (1) For residential uses: the number of residential dwelling units, including type (i.e., single family, multi-family, etc.) for the previous and proposed use(s) of the New Development.
- (2) For commercial uses: the square footage for each type of non-residential use (i.e., office, warehouse, retail, etc.) for the previous and proposed use(s) of the New Development.
- (e) Except as otherwise provided in this Ordinance, the amount of the SDC shall be determined by calculating the SDC amount that would have been imposed for the previous use(s) of the property and the SDC amount for the proposed use(s).
- (f) Notwithstanding any other provision, the dollar amounts of the SDC set forth in the SDC Methodology Report shall on January 1st of each year be adjusted to account for changes in the costs of acquiring and constructing parks facilities. The adjustment factor shall be based on the change in average market value of undeveloped land in the City, according to the records of the County Tax Assessor, and the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index; and shall be determined as follows:

$$\begin{aligned}
 & \text{Change in Average Market Value} \times 0.50 \\
 + & \text{Change in Construction Cost Index} \times 0.50 \\
 = & \text{Parks System Development Charge Adjustment Factor}
 \end{aligned}$$

The Parks System Development Charge Adjustment Factor shall be used to adjust the Parks System Development Charge, unless it is otherwise adjusted by the City Council based on a review of revenues and rates or adoption of an updated methodology.



AGENDA ITEM 6b

November 20, 2000

**ORDER - AMENDING RATES FOR RESIDENTIAL SERVICE FOR
FRANCHISED SOLID WASTE COLLECTION IN KEIZER**

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

**FROM: CHRIS EPPLEY
CITY MANAGER**

SUBJECT: SOLID WASTE RATES AND SERVICES

BACKGROUND:

At the special meeting on November 13th, 2000, Council directed staff to notice a public hearing for the November 20th, 2000 Council meeting to deliberate altering the City's solid waste franchise rates and to change the package of services to include co-mingling of recyclables and disposal of yard debris.

The appropriate order has been prepared for your consideration.

RECOMMENDATION:

Staff recommends that Council open a public hearing on this issue, take testimony and deliberate altering the City's solid waste franchise rate structure and package of services. Staff also recommends that Council approve the proposed order to alter the City's solid waste franchise rate structure and package of services as presented.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 ORDER

3 IN THE MATTER OF THE AMENDMENT OF RATES
4 FOR RESIDENTIAL SERVICE FOR FRANCHISED
5 SOLID WASTE COLLECTION WITHIN THE CITY OF
6 KEIZER, EFFECTIVE AS OF JUNE 1, 2001 (YARD
7 DEBRIS/COMMINGLED RECYCLING)

8 This matter comes before the Keizer City Council upon the request of the
9 franchised solid waste collectors in the City of Keizer; and

10 IT APPEARING that the certain Order entitled "In the Matter of the Rates for
11 Franchised Solid Waste Collection Within the City of Keizer, Effective as of September
12 1, 1997, Until Replaced" was adopted on June 16, 1997; and

13 IT FURTHER APPEARING that beginning July 1, 1991 it is the responsibility
14 of the City of Keizer to enforce the terms and provisions of Marion County Ordinance
15 No. 615 as amended within the city limits of the City of Keizer which responsibility
16 includes the exercise of authority to set rates for franchised solid waste collection; and

17 IT FURTHER APPEARING that the franchised solid waste collectors in Keizer
18 have requested a revision of the rates, the City Manager's office of the City of Keizer
19 has investigated and reviewed the proposed solid waste collection rates and has
20 recommended approval of the rates set forth in Exhibit "A" attached hereto; and

21 ///

22 ///

1 IT FURTHER APPEARING that the collection rates, charges and services with
2 regard to residential service only has been considered at a public hearing held at 7:00
3 p.m., November 20, 2000, by and before the City Council of the City of Keizer,

4 IT FURTHER APPEARING that the City Council of the City of Keizer expressly
5 hereby finds that current projected revenues and expenses are reasonable; the collection
6 rates should be established as set forth in Exhibit "A" attached; and the proposed rates
7 and services will be just, fair, reasonable and sufficient to provide service to the public,

8 NOW THEREFORE,

9 IT IS HEREBY ORDERED that the solid waste collection franchisees in the
10 municipal city limits of the City of Keizer, to wit:

11 Loren's Sanitation Service, Inc. and

12 Valley Solid Waste Management Corp. (dba Valley Garbage Service)

13 are authorized to charge maximum rates as listed in Exhibit "A", a copy of which is
14 attached to this Order and by this reference incorporated herein, for solid waste
15 collection service in the City of Keizer; and

16 IT IS HEREBY FURTHER ORDERED that the collection franchisees notify
17 their affected customers prior to implementing the new rates as prescribed by Marion
18 County Ordinance 615, as amended; and

19 IT IS HEREBY FURTHER ORDERED that except as amended herein, all other
20 rates, charges and services shall remain in effect without change; and

1 IT IS HEREBY FURTHER ORDERED that this Order shall be effective the first
2 day of June, 2001, until replaced.

3 PASSED this _____ day of _____, 2000.

4 SIGNED this _____ day of _____, 2000.

5 _____
6 Mayor

7 _____
8 City Recorder

CITY OF KEIZER

Proposed Rates

Residential Service	
20 gallon	
full service	\$ 14.20
opt out of yard debris	\$ 10.75
32 gallon	
full service	\$ 15.95
64 gallon	
full service	\$ 22.30
90 gallon	
full service	N/A
Extra 32 gal. garbage can	\$ 3.00
On call garbage service (per call)	\$ 7.00
Extra yard debris cart	\$ 4.05
per cart - coupled w/residential service only	
Yard debris only	\$ 9.00
per cart - nonresidential customers only	
Yard debris contamination fee	\$ 9.00
Co-mingle service only	\$ 9.00
per cart - nonresidential customers only	



November 20, 2000

AGENDA ITEM 6C

ORDINANCE – BANNING BACKYARD BURNING

CITY COUNCIL MEETING:_____

AGENDA ITEM NUMBER:_____

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

**FROM: CHRIS EPPLEY
CITY MANAGER**

SUBJECT: BAN ON BACKYARD BURNING

BACKGROUND:

At the special meeting on November 13th, 2000, Council directed staff to notice a public hearing for the November 20th, 2000 Council meeting to deliberate placing a ban on backyard burning.

The public hearing has been noticed and deliberations can occur on this issue at the November 20th, 2000 Council meeting. Staff is not able to draft a thoughtful and effective ordinance by that date, however, but will have an ordinance ready for approval by the December 4th, 2000 Council meeting.

RECOMMENDATION:

Staff recommends that Council open a public hearing on this issue, take testimony and deliberate a ban on backyard burning. Staff also recommends that Council direct staff to prepare an ordinance that effectively bans backyard burning for approval at the December 4th, 2000 Council meeting.



November 20, 2000

AGENDA ITEM 7a

Predevelopment Agreement for Chemawa Activity Center

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

**FROM: CHRIS EPPLEY
CITY MANAGER**

SUBJECT: CHEMAWA ACTIVITY CENTER

BACKGROUND:

Northwest National LLC has requested that the City Council vote on entering into a pre-development agreement to define the City's relationship with them from this point until the master planning process is completed in relation to Area A of the Chemawa Activity Center. At that time, the City would be in a position to enter into a formal development and disposition agreement (DDA) with Northwest National LLC for the remainder of the development project.

The pre-development agreement presented to the Council last summer has been provided here for your reconsideration. Staff believes that the agreement is drafted in an appropriate format to define a development relationship between the City and Northwest National LLC without placing the City in an unreasonable amount of risk.

Northwest National LLC has provided staff with financial statements that demonstrate reasonable ability to obtain financing for a project of this magnitude given the favorable culmination of a number of variables including land acquisition price, infrastructure price, resale value and zoning mix.

RECOMMENDATION:

Staff recommends that Council give careful consideration to the information presented to you in Northwest National LLC's presentation before deciding whether or not to enter into a pre-development agreement at this time.

EXPLORATORY AGREEMENT

BETWEEN: Northwest National LLC ("Developer")
AND: City of Keizer, a municipal corporation ("City")
AND: Urban Renewal Agency of the City of Keizer ("Agency")
DATED: _____, 2000.

RECITALS

- A. In furtherance of the objectives of Oregon Revised Statutes, Chapter 457, the redevelopment agency of the City of Keizer, Oregon, ("Agency"), has undertaken a program for the elimination of blight and the causes of blight in the City of Keizer. The Agency prepared and approved the Urban Renewal Plan for redevelopment of the North River Road Economic Development Area. The Urban Renewal Plan was adopted during September, 1990, as amended from time to time and last amended on May 17, 1999 (which plan, as so amended and as it may hereafter be further amended from time to time pursuant to law, is hereinafter referred to as the "Urban Renewal Plan").
- B. In order to enable the Agency to achieve the objectives of the Urban Renewal Plan, the Agency and the City have considered acquiring and making certain land available for public use and for redevelopment by private enterprise in accordance with the uses specified in the Urban Renewal Plan, including _____ as shown on Exhibit A, incorporated by this reference ("Property").
- C. Developer is considering development of the Property. The development will be comprised of certain improvements and uses, including but not limited to _____ ("Project"), as shown in the Concept Design Plans submitted by the Developer to the City on July 10, 2000.
- D. The Property is comprised of several lots that are owned by a number of third parties.
- E. Developer, Agency and City acknowledge and agree that certain predevelopment tasks need to be completed prior to further agreement of the parties relating to development of the Property. The parties wish to set forth their mutual responsibilities during such predevelopment period in this agreement. In the event the parties meet the obligations set forth herein, the parties anticipate entering into negotiations for a disposition and development agreement.

AGREEMENT

Each of the Parties hereto, in consideration of the foregoing recitals which are incorporated herein by this reference, the promises and the agreements of the other Parties set forth herein and other valuable consideration, the adequacy of which is hereby acknowledged, covenant and agree as follows:

1. **DEFINITIONS.** The following terms shall have the designated meanings for purposes of this Agreement:

- 1.1 "Agency" shall mean the Urban Renewal Agency of the City of Keizer, Oregon.
- 1.2 "City" shall mean the City of Keizer, Oregon, a municipal corporation.
- 1.3 "Concept Design Plans" shall mean plans which illustrate the general number and location of buildings, improvements, and uses, and which illustrate the general design character of buildings sufficient to determine size and building style and utility and infrastructure needs.
- 1.4 "Design Development Drawings" shall mean:
 - 1.4.1 Engineering and architectural site plans showing all structures in relation to projected final topography of the Project, all proposed connections to existing or proposed roads, utilities, open space and parking areas, depicting the number and types of spaces.
 - 1.4.2 Landscape plans showing the common and botanical name of plant species, the number and size of plantings and demonstrating the location and type of irrigation.
 - 1.4.3 Plans, elevations, typical cross-sections and typical wall sections of all building areas.
 - 1.4.4 Elevations of the buildings to determine the specific configuration and relationship of design elements of the building exterior, which describe the aesthetic and technical aspects of the building exterior, including materials.
 - 1.4.5 Plans, elevations, typical cross sections of all of the interior space layout of the building areas, entrance canopies, interior public courts, specialty areas, and service area layouts.
 - 1.4.6 Proposed layouts for exterior signage and graphics.
 - 1.4.7 Preliminary outline specifications describing exterior construction materials and methods, including indications of colors, finishes, and patterns.
 - 1.4.8 An outline of amenities, including, but not limited to, public art, furniture, handrails, seating areas and food areas, if any.
 - 1.4.9 A description of servicing requirements, trash compactors and related areas, loading docks, etc.
 - 1.4.10 Calculation of gross building, parking and open space.

- 1.4.11 Detailed cost estimate pertaining to the construction of the improvements as presented in the Design Development Drawings, for review and comment only.
- 1.5 "Developer" shall mean Northwest National LLC.
- 1.6 "Effective Date" shall mean the date on which the last Party executing this Agreement affixes its signature to the space provided at the end of this Agreement.
- 1.7 "ODOT" shall mean the Oregon Department of Transportation.
- 1.8 "Party" means either Agency, City or Developer. Agency, City and Developer may be referred to jointly as "Parties."
- 1.9 "Term" shall mean the period between the Effective Date and the earlier of Developer's completion of the Concept Design Plan and the Design Development Drawings or the one year anniversary of this Agreement.
- 1.10 "Utilities" shall mean all private and public utility improvements and related facilities.

2. CITY AND AGENCY OBLIGATIONS RELATING TO PREPARATION OF REAL PROPERTY FOR REDEVELOPMENT. Within the Term of this Agreement, City and Agency agree to perform the following tasks:

- 2.1 **Chemawa Activity Center Plan and Urban Renewal Plan Amendments.** Agency shall consider amendments to the Urban Renewal Plan and City shall consider amendments to the Chemawa Activity Center Plan and implementing rezonings to accommodate development of the Property. Amendments to both plans may include, but not necessarily be limited to an expansion of the commercially zoned area within the Chemawa Activity Center area, as described in the Chemawa Activity Center Plan.
- 2.2 **ODOT Discussions.** City shall continue to engage in discussions with ODOT about potential rezoning of portions of the Property and access from the Property to and from Interstate 5.
- 2.3 **Land Acquisition.** In the event Developer provides the other parties with Concept Design Plans and Design Development Drawings for the Project in a timely manner that meet with the approval of the City and the Agency, Agency and Developer will conduct further discussions relating to acquisition of the Property, including the potential for Agency's acquisition of a portion of the Property through condemnation.

3. **DEVELOPER OBLIGATIONS RELATING TO PREPARATION OF REAL PROPERTY FOR REDEVELOPMENT.** Within the Term of this Agreement, Developer agrees to perform the following tasks:
- 3.1 **Concept Design Plans and Design Development Drawings.** Developer shall submit Concept Design Plans, modified as necessary after the July 10, 2000 meeting of the City Council, and Design Development Drawings for the Project that meet with the approval of the City and Agency.
- 3.2 **Organizational Documents.** Developer shall provide all organizational documents relating to Developer as may be deemed necessary by Agency and City to determine Developer's experience and financial ability to develop the Project.
4. **DISPOSITION AND DEVELOPMENT AGREEMENT.** Within nine (9) months subsequent to the parties having fully performed their respective obligations under this Agreement, the parties agree that they shall meet to discuss and agree upon the terms and conditions of a disposition and development agreement. The parties may mutually agree, in writing to extend the initial nine (9) month period by one (1) three (3) month extension period. The terms of a disposition and development agreement would include, but not be limited to, acquisition and disposition of real property, Project improvements, phasing of development, environmental issues, use of the property, construction completion dates and the financial contributions of each party toward certain infrastructure improvements.
5. **DEFAULT; REMEDIES.** In the event any of the parties fail to perform their respective obligations in accordance with the terms of this Agreement, excepting the obligations included in paragraph 4, such nonperformance shall be deemed a breach of the agreement. The breaching party shall have thirty (30) days to cure the alleged breach. If the breach is not cured within thirty (30) days, a breach of the Agreement may be declared by the nonbreaching party. In the event of a breach of the Agreement, the nonbreaching party shall provide written notification to the other party of such nonperformance. The nonbreaching party shall be entitled to reimbursement of one-half of costs and expenses incurred by the nonbreaching party between the Effective Date and the date of the written notice of nonperformance. Notwithstanding the foregoing, Developer shall only be entitled to reimbursement of those costs and expenses that have received the prior approval of the City. Invoices or a description statement in a form satisfactory to the City shall be submitted to the City on the first of each month during the Term of this Agreement. City shall indicate its approval or disapproval of all costs and expenses included on each month's invoice or statement within seven (7) calendar days of receipt.
6. **NOTICE.** A notice or communication under this Agreement by any Party to the other shall be dispatched by registered or certified mail, postage prepaid, return receipt requested and by regular first-class mail, and

in the case of a notice or communication to Developer, addressed as follows:

in the case of a notice or communication to City or Agency, addressed as follows:

or addressed in such other way in respect to a Party as that Party may, from time to time, designate in writing dispatched as provided in this paragraph. Notice given pursuant to paragraph 8.3 shall be considered received on the earlier of (a) the date of actual receipt, or (b) three (3) days after the date of mailing.

7. **Waivers.** No waiver made by any Party with respect to the performance, or manner or time thereof, of any obligation of the other Parties or any condition inuring to its benefit under this Agreement shall be considered a waiver of any other rights of the Party making the waiver. No waiver by City Agency or Developer of any provision of this Agreement or any breach thereof shall be of any force or effect unless in writing; and no such waiver shall be construed to be a continuing waiver.
8. **Calculation of Time.** All periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday in the State of Oregon, the period shall be extended to include the next day which is not a Saturday, Sunday, or a legal holiday in the State of Oregon.
9. **Severability.** If any clause, sentence or any other portion of the terms and conditions of this Agreement becomes illegal, null or void for any reason, the remaining portions will remain in full force and effect to the fullest extent permitted by law.
10. **Entire Agreement.** This Agreement and any documents referred to herein are the entire agreement between the Parties relating to the subject matter in this Agreement. There is no other oral or written agreement between the Parties with regard to this subject matter.
11. **Modifications.** Any modifications to this Agreement shall be made in writing executed by all Parties.
12. **No Partnership.** Neither anything in this Agreement contained nor any acts of the Parties hereby shall be deemed or construed by the Parties, or by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or any association between any of the Parties.
13. **No Third Party Beneficiaries.** The Parties intend that the rights, obligations and covenants in this Agreement shall be exclusively enforceable by City, Agency and Developer. There are no other beneficiaries to this Agreement to whom rights are expressly granted in this Agreement.
14. **Nonwaiver of Government Rights.** Subject to the terms and conditions of this Agreement, by making this Agreement City is specifically not obligating itself, the Agency, or any other governmental entity with respect to any discretionary action relating to development of the Project, including, but not limited to, design review or any other governmental agency approvals which are or may be required.

CITY OF KEIZER

By: _____

STATE OF OREGON)
) ss.
 County of _____)

On this ____ day of _____, 2000, before me, a Notary Public in and for the State of Oregon, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that she/he was authorized to execute the instrument, and acknowledged it as the _____ of the City of Keizer, to be the free and voluntary act and deed of said body for the uses and purposes mentioned in the instrument.

 Notary Public in and for the State of Oregon,
 residing at

My Commission expires: _____

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

By: _____

STATE OF OREGON)
) ss.
 County of _____)

On this ____ day of _____, 2000, before me, a Notary Public in and for the State of Oregon, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that she/he was authorized to execute the instrument, and acknowledged it as the _____ of the Urban Renewal Agency of the City of Keizer, to be the free and voluntary act and deed of said body for the uses and purposes mentioned in the instrument.

 Notary Public in and for the State of Oregon,
 residing at

My Commission expires: _____

Northwest National LLC
an Oregon limited liability company

By: _____

STATE OF OREGON)
) ss.
County of _____)

On this ____ day of _____, 2000, before me, a Notary Public in and for the State of Oregon, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that she/he was authorized to execute the instrument, and acknowledged it as the _____ of Northwest National LLC., to be the free and voluntary act and deed of such limited liability company for the uses and purposes mentioned in the instrument.

Notary Public in and for the State of Oregon,
residing at

My Commission expires : _____



November 20, 2000

AGENDA ITEM 7b

ORDINANCE – COMP PLAN/ZONE CHANGE/SUBDIVISION
APPROVAL (PRO CONSTRUCT)

CITY COUNCIL MEETING: November 20, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *PRO-CONSTRUCT LLC COMPREHENSIVE PLAN MAP
AMENDMENT/ZONE CHANGE/SUBDIVISION (CASE NO. 00-56)***

At the last meeting, the City Council directed staff to prepare an appropriate Ordinance in the above referenced land use request. Such Ordinance is attached for your review.

RECOMMENDATION:

Adopt the attached Ordinance.

If you have any questions in this regard, please contact me. Thank you.

ESJ/tmh
attachment

1 BILL NO. ____

A BILL

ORDINANCE NO.
2000-_____

2

3

FOR

4

AN ORDINANCE

5

6

7

8

IN THE MATTER OF THE APPLICATION OF PRO-CONSTRUCT LLC
FOR A COMPREHENSIVE PLAN MAP AMENDMENT, ZONE
CHANGE, AND SUBDIVISION APPROVAL FOR TAX LOT 300
(COUNTY TAX MAP 06 3W 34C); CASE NO. 00-56

9

The City of Keizer ordains as follows:

10

Section 1. THE APPLICATION. This matter came before the Keizer City

11

Council on the application of Pro-Construct LLC for multiple approvals for a 14.97 acre

12

parcel located north of Bowden Lane North and west of Golden Lane North identified

13

as Tax Lot 300, Township 6 South; Range 3 West; Section 34C. The following were

14

the requested approvals:

15

◆ Comprehensive Plan Map Amendment from Special Policy Area (SPA) to

16

Low Density Residential (LDR);

17

◆ Zone change from Exclusive Farm Use (EFU) to Single Family

18

Residential (RS);

19

◆ Subdivision approval for a 86-lot subdivision.

20

Section 2. JURISDICTION. The land in question in this Ordinance is within the

21

city limits of the City of Keizer. The City Council is the governing body for the City

22

of Keizer. As the governing body, the City Council has the authority to make final land

23

use decisions concerning land within the city limits of the City of Keizer.

1 Section 3. PUBLIC HEARING. A hearing was held on this matter before the
2 Keizer City Council on November 6, 2000. The following persons either appeared at
3 the City Council hearing or provided written testimony on the application:

- 4 1) Maria Meier, Senior Planner
- 5 2) Mark Shipman, Attorney for Applicant
- 6 3) Mark Grenz, Multi-Tech Engineering, Consultant for Applicant
- 7 4) Ed Parker, Adjacent Property Owner
- 8 5) Joe Marx, Adjacent Property Owner
- 9 6) Wayne Moss, Adjacent Property Owner
- 10 7) Judy Smith, Keizer Elementary Crossing Guard

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

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

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

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

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

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

3 Section 10. FINAL DETERMINATION. This Ordinance is the final
4 determination in this matter.

5 Section 11. EFFECTIVE DATE. This Ordinance shall be effective thirty (30)
6 days after its passage.

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

10 PASSED this _____ day of _____, 2000.

11 SIGNED this _____ day of _____, 2000.

12 _____
13 Mayor

14 _____
15 City Recorder

EXHIBIT "A"

Evidence

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

Council President Christopher opened the public hearing on November 6, 2000.

City Attorney Shannon Johnson supplied the legal procedure for the case and read the applicable criteria requesting a waiving of the reading of the criteria. With no objections heard he deemed this to be waived. Mr. Johnson stated that testimony and evidence must be directed towards the criteria.

Senior Planner Maria Meier reported that the subject property was located north of Bowden Lane North and west of Golden Lane North containing 14.97 acres designated a Special Policy Area.

Ms. Meier shared that the applicant was requesting approval of a Comprehensive Plan Map Amendment and Zone Change to establish the Low Density Residential Designation and the Single Family Residential zone on the subject property. She supplied background of the Special Policy Area (SPA) noting that the subject property is outside the influence of the facility's odor plume and should not be subject to the restrictions of the SPA.

Agency Comments were requested from the joint participants of the Dual Interest Area Agreement for the Willow Lake Treatment Plan Area and those comments were listed in the staff report. Ms. Meier reviewed findings and conclusions of the staff report and recommended that a public hearing be held and that Council review and approve the application with the conditions identified in the staff report.

Councilor Keller requested language is added to the agreement indicating that the agreement is completed within the 180-day frame.

City Attorney Johnson stated that this information would only bind that applicant although it could still implicate impacts in the future.

Mr. Johnson requested anyone with objections to notice, bias or exparte contact to make the Council aware of that at this time.

Councilor Moir disclosed an exparte contact with Garry Whalen to obtain background information and Resolution R98-1084 of which she provided a copy to the Council.

Mr. Johnson responded to questions from Councilor Moir regarding the last paragraph in Resolution R98-1084, pertaining to SDC fees. He felt there was a question of interpretation involved with the wording in the resolution and whether it would apply to this case. He provided his recollection of Council's intent of the resolution and how LUBA's decision on this case reversed any decision previously made by the Council.

City Manager Eppley interjected that the Council had the option to reduce the SDC fees to whatever they felt was appropriate.

Mr. Johnson further addressed the history of LUBA's decision and that LUBA had taken no direction regarding the development portion of the application.

Presenting Public testimony were:

Mark Shipman, Attorney for Pro-Construct LLC, 250 Church Street #300, Salem- agreed with the staff report submitted by the Senior Planner and shared that Marion County had issued a "no comment" for their reply. He urged the Council to approve the three applications with the conditions as outlined.

Responding to questions, Mr. Shipman indicated his concern for adding the 180-days for the completion of the agreement would be that if the application were appealed to LUBA it would halt the process again. He suggested adding this information as a finding.

Councilor Keller expressed his concern without timelines being put in place that "foot dragging" would continue while Salem works out verbiage in the agreement.

Mr. Shipman indicated he would be happy to work with staff to work out the details of the agreement. He also suggested a letter be sent under separate cover addressing the importance of completing the agreement within 180-days.

Councilor McGee disagreed with submitting an additional letter to Salem.

Mark Grenz, Multi-Tech Engineering, 1155 13th Street SE, acting as the representative for the applicants - Mr. Grenz furnished photos in the area near lot 45 providing assurances that the homes would have the appropriate setbacks from the roadway.

Responding to questions, Mr. Shipman agreed with City Manager Eppley's comments regarding the Council's right to determine the SDCs for the property in discussion.

Ed Parker, 5325 Willow Leaf Street, Keizer- lives next to lot 45. Expressed concern with the increased amount of traffic that would be brought into the subdivision and the safety of children in the area. He asked that an additional entrance into the subdivision be made to assist with the added traffic.

City Engineer, Bill Peterson noted that previous maps had indicated an access further to the north of the subdivision, but since the original application Keizer Sand and Gravel applied to place a major roadway within a block of the original access point. Because of the amount of truck traffic that would be generated, it was felt that moving the access road to the south would allow for better safety. This would increase the vehicle traffic on Willow Leaf, although the increase would be well below the threshold for vehicle traffic on residential streets as written in the Comprehensive Plan.

Joe Marx, 1093 Bowden Lane, Keizer- requested that a six-foot security fence be built to separate his property to the east from lots two, three, four and five to keep kids out of that area. He noted a six-foot fence was placed along Bowden Lane and this does act as a deterrent to keep kids off his property.

Wayne Moss, 1494 Golden Lane North, Keizer- expressed concern with the amount of traffic that would be added with the addition of the subdivision with only one entrance in and out on Golden Lane North. Mr. Moss stressed the importance of the children's safety in the area from the additional vehicle traffic.

Judy Smith, 1211 Mandarin Street, Keizer- spoke as crossing guard for Keizer Elementary at Lockhaven Road. She expressed worry with the lack of sidewalks on Windsor Island Road for the children to use when walking to school. She also noted the absence of parks in that area for children to play. She urged an audit of the traffic in the area to initiate traffic control devices.

Senior Planner, Maria Meier noted for Council's consideration that the map extension of Golden Lane was marked at 23 feet on each side but should be marked at 24 feet to accommodate a 48 foot wide through street.

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Mark Grenz, Multi-Tech Engineering- noted their intent was for all the streets to have the 48-foot widths. Mr. Grenz requested that the fence that Mr. Marx was addressing not be placed as a condition, but something which they would address with him prior to the occupancy of the homes. He gave the example of Country Glen Drive as an example of single access subdivision that functions well getting traffic in and out of the subdivision.

Councilor McGee addressed the issue of the fencing. He felt it would be important for this to be included in the condition to keep the fencing material uniform and to possibly prevent problems in the future.

With no additional testimony Council President Christopher closed the public hearing.

EXHIBIT "B"

Criteria and Standards

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

1. KDC Section 3.109.03 (Comprehensive Plan Map Amendment) including the relevant Statewide Goals.
2. KDC Section 3.110.03 (Zone Change).
3. KDC Section 3.108.04 (Subdivision).

No other specific criteria and standards were identified at the hearing.

EXHIBIT "C"

Facts

FINDINGS - GENERAL:

1. The applicant, Pro-Construct LLC, is requesting approval of a Comprehensive Plan Map Amendment and Zone Change to establish the Low Density Residential Designation and the Single Family Residential (RS) zone on the subject property as identified on the attached site plan. See Exhibit "C-1". The applicant is also requesting approval for an eighty-six lot subdivision as part of the Comprehensive Plan/Zone Change request.
2. The subject properties is located north of Bowden Lane N. and west of Golden Lane N. The property is not addressed but the Assessor's map identifies the properties as being located within Township 6 South; Range 3 West; Section 34C; Tax Lot 300. Tax Lot 300 contains approximately 14.97 acres.
3. Tax Lot 300 is designated Special Policy Area (SPA) on the Comprehensive Plan Map. The Special Policy Area Comprehensive Plan designation was established by the Dual Interest Area Agreement (DIAA; est. 1991) between the cities of Keizer and Salem, and Marion County, regarding the Willow Lake Treatment Facility. The subject site is currently zoned Exclusive Farm Use (EFU).
4. The area proposed to change for residential development within the subject property is adjacent to Willow Leaf Street via Lot 45 of Apple Tree Estates Phase 3B. The subject property may be served by public water and sewer.
5. Properties to the south and east of the subject site are zoned Single Family Residential (RS). Single family homes are the dominant land use. Property to the north of the subject site is zoned Agricultural Industrial (IA). The property to the northwest of the subject site is zoned Exclusive Farm Use (EFU). The property to the southeast of the subject site is located outside of the Keizer city limits.
6. In April 1997, the Keizer City Council approved Comprehensive Plan Change/Zone Change/Subdivision (CPC/ZC/SUB) Case No. 96-05 for the subject property to construct a 73 lot subdivision. CPC/ZC/SUB Case No. 96-05 was then appealed by the City of Salem to the Land Use Board of Appeals (LUBA). In 1999, LUBA reversed Keizer's decision and denied CPC/ZC/SUB Case No. 96-05 due to the contractual requirements of the Dual Interest Area Agreement (DIAA) between the City of Keizer, City of Salem and Marion County. The Cities of Keizer and Salem, and Marion County have entered into the Willow Lake Settlement

Agreement, which will result in the subject property being removed from the restrictions of the DIAA. The subdivision cannot be platted until the amended DIAA is final..

7. AGENCY COMMENTS

a. Joint participants of the Dual Interest Area Agreement for Willow Lake Treatment Plant Area including the City of Salem and Marion County were notified of the proposed Comprehensive Plan Map Amendment/Zone Change. Through the Keizer City Attorney's office, Salem indicated that a condition should be added that prohibits the issuance of any building or any development permits and/or platting of any subdivision prior to the Dual Interest Area Agreement being amended to exclude the subject property.

b. The Public Works Department provided comments regarding public facility improvements. These comments are incorporated in the findings and recommendations within this staff report.

c. The Keizer Fire District submitted comments stating the following: "The applicant shall meet requirements for access, minimum street width for emergency vehicle access, and fire hydrants located as per code." "No Parking Fire Lane" signs must be placed along the accessway between proposed lots 14 & 15 in accordance with the Uniform Fire Code.

d. Portland General Electric stated that a 8' to 10' Public Utility Easement (PUE) will be required. Water meters and fire hydrants should not be placed within the PUEs.

8. The subject property contains Tax Lot 300 of Marion County Assessor's Map No. Township 6 South, Range 3 West, Section 34C. The subject property contains approximately 14.97 acres. The applicant requests the City to approve a Comprehensive Plan Map Amendment to change the subject site from Special Policy Area (SPA) to Low Density Residential (LDR) and to change the zone from Exclusive Farm Use (EFU) to Single Family Residential (RS). The applicant is also requesting approval of a proposed 86-lot subdivision, to attain access through Lot 45 of Apple Tree Estates to extend Golden Lane. The subject site is currently vacant.

9. The SPA designation applies to land potentially influenced by the operation of the nearby Wastewater Treatment Facility. Permitted or conditionally permitted uses are primarily limited to farming and other resource-related activities. Subdivision and other developments, which may result in a concentration of population, are prohibited. These limitations are enforced through the property's Exclusive Farm Use (EFU) zoning.

10. Studies conducted have analyzed the odors emitting from the wastewater treatment facility. The studies appear to indicate the subject property is not impacted or minimally impacted by the facility's odors. In addition, Salem, Marion County, Keizer and the applicants have met and it appears that the subject property will be removed from the restrictions of the Dual Interest Area Agreement (DIAA). For this reason, it is appropriate to change the existing Plan designation to allow alternative uses on the property. This proposal would change the Plan designation to Low Density Residential and change the zoning to Single Family Residential. This Plan and zone change would allow residential development.

FINDINGS-COMPREHENSIVE PLAN MAP AMENDMENT

The proposal would change the existing Plan designation on the subject site from the Special Policy Area to Low Density Residential for as identified on the attached site plan (Exhibit C-1). The decision criteria for non-legislative Plan amendments are found in Section 3.109.03 of the Keizer Development Code. The specific criteria, and related findings, are noted below:

11. Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply. KDC 3.109.03(A).

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

Goal 1 - Citizen Participation: Consistent with local requirements, a public hearing was held with the final decision resting with the City Council. Citizens and other parties have had an opportunity to comment and testify.

Goal 2 - Planning: The application is being reviewed consistent with the procedures in the acknowledged Comprehensive Plan and Keizer Development Code. As required by the Dual Interest Area Agreement, opportunity was provided to affected governmental units including the City of Salem and Marion County to review and comment during the preparation and review of the proposed application request. Through the Keizer City Attorney's office, Salem indicated that a condition should be added that prohibits the issuance of any building or any development permits and/or platting of any subdivision prior to the Dual Interest Area Agreement being amended to exclude the subject property.

Goal 3 - Farm Land: Consistent with the intent and purpose identifies in the Comprehensive plan, the Plan designation is designed to address treatment facility issues and not to promote agricultural uses with the City limits. Therefore, the proposal does not involve land located within designated farmland.

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

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

Goal 6 - Air, Water and Land Quality: This action does not involve uses or activities which will have an adverse impact on the City's air, water and land quality. To ensure public health is maintained public sewer and water connections are available and connection to these systems can be placed as a developmental condition.

Goal 7 - Natural Hazards: A portion of the site is located within the identified 100-year flood plain. As a condition of approval, the proposed lots within the 100-year floodplain are required to obtain floodplain development permits through the City of Keizer.

Goal 8 - Recreation: This action will not directly affect identified park or recreation sites. In addition, recreational opportunities are often, and usually, provided on the individual lots.

Goal 9 - Economic Development: Benefits are expected to accrue from the potential residential development on the property and the economic activities of the residents.

Goal 10 - Housing: The proposal would permit an increase in the available housing stock within the community. The City of Keizer has been rapidly developing its vacant lands for housing, primarily single family development. The subject property has not previously been included in the inventory of lands for residential development, because it is located within the Special Policy Area. Therefore, reclassification of this property to permit low-density residential development will increase land availability for single family development within the community.

Goal 11 - Public Facilities: Comments received from the Department of Public Works indicate adequate public facilities are available, and can be extended, to serve the site.

Goal 12 - Transportation: Access is available to serve the property through Lot 45 of Apple Tree Estates. This connection will be an extension of Golden Lane, to service traffic to Windsor Island Road. The City Engineer identified that the proposed connection to Golden Lane appropriately directs traffic directly to Windsor Island Road, whereas the intersection of the local street is a safe distance from the intersection of Lockhaven Drive and Windsor Island Road north of the development.

Goal 13 - Energy Conservation: In general, the proposal will be neutral with regard to energy conservation. However, all new homes must comply with the Uniform Building Code, which stresses energy efficiency.

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

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

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

Based on the above, the proposal complies with Statewide Land Use Goals.

12. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated. KDC 3.109.03(B).

FINDINGS: The primary goals and policies that need to be addressed are contained within the Special Policy Area (SPA), Residential Development and Public Facilities.

The Wastewater Treatment Facility emits odors that may impact nearby uses. Unless limitations are placed on nearby development, the operation of the facility may be placed in jeopardy due to the perceived or realized impacts. Therefore, the SPA was designed specifically to limit development near the Treatment Facility until such time or more detailed studies can determine an appropriate area of impact.

Studies were completed in the early 1990's, which indicated that the subject property was not affected or minimally affected by odors from the treatment facility. Keizer and Salem were unable to reach an agreement at that time with regard to amending the DIAA. However, recently the Cities of Keizer and Salem, along with Marion County and the applicants have met in mediation sessions in an effort to resolve the long standing

dispute regarding the subject property and other properties under the restrictions of the Dual Interest Area Agreement. The parties have reached tentative agreement that includes the removal or exclusion of the subject property from the DIAA. Such exclusion allows the Comprehensive Plan Map/Zone Change/Subdivision to move forward. A condition is appropriate to prevent the property from being developed until the amendment of the DIAA is executed, which will exclude the subject property from development restrictions.

It was never the intent to maintain the boundary in perpetuity and Plan policies specifically note the boundary can, and will likely, be altered as new information is processed. Studies have indicated the subject property is located outside the influence of the facility's odor plume and should no longer be subject to the restrictions of the SPA. For this reason, the proposed change in designation is entirely consistent with the policies and expectations of the Special Policy Area. However, to protect the cities of Keizer and Salem and Marion County and the rate payers of the wastewater treatment system, a condition of approval will require property owners to execute easement/waivers in appropriate form releasing the cities of Salem and Keizer and Marion County from liability for noise or odor impacts.

The Plan indicates stabilization, in-fill and improvement should be emphasized for existing residential neighborhoods. Residential development is encouraged where full urban services, public facilities and routes of public transportation are available. The Plan also encourages the maximum efficient use of the available land. The proposal provides in-fill development on vacant land within an existing area primarily developed with residential uses. The property has access to Windsor Island Road via the local street system, which is capable of accommodating the additional traffic generated by the development.

Public facility goals and policies generally encourage the availability of sufficient public facilities prior to development. Full public services, including sewer, water, storm drainage and public access, are in place or can be extended to the property under consideration for the residential development. As noted by the City Engineer, these facilities are adequate to serve the site and the proposed development.

13. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan. KDC 3.109.03(C).

FINDINGS: The rapid growth of residential development within the City of Keizer has created a significant impact on the availability of lands for residential development within the Urban Growth Boundary and the City. It is clearly apparent additional land is necessary for residential development. This action has the additional benefit of providing more residential land without expanding the urban growth boundary or reducing the availability of lands for commercial or industrial purposes. There is an inadequate supply of land in this designation to meet the expected growing demand.

14. The Plan provides more than the projected need for lands in the existing land use designation. KDC 3.109.03(D).

FINDINGS: This proposal is somewhat unusual as the existing Plan designation was established to meet a temporary need. Keizer designated the subject property as SPA on its Comprehensive Plan map not because it has any need for an inventory of properties in that designation, but merely because such designation was required under the terms of the Dual Interest Area Agreement, and it was not known at the time whether the sewage treatment plant would adversely effect the subject property. Plan policies fully expect the amount of SPA land to diminish as additional studies address the impacts of the sewage facility. As noted, the most recent study indicates the property is not affected by the sewage plant; its inclusion within the Special Policy Area is no longer warranted.

15. The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity. KDC 3.109.03(E).

FINDINGS: The proposed Plan designation (Low Density Residential) is specifically designed to permit the Single Family Residential (RS) zone. Further, the predominate purpose of this zone is to create land for single family homes, the dominate adjacent land use. The Plan change will allow uses entirely consistent with predominant land use patterns and will not destabilize the current pattern.

16. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands. KDC 3.109.03(F).

FINDINGS: With the exception of the farm land to the east, the majority of adjacent land is developed with single family homes. The proposed Plan amendment, and subsequent zone change, is entirely consistent with the dominant adjacent land uses.

17. Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future. KDC 3.109.03(G).

FINDINGS: Comments provided by the City Engineer indicate public services can be extended to the site. Future improvements must comply with Public Works Standards. Prior to any development of the subject property, an overall master water plan shall be submitted for review and approval by the City of Keizer Department of Public Works. In addition, a master storm drainage plan shall be submitted for review and approval by the City of Keizer Department of Public Works prior to any development on the subject property. The City Engineer identified that a sanitary sewer trunk line will be required to be constructed through the subject property. Appropriate easements for the trunk line will be required prior to any development of the subject property.

Based on the above findings, the proposal complies with decision criteria set forth in KDC 3.109.03.

FINDINGS-ZONE CHANGE

Section 1.103.02 of the Keizer Development Code identifies two zones appropriate for the Low Density Residential Plan designation: Single Family Residential (RS) and Urban Transition (UT). The primary difference between these zones the RS permits single family homes outright.

The zone change review criteria are found in Section 3.110.03 of the Keizer Development Code. The appropriate criteria for residential zone changes are found under subsection (F)(1-3). Those criteria and the related findings are set forth below:

18. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification. KDC 3.110.03(A).

FINDINGS: Section 1.103.02 identifies Comprehensive Plan designations and their corresponding appropriate zones. Pursuant to this Section, the RS zone is appropriate for the Low Density Residential Land Use designation.

19. The uses in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity. KDC 3.110.03(B).

FINDINGS: The subject property can accommodate a single-family development in accordance with the minimum dimensional standards identified in the Keizer Development Code. The ground is relatively level, however a portion of the subject property is located within the 100-year flood plain. The proposed lots within the identified flood plain shall be required to obtain flood plain development permits from

the City of Keizer. Therefore, based on the parcel's size and topography, there does not appear to be any physical limitation which would prohibit the proposed subdivision.

20. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance. KDC 3.110.03(C).

FINDINGS: Section 2.3 of the Keizer Development Code outlines specific requirements for property development. These standards govern street standards, parking, buffering, vision clearance areas, special setbacks, and other applicable development requirements. The subject property can comply with such requirements without adjustments or variances to the Keizer Development Code.

21. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. KDC 3.110.03(D).

FINDINGS: Sewer and water facilities must be extended to the site. Future improvements must comply with Public Works Standards. Access to proposed development is available through Lot 45 of Apple Tree Estates. This connection will be an extension of Golden Lane, to service traffic to Windsor Island Road. The City Engineer identified that the proposed connection to Golden Lane appropriately directs traffic directly to Windsor Island Road, whereas the intersection of the local street is a safe distance from the intersection of Lockhaven Drive and Windsor Island Road north of the development.

As discussed earlier, prior to any development of the subject property, an overall master water plan shall be submitted for review and approval by the City of Keizer Department of Public Works. In addition, a master storm drainage plan shall be submitted for review and approval by the City of Keizer Department of Public Works prior to any development on the subject property. The City Engineer identified that a sanitary sewer trunk line will be required to be constructed through the subject property. Appropriate easements for the trunk line will be required prior to any development of the subject property.

22. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met. KDC 3.110.03(E).

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FINDINGS: The purpose statement of the RS zone notes the zone is to allow development of attached or detached residences on individual lots, provided with urban services at low urban densities. The RS is the City's principal single family zone where subdivisions are the most common form of new development. The proposed zone change, and development, is entirely consistent with the zone's purpose statement.

23. The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next five (5) years, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use. KDC 3.1107.03(F)(1).

FINDINGS: The City of Keizer has experienced rapid growth at a rate, which exceeded the city's population estimates by over five years as identified in the Comprehensive Plan when adopted. When the 1987 Keizer Comprehensive Plan was adopted, the City estimated the population in 2005 would be 30,200. However, the current population in the year 2000 is already 30,260. The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development for single family development.

24. The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the projected rate of development of uses allowed in the zone during the next five years.

FINDINGS: Consistent with the intent and purpose identifies in the Comprehensive plan, the Plan designation is designed to address treatment facility issues and not to promote agricultural uses with the City limits. The SPA designation applies to land potentially influenced by the operation of the nearby Wastewater Treatment Facility. Permitted or conditionally permitted uses are primarily limited to farming and other resource-related activities. Subdivision and other developments, which may result in a concentration of population, are prohibited. These limitations are enforced through the property's Exclusive Farm Use (EFU) zoning.

This proposal is somewhat unusual as the existing Plan designation was established to meet a temporary need. Keizer designated the subject property as SPA on its Comprehensive Plan map not because it has any need for an inventory of properties in that designation, but merely because such designation was required under the terms of the Dual Interest Area Agreement, and it was not known at the time whether the sewage treatment plant would adversely effect the subject property. Plan policies fully expect the amount of SPA land to diminish as additional studies address the impacts of the sewage

facility. As noted, the most recent study indicates the property is not affected by the sewage plant; its inclusion within the Special Policy Area is no longer warranted. Therefore, the limitation by use of the EFU zone on the subject property is no longer necessary.

Based on the above findings, the proposal complies with the decision criteria set forth in KDC 3.110.03.

FINDINGS-SUBDIVISION

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

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

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

a) Section 2.310.03 - Application of Public Facility Standards.

FINDINGS: As specified in the Public Facilities Improvement Requirements Table, the applicant will be required to provide the following public facilities: Fire Hydrant, Street Improvement, Water Hook-up, Sewer Hook-up, Storm Drain and Street Lights.

b) Section 2.302 - Street Standards

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

FINDINGS: The proposed subdivision features new public streets that connect to Golden Lane via an existing lot in the adjoining subdivision. Lot 45 of Apple Tree Estates Phase 3b will be used for the construction of a new street and dedication of right of way. No additional access to other adjoining property will

be proposed other than the private street to the southwest (Bowden Lane) in order to provide access to several parcels which are generally west of the subject property. An existing private roadway easement along the south side of the subject property needs to be abandoned. Prior to platting of the subdivision, all property owners currently using the private roadway shall be contacted by the developer's representative and notified that the easement will be closed and not available for use. A procedure for closing the roadway shall be submitted to the Department of Public Works for review and approval prior to the issuance of any construction permits for the development. The applicant's engineer shall provide a preliminary roadway alignment for the realignment of Bowden Lane that meets the City Street Standards for review by the Department of Public Works. An existing storm drainage system is available to serve the property. All new streets will be built to City standards, as noted by the Public Works Department. Furthermore, the Public Works Department included specific conditions of approval to ensure public convenience and safety.

- ii. Continuation of Street. Development proposal shall provide for the continuation of, and connection to, existing streets where necessary to promote appropriate traffic circulation in the vicinity of the development.

FINDINGS: The subject property is located directly west of Golden Lane. Lot 45 of Apple Tree Estates is proposed to be utilized as the connection for the proposed subdivision to the existing local street system. The proposed development can sufficiently provide access to each proposed lot and provide connectivity. This connection will be an extension of Golden Lane, to service traffic to Windsor Island Road. The City Engineer identified that the proposed connection to Golden Lane appropriately directs traffic directly to Windsor Island Road, whereas the intersection of the local street is a safe distance from the intersection of Lockhaven Drive and Windsor Island Road north of the development.

- iii. 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 access through Lot 45 aligns with an extension of Golden Lane. The Department of Public Works believes that the proposed intersection is acceptable to meet the sight distance requirements and angle of centerline to centerline requirements.

- iv. 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.

FINDINGS: The proposed development provides for the continuation of all existing streets that abut the subject property. No additional stub streets are required to provide access to adjoining properties other than the provision of the access for adjoining parcels to the west of the subject property.

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

FINDINGS: The proposed new streets are designed to intersect at right angles.

- vi. 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: No existing public streets are adjacent to the subject property. The Developer's Engineer shall provide evidence that Lot 45 is available for the dedication and construction of the extension of Golden Lane. The extension of Golden Lane shall comply with the City of Keizer standards and the conditions placed within the Public Works comments.

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vii. Half-Streets. 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 $\frac{3}{4}$ width street can reasonably be developed, as determined by 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: All proposed public streets will be improved to full width and will be fully improved with curbs and sidewalks.

viii. Cul-de-sacs. The maximum length shall be 800 feet.

FINDINGS: No proposed cul-de-sac streets are proposed for the subject property.

ix. Street Names. Street names and numbers shall conform to the established standards and procedures in the City.

FINDINGS: Street names for the subdivision shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No final plat shall be released without approved street names.

x. Grades and Curves. Grades shall not exceed 7 percent non 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 .5 percent. On arterials there shall be a tangent of not less than 100 feet between reversed curves.

FINDINGS: The proposed street grades are relatively flat and in no case do they exceed 15%. No arterials are located adjacent or within the proposed development.

c. 2.302.04 - General Right-of-Way and Improvement Width. The following standards are general criteria for public streets in the City of Keizer. These standards shall be the minimum requirements for all streets, except where modifications are permitted under Subsection 2.202.05.

FINDINGS: The applicant will be required to build the public street according to the specifications outlined in the street standards table.

d. 2.302.05 - Modification of Right-of-Way and Improvement Width. The City, pursuant to variance approval, may allow modification to the public street standards of Subsection 2.302.04, when the following criteria are satisfied:

i. Modification Permitted. The modification is necessary to provide design flexibility where:

A. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or

B. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 2.302.04; or

C. A modification is necessary to preserve trees or other natural features determined by the City to be significant to the aesthetic character of the area; or

D. The modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.

ii. Vehicular Access Maintained. Modification of the standards of Section 2.302.04 shall only be approved if the City finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

FINDINGS: The proposed development does not suggest any modification to the development standards.

e. 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.

f. 2.302.07 - Private Streets

FINDINGS: The applicant has identified the private access between Lots 14 and 15 to be a 28' access easement. The proposed access easement is to serve three existing dwellings located to the west of the subject property. These dwellings are currently served by Bowden Lane, and access easement located within the southerly 28 feet of the entire south property boundary. The applicant

has developed an agreement with the property owners to vacate the access easement and to serve the dwellings through a private access way between Lots 14 and 15 as shown on the site plan.

The dwellings are located outside the city limits and the Urban Growth Boundary (UGB). According to Section 2.302.08 of the Keizer Development Code, no more than four (4) dwellings may be served from an access easement. To not preclude any potential development for those properties located in the County, a private street shall be required to be located between Lots 14 and 15. Private streets are required to be constructed to a greater width, and must be constructed to public construction standards.

g. 2.302 - Private Access Easements

FINDINGS: As discussed above, the applicant suggests an access easement to be located between Lots 14 and 15. However, for the reasons listed above, a private street must be constructed between Lots 14 and 15 to serve the dwellings located west of the subject property.

h. 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 of the property.

FINDINGS: The proposed street improvement allows for on street parking on both sides of the street. Therefore, the proposed parcels are permitted to account for one parking space off-site. Those lots that cannot utilize any right-of-way within 200 feet of a subject property, shall be required to provide for a third on-site parking space.

i. 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: Prior to any development of the proposed subdivision, the applicant shall submit a storm drainage and erosion control plan for the project. No development will be allowed until the plan is reviewed and approved by the City and all prior facility charges (acreage fees) have been paid.

j. Section 2.307 - Utility Lines and Facilities.

FINDINGS: It is a development requirement that the applicant meet the standards set forth in this section relating to water, sanitary sewer, private utilities, street lights and easements.

k. Section 2.309.04(B)(7f) – General Provisions. The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of mature trees. Depending on these factors, the City of Keizer may require removal of mature trees. Development of the property in conformance with an approved landscaping plan shall be a condition of land use approval or building permit. The City may require that significant trees that are removed (including trees that are removed within the year prior to the application) be replaced at the rate of up to two new trees for each significant tree removed. Replacement trees shall have a trunk, when measured at six (6) inches above ground level, of at least one and one-quarter (1 ¼) inches when planted, and shall be a type that will be at least twelve (12) inches in diameter at ground level when fully mature.

FINDING: The applicant's preliminary subdivision plan shows the removal of approximately 60 significant trees. A condition of approval shall be imposed that two trees be planted for each significant tree removed, in total of 120 trees to be planted within the proposed development. A tree replacement plan must be submitted to and approved by the City indicating the location, size, and type of replacement tree proposed to be planted prior to final approval of the subdivision plat.

l. Section 2.310 - Development Standards for Land Divisions.

i. Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. The minimum lot size for detached single family dwellings is 5,000 square feet.

FINDINGS: Each lot meets the 5,000 square foot minimum lot size requirement for detached single family dwellings. Lots 1 and 46 contain more than 7,000

square feet and are located on corner lots. Therefore, Lots 1 and 46 meet the minimum lot size requirement to allow duplexes. The proposed development, if constructed with only single family dwellings, has a density of 6.03 units per acre. If duplexes are constructed on Lots 1 and 46, the density would be 6.17 units per acre. Both scenarios generate a density less than eight (8) units per acre as identified as the maximum in the RS zone.

- ii. Lot width and depth. The depth of a lot or parcel shall not be more than 3 ½ times the width of the parcel.

FINDINGS: There is no lot that contains a depth greater than 3 ½ times the width of the parcel.

- iii. Access. All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. 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: Each proposed parcel attains direct access onto proposed public streets. Access for dwellings west of the subject property (outside both the city limits and the UGB) will be attained by a private street.

- iv. 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 access. The access strip shall not be less than 20 feet wide, shall be improved with a minimum 12 foot wide paved driveway and paved encroachment which meet applicable City standards. 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: There are no flag lots proposed within the development.

- m. 2.310.04 - Additional Design Standards for Subdivisions

i. Standards for Blocks

A. 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.

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

FINDINGS: The proposed subdivision consists of 86 lots with adequate building sites for single family development. The proposed subdivision design does not contain blocks greater than 600 feet in length. This functional design produces convenient access, circulation, control, and safety of street traffic.

ii. Traffic Circulation. The proposed subdivision shall be laid out to provide safe and convenient vehicle, bicycles 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 proposed subdivision is laid out to provide safe and convenient vehicle and pedestrian access to surrounding areas. The applicant proposes to develop public streets within the subdivision.

iii. Connectivity. To achieve the objective in B., above, the Director may require the following:

A. Stub Streets: Where the potential exists for additional residential development on adjacent property.

B. Pedestrian/Bicycle Accessways: Public accessways to provide a safe and efficient connection from a residential area to nearby residential areas, transit stops, neighborhood activity centers, including schools, parks, shopping centers, other community services and other commercial and industrial areas when such

connections are not available by streets and when a pedestrian must go at least one quarter of a mile out of his or her way to make that connection using the street system.

FINDINGS: The subject property is located on the edge of the city limits and the Urban Growth Boundary. Stub streets are not necessary for the proposed development. The proposal adequately connects to an existing public street system, with a private street to connect dwellings located to the west of the subject property. The proposed public streets within the development are required to be constructed to public street standards with sidewalks on both sides of the proposed street.

n. 2.310.06 - Improvement Requirements - Subdivisions

i. **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: All access improvements through the adjoining Lot 45 shall be constructed to the Public Works Standards for Street Construction. The required improvement shall be completed with curbs, sidewalks and storm drainage control. Any existing utilities that need to be relocated to provide the access shall be the responsibility of the developer.

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

FINDINGS: A private street will connect the dwellings to the west of the subject property to the proposed public street system within the proposed development. The private street is required to be constructed according to Section 2.302.07 of the Keizer Development Code.

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

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

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

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

- v. 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 developer's engineer shall submit an overall storm drainage plan that will provide service to this development prior to submitting public street plans for approval or issuance of any permits for construction of the proposed development.

- vi. 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: Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways. An acreage fee for master plan sanitary sewers shall be paid by the developer prior to platting the proposed development.

- vii. Water System. Water lines and valves and Fire District approved fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed and operating prior to start of combustible construction.

FINDINGS: Final development plans shall be reviewed by the Keizer Fire Department with regard to access and adequate location of fire hydrants prior to any issuance of building permits by the City of Keizer.

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

FINDINGS: Sidewalks will be installed on each side of the proposed public streets with the exception that a sidewalk will be constructed on the south side only of the proposed one-half street.

ix. Street Lights. The installation of streetlights is required at locations and of a type required by City standards.

FINDINGS: The applicant shall apply to the City of Keizer for the creation of a Local Improvement District (L.I.D.) for street lighting. Street lighting improvements shall comply with the City regulations and requirements.

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

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

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

FINDINGS: This is a condition of subdivision approval.

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

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

xiii. Street Trees. Street tree planting is mandatory where a planting strip is part of the street design. Plantings shall conform to Section 2.303.03 (M).

FINDINGS: A planting strip is not proposed as part of this street design. Therefore, street tree planting is not mandatory.

xiv. Grading and 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: This is a development requirement and is a condition of subdivision approval. Additionally, the developer's engineer shall submit a site grading and drainage plan to the Department of Public Works for review and approval prior to approval of street plans for the proposed development.

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

FINDINGS: Section 2.102 *Single Family Residential* requires a minimum lot size of 5,000 square feet, an average width of 40 feet, and an average depth of 70 feet. Section 2.102.06 specifies a minimum density of 4 units per acre and a maximum density of 8 units per acre. The application proposes a minimum density of 6.03 units per acre, consisting of single family dwellings.

27. Adequate public facilities shall be available to serve the existing and newly created parcels.

FINDINGS: Public sewer and water are available and will be extended to serve the subject property.

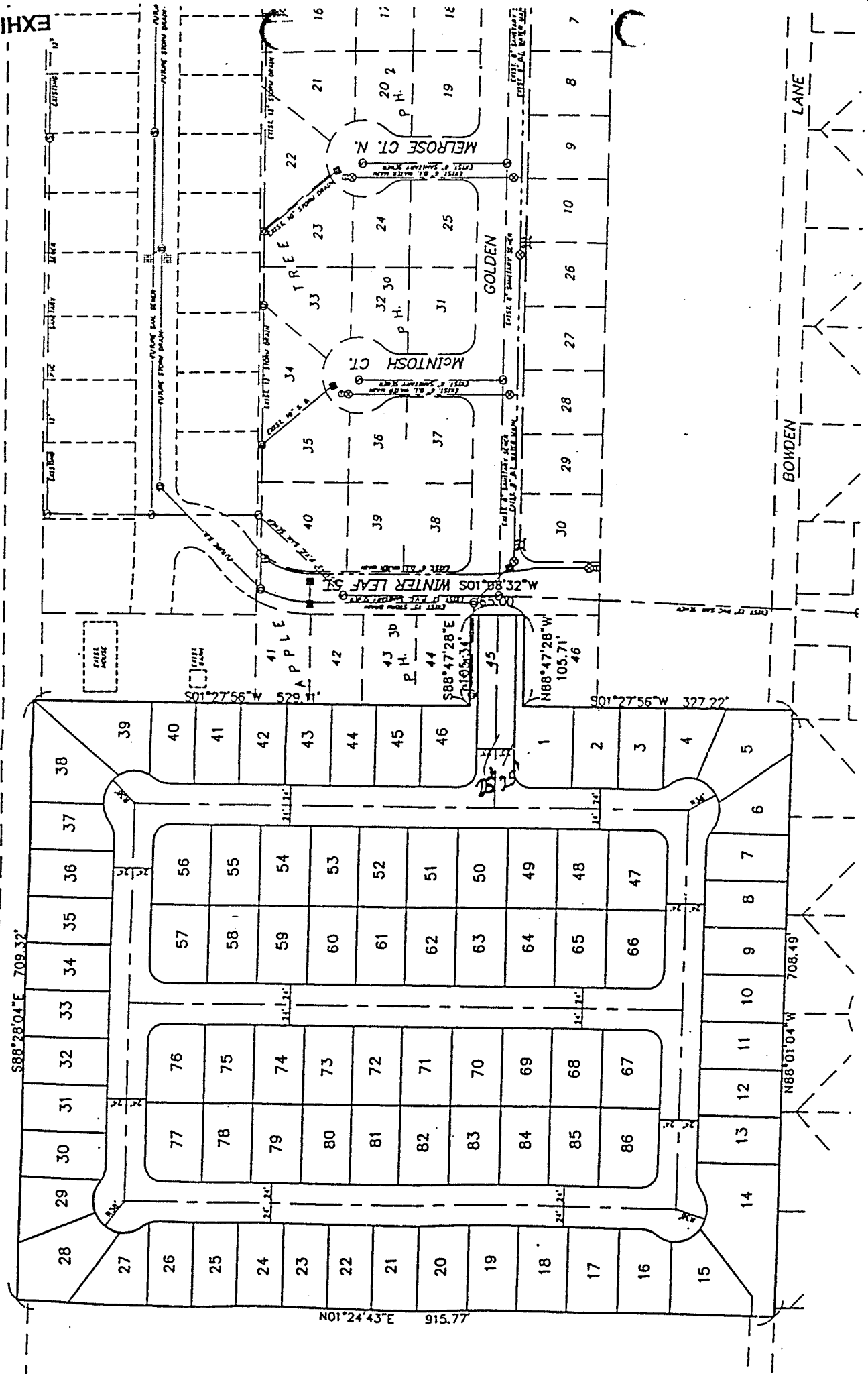


EXHIBIT "D"

Justification

The applicants have the burden of proving that the application meets relevant standards and criteria to be applied in the particular case.

In this case, the applicant is requesting comprehensive plan map amendment, zone change and subdivision approval for a 14.97 acre parcel. This case is unusual in the context of its interplay with a long standing dispute between the City of Salem and the City of Keizer regarding the Willow Lake Wastewater Treatment Plant and its alleged negative impacts on surrounding properties. In 1997 after negotiations between the cities failed, the City of Keizer took final land use action with regard to this parcel. The City of Salem appealed and in 1999 the Land Use Board of Appeals reversed Keizer's decision.

In 1999 and 2000, Salem, Marion County and Keizer, joined by other developers moved forward to reach resolution of the dispute. A mediation session held in July 2000 ultimately resulted in the adoption by the parties of the Willow Lake Settlement Agreement. Such agreement anticipates the removal of the subject property from the restrictions of the Dual Interest Area Agreement (DIAA) which was the genesis of the dispute in 1997. Conditions of approval in this matter will be imposed that restrict any development of the property until such property is removed from the DIAA and appropriate easement/waivers are granted by the property owner to the benefit of Salem, Keizer and Marion County.

In the recent public hearing in this case, concerns were raised regarding fences to buffer possible adverse uses as well as traffic concerns. A fence will be placed to mitigate the effects as stated in the public hearing. In addition, testimony at the hearing indicates that the existing street is adequate to handle the additional traffic demand placed on it by the proposed 86-lot subdivision.

With careful placement and administration of the conditions set forth in Exhibit "E", this proposed subdivision will cause minimal impacts, while providing additional housing stock for the community.

EXHIBIT "E"

Action

The City of Keizer ordains as follows:

The requested comprehensive plan map change, zone change and subdivision approval are hereby GRANTED subject to the following conditions:

1. The access way between Lots 14 and 15 must be platted as a private street and meet the standards identified in Section 2.302.07 of the Keizer Development Code.
2. Appropriate declaratory statements shall be recorded for Lots 14 and 15 that the private street is to serve properties located outside the jurisdiction of the City of Keizer.
3. The applicant is indicating that the existing access easement to the south of the subject property (Bowden Lane) will be abandoned and the property be incorporated within the proposed development. Appropriate documents eliminating the existing easement shall be submitted to the City for review prior to submission of the proposed subdivision plat.
4. Two trees must be planted for each significant tree removed, in total of 120 trees to be planted within the proposed development. A tree replacement plan must be submitted to and approved by the City indicating the location, size, and type of replacement tree proposed to be planted prior to final approval of the subdivision plat. The trees shall be planted prior to final inspection approval for each proposed dwelling within the subdivision.
5. Flood Insurance Rate Map No. 41047C0193 G, indicates a portion of the subject property to be located within the special flood hazard area. The applicant must identify the lots within the development that are located within the 100-year flood plain. Flood plain development permits must be processed for any development located within the 100-year flood plain.
6. The applicant shall take part in a conference with the applicable public facility providers for the purpose of coordinating facility improvements. This conference shall occur prior to submitting engineering drawings. It is recommended the conference participants include the Keizer Department of Public Works, Keizer City Engineer, Keizer Fire District, City of Salem Department of Public Works (sewer), and private utility providers.
7. The applicant shall submit an engineering site plan to the Keizer Department of Public Works for its review and approval. 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.

8. The applicant shall submit a detailed site plan (plat) to the Keizer Community Development Department for review and approval prior to submittal of a final plat. The detailed plan shall include the following provisions:

- a. The plan shall substantially conform to the proposed subdivision request.
- b. Include all engineering elements as required by the department of Public Works requirements.
- c. Lots shall comply with all area and dimension requirements for lots within the Single Family Residential (RS) zone. The subdivision site plan shall be modified to accommodate the minimum lot size requirement for each lot prior to final plat approval.

9. Upon approval of the detailed site plan and engineering plans, the applicant shall submit a final plat for the subdivision, which conforms to the detail plan approval. The plat shall be prepared by a registered professional surveyor and conform with the requirements in ORS Chapter 92. A bond will be required by the County Surveyor for post monumentation of the subdivision plat.

10. Improvement work shall not commence until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City.

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

12. 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.

13. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed at a length eliminating the necessary for disturbing the street improvements when service connections are made.

14. Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide certified as-built drawings of all public utility improvements to 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 by the Developer's engineer.

15. Street names for the subdivision shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No final plat shall be released without approved street names.

16. The preceding items shall be completed, including review and approval by the appropriate department, prior to the issuance of a building permit for any one building. These additional items shall also be completed prior to receiving a building permit:

The applicant shall apply to the City of Keizer for the creation of a Local Improvement District (L.I.D.) for street lighting. Street lighting improvements shall comply with the City regulations and requirements.

17. All improvements required under this Section shall be competed 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.

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

SANITARY SEWERS:

19. The subject property is located outside of the original Keizer Sewer District. Therefore a sanitary sewer trunk line acreage charge will be required. The acreage charge will be the amount determined by the Keizer City Council. It will be the developers responsibility to connect the proposed development to the appropriate sewer lines designed to serve the area.

20. 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.

21. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.

22. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.

23. 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. Any conflicts between existing wells and proposed sanitary sewers shall be removed by the developer prior to platting of the proposed subdivision.

WATER SYSTEM:

24. A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways. Any system development charges for water system improvements will be those in place at the time of individual service connections

25. Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to any issuance of building permits by the City of Keizer.

26. Any existing wells on the subject property are to be abandoned in accordance with the rules of the Oregon State Water Resources Department.

27. Location of all meters to be approved by Keizer Water Department.

STREET AND DRAINAGE IMPROVEMENTS:

28. The developers engineer shall submit an overall storm drainage plan that will provide service to this development consistent with the City Master Storm Drain Plan for this area of Keizer prior to submitting street plans for approval or issuance of any permits for construction of the proposed development.

29. Storm water detention will be required for this site. The Department of Public Works shall determine the appropriate location and type for all detention facilities proposed. All storm water and roof drains to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces.

30. A grading and drainage plan shall be developed for the subject property. Details 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 for the subject property.

OTHER

31. A street lighting district shall be created to provide for adequate street lights along the frontage of proposed new lots.

32. 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 390-7402 for the necessary permit information that is required.)

33. 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.

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

35. The Keizer Land Development Code requires the developer to connect to public utility services. The Ordinance 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.

36. The City's System Development Charge for park development is \$300.00 per single-family dwelling or duplex unit and \$200.00 for each apartment unit. These Development charges, as well as those involving the extension of sewer and water and storm drainage, will apply to this request.

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

38. No building or development permit shall be issued, and no subdivision or partition plat shall be recorded until the Dual Interest Area Agreement has been amended to exclude the subject property and an easement/waiver regarding potential wastewater treatment plant impacts has been executed and accepted by the City Attorney.



November 20, 2000

AGENDA ITEM 7C

INITIATION OF VACATION OF FERNWOOD PARK

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2000-_____

3 IN THE MATTER OF INITIATING THE
4 VACATION OF FERNWOOD PARK

5 WHEREAS, Fernwood Park was dedicated to the public by plat in 1959 and 1960;

6 WHEREAS, the location and size of Fernwood Park make it difficult to develop as
7 a park;

8 WHEREAS, it is appropriate to initiate vacation proceedings to vacate Fernwood Park
9 and consider objections thereto; NOW, THEREFORE,

10 BE IT RESOLVED that the City Council of the City of Keizer hereby initiates
11 vacation proceedings for Fernwood Park pursuant to ORS 271.130(1).

12 BE IT FURTHER RESOLVED that the matter shall be properly noticed as required
13 by law and scheduled for public hearing on December 18, 2000.

14 PASSED this _____ day of _____, 2000.

15 SIGNED this _____ day of _____, 2000.

16 _____
17 Mayor

18 _____
19 City Recorder



November 20, 2000

AGENDA ITEM 8a

PROPERTY LINE ADJUSTMENT-LAZY CREEK COURT AND JAKEWOOD COURT

CITY COUNCIL MEETING: _____, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: WILLIAM I. PETERSON, P.E., CITY ENGINEER

SUBJECT: LOT LINE ADJUSTMENTS - WALKWAY VACATION

BACKGROUND:

Since the flooding of 1996 and early 1997 a number of events have occurred that presents a unique opportunity for the City of Keizer. Two homes have been moved from lots acquired by the city through the use of grant funds, 3 lots have been deeded to the city by the developers of the Hidden Creek Subdivision, and a linear strip of land has been obtained by the city adjacent to Labish Ditch. Additionally, two property owners adjacent to the property now owned by the city are interested in lot line adjustments that will allow for the creation of a much improved drainageway adjacent to Labish Ditch.

Attached are exhibits that indicate the proposed lot line adjustments for the lots in the Hidden Creek Subdivision and the County Glen Subdivision and the location of a walkway easement that is proposed to be abandoned. Also attached are statements from the two property owners that indicate their willingness to allow the lot line adjustments to proceed.

RECOMMENDATION:

It is recommended that the City Council authorize staff to proceed with the lot line adjustments and bring a resolution to the council that allows the City to "swap" property with the two property owners. Additionally, it is recommended that the City proceed with the vacation of the walkway way right of way that would be within the proposed private lot lines.

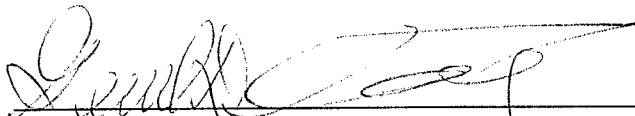
FINANCIAL IMPACT:

The cost of the lot line adjustments and vacation of the walkway is minimal. The benefits to the City and adjacent lots will be substantial.

TO: William I. Peterson, City of Keizer Engineer

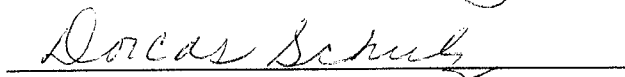
We agree to the lot line adjustment as shown on the attached drawing.

Please take this proposal to the Keizer City Council for their approval.



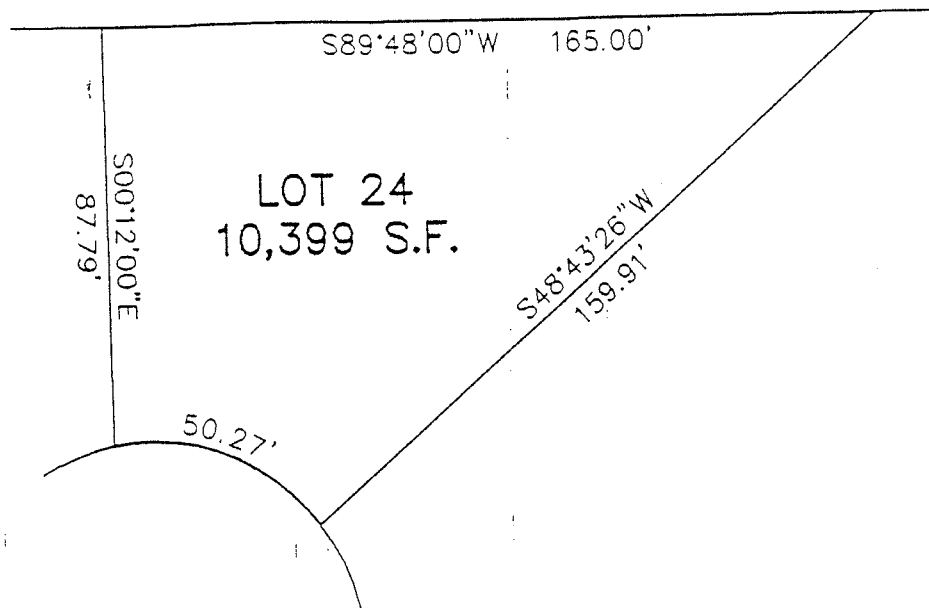
Gerald Schulz

11-3-00
Date

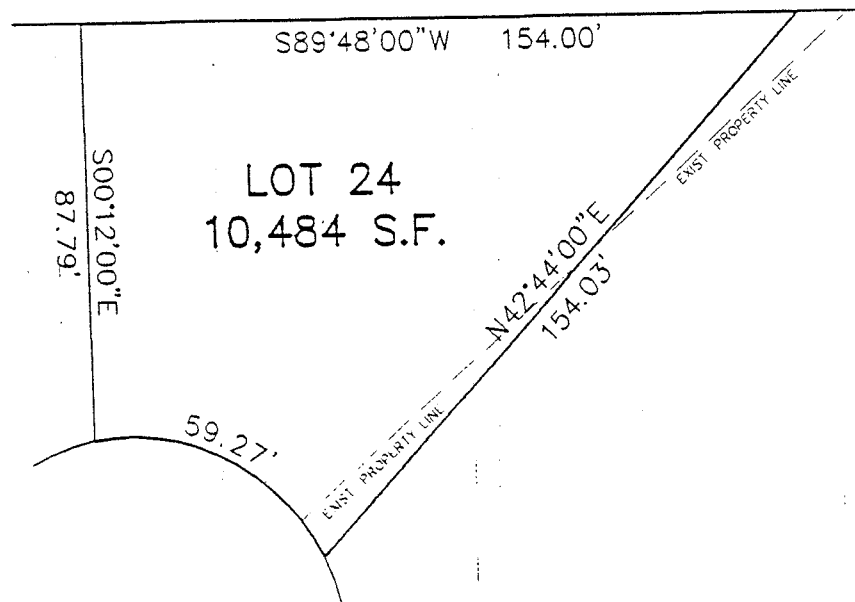


Dorcas Schulz

11-3-00
Date



LOT BEFORE
ADJUSTMENT



LOT AFTER
ADJUSTMENT

TO: William I. Peterson, City of Keizer Engineer

I agree to the lot line adjustment as shown on the attached drawing.

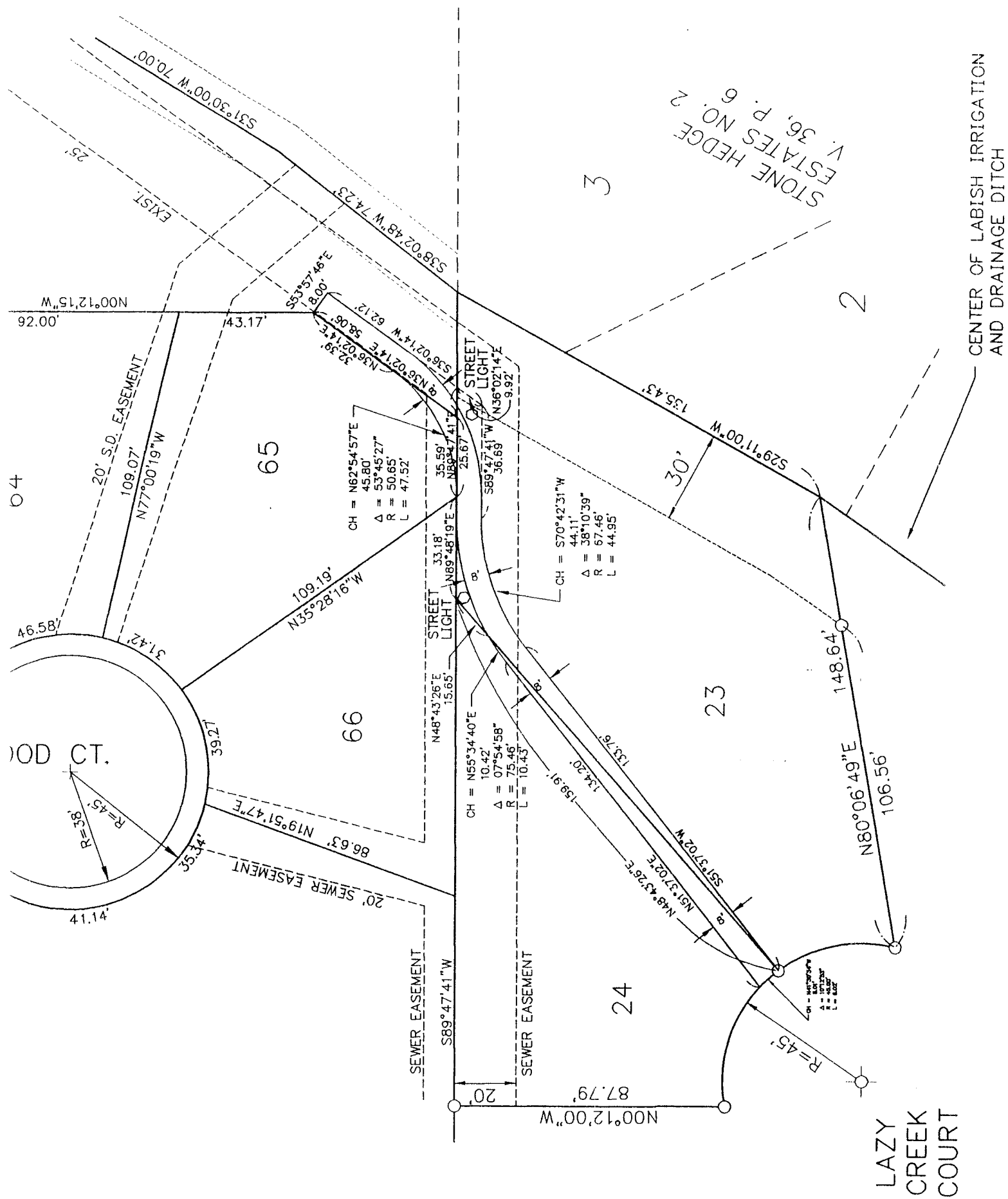
Please take this proposal to the Keizer City Council for their approval.

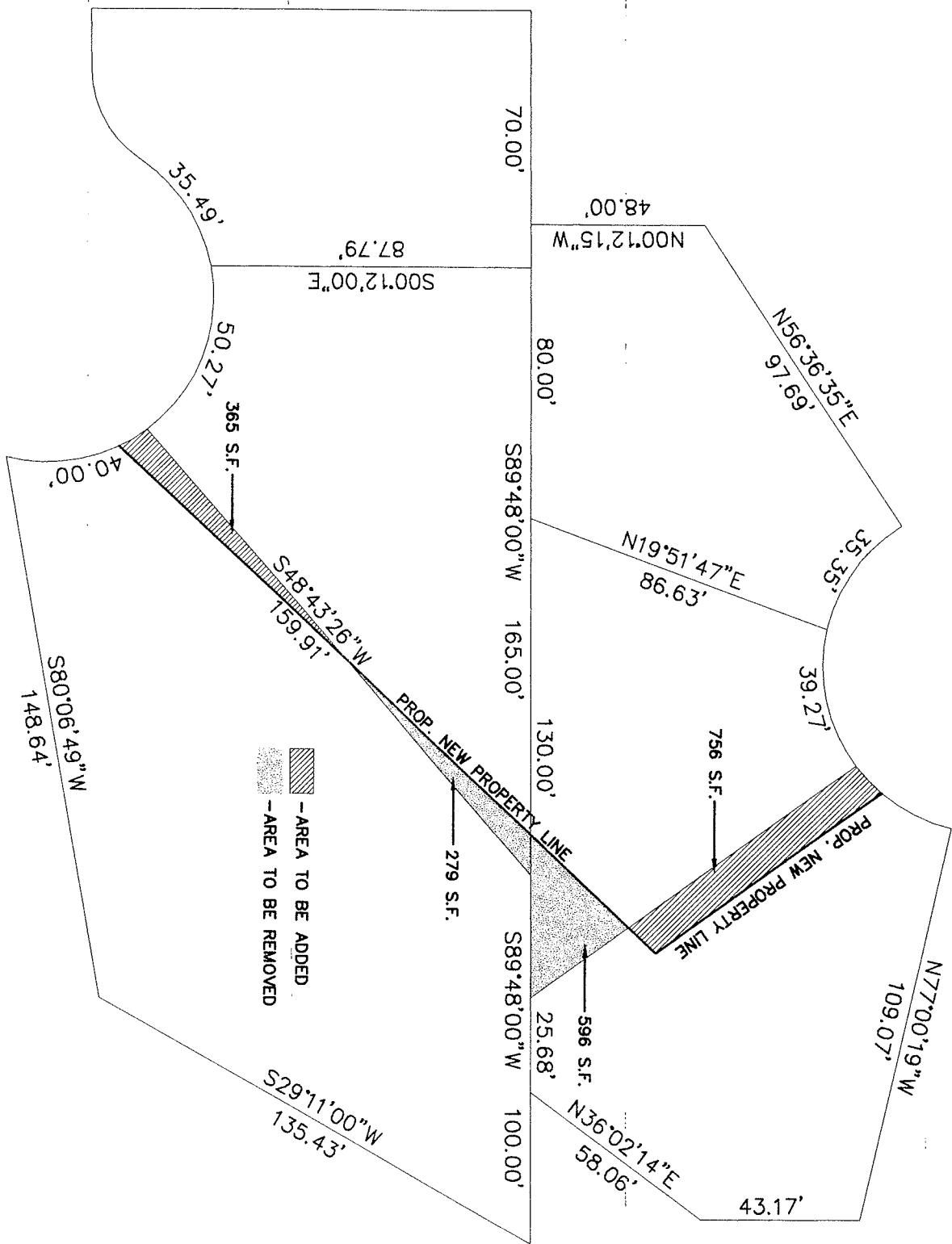
Tran Co.
Laurence T. Epping, Pres.

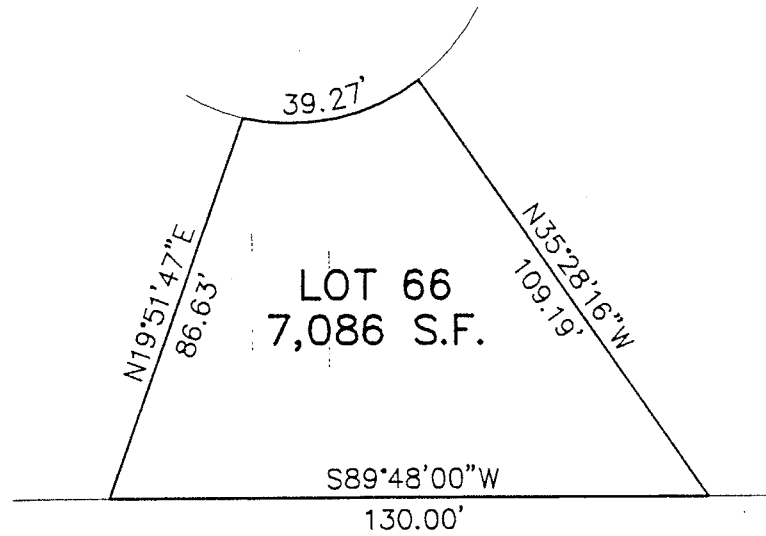
Larry Epping

11/3/00

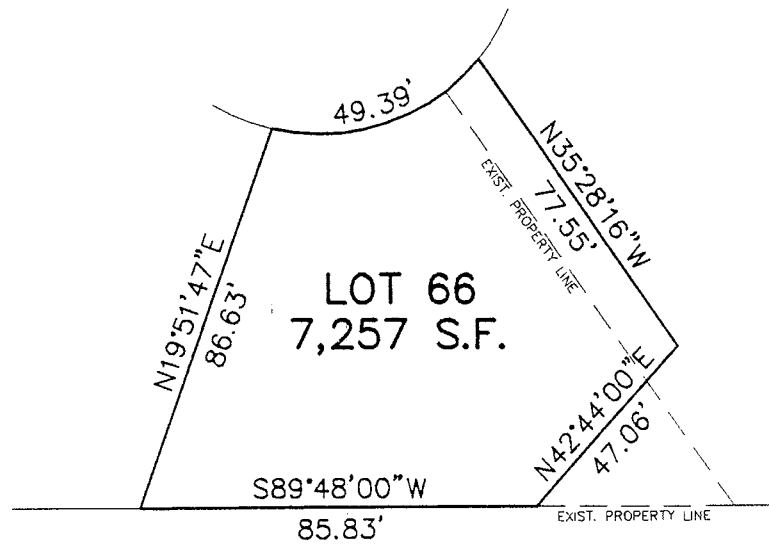
Date







LOT BEFORE
ADJUSTMENT



LOT AFTER
ADJUSTMENT



November 20, 2000

AGENDA ITEM 8b

RESOLUTION – INITIATING BARNICK ESTATES STREET LIGHTING
DISTRICT

COUNCIL MEETING: November 20, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

Tracy

**SUBJECT: INITIATING BARNICK ESTATES STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT**

ISSUE:

Shall the City Council initiate Barnick Estates Street Lighting Local Improvement District?

DISCUSSION:

A petition was filed on November 13, 2000 by the developer of Barnick Estates subdivision to form a local improvement district for street lights in this area of Keizer. The petition contained the required signatures of the property owner as outlined by City of Keizer Ordinance 94-278.

RECOMMENDATION:

It is recommended that the City Council approve the Resolution initiating Barnick Estates Street Lighting Local Improvement District and direct the City Engineer to prepare a survey of the area.

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Resolution R2000-_____

**DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING
LOCAL IMPROVEMENT DISTRICT (BARNICK ESTATES) AND
DIRECTING THE CITY ENGINEER TO MAKE A SURVEY AND FILE A
WRITTEN REPORT WITH THE CITY RECORDER**

WHEREAS, the City Council of the City of Keizer has received a petition from the developer to initiate a street lighting district in Barnick Estates subdivision in the City of Keizer, Oregon; and

WHEREAS, pursuant to City of Keizer Ordinance 94-278, the necessary signatures of land owner comprising two-thirds of the property to be included within Barnick Estates Street Lighting District have requested the formation of the district; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that:

1. The City Council declares its intent to initiate Barnick Estates Street Lighting Local Improvement District;
2. The map attached hereto, marked Exhibit "A", and by this reference incorporated herein sets forth the proposed boundaries of the district;
3. The City Engineer is hereby directed to make a survey of the District;
4. The City Engineer shall file a written report with the City Recorder to be considered by the City Council on December 4, 2000.

PASSED this _____ day of _____, 2000.

SIGNED this _____ day of _____, 2000.

Mayor

City Recorder

PETITION TO FORM LOCAL IMPROVEMENT DISTRICT FOR STREET LIGHTING

To the City Council for the City of Kelzer:

The undersigned being the owner or contract purchaser of the described property hereinafter set opposite my or its name, hereby petition the Kelzer City Council to form a STREET LIGHTING LOCAL IMPROVEMENT DISTRICT for:

Barnick Estates

within the City of Kelzer.

The legal description of the proposed district is:

Sec 23, T 6 S, R 3 W, W.M.

PLEASE ATTACH A MAP OF THE AREA

This petition to form this district is in conformity with the charter, ordinances and regulations of the City of Kelzer.

PETITION SUBMITTED BY:

NAME: Stuart W. Crosby

ADDRESS: 1155 13th St. SE Salem, OR 97302

PHONE NUMBER: (503) 363-9227

DATE	DEED HOLDER/CONTRACT BUYER	SIGNATURE	ADDRESS OF PROPERTY (IF VACANT - LOT NUMBER/SECTION)
11-10-00	Keizer Development	Stuart W. Crosby	



November 20, 2000

AGENDA ITEM 8C

APPROVING NOVEMBER 6, 2000 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, November 6, 2000
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Council President Christopher called the regular meeting to order at 7:02 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Council President
Jim Keller, Councilor
Jerry McGee, Councilor
Jacque Moir, Councilor
Richard Walsh, Councilor
J. L. Wilson, Councilor

Absent:

Bob Newton, Mayor

Staff:

Chris Eppley, City Manager
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Dianne Hunt, Human Resources Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Francis Kessler, Superintendent Willow Lake Wastewater Treatment Plant- supplied a Power Point presentation regarding the natural treatment process for wastewater. Mr. Kessler reported that this project was being undertaken as an outgrowth of the 1996 Master Plan to make determinations on the types of growth, which needs to take place at the treatment plant to meet the growing needs of the city. He addressed some of the responsibilities that would be required by various entities through the Clean Water Act and how the NRS (Natural Reclamation System) Demonstration Project could possibly assist ratepayers, area farmers and wetlands in the area of the treatment plant. Mr. Kessler went through examples of how farms and wetlands had been used for the natural treatment process for water and how they would like to continue with community outreach and education pertaining to this topic.

Mr. Kessler answered questions from the Council

COMMITTEE REPORTS

regarding the treatment of effluent.

Council President Christopher thanked Mr. Kessler for his presentation.

MAGNET (Marion County Area Gang and Narcotics Enforcement Team)

Chief Adams introduced Ed Boyd, Salem Police Department, Dave Okada, Marion County Sheriff's Office and Gina Taylor to provide a presentation regarding MAGNET.

The group explained the organization, how it began and some of the areas it would be covering. Mr. Boyd reviewed statistics pertaining to narcotics and gang activity over the past ten years and the role MAGNET would play in countering these illegal activities. Mr. Okada explained the coordinated efforts between public safety agencies to meet the goals of the MAGNET organization and requested the support of the City Council in the form of ideas, political support and financial aid.

Council President Christopher thanked the group for their presentation.

a. Neighborhood Response Effort Presentation (Youth Compact)

Jan Calvin and Angie Jones, Community services Department from the City of Salem- provided a brief presentation in the form of a video regarding the Neighborhood Response Effort as it related to Gang Intervention Project and some of the projects the group had accomplished through this service.

Ms. Calvin answered questions from the Council.

Council President Christopher thanked Ms. Jones for her presentation and requested a recess of the Council meeting at 8:30 p.m.

The meeting reconvened at 8:40 p.m.

EVAK

Councilor Moir noted that the November 18th exercise would be postponed until after the first of the year. She also shared that EVAK member, Karen Monk had been asked to teach a class on getting volunteers involved at the Oregon Emergency Management Meeting.

Willamette Valley Livability Forum

Councilor Walsh shared he had attended this meeting and would supply a summary at the next Council meeting.

OTHER BUSINESS

a. New Business

Councilor Keller noted that once the application from Monterey Development was received he would propose that the application be called up to the City Council for the public hearing. He noted the complex issues that were discussed and the caveat that was added to the proposal showing the option of another roadway going to Windsor Island Road.

Councilor Keller moved for suspension of the rules to discuss this issue. Councilor Moir seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Walsh and Wilson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Newton (1)

Councilor Keller moved that when the Monterey Development Application is submitted regarding Comp Plan/Zone Change Case # 00-51 that it be scheduled for hearing before the City Council. Councilor McGee seconded the Motion.

The motion passed as follows:

AYES: Christopher, Keller, McGee, Moir, Walsh and Wilson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Newton (1)

Public Works Projects

Public Works Director, Rob Kissler shared budgeted projects that would be started next spring that included improvements to the S-curve on Verda Lane, Alder Street improvements inside and outside of the urban renewal boundary to provide better pedestrian access to the new school.

Responding to questions, Mr. Kissler noted the River Wall was nearing completion with one property and two headwalls to pour.

Mr. Kissler shared he had attended a FEMA Program and had received positive comments regarding the possible revision of the FEMA map pertaining to the property behind the River Wall.

Senior Planner, Maria Meier noted that planning applications are now available on the city's web site.

b. Old Business

- **Swingwood Court Foot Bridge**

Public Works Director, Rob Kissler provided options as requested by the Council pertaining to the replacement of the Swingwood Court Foot Bridge. The options are as follow:

Option One: Build a wooden bridge at the end of Swingwood at the same location and elevation as the destroyed culvert. The cost of the structure would be approximately \$15,000. Staff would not recommend this option as it would not meet the current development code and flood ordinance as required by FEMA and could create a damning effect upstream during high water events.

Option Two: Build a bridge at the same location, but elevate the structure higher than the old culvert. The City would then meet the necessary FEMA and Development Code criteria with this structure. Estimated cost of this option is \$80,000 to \$100,000. Staff would not recommend this option because of the cost, limited service area and the Federal ADA requirements.

Option Three: Build a permanent bridge over Labish Ditch at the south end of the new Hidden Creek Park. This structure would provide better conductivity to Country Glen and Hidden Creek Subdivisions as well as the Gubser School area. The estimated cost of this option is approximately \$100,000-\$150,000 and Mr. Kissler noted ODOT grants might be available to offset some of the costs of the bridge. Staff recommended this option since it would service a larger area and provide better neighborhood conductivity.

Responding to questions Mr. Kissler indicated that the west side of Labish ditch is within the urban renewal district. He indicated the construction of the bridge would offer an additional option to allow children safe access to

schools thus reducing the amount of traffic along Manzanita and River Road. He felt prioritizing this project should take place during the budget process.

Councilor Walsh expressed interest in the school district working with the city on funding this project since it presented the possibility of reducing busing costs to the district. Mr. Kissler indicated he would address this with the school district.

Councilor McGee agreed with Mr. Kissler's comments pertaining to option three and taking this through the budgetary process.

City Manager Performance Evaluation

Council President Christopher noted that comments from the Council should have been forwarded to City Manager Eppley by November 1st. She also requested that Mr. Eppley add his personal goals for the year to be submitted to the Council by November 13, 2000. The Council would meet in Executive Session November 27th to review the evaluation with Mr. Eppley.

Budget Process

City Manager Eppley reported that the first meeting of the Budget Committee would be scheduled for November 29th at 5:30 p.m.

Traffic Concern Issues

City Manager Eppley spoke with Chuck Baker regarding the new development near Baker's Square and the traffic concerns that were addressed before the Council. Mr. Baker was agreeable to have a traffic hump placed on the back entrance of his property and to allow signage stating "No Trucks" to be installed at the expense of the city.

Fernwood Park

City Manager Eppley indicated all the responses that he had received from the neighbors in the area of Fernwood Park were in favor of the city vacating the park and selling the property then placing those funds back into the parks fund.

PUBLIC HEARINGS

a. Comp Plan/Zone Change/Subdivision Case No. 00-56 (Pro- Construct)

City Attorney Shannon Johnson supplied the legal procedure for the case and read the applicable criteria requesting a waiving of the reading of the criteria. With no objections heard he deemed this to be waived. Mr. Johnson stated that testimony and evidence must be directed towards the criteria.

Senior Planner Maria Meier reported that the subject property was located north of Bowden Lane North and west of Golden Lane North containing 14.97 acres designated a special policy area.

Ms. Meier shared that the applicant was requesting approval of a Comprehensive Plan Map Amendment and Zone Change to establish the Low Density Residential Designation and the Single Family Residential zone on the subject property. She supplied background of the Special Dual Interest Agreement (SPA) noting that the subject property is outside the influence of the facilities odor plume and no longer subject to the restrictions of the SPA.

Agency Comments were requested from the joint participants of the Dual Interest Area Agreement for the Willow Lake Treatment Plan Area and those comments were listed in the staff report. Ms. Meier reviewed findings and conclusions of the staff report and recommended that a public hearing be held and that Council review and approve the application with the conditions identified in the staff report.

Councilor Keller requested language is added to the agreement indicating that the agreement is completed within the 180-day frame.

City Attorney Johnson stated that this information would only bind that applicant although it could still implicate impacts in the future.

Mr. Johnson requested anyone with notice issues or exparte contact to make the Council aware of that at this time.

Councilor Moir disclosed an exparte contact with Garry Whalen to obtain background information and Resolution R98-1084 of which she provided a copy to the Council.

Mr. Johnson responded to questions from Councilor Moir regarding the last paragraph in Resolution R98-1084, pertaining to SDC fees. He felt there was a question of interpretation involved with the wording in the resolution and whether it would apply to this case. He provided his recollection of Council's intent of the resolution and how LUBA's decision on this case reversed any decision previously made by the Council.

City Manager Eppley interjected that the Council had the option to reduce the SDC fees to whatever they felt was appropriate.

Mr. Johnson further addressed the history of LUBA's decision and that LUBA had taken no direction regarding the development portion of the application.

With no further input Councilor President Christopher opened the public hearing.

Mark Shipman, Attorney for Pro-Construct LLC, 250 Church Street #300, Salem- agreed with the staff report submitted by the Senior Planner and shared that Marion County had issued a "no comment" for their reply. He urged the Council to approve the three applications with the conditions as outlined.

Responding to questions Mr. Shipman indicated his concern for adding the 180-days for the completion of the agreement would be that if the application were appealed to LUBA it would halt the process again. He suggested adding this information as a finding.

Councilor Keller expressed his concern without timelines being put in place that "foot dragging" would continue while Salem works out verbiage in the agreement.

Mr. Shipman indicated he would be happy to work with staff to work out the details of the agreement. He also suggested a letter send under separate cover addressing the importance of completing the agreement within 180-days.

Councilor McGee disagreed with submitting an additional letter to Salem.

Mark Grenz, Multi-Tech Engineering, 1155 13th Street SE- acting as the representative for the applicants Mr. Grenz furnished photos in the area near lot 45 providing assurances that the homes would have the appropriate setbacks from the roadway.

Responding to questions Mr. Shipman agreed with City Manager Eppley's comments regarding the Council's right to determine the SDC's for the property in discussion.

Ed Parker, 5325 Willow Leaf Street, Keizer- lives next

to lot 45. Expressed concern with the increased amount of traffic that would be brought into the subdivision and the safety of children in the area. He asked that an additional entrance into the subdivision be made to assist with the added traffic.

City Engineer, Bill Peterson noted that previous maps had indicated an access further to the north of the subdivision, but since the original application Keizer Sand and Gravel applied to place a major roadway within a block of the original access point. Because of the amount of truck traffic that would be generated it was felt that moving the access road to the north would allow for better safety. This would increase the vehicle traffic on Willow Leaf, although the increase would be well below the threshold for vehicle traffic on residential streets as written in the Comprehensive Plan.

Joe Marx, 1093 Bowden Lane, Keizer- requested that a six-foot security fence be built between lots two, three, four and five to keep kids out of that area. He noted a six-foot fence was placed along Bowden Lane and this does act as a deterrent to keep kids off his property.

Wayne Moss, 1494 Golden Lane North, Keizer- expressed concern with the amount of traffic that would be added with the addition of the subdivision with only one entrance in and out on Golden Lane North. Mr. Moss stressed the importance of the children's safety in the area from the additional vehicle traffic.

Judy Smith, 1211 Mandarin Street, Keizer- spoke as crossing guard for Keizer Elementary at Lockhaven Road. She expressed worry with the lack of sidewalks on Windsor Island Road for the children to use when walking to school. She also noted the absence of parks in that area for children to play. She urged an audit of the traffic in the area to initiate traffic control devices.

Senior Planner, Maria Meier noted for Council's consideration that the map extension of Golden Lane was marked at 23 feet on each side but should be marked at 24 feet to accommodate a 48 foot through street.

Mark Grenz, Multi-Tech Engineering- noted their intent was for all the streets to have the 48-foot widths. Mr. Grenz requested that the fence that Mr. Marx was addressing not be placed as a condition, but something which they would address with him prior to the occupancy

of the homes. He gave the example of Country Glen Drive as an example of single access subdivision that functions well getting traffic in and out of the subdivision.

Councilor McGee addressed the issue of the fencing. He felt it would be important for this to be included in the condition to keep the fencing material uniform and to possibly prevent problems in the future.

With no additional testimony Council President Christopher closed the public hearing.

Councilor Keller moved to direct staff to come back with an ordinance approving the Comprehensive Plan/Zone Change/Subdivision Case No. 00-56 (Pro-Construct) amending page 25 first paragraph freezing the sewer acreage charge pursuant to the supplemental staff report with the easement waivers. Councilor Moir seconded the Motion.

Councilor McGee moved a friendly amendment adding the condition of approval of the addition of a six-foot wooden fence to be placed on lots two, three, four and five. Councilor Keller accepted the friendly amendment.

Councilor Walsh did not think the provision of the fence was necessary as a condition of approval.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Walsh and Wilson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Newton (1)

ADMINISTRATIVE ACTION

a. RESOLUTION- Initiation of Vacation of Right-of-Way/Walkway near Janet Avenue/Chemawa Road

City Attorney Shannon Johnson reported that during the development of the new commercial retail building between Baker Square and the Keizer Mower and Saw shop, City staff became aware of an unused six-foot right-of-way. Mr. Johnson noted that it might be appropriate to visit the issue of vacating the walkway if it appeared that the public interest would not be prejudiced by such a vacation.

Mr. Johnson went on to state that the vacation statutes indicate that in this case the vacated right-of-way would vest in the adjoining property owners. (i.e. Bakers Square owners and the owners of the adjoining new building)

Councilor Keller moved a Resolution Initiating Vacation Process for Right-of-Way (Walkway) Between Janet Avenue and Chemawa Road North. Councilor McGee seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Walsh and Wilson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Newton (1)

**b. RESOLUTION-
Initiation of Vacation for
property near
Lockhaven/Trail Avenue**

City Attorney, Shannon Johnson reported that Clyde and Cindy Aspinwall approached the City and requested that the City consider initiating the vacation process for an unused portion of Trail Avenue right-of-way.

Mr. Johnson noted that Mr. Aspinwall had attempted to accomplish the vacation through the petition process, but was unable to do so when an abutting property owner refused to give their consent therefore he was requesting that the City initiate the vacation process.

Mr. Johnson reminded the Council that his firm had represented the Aspinwall's in the past and indicated that if the Council were comfortable with this he would prepare consent forms addressing this issue.

Mr. Johnson also addressed the cost of the vacation process and since this was not a City driven process he had included in the resolution that the Aspinwall's would cover fees incurred in this process.

Councilor McGee moved to direct that the City Attorney proceed with the wavier provision to be signed by all parties involved. Councilor Moir seconded the Motion.

Responding to questions Mr. Johnson noted that the consent form could be signed by City Manager for the Council.

Councilor Walsh expressed concerns with Mr. Johnson acting a Council for the City and the Aspinwall's in this

case.

After further discussion Councilor McGee removed his motion from the table.

Councilor McGee moved in the Matter of the Initiation of Vacation Proceedings for Unused Trail Avenue Right-of-Way Adjacent to Lockhaven Drive that the City Obtain Independent Legal Council to Represent the City in this Matter. Councilor Keller seconded the Motion.

Mr. Johnson offered to arraign the representation for the City.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir and Walsh (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Newton and Wilson (left the room during the vote) (2)

Councilor Keller moved a Resolution Initiating Vacation Process for a Portion of Trail Avenue Right-of-Way Adjacent to Lockhaven Drive. Councilor Moir seconded the Motion.

Councilor Walsh expressed concern regarding possible litigation issues from the property owner that did not wish to turn over the right-of-way.

Mr. Johnson noted he had directed Mr. Aspinwall to seek advice from an attorney and the Title Company regarding these issues and obtain a title policy if he attempted to sell the property in the future.

Councilor Walsh continued to express concerns regarding the issue. He requested assurances if this property was vacated to Mr. Aspinwall that the City would not later become involved in legal issues.

Mr. Johnson noted the Council could come back at the public hearing if Council felt that there was a risk regarding vacating this property.

The motion passed as follows:

AYES: Christopher, Keller, McGee, Moir and Wilson (5)

NAYS: Walsh (1)

ABSTENTIONS: None (0)
ABSENT: Newton (1)

**c. RESOLUTION-
Initiation of Vacation of
Right-of Way near
Radiant Drive**

Responding to questions, Mr. Johnson noted that the process would be vacating the right-of-way to the City and did not feel the issue had anything to do with taxes.

Councilor Keller moved a Resolution Initiating Vacation Process for a Portion of the Old Radiant Drive Right-of-Way. Councilor McGee seconded the Motion.

Public Works Director, Rob Kissler indicated that it would be a good opportunity to dedicate the new public right-of-way, which runs along Radiant Drive along the freeway.

Mr. Johnson noted he would like to consider this further before moving forward with Mr. Kissler's suggestion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Walsh and Wilson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Newton (1)

**d. RESOLUTION-
Authorizing the City
Manager to Enter
Intergovernmental
Agreement for Marion
County Area Gang and
Narcotics Enforcement
Task Force (MAGNET)**

Chief Marc Adams reported that the Council was supplied with a presentation on the newly formed Marion County Area Gang and Narcotics Enforcement Task Force. Chief Adams indicated that as a member of this interagency task force the Keizer Police Department would agree to provide one police officer to this team as long as the City would participate in the program.

Chief Adams recommended that the Council pass the Resolution.

Councilor Keller moved a Resolution Authorizing the City Manager to Enter into Intergovernmental Agreement for Marion County Area Gang and Narcotics Enforcement (MAGNET) Task Force. Councilor Moir seconded the Motion.

Councilor Keller hoped during future budget proceedings that the Council would consider the resources that are gained by this intergovernmental agreement and to see that the agreement continues.

City Manager Eppley felt this agreement was an excellent

opportunity to meet previous Council and Budget Committee Goals pertaining to narcotics related issues.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Walsh and Wilson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Newton (1)

CONSENT CALENDAR

- a. RESOLUTION- Approving Engineer Report for the Vineyards North Phase 2 Street Lighting District
- b. RESOLUTION- Approving Engineer Report for Hidden Creek Estates Phase 5 Street Lighting District
- c. RESOLUTION- Initiating Westmore East Street Lighting District
- d. RESOLUTION- Initiating Shady Addition Phase 1 & 2 Street Lighting District
- e. RESOLUTION- Transferring Contingency in Parks Improvement Fund (Keizer Little League Restrooms)
- f. Approval of Miracle of Christmas Noise Variance
- g. Approval of October 9, 2000 Special Session Minutes
- h. Approval of October 16, 2000 Regular Session Minutes
- i. Approval of October 23, 2000 Special Minutes

Councilor Moir pulled item "f" from the Consent Calendar.

Councilor Keller moved for Approval of the Consent Calendar with the exception of item "f". Councilor Moir seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Walsh and Wilson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Newton (1)

Councilor Moir requested a change in the dates of the noise variance to reflect the Miracle of Lights Christmas Display would run from Friday, December 1, 2000 through Tuesday, December 26, 2000.

Councilor Moir moved to approve the Miracle of Christmas Noise Variance with the Amended Dates.
Councilor Walsh seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Walsh and Wilson (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Newton (1)

WRITTEN COMMUNICATIONS

Council President Christopher noted on November 8th that Habitat for Humanity was holding a breakfast at Mission Mill at 8:00 a.m.

AGENDA INPUT

November 13, 2000

5:30 p.m. City Council/Urban Renewal Agency Work Session

- Curb Side Yard Debris Program Presentation
- Realignment/Improvements to Radiant Drive

November 20, 2000

6:00 p.m. Urban Renewal Agency Meeting

- River Road/Chemawa Road Property Public Hearing

7:00 p.m. City Council Regular Session

- Parks System Development Charge Methodology Public Hearing
- Initiation of Vacation for Fernwood Park
- City of Keizer Legal Services Agreement

December 4, 2000

7:00 p.m. City Council Regular Session

- Library Task Force Report

Council President Christopher noted the agenda items.

Mr. Kissler indicated on December 4th agenda he would like to add a Lot Line Adjustment along Hidden Creek Park which would increase the size of the park.

ADJOURNMENT

Council President Christopher adjourned the meeting at
10:45 p.m.

Tracy L. Davis
City Recorder

APPROVED:
MAYOR:

absent
Bob Newton

COUNCIL MEMBERS:

Councilor #1 - J. L. Wilson

Councilor #4 - Jacque Moir

Councilor #2 - Lore Christopher

Councilor #5 - Richard Walsh

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

Proposal to
Keizer City Council
for the
Development of a Regional Shopping Center
on Area “A” of Chemawa Activity Center

Prepared by Northwest National LLC, Developer

Developer will:

1. Of the 27 property owners, we will secure the land from 20 or more, which leaves the threat of condemnation for 7 or fewer owners
2. Pay for preparation of the Master Plan to determine if the project is feasible and prepare documents and drawings for the Council to consider.
3. If the Master Plan is approved, will pay for infrastructure and a “new Radiant Drive.”
4. Enter into an Exploratory Agreement between the City of Keizer (hereinafter referred to as the “City”) and Northwest National LLC (hereinafter referred to as “Developer”) to determine the feasibility of developing a 107-acre parcel at the northwest corner of Chemawa Road at Interstate 5 (hereinafter referred to as the “Site”). Developer will also explore development of the remainder of the Chemawa Activity Center for the City.
5. Create a Master Plan for the 107-acre site that will be both commercially viable and acceptable to the City.
6. Acquire the properties and construct the project if Master Plan is accepted by all parties.
7. Endeavor to create \$100 million of taxable property value on the site within 36 months of the start of construction.

The City will:

1. Sign the Exploratory Agreement as drafted by your legal counsel.
2. Revive (take off the table) Resolution R2000-1161 which would require:
 - a. Increasing amount of commercially zoned property
 - b. Letting the Master Plan show the landscape requirements
 - c. Removing the requirement that no single use building be more than 50,000 sf
 - d. Adoption of design plan consistent with the overall Master Plan for the area

- e. Removing the statement regarding the appropriateness of the Park-n-Ride lot in Area D
 - f. Removing the requirement for a 150-room hotel or motel
 - g. Protection of residential property from traffic impacts be made part of the Master Plan
3. Plan to do I-5 interchange (jug handle) in coordination with ODOT and other governmental authorities.
 4. If the project is deemed feasible and all parties choose to move forward, the City will rezone the Site to accommodate any commercial development called for in the Concept Design Plans and Design Development Drawings.
 5. Provided the Concept Design Plans and Design Development Drawings are approved, the City will conduct further discussions relating to acquisition of the properties, including the potential for the City's acquisition of no more than 7 of the properties through condemnation.

Six Stages of Development Anticipated Completion Schedule

1) Exploratory Agreement	by November 30, 2000
2) Due Diligence Period • Environmental reports • ODOT Agreement • PGE Agreement	by August 31, 2001
3) Master Plan Approval *	within 90 days after stage 2 is completed
4) Acquisition of Property *	within 180 days after stage 3 is completed
5) Off-site Improvements Begin *	within 270 days after stage 4 is completed
6) On-site Development Begins *	within 365 days after stage 5 is completed

* Developer reserves the right to two 90 day extensions on any one or more of the noted stages due to unforeseen conditions that may arise.

Project Key Players:

☆ City of Keizer

☆ Developers

John Batzer
Batzer Construction
PO Box 4460
Medford OR 97501

Don Jensen
Jensen Development and Community Mortgage
4050 River Road N
Keizer OR 97303

Chuck Sides
Management Group Oregon
PO Box 2087
Salem OR 97308

☆ Architect

Ankrom Moisan Associated Architects, Inc
6720 SW Macadam, Suite 100
Portland OR 97219

EXPLORATORY AGREEMENT

BETWEEN: Northwest National LLC ("Developer")
AND: City of Keizer, a municipal corporation ("City")
AND: Urban Renewal Agency of the City of Keizer ("Agency")
DATED: _____, 2000.

RECITALS

- A. In furtherance of the objectives of Oregon Revised Statutes, Chapter 457, the redevelopment agency of the City of Keizer, Oregon, ("Agency"), has undertaken a program for the elimination of blight and the causes of blight in the City of Keizer. The Agency prepared and approved the Urban Renewal Plan for redevelopment of the North River Road Economic Development Area. The Urban Renewal Plan was adopted during September, 1990, as amended from time to time and last amended on May 17, 1999 (which plan, as so amended and as it may hereafter be further amended from time to time pursuant to law, is hereinafter referred to as the "Urban Renewal Plan").
- B. In order to enable the Agency to achieve the objectives of the Urban Renewal Plan, the Agency and the City have considered acquiring and making certain land available for public use and for redevelopment by private enterprise in accordance with the uses specified in the Urban Renewal Plan, including _____ as shown on Exhibit A, incorporated by this reference ("Property").
- C. Developer is considering development of the Property. The development will be comprised of certain improvements and uses, including but not limited to _____ ("Project"), as shown in the Concept Design Plans submitted by the Developer to the City on July 10, 2000.
- D. The Property is comprised of several lots that are owned by a number of third parties.
- E. Developer, Agency and City acknowledge and agree that certain predevelopment tasks need to be completed prior to further agreement of the parties relating to development of the Property. The parties wish to set forth their mutual responsibilities during such predevelopment period in this agreement. In the event the parties meet the obligations set forth herein, the parties anticipate entering into negotiations for a disposition and development agreement.

AGREEMENT

Each of the Parties hereto, in consideration of the foregoing recitals which are incorporated herein by this reference, the promises and the agreements of the other Parties set forth herein and other valuable consideration, the adequacy of which is hereby acknowledged, covenant and agree as follows:

1. **DEFINITIONS.** The following terms shall have the designated meanings for purposes of this Agreement:
 - 1.1 "Agency" shall mean the Urban Renewal Agency of the City of Keizer, Oregon.
 - 1.2 "City" shall mean the City of Keizer, Oregon, a municipal corporation.
 - 1.3 "Concept Design Plans" shall mean plans which illustrate the general number and location of buildings, improvements, and uses, and which illustrate the general design character of buildings sufficient to determine size and building style and utility and infrastructure needs.
 - 1.4 "Design Development Drawings" shall mean:
 - 1.4.1 Engineering and architectural site plans showing all structures in relation to projected final topography of the Project, all proposed connections to existing or proposed roads, utilities, open space and parking areas, depicting the number and types of spaces.
 - 1.4.2 Landscape plans showing the common and botanical name of plant species, the number and size of plantings and demonstrating the location and type of irrigation.
 - 1.4.3 Plans, elevations, typical cross-sections and typical wall sections of all building areas.
 - 1.4.4 Elevations of the buildings to determine the specific configuration and relationship of design elements of the building exterior, which describe the aesthetic and technical aspects of the building exterior, including materials.
 - 1.4.5 Plans, elevations, typical cross sections of all of the interior space layout of the building areas, entrance canopies, interior public courts, specialty areas, and service area layouts.
 - 1.4.6 Proposed layouts for exterior signage and graphics.
 - 1.4.7 Preliminary outline specifications describing exterior construction materials and methods, including indications of colors, finishes, and patterns.
 - 1.4.8 An outline of amenities, including, but not limited to, public art, furniture, handrails, seating areas and food areas, if any.
 - 1.4.9 A description of servicing requirements, trash compactors and related areas, loading docks, etc.
 - 1.4.10 Calculation of gross building, parking and open space.

- 1.4.11 Detailed cost estimate pertaining to the construction of the improvements as presented in the Design Development Drawings, for review and comment only.
- 1.5 "Developer" shall mean Northwest National LLC.
- 1.6 "Effective Date" shall mean the date on which the last Party executing this Agreement affixes its signature to the space provided at the end of this Agreement.
- 1.7 "ODOT" shall mean the Oregon Department of Transportation.
- 1.8 "Party" means either Agency, City or Developer. Agency, City and Developer may be referred to jointly as "Parties."
- 1.9 "Term" shall mean the period between the Effective Date and the earlier of Developer's completion of the Concept Design Plan and the Design Development Drawings or the one year anniversary of this Agreement.
- 1.10 "Utilities" shall mean all private and public utility improvements and related facilities.

2. **CITY AND AGENCY OBLIGATIONS RELATING TO PREPARATION OF REAL PROPERTY FOR REDEVELOPMENT.** Within the Term of this Agreement, City and Agency agree to perform the following tasks:

- 2.1 **Chemawa Activity Center Plan and Urban Renewal Plan Amendments.** Agency shall consider amendments to the Urban Renewal Plan and City shall consider amendments to the Chemawa Activity Center Plan and implementing rezonings to accommodate development of the Property. Amendments to both plans may include, but not necessarily be limited to an expansion of the commercially zoned area within the Chemawa Activity Center area, as described in the Chemawa Activity Center Plan.
- 2.2 **ODOT Discussions.** City shall continue to engage in discussions with ODOT about potential rezoning of portions of the Property and access from the Property to and from Interstate 5.
- 2.3 **Land Acquisition.** In the event Developer provides the other parties with Concept Design Plans and Design Development Drawings for the Project in a timely manner that meet with the approval of the City and the Agency, Agency and Developer will conduct further discussions relating to acquisition of the Property, including the potential for Agency's acquisition of a portion of the Property through condemnation.

3. **DEVELOPER OBLIGATIONS RELATING TO PREPARATION OF REAL PROPERTY FOR REDEVELOPMENT.** Within the Term of this Agreement, Developer agrees to perform the following tasks:
- 3.1 **Concept Design Plans and Design Development Drawings.** Developer shall submit Concept Design Plans, modified as necessary after the July 10, 2000 meeting of the City Council, and Design Development Drawings for the Project that meet with the approval of the City and Agency.
- 3.2 **Organizational Documents.** Developer shall provide all organizational documents relating to Developer as may be deemed necessary by Agency and City to determine Developer's experience and financial ability to develop the Project.
4. **DISPOSITION AND DEVELOPMENT AGREEMENT.** Within nine (9) months subsequent to the parties having fully performed their respective obligations under this Agreement, the parties agree that they shall meet to discuss and agree upon the terms and conditions of a disposition and development agreement. The parties may mutually agree, in writing to extend the initial nine (9) month period by one (1) three (3) month extension period. The terms of a disposition and development agreement would include, but not be limited to, acquisition and disposition of real property, Project improvements, phasing of development, environmental issues, use of the property, construction completion dates and the financial contributions of each party toward certain infrastructure improvements.
5. **DEFAULT; REMEDIES.** In the event any of the parties fail to perform their respective obligations in accordance with the terms of this Agreement, excepting the obligations included in paragraph 4, such nonperformance shall be deemed a breach of the agreement. The breaching party shall have thirty (30) days to cure the alleged breach. If the breach is not cured within thirty (30) days, a breach of the Agreement may be declared by the nonbreaching party. In the event of a breach of the Agreement, the nonbreaching party shall provide written notification to the other party of such nonperformance. The nonbreaching party shall be entitled to reimbursement of one-half of costs and expenses incurred by the nonbreaching party between the Effective Date and the date of the written notice of nonperformance. Notwithstanding the foregoing, Developer shall only be entitled to reimbursement of those costs and expenses that have received the prior approval of the City. Invoices or a description statement in a form satisfactory to the City shall be submitted to the City on the first of each month during the Term of this Agreement. City shall indicate its approval or disapproval of all costs and expenses included on each month's invoice or statement within seven (7) calendar days of receipt.
6. **NOTICE.** A notice or communication under this Agreement by any Party to the other shall be dispatched by registered or certified mail, postage prepaid, return receipt requested and by regular first-class mail, and
- in the case of a notice or communication to Developer, addressed as follows:
- _____

in the case of a notice or communication to City or Agency, addressed as follows:

or addressed in such other way in respect to a Party as that Party may, from time to time, designate in writing dispatched as provided in this paragraph. Notice given pursuant to paragraph 8.3 shall be considered received on the earlier of (a) the date of actual receipt, or (b) three (3) days after the date of mailing.

7. **Waivers.** No waiver made by any Party with respect to the performance, or manner or time thereof, of any obligation of the other Parties or any condition inuring to its benefit under this Agreement shall be considered a waiver of any other rights of the Party making the waiver. No waiver by City Agency or Developer of any provision of this Agreement or any breach thereof shall be of any force or effect unless in writing; and no such waiver shall be construed to be a continuing waiver.
8. **Calculation of Time.** All periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday in the State of Oregon, the period shall be extended to include the next day which is not a Saturday, Sunday, or a legal holiday in the State of Oregon.
9. **Severability.** If any clause, sentence or any other portion of the terms and conditions of this Agreement becomes illegal, null or void for any reason, the remaining portions will remain in full force and effect to the fullest extent permitted by law.
10. **Entire Agreement.** This Agreement and any documents referred to herein are the entire agreement between the Parties relating to the subject matter in this Agreement. There is no other oral or written agreement between the Parties with regard to this subject matter.
11. **Modifications.** Any modifications to this Agreement shall be made in writing executed by all Parties.
12. **No Partnership.** Neither anything in this Agreement contained nor any acts of the Parties hereby shall be deemed or construed by the Parties, or by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or any association between any of the Parties.
13. **No Third Party Beneficiaries.** The Parties intend that the rights, obligations and covenants in this Agreement shall be exclusively enforceable by City, Agency and Developer. There are no other beneficiaries to this Agreement to whom rights are expressly granted in this Agreement.
14. **Nonwaiver of Government Rights.** Subject to the terms and conditions of this Agreement, by making this Agreement City is specifically not obligating itself, the Agency, or any other governmental entity with respect to any discretionary action relating to development of the Project, including, but not limited to, design review or any other governmental agency approvals which are or may be required.

CITY OF KEIZER

By: _____

STATE OF OREGON)
) ss.
County of _____)

On this ____ day of _____, 2000, before me, a Notary Public in and for the State of Oregon, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that she/he was authorized to execute the instrument, and acknowledged it as the _____ of the City of Keizer, to be the free and voluntary act and deed of said body for the uses and purposes mentioned in the instrument.

Notary Public in and for the State of Oregon,
residing at _____

My Commission expires: _____

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

By: _____

STATE OF OREGON)
) ss.
County of _____)

On this ____ day of _____, 2000, before me, a Notary Public in and for the State of Oregon, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that she/he was authorized to execute the instrument, and acknowledged it as the _____ of the Urban Renewal Agency of the City of Keizer, to be the free and voluntary act and deed of said body for the uses and purposes mentioned in the instrument.

Notary Public in and for the State of Oregon,
residing at _____

My Commission expires: _____

Northwest National LLC
an Oregon limited liability company

By: _____

STATE OF OREGON)
) ss.
County of _____)

On this ____ day of _____, 2000, before me, a Notary Public in and for the State of Oregon, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that she/he was authorized to execute the instrument, and acknowledged it as the _____ of Northwest National LLC., to be the free and voluntary act and deed of such limited liability company for the uses and purposes mentioned in the instrument.

Notary Public in and for the State of Oregon,
residing at

My Commission expires : _____



NORTH SANTIAM PAVING CO.

**SITE DEVELOPMENT AND
ROADWAY CONTRACTORS**

41203 Kingston-Lyons Dr SE - PO Box 516 Stayton, Or 97383 Office 503-769-3436 Fax 503-769-7358 CCD #53247

ENGINEERING
SURVEYING
CLEARING
EXCAVATION
ROCK BASES
UTILITIES

November 17, 2000

City of Keizer
Attn: Shannon Johnson
P.O. Box 21000
Keizer, Or 97307-1000

Dear Shannon,

North Santiam Paving Co. has worked with Chuck Sides and Don Jenson on past and present site development projects.

These projects have been significant in size and complexity.

We have worked well together to successfully plan, budget, design/engineer, and construct these projects.

Our relationship with them has been positive for our company as well as constructive to our clients.

I look forward to working together with them on future projects.

Please call me if I can answer any further questions.

Sincerely,

Paul Beals
Controller

Pore Christopher

SDC PROPOSAL									
Single Family Dwelling SDC's		Multi-Family Dwelling SDC's							
Adopted in 1992 = \$ 300		Adopted in 1992 = \$ 200							
ENR Cost INDEX (Const Costs)	% Increase	County Assessor's Index		% Increase	50%/50% Combined Index (11% AVG)				
Single Family	Multi-Family	Single Family	Multi-Family		Single Family	Multi-Family			
\$ 300.00	\$ 200.00	\$ 300.00	\$ 200.00		\$ 300.00	\$ 200.00			
1993 \$ 311.00	\$ 208.00	\$ 330.00	\$ 220.00	10.0	\$ 333.00	\$ 222.00			
1994 \$ 329.00	\$ 220.00	\$ 356.00	\$ 238.00	8.0	\$ 369.00	\$ 246.00			
1995 \$ 340.00	\$ 227.00	\$ 595.00	\$ 397.00	67.0	\$ 410.00	\$ 274.00			
1996 \$ 346.00	\$ 231.00	\$ 773.00	\$ 516.00	30.0	\$ 455.00	\$ 304.00			
1997 \$ 356.00	\$ 238.00	\$ 773.00	\$ 516.00	-	\$ 505.00	\$ 338.00			
1998 \$ 385.00	\$ 257.00	\$ 812.00	\$ 542.00	5.0	\$ 561.00	\$ 375.00			
1999 \$ 403.00	\$ 269.00	\$ 958.00	\$ 639.00	18.0	\$ 623.00	\$ 416.00			
2000 \$ 414.00	\$ 277.00	\$ 1,015.00	\$ 677.00	6.0	\$ 691.00	\$ 462.00			
	AVG 4.2%		AVG 18%			AVG 11%			
The dollar amounts of the SDC shall be adjusted annually to account for changes in the costs of acquiring and constructing parks facilities.									
The adjustment factor shall be based on the change in average market value of undeveloped land in the city, according to the records of the									
County Tax Assessor, and the change in construction costs according to the Engineering News Record (ENR) Northwest Construction Cost Index.									
At a ratio of 50% for each index. To be determined as follows:									
	+	Change in Average Market Value X .50%							
	=	Parks System Development Charge Adjustment Factor Annually							
Last four years (since 1995-96 re-appraisal due to Measure 5) AVERAGE of BOTH Indices = (ENR - 4.7 + CA - 7.25) 5.9%									
Ten year trend based on this average figure:		Single Family	Multi-Family						
	2000	\$ 691.00	\$ 462.00						
	2001	\$ 732.00	\$ 489.00						
	2002	\$ 775.00	\$ 518.00						
	2003	\$ 821.00	\$ 549.00						
	2004	\$ 869.00	\$ 581.00						
	2005	\$ 921.00	\$ 616.00						
	2006	\$ 975.00	\$ 652.00						
	2007	\$ 1,032.00	\$ 690.00						
	2008	\$ 1,093.00	\$ 731.00						
	2009	\$ 1,158.00	\$ 774.00						
	2010	\$ 1,225.00	\$ 820.00						

ENR COST INDEXES IN 20 CITIES, 1974-1999

	PHILADELPHIA				PITTSBURGH				ST. LOUIS				SAN FRANCISCO				SEATTLE			
1973=100	DEC	% CHG.	DEC	% CHG.	DEC	% CHG.	DEC	% CHG.	DEC	% CHG.	DEC	% CHG.	DEC	% CHG.	DEC	% CHG.	DEC	% CHG.	DEC	% CHG.
1974	1308.07	+6.6	2169.42	+10.4	1310.52	+6.8	2060.97	+6.5	1183.22	+7.7	2339.73	+9.8	1389.03	+11.1	2508.50	+12.2	1181.97	+11.2	2097.28	+13.7
1975	1443.67	+10.4	2378.94	+9.7	1400.63	+8.9	2240.60	+8.7	1295.43	+9.5	2543.45	+8.7	1506.51	+8.8	2807.07	+11.9	1209.87	+4.1	2409.21	+14.9
1976	1533.32	+6.2	2545.98	+7.0	1533.32	+9.5	2545.98	+13.6	1412.89	+9.1	2759.88	+8.5	1688.24	+12.0	3104.02	+10.6	1434.88	+16.6	2668.00	+10.7
1977	1607.93	+4.9	2687.29	+5.6	1664.25	+8.5	2682.85	+5.4	1537.18	+8.8	2946.75	+8.8	1768.85	+4.7	3150.78	+1.5	1549.85	+8.0	2865.60	+7.4
1978	1694.95	+5.4	2839.24	+5.7	1808.87	+8.7	2945.44	+9.8	1656.03	+7.7	3185.71	+5.3	1940.78	+9.7	3412.20	+8.3	1785.16	+13.9	3197.00	+11.6
1979	1974.88	+16.5	3183.93	+12.1	1975.83	+9.2	3180.57	+8.0	1845.80	+11.5	3344.20	+7.7	2172.96	+12.0	3808.14	+11.5	1895.43	+7.4	3497.64	+9.4
1980	1963.20	-0.8	3233.59	+1.6	2105.51	+6.6	3383.37	+6.4	1900.51	+3.0	3578.40	+7.0	2395.21	+10.2	4371.96	+14.9	2073.29	+9.4	3508.16	+11.8
1981	2136.57	+8.8	3803.48	+11.4	2213.09	+5.1	3653.48	+8.0	1994.88	+5.0	3834.84	+7.2	2558.49	+6.8	4592.45	+5.0	2201.32	+8.2	4230.36	+8.2
1982	2266.96	+6.1	3858.50	+7.1	2332.66	+5.4	3894.97	+8.6	2101.16	+5.3	4107.49	+7.1	2799.96	+9.4	4893.30	+8.7	2306.50	+4.4	4480.38	+6.2
1983	2439.99	+7.6	4175.74	+8.2	2473.68	+6.0	4077.51	+4.7	2233.44	+8.3	4325.69	+5.3	2826.13	+0.9	5122.74	+2.6	2335.79	+1.2	4559.55	+1.5
1984	2482.34	+2.1	4437.81	+6.3	2551.44	+3.1	4234.49	+3.8	2332.03	+4.4	4511.37	+4.3	2758.35	-2.5	5049.13	-1.4	2317.67	-0.1	4548.01	-0.3
1985	2572.09	+3.2	4549.62	+2.5	2585.58	+0.6	4208.63	-0.6	2390.59	+2.5	4733.37	+4.9	2819.50	+2.3	5055.04	+0.1	2350.21	+1.8	4563.10	+0.4
1986	2678.08	+4.0	4878.78	+2.8	2593.04	+1.1	4280.39	+1.7	2484.89	+3.1	4827.92	+2.0	2961.47	+5.0	5508.43	+9.0	2388.19	+1.5	4585.40	+0.5
1987	2784.88	+4.1	4883.56	+4.4	2580.28	-0.5	4311.93	+0.7	2594.89	+5.3	5056.78	+4.7	3044.27	+2.8	5732.37	+4.1	2450.79	+2.9	4684.28	+2.2
1988	2880.56	+3.4	5064.20	+3.7	2585.07	+0.2	4331.70	+0.5	2568.08	-1.0	5081.56	+0.1	3078.27	+1.1	5734.48	0.0	2523.00	+2.9	4738.35	+1.2
1989	2970.40	+3.1	5299.78	+4.7	2681.18	+3.7	4425.57	+2.2	2625.15	+2.2	5132.97	+1.4	3119.95	+1.4	5932.57	+3.5	2566.80	+1.7	4898.01	+3.4
1990	3040.85	+2.4	5431.28	+2.5	2717.08	+1.3	4580.58	+3.5	2602.18	-0.9	5090.94	-0.8	3245.04	+4.0	6055.81	+2.1	2552.58	+0.8	4933.39	+0.7
1991	3169.81	+4.2	5816.98	+3.4	2807.73	+3.3	4696.93	+2.5	2686.83	+2.3	5172.41	+1.6	3270.90	+0.8	6222.06	+2.8	2715.04	+4.4	5120.63	+3.9
1992	3130.58	-1.2	5682.35	+1.2	2962.80	+7.6	4996.54	+7.8	2759.33	+2.7	5331.99	+3.1	3296.40	+3.2	6293.15	+1.2	2804.06	+3.8	5336.89	+3.9
1993	3377.98	+7.9	6022.23	+6.0	3140.13	+8.3	5287.87	+8.0	3034.48	+10.6	5765.31	+8.5	3428.04	+3.9	6477.95	+2.9	2980.82	+6.9	5630.25	+5.8
1994	3480.78	+3.0	6224.88	+3.4	3218.37	+2.5	5485.78	+3.7	3091.81	+1.9	5947.05	+3.2	3519.17	+2.7	6530.35	+0.8	3024.48	+1.5	5818.49	+3.3
1995	3563.18	+2.4	6431.00	+3.3	3287.92	+2.2	5648.52	+3.0	3089.59	-0.1	6053.67	+1.8	3561.80	+1.2	6558.16	+0.4	3046.50	+0.7	5924.09	+1.8
1996	3840.49	+2.2	6599.25	+2.6	3538.60	+7.8	5984.29	+5.9	3253.40	+5.3	6302.04	+4.1	3634.25	+2.0	6629.61	+1.1	3154.16	+3.5	6096.77	+2.8
1997	3839.74	+2.2	6598.50	+2.6	3572.12	+8.1	6017.81	+6.8	3342.41	+8.2	6391.05	+5.8	3633.50	+2.4	6628.88	+1.3	3200.19	+5.8	6132.81	+3.6
FEB	3840.74	+2.2	6599.50	+2.6	3535.58	+7.5	5981.28	+6.1	3306.98	+7.3	6335.60	+5.1	3645.93	+3.0	6641.29	+1.3	3204.82	+5.8	6137.44	+3.7
MARCH	3836.89	+2.1	6595.64	+2.6	3478.10	+5.4	5917.95	+4.8	3305.85	+5.4	6354.29	+4.2	3650.78	+3.2	6646.13	+1.4	3198.57	+5.8	6129.18	+3.8
APRIL	3858.14	+2.7	6616.89	+2.9	3506.33	+8.2	5945.19	+5.2	3329.82	+6.1	6378.28	+4.5	3677.45	+4.0	6672.82	+0.9	3401.88	+12.5	6334.29	+7.3
MAY	3866.14	+2.8	6624.89	+3.0	3489.85	+4.9	5928.71	+4.5	3335.88	+6.4	6512.87	+4.2	3702.88	+4.9	6688.22	+2.3	3417.85	+10.5	6488.29	+8.4
JUNE	3988.59	+11.9	6947.34	+8.0	3504.36	+4.8	5943.22	+4.3	3353.11	+5.5	6530.10	+4.1	3704.86	+4.8	6700.22	+2.3	3321.73	+7.9	6370.37	+6.8
JULY	3983.99	+11.3	6922.74	+7.7	3501.02	+1.9	5980.02	+1.6	3367.41	+4.5	6537.94	+3.8	3754.93	+6.1	6708.81	+2.3	3319.98	+7.5	6368.62	+6.7
AUG	3988.56	+8.9	7069.87	+7.3	3499.85	+1.8	5951.71	+1.1	3375.19	+5.6	6524.06	+4.1	3783.94	+4.9	6705.81	+2.7	3315.88	+2.4	6364.49	+6.7
SEPT	3887.31	+8.6	7070.62	+7.1	3484.82	-0.1	5936.89	0.0	3383.97	+4.0	6512.84	+3.7	3784.59	+4.2	6706.59	+1.2	3318.81	+6.0	6365.24	+4.5
OCT	3968.05	+8.9	7049.36	+6.8	3486.08	-1.8	5918.15	-0.9	3324.78	+0.3	6473.63	+1.7	3800.32	+5.1	6722.28	+1.7	3317.11	+8.8	6365.74	+4.8
NOV	3983.55	+8.8	7046.86	+8.8	3404.83	-3.4	5856.89	-1.9	3309.20	-1.0	6458.07	+1.1	3799.61	+5.2	6720.58	+1.8	3351.82	+8.2	6622.82	+8.8
DEC	3974.05	+9.2	7057.36	+8.9	3437.09	-2.9	5889.15	-1.8	3325.68	+2.2	6474.56	+2.7	3809.11	+4.8	6731.08	+1.5	3368.54	+8.5	6639.85	+9.1
1998	3974.05	+9.2	7057.36	+7.0	3424.58	-4.1	5876.64	-2.4	3343.84	0.0	6492.51	+1.6	3809.11	+4.8	6731.08	+1.5	3368.54	+8.9	6639.85	+8.3
FEB	3982.53	+9.4	7065.61	+7.1	3445.21	-2.6	5963.16	-0.3	3332.85	+0.8	6481.72	+2.0	3814.24	+4.6	6738.21	+1.4	3376.79	+8.9	6648.10	+8.3
MARCH	3995.03	+8.6	7088.11	+7.2	3450.43	-0.8	5988.38	+0.9	3320.11	+0.4	6618.99	+4.2	3818.58	+4.6	6739.38	+1.4	3382.45	+8.9	6653.76	+8.6
APRIL	3990.53	+9.1	7073.81	+8.9	3455.93	-1.4	5973.88	+0.5	3325.81	-0.1	6624.49	+3.9	3824.06	+4.0	6744.88	+1.1	3387.85	+8.4	6659.26	+5.1
MAY	3996.78	+9.0	7079.86	+8.9	3452.93	-1.1	5970.88	+0.7	3338.22	0.0	6635.08	+1.9	3839.83	+3.7	6760.85	+0.9	3394.20	+8.7	6665.51	+3.1
JUNE	4044.29	+1.4	7308.38	+5.2	3448.29	-1.8	5966.23	+0.4	3334.81	-0.6	6611.83	+1.3	3841.05	+3.7	6761.87	+0.9	3438.29	+5.8	6744.01	+5.9
JULY	4047.04	+2.1	7311.11	+5.8	3482.00	-1.1	5958.47	-0.4	3306.18	-1.8	6583.38	+0.7	3843.80	+2.4	6764.82	+0.8	3441.04	+3.7	6748.76	+5.9
AUG	4048.04	+1.5	7310.11	+3.4	3478.04	-0.6	5987.48	+0.8	3381.30	-0.4	6612.30	+1.4	3842.80	+1.6	6763.82	+0.9	3448.57	+3.8	6752.29	+6.1
SEPT	4056.29	+1.7	7320.38	+3.5	3491.55	+0.2	6001.00	+1.1	3428.43	+1.9	6630.71	+1.8	3855.77	+1.9	6776.59	+1.0	3458.82	+4.1	6762.54	+6.2
OCT	4075.79	+2.8	7311.37	+3.7	3455.21	-0.3	5964.85	+0.8	3414.02	+2.7	6618.30	+2.2	3940.96	+3.7	6859.09	+2.0	3443.32	+3.8	6749.04	+6.0
NOV	4069.79	+2.7	7305.37	+3.7	3482.58	+1.7	5972.25	+2.0	3385.17	+2.3	6589.45	+2.0	3934.96	+3.8	6853.09	+2.0	3485.18	+4.1	6861.04	+5.1
DEC	4082.29	+2.2	7297.87	+3.4	3448.37	+0.3	5976.05	+1.5	3394.54	+2.1	6598.82	+1.9	3927.46	+3.1	6845.59	+1.7	3481.95	+3.4	6957.81	+4.8
1999	4082.29	+2.2	7297.87	+3.4	3445.18	+0.8	6040.71	+2.8	3393.99	+1.5	6598.27	+1.8	3927.46	+3.1	6845.59	+1.7	3481.95	+3.4	6957.81	+4.8
FEB	4053.79	-1.8	7289.37	+3.2	3430.87	-0.4	6028.23	+1.1	3385.49	+1.8	6588.77	+1.7	3919.18	+2.8	6837.30	+1.5	3473.45	+2.1	6849.31	+4.5
MARCH	4039.29	-1.4	7274.87	+2.9	3420.52	-0.9	6018.08	+0.8	3391.96	+2.2	6595.94	-0.4	3904.66	+2.2	6837.30	+1.5	3473.45	+2.1	6834.81	+4.2

Source: ENR Construction Economics Dept. Percent changes are for 12-month period.

Oct 2000 - 7155

TO: Lori Christofer

FROM: Ken Brown, Marion County Assessor's Office

RE: Increase in Keizer land value since 1992

Date: Nov. 16, 2000

Here is a listing of the yearly trends for vacant land over one acre in Keizer. We reappraised Keizer in 1995. The figure shown for that year is for all vacant land and is the difference in value prior to, and after the reappraisal.

These are all percentage increase.

1993	10%
1994	8%
1995	67%
1996	30%
1997	0%
1998	5%
1999	18%
2000	6%

Total 339% increase



DATE: November 20, 2000 TIME: 7:00 p.m. AGENDA ITEM # 6b

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

[illegible]



DATE: November 20, 2000 TIME: 7:00 p.m. AGENDA ITEM # 6a

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS
(PLEASE PRINT)

[illegible]

**FRANCHISE SOLID WASTE MAXIMUM COLLECTION RATES
CITY OF KEIZER**

EFFECTIVE 6-01-2001

I. AUTOMATED CART SERVICE – MONTHLY RATE

A. RESIDENTIAL - CURB

20-Gallon; Full Service	14.20
20-Gallon; Opt-Out Yard Debris	10.75
32-Gallon; Full Service	15.95
64-Gallon; Full Service	22.30

B. RESIDENTIAL - MULTI FAMILY & MOBILE HOME PARKS

(1) 4 Units or less

20-Gallon; Full Service	14.20
20-Gallon; Opt-Out Yard Debris	10.75
32- Gallon; Full Service	15.95

(2) 5 Units or More - Single Billing

20 Gallon – No Yard Debris	10.65
32 Gallon – No Yard Debris	12.30

**C. OCCASIONAL EXTRA 32-Gallon Equivalent
(Bundles/Bags/Cans) 2.60**

D. ON CALL 5.60

E. EXTRA YARD DEBRIS CART (Residential Full Service Only – Per Cart) 4.05

F. YARD DEBRIS ONLY CART (Non-Residential Only – Per Cart) 9.00

G. CONTAMINATION FEE 9.00

H. COMMINGLE RECYCLE SERVICE ONLY (Non-Residential Only – Per Cart) 9.00

Full Service Includes:

Weekly collection of garbage

Bi-weekly (every other week) collection of commingled recyclables and special red-basket recyclables

Bi-weekly (every other week) collection of yard debris

Haulers provide color-coded calendar to each customer for specified bi-weekly collection schedule

Haulers provide automated roll carts (included in service price)

Customers will not place larger items or over fill cart (lid must close completely prior to collection)

Customers will not place hazardous chemicals, paint, corrosive materials or **hot ashes** into the carts.

Roll cart service may not be appropriate for customers that do not provide access (for automated equipment) to the roll cart – or for non-compliance with the restrictions outlined above.

Maximum Cart Weights:

20-Gallons – 40 lbs. Per Week

32-Gallons – 60 lbs. Per Week

64-Gallons – 120 lbs. Per Week

90-Gallons – 150 lbs. Per Week

I. COMMERCIAL ROLL CART SERVICE

Commercial 32 Gal. Roll Cart – Curb	14.55
Commercial 90 Gal. Roll Cart – Curb	28.30

The Hauler will supply all roll carts as part of the service price. Customers will not place larger items or over fill the cart such that the lid cannot be closed. The maximum weight limitation is:

32 Gallons - 60 pounds per week

90 Gallons - 150 pounds per week

Customers will not place hazardous chemicals, paint, corrosive materials or hot ashes into the can. Roll-Cart service may not be appropriate for customers who do not provide access to the Roll-Cart or who do not comply with the above restrictions.

J. BUNDLES, BOXES, SACKS OR OVERFILLED CARTS

Rate based on volumes equivalent to 32 Gal. Cart

K. CALL BACK – See Special Service

II. CONTAINER SERVICE Weekly Service, Monthly Rate

A. CONTAINER - LOOSE

One Yard	First stop	66.95
	Each added stop	56.95
One & One-Half Yard	First stop	94.20
	Each added stop	84.20
Two-Yard	First stop	120.70
	Each added stop	110.70
Three-Yard	First stop	173.15
	Each added stop	163.15
Four-Yard	First stop	219.85
	Each added stop	209.85
Five-Yard	First stop	268.90
	Each added stop	258.90
Six-Yard	First stop	316.00
	Each added stop	306.00

B. CONTAINER-COMPACTED

Customer supplies the compactor and container. Rate for first and added stop is triple the rate that size for shredded, altered or mechanically compacted waste.

III. DROP BOX SERVICE

All rates are plus disposal fee, demurrage charge, monthly rental, and mileage, where applicable.

Minimum Service: 20 Cubic Yards

A. LOOSE MATERIAL

Cost per yard for service per dump	4.40
Minimum charge	88.00

B. COMPACTED MATERIAL

Cost per yard for service	
Customer supplies compactor or box	6.40
Minimum charge	128.00

C. ADDITIONAL CHARGES

Demurrage per day, after first 48 hours	4.60
Monthly rental	61.05
Mileage charge for more than five miles radius from base station, per running miles	1.05
Call back for blocked box - see special service	

IV. COMMERCIAL MEDICAL WASTE COLLECTION RATES

Services provided by Marion Environmental Services:

A. 20 Gal. Box - first box	10.85
Each additional box	8.50
B. 35 Gal. Box - first box	12.20
Each additional box	9.85

C. Residential Bio-Medical Sharps Container (1 Gallon Specially Designed Container) 11.20

Delivered to the door to be used until filled and then collected by Haulers separately from regular municipal solid waste.

V. SPECIAL SERVICES AND MISCELLANEOUS SERVICES

If debris exceeds 20 yards, use drop box at Haulers discretion.

A. JANITORIAL SERVICES, CALL BACKS, AND OTHER SPECIAL SERVICES

One man on truck. All fees in addition to disposal

1/4 hour = 17.50 plus disposal

1/2 hour = 35.00 plus disposal

2/3 hour = 52.50 plus disposal

1 hour = 70.00 plus disposal

(\$1.15 per minute)

Additional disposal charged at \$10.12 per yard.

(Based upon .033725 per lb. @ avg. 300 lbs. Yard).

B. TIRES

(up to 16") Passenger tires \$3.00	\$3.50 with rims
Truck tires \$7.00 Lg.	\$10.50 with rims
(plus hourly rate when applicable)	

C. LARGE MAJOR APPLIANCES AND FURNITURE

Appliances: \$15.00 service fee for large appliances – add \$10.00 for freon removal - plus hourly labor to remove. Hauler may also quote alternate disposal.

Special Items:	A) Large Furniture (couch, console TV, etc.	\$10 - 15	
	B) Small Furniture (armchair)	\$ 5 - 15	
	C) Hide-a-bed	\$10 - 15	
	D) Table & 3-4 chairs		\$ 7.50
	E) Mattresses: Twin mattress		\$ 7.50
	Twin box spring		\$11.00
	Double/queen mattress		\$11.00
	Double box spring		\$11.00
	King mattress		\$15.00
	Double twin box spring		\$15.00
	(If wet, rate negotiable)		

Bathtub/sink/toilet:	Fiberglass tub/shower	\$10.00
	Cast iron tub/shower	\$ negotiable
	Sink/toilet	\$ 5.00ea
	Double sinks	\$ negotiable
Hot Water Heaters:		\$10 - \$15
Car Batteries:		\$ 5.00min
Carpets:		Negotiable wet/dry

VI. RESTART

Precise charge for container pick up and return, all areas	\$15.75
--	---------

EXHIBIT "A"

II. CONTAINER SERVICE weekly service, monthly rate

A. CONTAINER - REAR LOAD) - LOOSE:

One yard	First stop	66.95
	Each added stop	56.95
One & one-half yard	First stop	94.20
	Each added stop	84.20
Two-yard	First stop	120.70
	Each added stop	110.70
Three-yard	First stop	173.15
	Each added stop	163.15
Four-yard	First stop	219.85
	Each added stop	209.85
Five-yard	First stop	268.90
	Each added stop	258.90
Six-yard	First stop	316.00
	Each added stop	306.00

B. CONTAINER –FRONT LOAD-LOOSE

Two yard - regular pick-up per week -----	110.85
Each additional pick-up per week	101.85 ¹
Three yard – regular pick-up per week -----	144.15
Each additional pick-up per week	134.15 ¹
Four yard – regular pick-up per week -----	188.55
Each additional pick-up per week	178.55 ¹
Five yard - regular pick-up per week -----	233.95
Each additional pick-up per week	223.95 ¹
Six yard - regular pick-up per week -----	276.30
Each additional pick-up per week	266.30 ¹

¹ \$10.00 discount for each additional stop per month.

1 Section 1. AMENDMENT. The above referenced Order dated June 16, 1997
2 is hereby amended as follows:

3 The following language shall be added immediately after Section I(E)
4 “COMMERCIAL ROLL CART SERVICE” section on Exhibit “A”:

5 Commercial rates will be applied if a customer meets one or
6 more of the following criteria:

- 7 1) A business name is specified to open or maintain the
8 account.
- 9 2) Cans and roll carts are shared by multiple residences
10 (including duplexes).
- 11 3) The account is located in a commercial zone and used
12 for non-single family residential purposes.
- 13 4) Commercial activity is substantial enough to require
14 a license, zone change or variance.

15 Exception: Commercial rates will not be charged if the
16 account is a single family residence with an allowed home
17 business (home occupation) and the home is a family’s
18 residence. However, if the customer consistently has larger
19 than average residential quantities, commercial rates may be
20 imposed. If a customer objects to imposition of the
21 commercial rates, such customer may request a hearing
22 before the City Manager. The City Manager’s decision shall
23 be final.

24 ///

25 ///

26 ///

27 ///

Monday, November 20, 2000

Public hearing:

Backyard Burn Ban
Increase in garbage rates

Please have all agencies involved, give relevant testimony prior to public testimony.

The Citizens have had very little information provided prior to this hearing. Citizens reading the KeizerTimes only had 5 days notice to obtain information.

Citizens are already at a disadvantage having to attend this meeting on such short notice, with no time to prepare responses to testimony.

Thank you.

Marcia Bednarczyk



PUBLIC HEARING SIGN UP SHEET

PUBLIC HEARING RE: BANNING OF BACKYARD BURNING

DATE: November 20, 2000 TIME: 7:00 p.m. AGENDA ITEM # 6c

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

(PLEASE PRINT)

NAME	ADDRESS	GENERAL	PROPONENT	OPPONENT
Art Bobrowitz	7315 WAHARA AND ROAD N. KEIZER	X		
Neal Perize	336 Balf Terr. N. Keizer			X
John Thompson	4845 Nover Ave N Keizer		X	X
John MacChattop	1237 Naverdale X			
John Mosley	298 Mendel Dr. N.			X
Kay Kelly	2034 Heathcote Ave NE Keizer	X		X
Bob Miller	1709 CHELSEA ST. NE			
Ed Balf	336 Balf Terr N. Keizer 99303			X
Nail Bednarek	7775 O'Neil Rd N Keizer 99303			X
Clyff Mueller	1180 RATAEL N. Keizer OR 97103			X
Doug Parrow	16782 Amy Ln NE Keizer OR		X	
Bob Ohren	7950 Timothy Lane NE Keizer, OR	X		
Manuel Bednarek	7715 O'NEIL RD KEIZER	X		
KAY FRISTAD	7660 O'NEIL RD NW KEIZER	X		

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

A G E N D A

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

Monday, November 20, 2000

6:00 p.m.

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

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC TESTIMONY**

This time is provided for citizens to address the Urban Renewal Agency on any matter not scheduled for public hearing.

- 4. PUBLIC HEARING**
- 5. ADMINISTRATIVE ACTION**

- a. Disposition of Property at River Road/Chemawa Road (Former Unocal Site)**

- 6. CONSENT CALENDAR**

- a. Approval of Monday, October 16, 2000 Urban Renewal Agency Minutes**

- 7. OTHER BUSINESS**

This time is provided to allow Urban Renewal Agency members the opportunity to bring matters before the Agency which are not on tonight's agenda.

- 8. ADJOURN**

Upon request, auxiliary aids and/or special services will be provided to participants with disabilities. To request services, please contact us at (503) 390-3700 at least two working days (48 hours) in advance.



November 20, 2000

AGENDA ITEM 5a

DISPOSITION OF PROPERTY AT RIVER/CHEMAWA ROAD

CITY COUNCIL MEETING: November 20, 2000

AGENDA ITEM NUMBER: _____

TO: URBAN RENEWAL AGENCY

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

SUBJECT: *PROPERTY LOCATED AT CHEMAWA/RIVER ROAD (UNOCAL SITE)*

The Urban Renewal Agency requested staff have an appraisal done on the property located at the southwest corner of the intersection of Chemawa and River Road. The property appraised at \$130,000.00 considering access restrictions and requirements for heavy landscaping. I have attached an excerpt of the appraisal. The entire formal appraisal is available for review at the City Manager's office.

The Agency subsequently by motion directed staff to initiate the process for sale of the property. However, prior to moving forward with the sale, it is advisable to go through the public hearing process. Therefore, a public hearing has been noticed for tonight's meeting.

Following the public hearing, the Agency should determine the course of action it wishes to take. The following are some options for the Agency to consider:

1. Retain ownership of the property either as is or with some improvements.
2. Sell a portion or the entirety of the property by bid or other method. If this option is chosen, staff needs specific direction on the following options:
 - a. Purchase price. The Agency at its last meeting indicated a minimum bid amount of \$130,000.00.
 - b. Landscaping Requirements. The Agency indicated that "heavy landscaping" would be required. This needs to be qualified and quantified in some fashion. The analogy to the Shari's restaurant was used. The appraisal indicates that approximately 25 percent of the lot in that case was landscaped. The Agency could choose to use a simple

percentage or could be more detailed in type and location of landscaping. In addition, the Agency should determine whether a perpetual deed restriction to retain and maintain such landscaping would be appropriate.

- c. Access Requirement. Staff has suggested that extremely limited access be imposed in this case. The suggestion is to have only one access point on Chemawa at the west end of the property.
- d. Other Suggested Terms. The Agency may wish to consider additional terms or conditions.

RECOMMENDATION:

Open the public hearing, take public testimony and direct staff how to proceed. Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh

MARKET ANALYSIS/HIGHEST & BEST USE

MARKET CONSIDERATIONS

Supply & Demand Conditions - The subject is situated in the stable, established commercial strip neighborhood of Keizer, surrounded by residential uses with commercial uses along arterials. The area is still developing with several single-family subdivisions being completed and commercial uses being developed as demand warrants. Annual population growth in the area has averaged over 4.21% during the past nine years. Approvals for two new subdivisions, (whispering Firs on Wheatland Road and an unnamed subdivision on Chemawa Road) have been obtained.

With respect to demand, vacancy rates and rental rates in the market are relevant. Office vacancy in Keizer has risen to 7.14%, reflective of the many choices available to office users. There is very little industrial space in the area.

According to the Retail Market survey conducted by PGP, Inc – Spencer Powell, retail vacancy has fluctuated from less than 1% vacancy in 1995 to 5.3% in 1999 and up to 8.6% in 2000. This high vacancy in 2000 is partly due to one large building showing extreme vacancy. During this period, rental rates increased from \$9.24 per square foot to \$11.19, representing an increase of 21.10% or 4.22% annually. Rent incentives do not appear to be a major factor in the market. There are several neighborhood shopping centers in the area as well as numerous strip retail centers and free-standing retail buildings. Additional competition can be expected in the future as residential growth causes an increased demand for retail space. However, it appears that the unchecked development of the past is no longer occurring and any additional supply should maintain the pace with demand.

The preceding analysis clearly indicates the neighborhood's ability to sustain the existing inventory. Overall, given the strength of the local market, and lack of significant developing inventory, the redevelopment of the subject is secure. Supply and demand factors suggest a strong, stable market with increasing rental rates and vacancy rates near optimum levels of 5.0%. The need for even short-term rental incentives is not indicated in this market.

HIGHEST AND BEST USE

The highest and best use of a property is defined as: "the reasonably probable and legal use of vacant land or improved property, which is physically possible appropriately supported, financially feasible, and that results in the highest value." The highest and best use concept is based on traditional appraisal theory and reflects the attitudes of market participants who recognize that value is predicated on future benefits. The highest and best use of the subject site "as vacant" and "as improved" are discussed below.

AS VACANT

The subject site is zoned CR (Commercial Retail) which allows for a variety of commercial uses including retail, office, restaurant, tavern, and lodging facilities. There are no physical characteristics of the site which precludes the development of any of these uses. Although legal and physical characteristics support several uses, surrounding development suggests that a retail related use is most likely. A retail related use will

MARKET ANALYSIS/HIGHEST & BEST USE-(CONTINUED)

generate the highest value to the site and there are no adverse supply and demand conditions. Based on this analysis, the highest and best use of the subject site "as vacant" is for retail development.

VALUATION METHODS

SITE VALUE

In valuing the subject site, as though vacant as of the effective date of this report, the sales comparison approach is utilized. In this approach, recent sales and/or listings of similar sites are compared to the subject using the adjustment process (if appropriate) to indicate value. Where good market activity and data is available, this approach best reflects market behavior and provides a useful estimate of value for the subject land.

COST APPROACH

The Cost Approach, which is the first approach to value, is based upon the principle that the value of property is significantly related to its physical characteristics and that no one would pay more than the cost to build a like facility in today's market on a comparable site. In this approach, the market value of the site is estimated and added to the depreciated value of the improvements. In addition, entrepreneurial profit is added. For proposed or newer properties, this approach may have significant relevance. For older properties or those with substantial depreciation, this approach has limited application. However, the cost approach may prove useful as an indication of potential supply, as measured by the amount of profit evident. These factors will be considered in addressing the emphasis placed on the Cost Approach.

INCOME APPROACH

This approach is predicated on the assumption that there is a definite relationship between the income a property will earn and its value. Net income is the income generated before payment of any debt service. The process of converting it into value is called capitalization. Net income is divided by a capitalization rate. Factors such as risk, time, interest on the capital investment, and recapture of the depreciating asset are considered in the rate. Applying a capitalization rate based on indications from comparable sales reflects expectations of buyers and sellers in the market.

SALES COMPARISON APPROACH

This approach analyzes sales of comparable properties with regard to the nature and condition of each sale. Logical adjustments and/or comparisons are made for varying physical characteristics. For land value, a common denominator is a price per SF or price per acre; for improved properties, it may be the price per SF, price per unit, or a gross income multiplier. This approach develops a good indication of value when sales of similar properties have occurred.

OVERVIEW

This is the process by which the individual approach indications are weighed based on validity and applicability to the subject market. The indications often indicate different values. After factors influencing each approach are carefully considered (i.e. quality and quantity of data, sophistication of the market, etc.), a final point estimate of value is concluded.

SITE VALUATION

In this section, the market value of the subject site will be estimated by comparing it with recent sales and current listings of land located in the subject's market area. As discussed in the Site Description section, the subject contains 14,375 SF of land area, with a highest and best use for commercial development.

The limited number of sales in the subject's immediate area and lack of uniformity within this market prevents direct extraction of adjustments from the marketplace. General analysis reflecting market behavior is utilized to determine which comparables are superior or inferior to the subject. This analysis establishes value parameters for the subject, allowing for a final conclusion of value.

ANALYSIS

The price per SF of comparison will be used in this analysis. This indicator will be used as it best reflects the behavior of the typical buyer and seller in the subject market. Information regarding the land comparables are presented on the following Land Sales Tabulation Chart and Comparable Map.

The comparable land sales indicate a range in value of \$5.34 to \$16.44 per SF. They vary in locational and physical characteristics and consideration must be given to the differences.

Comparable 1 is a July, 1999 sale of an unimproved parcel on the southwest corner of River Road and Hollyhock Place in south Keizer. It is considered a secondary retail site due to the below street grade topography which impacts visibility and requires an upward adjustment. No access is allowed directly from River Road, however, there are no restrictions onto Hollyhock. The site was purchased for future development. The large site size (1.16 acres), the below grade topography and the removed location from the Keizer central business area, suggests that the value for the subject parcel is more than \$5.34 per SF.

Comparable 2 is an August, 1999 sale of the subject at \$9.04 per SF.

Comparable 3 is the November, 1999 sale of a site recently developed with the Bank of the Cascades. This property sold at \$16.44 per SF. The interior site requires an upward adjustment however, the direct frontage and access onto River Road is superior and requires a downward adjustment. It is also within the immediate area of intense construction and interest for development. At \$16.44 per SF, this site represents the upper end of the array and suggests a value for the subject of an amount less than the \$16.44 per SF.

SITE VALUATION (continued)

Comparable 4 is the sale of the former Bob's Hamburger Express site, directly north of Comparable 3. The total purchase price was \$750,000 with \$250,000 allocated to the existing building. The adjusted per SF price is \$14.53 per SF. This level interior site has direct River Road access and good visibility which requires a downward adjustment. It is also located in the newly desirable area south of Lockhaven Road. Overall, access and visibility are superior to the subject and suggests that the value for the subject site is less than \$14.53 per SF.

Comparable 5 is the June, 2000 sale of a MU (Mixed Use) zoned site for \$11.92 per SF. It is roughly ½ mile north of the subject in a newer area which requires downward consideration for location. Since it lacks arterial frontage, it is inferior in access and exposure which requires upward consideration. The access tends to make the parcel a destination site. The site does not have lake frontage. After all the differences have been considered, a value for the subject of considerably less than the \$11.92 per SF indication is suggested.

Comparable 6 is the July, 2000 sale a commercial mixed use parcel on the east side of River Road. This interior parcel has direct access onto River Road with relatively easy negotiating either north or south depending on the time of day. It is located roughly ½ mile south of the subject in an area of older residential and commercial uses. Due to the interior location of this parcel, an upward adjustment must be considered. Overall, this parcel is inferior to the subject at \$7.14 per SF.

CONCLUSION OF SITE VALUE

The reflection on value caused by the access availability of the site needs to be reconciled. The two access scenarios need to be considered and whether there is financial impact on the total site value. The two scenarios are:

- Right in/Right out only on Chemawa Road
- Right in/Right out only on River Road

Those comparables with direct River Road access and no restriction on direction range in sale price from \$7.14 to 16.44 per SF. Those sale comparables which have access restrictions range in sale prices from \$5.34 to 11.92 per SF. In determining how much of the sale price is access-related is difficult at best. Both scenarios are equal in difficulty in terms of ingress and egress. This difficulty is due primarily to the close proximity of the driveways to the intersection.

SITE VALUATION (continued)

Sale	\$/SF	Access
1	\$5.34	via Hollyhock only (left/right), then north/south on River Road.
2	\$9.04	subject; right in/right out only on Chemawa or right in only from Chemawa and right out onto River Rd only
3	\$16.44	Direct onto River Rd; north/south no restrictions
4	\$14.53	Direct onto River Rd; north/south no restrictions
5	\$11.92	no direct access to River Rd; uses Lockhaven then River Rd.
6	\$7.14	Direct River Rd access; north/south no restrictions

The subject site is well located with corner exposure to two major arterials, River and Chemawa Roads at a signalized intersection. It is level, has all utilities available and is not impacted by adverse conditions. The major drawback to the subject site is the cumbersome access to and from the parcel. Access via Chemawa is compromised due to the close location to the signalized intersection. While future access to River Road may be possible through formal application, Keizer Public Works has determined that this request would not be favored over the Chemawa Road access.

The subject sold to the city of Keizer for \$9.04 per SF. Whether an owner/user would have paid this amount is subject to debate considering the access difficulty. However, this purchase price is within the range of those sales with access concerns.

Any discounts for difficult access are inherent in each negotiated sale price as charted above.

It is apparent that the access will inhibit traffic necessary to withstand an office or retail use. This is evidenced with the long period of time that the subject remained available on the open market prior to the sale to the City. Therefore, a value between \$8.50 and \$9.50 per SF is concluded.

$$14,375 \text{ SF} \times \$8.50 \text{ per SF} = \$122,188$$

$$14,375 \text{ SF} \times \$9.50 \text{ per SF} = \$136,563$$

The data suggests a value as encumbered of \$130,000 for the site.

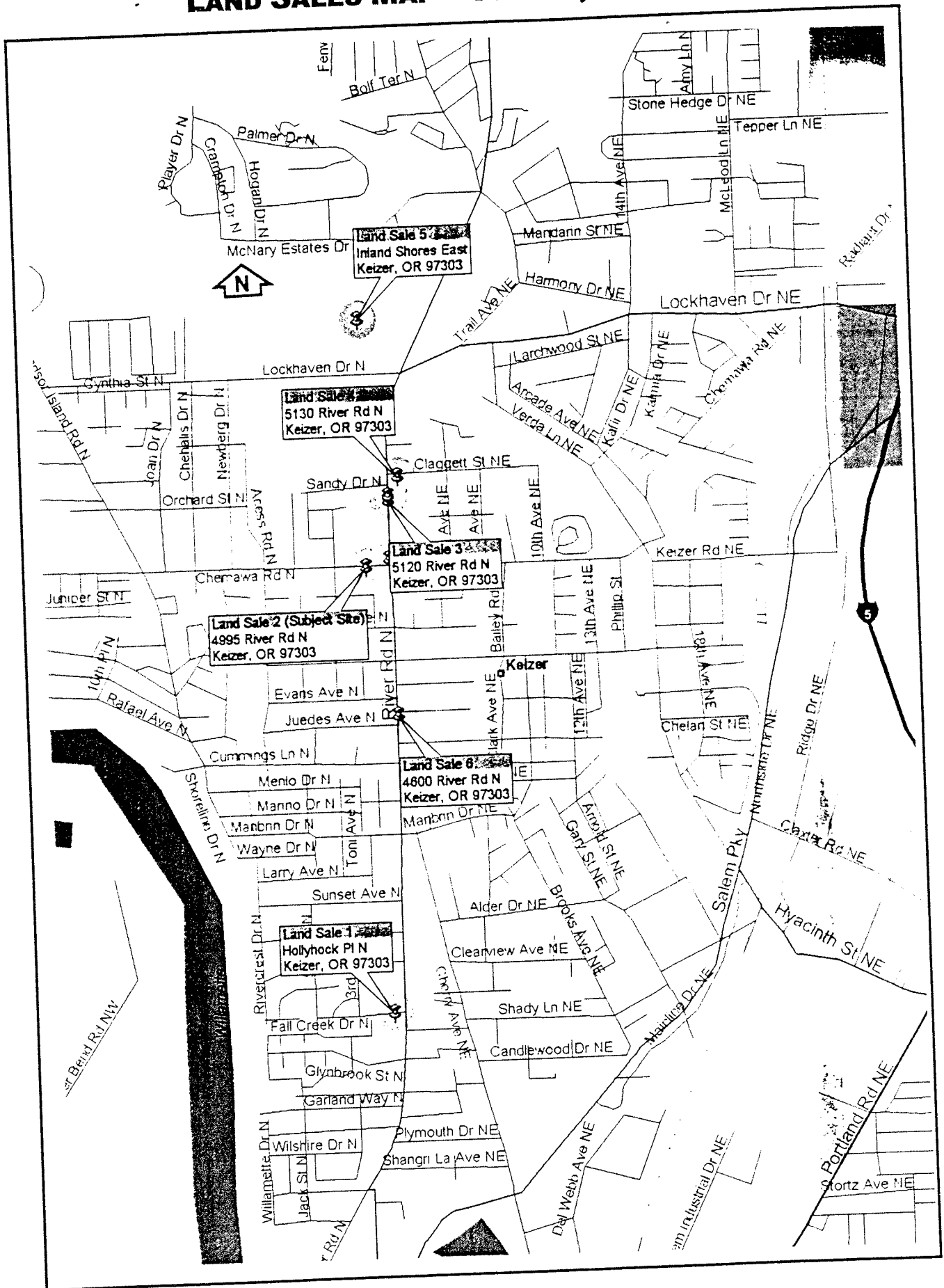
The data concludes a fee simple market value as of August 30, 2000 of:

ONE HUNDRED THIRTY THOUSAND DOLLARS...\$130,000

■ LAND SALES TABULATION CHART ■

#	Location City	Date of Sale	C.E. Price	Site Size (SF)	Zone	\$ per Acre	\$ per SF	Comments
1	SWC River Rd & Hollyhock Pl Keizer	Jul-99	\$270,000	50,530	CR	\$232,759	\$5.34	Secondary retail site. Site is sloped with impacts exposure. Direct access is via Hollyhock which intersects with River Rd.
2	4995 River Rd N Keizer	Aug-99	\$130,000	14,375	CR	\$393,939	\$9.04	Remediated corner site with good visibility and access restrictions. Signalized intersection. (the subject site)
3	5120 River Rd N Keizer	Nov-99	\$403,206	24,394	CO	\$716,174	\$16.44	Purchased for construction of a bank. Direct access to River Rd, no restrictions.
4	5130 River Rd N Keizer	May-00	\$500,000	34,412	CR	\$632,911	\$14.53	Former Bob's Burger Express. \$250,000 allocated to building. Land is \$500,000. Direct access to River Rd.
5	Inland Shores East Keizer	Jun-00	\$322,000	27,007	MU	\$519,355	\$11.92	Parcel located in the Inland Shores commercial area. No lake frontage. No direct access onto River Rd.
6	4600 River Rd N Keizer	Jul-00	\$115,000	16,117	CM	\$310,811	\$7.14	Purchased for a retail shop. Site fronts on River Rd. Direct access to River Rd, no restrictions.

LAND SALES MAP - KEIZER, OREGON

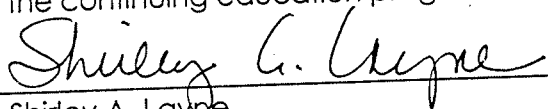


CERTIFICATION OF APPRAISAL

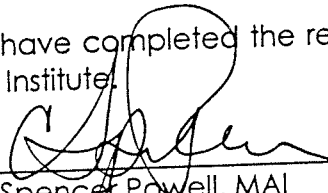
We certify that, to the best of our knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, unbiased professional analyses, opinions, and conclusions.
- We have no present or prospective personal interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- We have no bias with respect to the property that is the subject of this report or to the parties involved in this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- Our compensation for completing this assignment was not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the *Code of Professional Ethics and Standards of Professional Appraisal practice* of the Appraisal Institute, and the *Uniforms Standards of professional Appraisal Practice*, as set forth by the Appraisal Standards Board of the Appraisal Foundation.
- We, Shirley A. Layne and C. Spencer Powell, have made a personal inspection of the property that is the subject of this report.
- No one other than the undersigned provided significant professional assistance to the persons signing this report.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

As of the date of this report, I, C. Spencer Powell, have completed the requirements of the continuing education program of the Appraisal Institute.



Shirley A. Layne
OR Certified General Real Estate Appraiser
License No. C000516



C. Spencer Powell, MAI
OR Certified General Real Estate Appraiser
License No. C000154



URBAN RENEWAL AGENCY BOARD
November 20, 2000

AGENDA ITEM 6a

APPROVAL OF OCTOBER 16, 2000 AGENCY MINUTES

MINUTES
KEIZER URBAN RENEWAL AGENCY
Monday, October 16, 2000
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Chair Newton called the regular meeting to order at 8:55 p.m. Roll Call was taken as follows:

Present:

Bob Newton, Chair
Lore Christopher
Jim Keller
Jerry McGee
Jacque Moir
Richard Walsh
J. L. Wilson

Staff:

Chris Eppley, City Manager
Rob Kissler, Public Works Director
Dianne Hunt, Human Resources Officer
Shannon Johnson, City Attorney
Tracy Davis, City Recorder

PUBLIC HEARING

No public testimony was brought before the Urban Renewal Agency.

**ADMINISTRATIVE
ACTION**

**a. Disposition of
Property at River
Road/Chemawa Road
(Former Unocal Site)**

City Manager Chris Eppley reported on August 21, 2000 the Urban Renewal Agency requested that staff have an appraisal done on the City owned property at the intersection of Chemawa and River Road. The appraisal for the parcel came back at \$130,000 including the access restrictions and heavy landscaping requirements placed upon it.

Mr. Eppley noted that the Agency had taken no action to date and shared the options available they were:

1. Retain ownership of the land as is.
2. Retain ownership of the land and make improvements upon it.
3. Retain a portion of the land, as is or making improvements upon it, and sell the remainder to a party or parties with or without opening it to public bid.

4. Sell the property in its entirety to a party or parties with or without opening it to public bid.
5. Continue to take public input by way of public hearing at a later date.

Staff made no particular recommendation pertaining to this issue.

Mayor Newton addressed the map, which was supplied indicating the dimensions of the property were 100 feet by 120 feet or approximately 1/3 acre.

Council President Christopher moved a Resolution to offer the property at the corner of River Road and Chemawa (former Unocal site) opening it to public bid with a minimum bid of \$130,000. Requirements would include heavy landscaping (on the River Road side) and a community reader board at the City's expense. Councilor Keller seconded the Motion.

Councilor Moir requested clarification of the motion asking if this included landscaping on River Road and no access from River Road. Council President Christopher replied yes.

Councilor McGee addressed a letter received from the Clear Lake Neighborhood Association containing suggestions for the property including a memorial to veterans. He expressed concern that the Council was rushing into the sale of the property. He felt it would be appropriate to open the property up for a design contest with a brass plaque designating the winner of the contest. Councilor McGee addressed some of the criteria he would include in the Request for Proposals within the contest.

Mayor Newton also expressed opposition to the motion noting he would like to see the property designed as an open space dedicated to the volunteers within the community. He suggested requesting the Rotary's assistance to design this area.

Council President Christopher felt that the landscaping would address issues of driveway access and that the reader board could be a positive aspect in announcing various events taking place in the City.

Mayor Newton did not feel that the size of the lot would be

able to serve what was mentioned in the motion in addition to a business.

Councilor McGee urged the Council to offer the opportunity to the community to design a special area for the community. He felt splitting the property would not be beneficial.

Councilor Keller expressed his support of the motion.

Councilor Walsh agreed with the suggestion of the community offering input for the property but felt the input was late in coming. He liked the idea of using landscaping along the River Road side and selling the remainder of the property.

Councilor Wilson exhibited concerns that Mr. Titus would not have the opportunity to purchase the property as previously discussed. He felt this would be sending the wrong message to businesses in the community.

Councilor Moir felt placing the property for bid with the landscaping requirements would be appropriate. If no bids were received she indicated she would be open to the suggestions submitted by Councilor McGee and Mayor Newton.

Public Works Director Rob Kissler indicated for the consideration of the Council that in order to place a continuous bike path on the Southwest corner through the intersection east bound that it would be necessary to retain additional right of way to allow this to take place. He urged the Council to consider this when making their decision.

Councilor McGee stated his desire that a public hearing be held regarding the property.

Responding to questions City Attorney Shannon Johnson noted that the appraisal of the property was done on a square foot basis and losing the five feet for the bike path could effect the appraisal of the property.

Mr. Johnson also indicated the Baker Brothers expressed interest in the property but were unable to stay for the meeting. He also noted that the state statutes did require a public hearing and he felt it would be appropriate to hold the public hearing before a buyer was identified.

Mr. Johnson requested clarification of the motion including heavy landscaping, access on Chemawa only with a right in, right out access onto Chemawa Road with a minimum bid of \$130,000 and the provision for a reader board.

Responding to questions, Mr. Johnson noted the need to surplus a property only takes place with personal property and the process of requiring a public hearing was the act of surplusing. Further addressing concerns Mr. Johnson noted the language within the statute and offered to address the protocol with the City Manager.

At the request of the Mayor Mr. Johnson restated the motion noting that the Agency direct staff to prepare the documents necessary to move forward with the conditions set fourth in the motion. This included the heavy landscaping, minimum bid, access to Chemawa Road, the reader board and to set the property for public hearing.

Council President Christopher agreed with Mr. Johnson's interpretation of her earlier motion.

The motion passed as follows:

AYES: Christopher, Keller, Moir, Walsh and Wilson (5)

NAYS: McGee and Newton (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

a. Approval of the October 2, 2000 Agency Minutes

Councilor Keller moved for approval of the Consent Calendar. Councilor Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS

No other business was brought before the Urban Renewal Agency.

ADJOURNMENT

Chair Newton adjourned the meeting at 9:26 p.m.

APPROVED:
CHAIR:

Tracy L. Davis
City Recorder

Bob Newton

AGENCY MEMBERS:

J. L. Wilson

Jacque Moir

Lore Christopher

Richard Walsh

Jim Keller

Jerry McGee

Minutes approved: