

CITY OF KEIZER MISSION STATEMENT

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

AGENDA

KEIZER CITY COUNCIL

REGULAR SESSION

Monday, November 1, 2004

7:00 p.m.

Robert L. Simon Council Chambers

Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. FLAG SALUTE

4. PUBLIC TESTIMONY

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

5. PUBLIC HEARINGS

- a) **RESOLUTION** – Exemption of Keizer Station LID Engineering Designs From Competitive Bidding and Purchasing
- b) **RESOLUTION** – Forming Lent Estates Street Light District
ORDINANCE – Spreading Assessments to Lent Estates Street Light Dist
- c) **RESOLUTION** – Forming Barnick Road Infill Project Street Light District
ORDINANCE – Spreading Assessments to Barnick Road Infill Project Street Light District

6. COMMITTEE REPORTS

- a) Appointment to Keizer Planning Commission
- b) Appointment to Keizer Bikeways Committee
- c) Traffic Safety Commission Report

7. OTHER BUSINESS

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

- New Business
- Old Business
 - a) Residency Requirement – Keizer Boards and Commissions

8. **ADMINISTRATIVE ACTION**

- a) **ORDER** – Application of Chemawa Station LLC for Keizer Station Master Plan and Major Variance – Area D – Case No. 2004-38

9. **CONSENT CALENDAR**

- a) **RESOLUTION** – Authorize City Manager to Purchase Property for Chemawa Road Improvements
- b) Authorization to Accept LLEBG Grant – Keizer Police Dept
- c) **RESOLUTION** – Authorization for Resolution Transfers
- d) **RESOLUTION** – Adopting the 2003 International Fire Code with State of Oregon Amendments

10. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

11. **AGENDA INPUT**

November 8, 2004

12:00 p.m. City Council Work Session

****CANCELLED****

November 15, 2004

7:00 p.m. City Council Regular Session

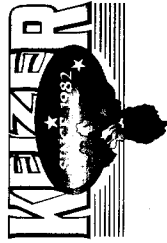
- Awarding of City of Keizer Towing Contracts
- Approving Engineer Report for Keizer Station LID
- Keizer Little League Lease Agreement

December 6, 2004

7:00 p.m. City Council Regular Session

12. **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 at 1-800-735-2900 at least two working days (48 hours) in advance.



November 1, 2004

AGENDA ITEM 5a

**RESOLUTION - Exemption of Keizer Station LID
Engineering Designs from Competitive Bidding and
Purchasing**

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

SUBJECT: ENGINEERING EXEMPTION FOR KEIZER STATION PROJECT

DATE: OCTOBER 26, 2004

BACKGROUND:

Northwest National LLC has retained a project team consisting of Civil, Transportation, Site and Soils Engineers to develop a Master Plan for Area A of the Keizer Station Plan. Council approved the Master Plan at the July 6, 2004 Council Meeting. The order requires extensive infrastructure Engineering by the Developer to meet conditions of approval. Northwest National's team has completed preliminary infrastructure Engineering to determine if the City's conditions of approval can be met prior to the formation of the LID. Because of the projects magnitude, it will be important to streamline process and integrate public private infrastructure efficiently which will save resources. City Staff has work closely with the Developers Engineering Team through the entire process.

The Keizer Station Plan Transportation Analysis has determined the need for a road under crossing of the Portland and Western Railroad to serve Area A. The Railroad Trestle design and construction is unique and located in Portland and Western's right of way. P&W requires there consultants be used when designing and constructing improvements or repairs on their right of ways.

The Attached Draft Resolution on Engineering Exemption from the competitive bidding rules will allow for efficient construction of public improvements, meet the Portland and Western Railroad requirements for working in their right of ways and mitigate potential delays in the completion of the needed infrastructure serving the Keizer Station.

FISCAL IMPACT:

Funds have been allocated in the Urban Renewal Budget line item 77 and future revenue will become available when the LID is formed to support costs of Engineering Services.

RECOMMENDATION:

Staff recommends Council adopt the attached Resolution authorizing the City Manger to enter into Public Infrastructure Engineering Designs with Northwest National LLC and the Portland and Western Railroad. Please contact me if you have questions.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2004-_____

3 EXEMPTION OF KEIZER STATION LOCAL IMPROVEMENT
4 DISTRICT ENGINEERING DESIGNS FROM COMPETITIVE
5 BIDDING AND PURCHASING KEIZER STATION PUBLIC
6 IMPROVEMENT ENGINEERING DESIGNS FROM NORTHWEST
7 NATIONAL LLC AND PORTLAND AND WESTERN RAILROAD

8 WHEREAS, the Keizer Urban Renewal Agency has entered into a Development
9 and Disposition Agreement (DDA) with Northwest National LLC to develop the
10 Interstate 5 interchange area known as "Keizer Station";

11 WHEREAS, a portion of the DDA calls for a local improvement district
12 established by the City of Keizer to fund the public improvements in the Keizer Station
13 area;

14 WHEREAS, notice of public hearing on the proposed exemption of the Keizer
15 Station local improvement district engineering designs from competitive bidding and
16 purchasing Keizer Station public improvement engineering designs from Northwest
17 National LLC and Portland and Western Railroad was published as required by ORS
18 279.015(3)(b);

19 WHEREAS, a public hearing was held to take comments on the draft findings for
20 an exemption of the Keizer Station local improvement district engineering designs from
21 competitive bidding and purchasing Keizer Station public improvement engineering
22 designs from Northwest National LLC and Portland and Western Railroad;

1 NOW, THEREFORE,

2 The City of Keizer makes the following findings:

3 The Keizer Station area has remained underdeveloped since Keizer's
4 incorporation in 1982. Over the years, the City has received little substantive interest in
5 developing this interchange area until Northwest National LLC proposed its
6 development. Market conditions, planning limitations and the lack of public
7 infrastructure in the interchange area limited development possibilities. Northwest
8 National LLC's proposal recognized these limitations and proposed development of all
9 of Area "A" of Keizer Station along with the public improvements both in Area "A" and
10 those improvements and transportation elements located outside Area "A" that are
11 necessary to service the interchange area in order to make a commercially viable project.
12 The Keizer Urban Renewal Agency negotiated a development and disposition agreement
13 with Northwest National to develop the Keizer Station area. A portion of that
14 development agreement allows for a local improvement district established by the City
15 of Keizer for the public improvements in the Keizer Station area. Pursuant to the DDA,
16 Northwest National LLC developed a master plan for the entire Keizer Station area
17 including the public improvements required outside and within the proposed local
18 improvement district for the Keizer Station area. This master plan contemplated the
19 design of both the public improvements and the commercial development portion of the
20 project by Northwest National's engineering consultants subject to review and approval

1 by the City of Keizer. The DDA also contemplated joint funding of the public
2 improvement portion of the project by both the Keizer Urban Renewal Agency, the City
3 of Keizer through its LID, and from contributions by Northwest National LLC. The
4 Keizer Urban Renewal Agency determined that engineering design of the entire project
5 by a single engineering team provided many public benefits. The public improvement
6 portion of the project could be seamlessly integrated into the overall development by a
7 single engineering team doing all of the design. The Keizer Urban Renewal Agency
8 determined that a single design team would be better able to conceive a fully considered
9 plan for all public infrastructure systems and transportation elements leading to better
10 operational function without excessive maintenance or corrective work that may result
11 from merging separate designs. Furthermore, a single cohesive engineering approach
12 planning fire and police access from the public improvement portion into and throughout
13 the commercial development enhanced public safety. The single engineering team
14 concept also avoids the delay inherent in the sequential engineering of first the
15 commercial area and then the public improvements to service them as well as the
16 expense of coordinating separately designed facilities. Significant value engineering
17 results from the single design team by eliminating duplication of effort resulting from
18 two design teams familiarizing themselves with each other's assumptions and integrating
19 the public improvements into the commercial development.

1 A significant portion of the public improvements involves the interplay between
2 surface vehicular and pedestrian traffic and the Portland and Western railroad line that
3 runs through the project. One vehicle undercrossings and one pedestrian undercrossing
4 of the railroad line mandate significant involvement and cooperation between the Keizer
5 Station engineering design team and the railroad engineering design team. Accepting
6 the railroad engineering consultant's design for those portions of the project recognizes
7 the specialized expertise and technical complexity associated with and necessary for
8 construction in the railroad right-of-way. Accepting the Portland and Western railroad
9 engineering consultant's designs also avoids the expense and delays inherent in the
10 Oregon Department of Transportation procedure for review, correction and approval of
11 third party engineering designs by the affected railroad and ODOT for work to be done
12 in the railroad right-of-way.

13 BE IT RESOLVED that the City of Keizer approves the findings set forth above
14 and approves the additional finding that it is unlikely that the exemption of the Keizer
15 Station local improvement district and related engineering designs from competitive
16 bidding will encourage favoritism in the awarding of public contracts or substantially
17 diminish competition for public contracts.

18 BE IT FURTHER RESOLVED that the City of Keizer approves the additional
19 finding that the awarding of public contracts pursuant to the exemption of the Keizer
20 Station local improvement district and related engineering designs from competitive

1 bidding will result in substantial costs savings to the City of Keizer and Keizer Urban
2 Renewal Agency.

3 BE IT FURTHER RESOLVED by the City of Keizer that the contracts for the
4 Keizer Station local improvement district and related engineering designs are exempt
5 from competitive bidding requirements based upon the findings set forth herein.

6 BE IT FURTHER RESOLVED that the City Manager of the City of Keizer is
7 authorized to enter into agreements with Northwest National LLC, Portland and Western
8 Railroads and their engineering design consultants for the purchase of engineering
9 design plans for the public improvements in the local improvement district proposed for
10 the Keizer Station area and for related public improvements and transportation elements
11 as contemplated by the DDA and Keizer Station master plan and amendments thereto.

12 PASSED this _____ day of _____, 2004

13 SIGNED this _____ day of _____, 2004

14

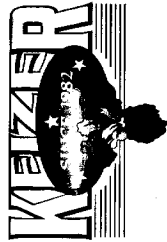
15

Mayor

16

17

City Recorder



AGENDA ITEM 5b

Lent Estates Street Lighting District

November 1, 2004

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

FROM: TRACY L. DAVIS, CMC
CITY RECORDER

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

ISSUE:

On July 15, 2004 the developer of Lent Estates subdivision filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R2004-1526 on September 20, 2004 to initiate formation of a street lighting local improvement district and direct the City Engineer to make a survey and file a report. On October 18th, 2004 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to the proposed assessments. Notice of public hearing stating the intention to form the district and to assess for the lighting improvements, was distributed as required under City of Keizer Ordinance 94-278.

FISCAL IMPACT:

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

RECOMMENDATION:

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

1 **CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON**

2 **Resolution R2004-_____**

3 **FORMING LENT ESTATES STREET LIGHTING**

4 **LOCAL IMPROVEMENT DISTRICT**

5
6 WHEREAS, the City of Keizer has adopted a Resolution initiating the formation of Lent
7 Estates Street Lighting Local Improvement District; and

8 WHEREAS, the City Council has adopted a Resolution approving the City Engineer's
9 Report for Lent Estates Street Lighting Local Improvement District; and

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

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

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

18 PASSED this _____ day of _____, 2004.

19 SIGNED this _____ day of _____, 2004.

20 _____
21 Mayor

22 _____
23 City Recorder
24
25

1 **BILL NO.** _____

ORDINANCE NO. 2004- _____

2
3 **A BILL FOR**

4
5 **AN ORDINANCE SPREADING ASSESSMENTS TO**
6 **LENT ESTATES STREET LIGHTING LOCAL**
7 **IMPROVEMENT DISTRICT**
8

9
10 Section 1. FINDINGS. The City Council of the City of Keizer makes the
11 following findings:

- 12 a. The City Council did heretofore declare its intention to install street lights to
13 serve an area known as Lent Estates Street Lighting Local Improvement
14 District which is described as follows:

15 Lent Estates - identified on the assessors map
16 06 3W 23DB - tax lot 1800 (27 lots) in the City
17 of Keizer, County of Marion, State of Oregon;
18

19 which includes the installation of six (6) - 100-watt high pressure sodium
20 flat lens luminaries mounted on six-foot long mast arms and attached to 30
21 foot gray fiberglass poles located within the subject local improvement
22 district, all in accordance with the City Engineer's Report for Lent Estates
23 Street Lighting Local Improvement District.

- 24 b. The total initial estimated cost of Lent Estates Street Lighting Local
25 Improvement District is \$922.86.

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

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

- 29 e. Notice was duly mailed to the benefited property owners on October 20,
30 2004.

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

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

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

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

10 Section 2. ASSESSMENTS.

11 a. First Annual Assessment. It is hereby determined that the share of the cost
12 of the improvements for Lent Estates Street Lighting Local Improvement
13 District for each parcel and property benefited thereby for the first annual
14 assessment is the amount set opposite the description of each piece or
15 parcel of land as described in Lent Estates Street Lighting District
16 Assessment Roll as set forth in Exhibit "A" attached, and that each piece or
17 parcel of land benefited by the improvements, to the full extent of the
18 amount so set opposite such piece or parcel and that the respective
19 amounts represent the proportionate benefits of said improvements to said
20 respective parcels of property, and the Council does hereby declare that
21 each of the parcels of property described in Lent Estates Street Lighting
22 District Roll as set forth in Exhibit "A" attached is hereby assessed the first
23 annual assessment amount set opposite each respective description.

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

6 – Pole and 100 Watt Luminaries	\$358.56
Engineering Costs	\$378.00
Administrative Fee	<u>\$186.30</u>
Total Estimated Assessments	\$922.86

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

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

- c. Mode of Collecting Assessments. Assessments for Lent Estates Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

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

PASSED this _____ day of _____, 2004.

SIGNED this _____ day of _____, 2004.

Mayor

City Recorder

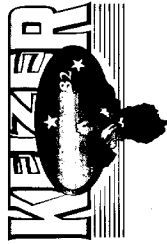
PRELIMINARY ASSESSMENT ROLL

LENT ESTATES SUBDIVISION
STREET LIGHTING DISTRICT

*Assessors Map 06 3W 23DB

<u>Tax Lot #:</u>	<u>Owners Name and Address</u>	<u>Cost per Lot</u>	<u>Lots</u>	<u>Assessment</u>
1800	LENT, RODNEY E & LENT, LORETTA R ET AL 7900 JUNE REID PL NE KEIZER, OR 97303	\$34.18	27	\$922.86

TOTAL ASSESSMENT: \$922.86



AGENDA ITEM 5c

Barnick Road Infill Project Street Lighting District

November 1, 2004

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

FROM: TRACY L. DAVIS, CMC
CITY RECORDER

**SUBJECT: PUBLIC HEARING – FORMING AND SPREADING ASSESSMENTS TO
BARNICK ROAD INFILL PROJECT STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT**

ISSUE:

On August 5, 2004 the developer of Barnick Road Infill Project subdivision filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R2004-1527 on September 20, 2004 to initiate formation of a street lighting local improvement district and direct the City Engineer to make a survey and file a report. On October 18th, 2004 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to the proposed assessments. Notice of public hearing stating the intention to form the district and to assess for the lighting improvements, was distributed as required under City of Keizer Ordinance 94-278.

FISCAL IMPACT:

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

RECOMMENDATION:

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

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-_____

FORMING BARNICK ROAD INFILL PROJECT STREET LIGHTING

LOCAL IMPROVEMENT DISTRICT

WHEREAS, the City of Keizer has adopted a Resolution initiating the formation of Barnick Road Infill Project Street Lighting Local Improvement District; and

WHEREAS, the City Council has adopted a Resolution approving the City Engineer's Report for Barnick Road Infill Project Street Lighting Local Improvement District; and

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

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

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

PASSED this _____ day of _____, 2004.

SIGNED this _____ day of _____, 2004.

Mayor

City Recorder

1 **BILL NO.** _____

ORDINANCE NO. 2004- _____

2
3 **A BILL FOR**

4
5 **AN ORDINANCE SPREADING ASSESSMENTS TO**
6 **BARNICK ROAD INFILL PROJECT STREET LIGHTING LOCAL**
7 **IMPROVEMENT DISTRICT**

8
9
10 Section 1. FINDINGS. The City Council of the City of Keizer makes the
11 following findings:

- 12 a. The City Council did heretofore declare its intention to install street lights to
13 serve an area known as Barnick Road Infill Project Street Lighting Local
14 Improvement District which is described as follows:

15 Barnick Road Infill Project - identified on the
16 assessors map 06 3W 23DC - tax lot 500 (10
17 lots) in the City of Keizer, County of Marion,
18 State of Oregon;

19
20 which includes the installation of three (3) - 100-watt high pressure sodium
21 flat lens luminaries mounted on six-foot long mast arms and attached to 30
22 foot gray fiberglass poles located within the subject local improvement
23 district, all in accordance with the City Engineer's Report for Barnick Road
24 Infill Project Street Lighting Local Improvement District.

- 25 b. The total initial estimated cost of Barnick Road Infill Project Street Lighting
26 Local Improvement District is \$388.28.

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

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

- 30 e. Notice was duly mailed to the benefited property owners on October 20,
31 2004.

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

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

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

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

10 Section 2. ASSESSMENTS.

11 a. First Annual Assessment. It is hereby determined that the share of the cost
12 of the improvements for Barnick Road Infill Project Street Lighting Local
13 Improvement District for each parcel and property benefited thereby for the
14 first annual assessment is the amount set opposite the description of each
15 piece or parcel of land as described in Barnick Road Infill Project Street
16 Lighting District Assessment Roll as set forth in Exhibit "A" attached, and
17 that each piece or parcel of land benefited by the improvements, to the full
18 extent of the amount so set opposite such piece or parcel and that the
19 respective amounts represent the proportionate benefits of said
20 improvements to said respective parcels of property, and the Council does
21 hereby declare that each of the parcels of property described in Barnick
22 Road Infill Project Street Lighting District Roll as set forth in Exhibit "A"
23 attached is hereby assessed the first annual assessment amount set
24 opposite each respective description.

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

6 – Pole and 100 Watt Luminaries	\$179.28
Engineering Costs	\$140.00
Administrative Fee	<u>\$69.00</u>
Total Estimated Assessments	\$388.28

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

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

c. Mode of Collecting Assessments. Assessments for Barnick Road Infill Project Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

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

PASSED this _____ day of _____, 2004.

SIGNED this _____ day of _____, 2004.

Mayor

City Recorder

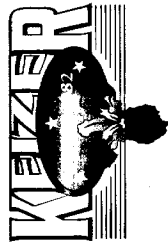
PRELIMINARY ASSESSMENT ROLL

Barnick Road Intell Project

~~KENT STABLES~~ SUBDIVISION
STREET LIGHTING DISTRICT

*Assessors Map 06 3W 23DC

<u>Tax Lot #</u>	<u>Owners Name and Address</u>	<u>Cost per Lot</u>	<u>Lots</u>	<u>Assessment</u>
500	KING, GORDON L 2085 COMMERCIAL ST NE SALEM, OR 97303	\$38.83	10	\$388.28
TOTAL ASSESSMENT		\$388.28		



AGENDA ITEM 6a

Appointment to Keizer Planning Commission

November 1, 2004

CITY COUNCIL MEETING: November 1, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

FROM: TRACY L. DAVIS, CMC
CITY RECORDER

SUBJECT: KEIZER PLANNING COMMISSION APPOINTMENT

ISSUE:

On September 30th, 2004 the Planning Commission terms of Mike Hart, Holly Braun, and Ross Day expired. At the October 4th meeting, the City Council appointed Thomas Hart and Holly Braun to fill two of the positions. Notice of the remaining vacancy was advertised and three applications were received.

At the October 27th meeting of the Volunteer Coordinating Committee, it was unanimously recommended that Gregory Ego be appointed to fill the remaining vacancy on the Planning Commission. Mr. Ego has been invited to attend the City Council meeting to receive a proclamation for the appointment.

RECOMMENDATION:

It is recommended the City Council accept the recommendations of the Volunteer Coordinating Committee and appoint Greg Ego to a three-year term on the Keizer Planning Commission.

City of Keizer, Oregon



Proclamation

WHEREAS, *the Mayor and City Council for the City of Keizer recognizes that volunteer effort is an extremely important asset to the community, and*

WHEREAS, *the Mayor and City Councilors wish to make known their gratitude and appreciation for those who give of themselves in fulfilling their public duty and promoting a better community through their actions,*

NOW THEREFORE, BE IT PROCLAIMED *by Mayor Lore Christopher of Keizer, Oregon, with the concurrence of the City Council assembled in regular session that*

Greg Ego

is appointed to serve his community as a member of the Planning Commission with his term expiring in September of 2007. Let it also be known that the governing body of the City of Keizer does hereby give its heartfelt thanks and appreciation for his dedication and commitment to the community in volunteering his time and energy to the betterment of Keizer.

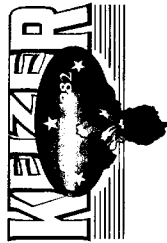
IN WITNESS WHEREOF, *I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to be affixed to this document this 1st day of November, 2004.*

Signed:

Lore Christopher, Mayor

November 1, 2004

Date



AGENDA ITEM 6b

Appointment to Keizer Bikeways Committee

November 1, 2004

CITY COUNCIL MEETING: November 1, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

SUBJECT: BIKEWAYS COMMITTEE APPOINTMENT

ISSUE:

Recently Barry Evenson resigned from his position on the Keizer Bikeways Committee. At the October 27th meeting of the Volunteer Coordinating Committee, one application was reviewed. The Committee unanimously recommended the appointment of Darlene Taylor to fill this vacancy on the Committee.

Ms. Taylor has been invited to the meeting to receive a volunteer proclamation.

RECOMMENDATION:

It is hereby recommended the Council accept the recommendation of the Volunteer Coordinating Committee and appoint Darlene Taylor to fill the unexpired term on the Bikeways Committee.

City of Keizer, Oregon



Proclamation

WHEREAS, *the Mayor and City Council for the City of Keizer recognizes that volunteer effort is an extremely important asset to the community, and*

WHEREAS, *the Mayor and City Councilors wish to make known their gratitude and appreciation for those who give of themselves in fulfilling their public duty and promoting a better community through their actions,*

NOW THEREFORE, BE IT PROCLAIMED *by Mayor Lore Christopher of Keizer, Oregon, with the concurrence of the City Council assembled in regular session that*

Darlene Taylor

is appointed to serve her community as a member of the Bikeways Committee with her term expiring in December of 2005. Let it also be known that the governing body of the City of Keizer does hereby give its heartfelt thanks and appreciation for her dedication and commitment to the community in volunteering her time and energy to the betterment of Keizer.

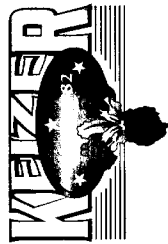
IN WITNESS WHEREOF, *I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to be affixed to this document this 1st day of November, 2004.*

Signed:

Lore Christopher, Mayor

November 1, 2004

Date



AGENDA ITEM 6c

Traffic Safety Commission Report

November 1, 2004

TO: Keizer City Council

October 29, 2004

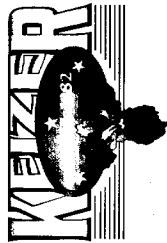
FROM: Steve Prothero, Chair—Keizer Traffic Safety Commission

SUBJECT: Citizen appearance at TSC meeting.

At the TSC's regular meeting last night we were visited by James Kathee, 1834 Jonathan Court N. He had visited our commission on at least two earlier occasions to request our support in lowering the speed limit on the stretch of Verda Lane between Dearborn and the Salem Parkway.

In particular he would like the City to lower the speed limit on this portion of Verda Lane from 35mph to 30, or even 25 mph. He gave an impassioned presentation which lasted approximately an hour, complete with some video purporting to show dangerous problems near the intersection of Verda Lane and Alder.

He requested that the Commission support his position, which he is planning to present to the Council on Monday. The Commission discussed the issue. In order to pass on our opinion to the Council, a motion was made to support Mr. Cathey's request. After further discussion the motion was defeated 1 – 3. (A quorum of 4 voting members was present.)



AGENDA ITEM 7a

Old Business – Residency Requirement

November 1, 2004

COUNCIL MEETING: November 1, 2004

AGENDA ITEM NUMBER:

TO: MAYOR CHRISTOPHER AND CITY COUNCILOR MEMBERS

**THROUGH: CHRIS C. EPPLEY
CITY MANAGER**

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

**SUBJECT: CITY OF KEIZER BOARDS AND COMMISSIONS
RESIDENCY REQUIREMENT**

ISSUE:

At the October 18th meeting of the City Council, staff was directed to research the issue of allowing non-residents of the City to serve in volunteer positions on the Boards and Commissions. The issue was raised during a committee report from the Bikeways Committee Chair, Hersch Sangster. Mr. Sangster indicated a local business owner, who was not a resident, was interested in serving on the Bikeways Committee.

Upon review of the Resolutions, the only Committee which speaks directly to the residency issue is the Planning Commission. They require members to live in the city of Keizer with the exception of one member who may reside outside the city limits. The Budget Committee, which falls under the guidelines of the state statute, indicate the citizen members must be electors of the municipal corporation, therefore residents of the City. All of the other Committee Resolutions are silent on the issue. Most state "The membership shall be appointed as outlined by the City Council Rules of Procedure". The Council Rules of Procedure note under qualifications "No appointee may serve on more than two City Boards, Commissions, or Committees at any one time, without Council approval."

RECOMMENDATION:

It is recommended that if Council desires to initiate language for residency requirements for City Boards and Commissions, staff be directed to bring forth the change in the Council Rules of Procedure.

Attachments:

Resolution – R2003-1400 – Establishing a Bikeways Committee
City Council Rules of Procedure – Section 17

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2003- 1400

ESTABLISHING A BIKEWAYS COMMITTEE

(REPEALING R94-771 AND R97-961)

WHEREAS, the City Council finds a need to review bicycle issues in the City of Keizer; and

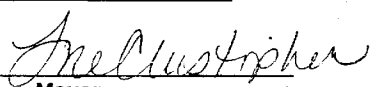
WHEREAS, establishing a Bikeways Committee will provide a forum for review of such issues; NOW, THEREFORE

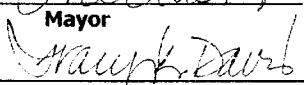
BE IT RESOLVED, by the City Council of the City of Keizer that a Bikeways Committee, a City Council Committee, is hereby established as outlined in appendix "A", which is attached hereto and by this reference made a part hereof;

BE IT FURTHER RESOLVED Resolution R94-771 and R97-961 are hereby repealed in their entirety.

PASSED this 17th day of March, 2003.

SIGNED this 17th day of March, 2003.


Mayor


City Recorder

FMAGIC

Appendix "A"

City Council Committee

Name: Bikeways Committee

Purpose: To act in an advisory capacity to the Keizer City Council and City Manager in the creation, development and implementation of activities relating to bicycles, bike routes and bicycle safety. The powers and duties of the Committee shall include, but not limited to:

1. To develop a Master Bikeway Plan to include an assessment of the need for bikeways, recommended routings with costs and priorities, proposed funding sources and implementation program.
2. To seek input from a wide range of community interest groups.
3. To coordinate and disseminate information for the public education of biking routes and rules.
4. To serve as a resource and advisory group on bike trails for the City.
5. To promote safe and efficient alternative modes of transportation and recreational health and fitness.
6. To provide an annual written or oral report of its activities to the Council and other reports which the Council may from time to time request.

Membership: The Committee shall consist of seven voting members. One of the voting members shall be a student representative and another member shall represent the education field such as a LSAC member, site council member or school district employee. A liaison from the City Council and a liaison from the City staff shall serve as non-voting ex officio members. Members shall be appointed as outlined by the City Council Rules of Procedure. 

Term of Office: Each member of the Committee shall be appointed for a three-year term. Members may be reappointed, however no member shall serve more than six consecutive years. A member who has served six years may be reappointed if a period of at least one year has passed since the previous term of office. The terms shall be staggered so that not more than three will expire in the same year.

Chair and Vice-Chair: The Committee shall elect a Chair and Vice-Chair at the first meeting of each calendar year.

Meetings: All meetings of the Committee shall follow Roberts Rules of Order Newly Revised and the Oregon Public Meeting Laws.

Attendance: It is the duty of each member to attend at least 75% of the meetings each calendar year. When a member is unable to attend a meeting, the member shall notify the Chair. Members of the Committee may be removed by two-thirds majority vote of the City Council.

SECTION 17 – CREATION OF CITY COMMITTEES, BOARDS AND COMMISSIONS AND COUNCIL COMMITTEES AND AD-HOC TASK FORCES

17.1 Citizens Committees, Boards and Commissions. At any time, the Council may by resolution establish any City Board, Commission or Committee deemed necessary and in the best interests of the City. Any committee so created may contain one or more Councilors as members. Unless otherwise provided, all City Boards, Commissions, and Committees so created shall sunset at the end of their mission, but in all events shall be reviewed every four years in odd numbered years, prior to Councilor liaison appointment. At such time the City Board, Commission or Committee shall either be re-authorized or dissolved.

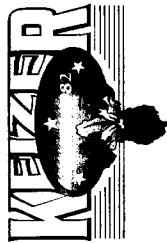
17.2 Membership Appointment – The Volunteer Coordinating Committee is the only standing City Committee that receives members by direct appointment from the City Council. Each City Councilor will make a one-member appointment to the Volunteer Coordinating Committee as allowed in Resolution 2001-1295 for a two-year term. All other applicants for City Boards, Commissions or Committees will be recommended by the members of the Volunteer Coordinating Committee who will receive, review, and process written applications and forward recommendations to the Council for appointment consideration, unless the Resolution, Ordinance, or State Statute defines the appointment process differently.

17.3 Qualifications - No appointee may serve on more than two City Boards, Commissions or Committees at any one time, without Council approval.

17.4 Removal of Members of Committees, Boards, and Commissions – The Council may remove any member of any committee, board, or commission, by a vote of at least a two-thirds majority of the Council. All members of City Boards, Commissions or Committees serve at the pleasure of the Council except as otherwise provided by law. All Council seats on City Board of Commissions or Committees are reserved for sitting Councilors; upon expiration of any Councilor's term, or upon resignation, removal or death, the Councilor's seat on any City Board, Commission or Committee occupied by that person shall be immediately declared vacant, and a sitting Councilor appointed by the Mayor as a replacement.

17.4 Council Task Forces - Council Ad-Hoc Task Forces may be created at any time by resolution. All Council Ad-Hoc Task Forces shall have a City Councilor as Chair who shall be either appointed by the Mayor, or by a majority vote of the members of the committee in the absence of such appointment. Such Task Force shall report to the Council without unnecessary delay upon matters referred to them. All Council Ad-Hoc Task Forces so created shall sunset at the end of their mission, but in all events shall be reviewed at the end of a period two years from the date of initial creation, and at the beginning of each subsequent two year period after reauthorization, in January of odd years prior to Councilor appointment, and at such time shall either be re-authorized or dissolved.

17.5 Meetings Subject to Oregon Open Meetings Law - All meetings of any City Boards, Commissions, and Lay-Committees or Council Committee shall be subject to and comply with the Oregon Public Meetings law, ORS 192.610-192.710.



AGENDA ITEM 8a

**ORDER - Application of Chemawa Station LLC for
Keizer Station Master Plan and Major Variance - Case
No. 2004-38**

November 1, 2004

CITY COUNCIL MEETING: November 1, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *APPLICATION OF CHEMAWA STATION LLC FOR KEIZER
STATION MASTER PLAN AND MAJOR VARIANCE (MASTER
PLAN/MAJOR VARIANCE CASE NO. 2004-38)***

At Council's last meeting, the Council held a public hearing and after deliberation directed staff to prepare an appropriate Order granting the request of Chemawa Station LLC for master plan and major variance approval. Such Order is attached.

RECOMMENDATION:

Adopt the attached Order.

Please let me know if you have any questions. Thank you.

ESJ/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 ORDER

3 IN THE MATTER OF THE APPLICATION OF CHEMAWA STATION
4 LLC FOR APPROVAL OF THE KEIZER STATION MASTER PLAN
5 (AREA D-COMMERCE CENTER) AND MAJOR VARIANCE
6 (MASTER PLAN/MAJOR VARIANCE CASE NO. 2004-38)

7 The City of Keizer orders as follows:

8 Section 1. THE APPLICATION. This matter came before the Keizer City
9 Council on the application of Chemawa Station LLC for a master plan and major
10 variance for the Keizer Station Plan - Area D (Commerce Center).

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

15 Section 3. PUBLIC HEARING. A public hearing was held on this matter before
16 the Keizer City Council on October 18, 2004. The following persons either appeared
17 at the City Council hearing or provided written testimony on the application before the
18 Council:

- 19 1) Eric Scott, Representing Chemawa Station LLC
20 2) Ken Deener, KJD Architecture
21 3) Hermanus Steyn, Kittleson & Associates

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

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

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

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

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

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

14 Section 10. FINAL DETERMINATION. This Order is the final determination
15 in this matter.

16 Section 11. EFFECTIVE DATE. This Order shall take effect immediately upon
17 its passage.

18 ///

19 ///

20 ///

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.

City Attorney Shannon Johnson summarized the applicable criteria statement. No objections to notice, conflicts or ex parte contacts were declared.

City Attorney, Shannon Johnson, explained that the matter was before Council in a quasi judicial hearing for Area D Master Plan and suggested that the reading of the exact list of criteria set forth in the staff report be waived and asked if anyone objected. There were no objections. He added that any questions could be brought up during testimony adding that testimony arguments and evidence must be directed toward the criteria in the Comprehensive Plan or land use regulations believed to apply to this decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Counsel and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. In addition, any failure by the applicant or others to raise constitutional or other issues related to the proposed conditions of approval with sufficient specificity to allow the Council or its designee to respond to that issue precludes an action for damages in Circuit Court. He noted that if anyone had any objection as to conflict of interest, bias, jurisdiction, notice and opportunity to be heard it should be brought up at the time of testimony adding that any Council members wanting to disclose conflict of interest, bias or prejudice on this case they should do so at this time.

Community Development Director Nate Brown noted that the staff report outlined the requirements contained in the various code provisions of the city. The report to the Council outlines the requirements from the Keizer Station Plan, the zone requirements, development standards and the activity center overlay which is why there is a degree of repetitiveness. He complimented his staff and the applicants and noted that the application for the Master Plan governs the triangular 15 acres south of Chemawa Road bordered by the railroad and Salem Parkway/I-5 roadway. The applicant is proposing to develop 149,700+ square feet of floor space including office, industrial, flexible use, restaurants, gas station and retail as specified in the IBP zone. The application is linked with the Master Plan approval for Area A because the Transportation System Plan devised for these areas is related.

Councilor Moir asked Nate to explain: Why the park and ride spaces time was only until 5 pm. Nate stated that these spaces were not intended to be "timed", so cars could be left there

after that time. What is meant by: "Concern should be given when locating the loading areas in conjunction with the limitations of delivery truck mobility." (Page 22) Mr. Brown explained that the footprints are basic outlines of the buildings as they will be constructed because the specific designs of the buildings and their tenants is as yet undetermined. The intent is that the truck loading issues will be reviewed as the specific design is submitted for review. He added that truck deliveries are flexible depending on the tenants and specific uses. That is why staff supports the concept of showing an overall site plan allowing specifics to be identified later. Mayor Christopher asked Nate to explain: If Page 34 "Walkways" is identical to Area A. Nate replied that the development standards were changed so that shared walkways adjacent to buildings shall be 8 feet wide. The walkway requirements that have been worked out with the applicant are mostly concerning the public street - the loop road. Those not included in the public street are governed by the Development Standards. This was worked out addressing specific pedestrian patterns within Area D. Common sidewalks will be a minimum of 8 feet; single-purpose sidewalks can be down to 5 feet. The applicant has indicated a minimum of 6 feet. If there are varying rooflines. She noted that these look different from the varying rooflines in Area A. (Exhibit 8b). Nate explained that the rooflines match up with Area A with varying heights, but because of the differing materials, it is hard to see. The design requested by the applicant shows flat roofs of varying heights but not variation with facades or peaks. Roof plan: Exhibit 8a, shows that there will be different treatments of the roof.

Mayor Christopher opened the public hearing.

Eric Scott, 7905 Slab Creek Road, Neskowin; representing Chemawa Station LLC, 9165 Grand Ronde Road, Grand Ronde, Oregon addressed Council stating that he is the Tribal engineer and introduced Ken Deener with KJD Architecture, 536 SE 17th Avenue, Portland, Oregon as well as others involved in this application. He explained that because he had worked closely with so many professionals, he was confident that the systems had been designed appropriately and would complement each other. He continued explaining the plans for the development including flexible office space, second floor office space, flexible office retail space, flexible office light retail, warehouse and distribution, commercial retail, a high-end sit down family restaurant, a drive-through food outlet and a gas station with single quick food outlet.

Councilor Walsh asked: What sort of street lighting and traffic control would be in place coming in from Area A. Mr. Scott replied that there are no signal lights in place, but the appropriate chases and electrical hookups are built in to the infrastructure for future traffic control. There will be a stop sign on the interior access road but the loop road will not stop in order to maintain good traffic flow to and from Area A. There will be stop signs for parking and control for the primary drives into the building sites but no stop signs are anticipated on the

internal access road. Because the area around Buildings 4 and 5 has a warehousing and distribution component there is a larger paved radius to accommodate large trucks. The intent is that trucks would access the site via the westerly service road, identified as the primary trucking route for the distribution warehouse facility as well as most of the other light industrial elements. For an explanation of the bike path system, Mr. Deener explained the system using a map and fielded questions from Council. If there was an estimate on how many people would be in the buildings on any given day, Mr. Scott introduced Hermanus Steyn, Kittleson & Associates, 16 SW Alder Street, Portland, Oregon to speak on the traffic projections. Mr. Steyn stated there would be about 200 people exiting the site during peak hour and about 100 going in. Off peak hours would be less.

Mayor Christopher asked Nate Brown to explain the bike situation at the Industrial Business Park off Cherry Avenue which is also a privately owned public road like the roadway in Area D. Mr. Brown explained that once a roadway leaves the Public Transportation System, the bike and vehicles share the internal circulation. Mr. Walsh questioned why this internal road was not being designated as a public road. Mr. Brown explained that it had to do with design speed rather than volume of traffic. The applicant is including other amenities, such as pedestrian crossings of different material and texture so that automobiles will be aware that this is a different system with pedestrians having dedicated pathways. It will have a boulevard feel with a center planting strip to reduce speed. He concluded that there is a trade off of expenditure resources: creation of a main thoroughfare vs. a changed feel of the transportation element as it enters into the private development.

Shannon Johnson pointed out that because Area D is a commercial development and not a subdivision it does not fall under the specific requirements regarding private streets. Discussion then focused on the necessity of a bike lane on the road. Mr. Steyn responded that there had been discussion with ODOT and an eastbound right turn lane is planned in the future so between the through lane and the right turn lane, there will be a bike lane. There will be re-striping on the bridge putting six lanes together with bike lanes. Mr. Walsh voiced concern over "pockets" where there was no bike paths. Nate Brown responded staff concern was to make sure there was a connection between the regional bike system, the project as a whole and the corner. He pointed out the steep grade in certain areas and reminded everyone that this is a 15 acre area, much smaller than Area A.

Mr. Deener then explained the series of detention areas using the map pointing out that the drainage goes into a native planted swale and gets cleaned and slowed down and then ends in the catch basin. The ornamental water feature is actually a major detention facility. He then explained that all aisles in the parking area are 24 to 30 feet wide with a 120 foot diameter fire truck dead end allowing for service of the future water tower and allowing for larger scale

trucks on the back side of the building. Mr. Deener then explained Exhibit MP6 - rooflines stating that it is a series of volumes breaking up continuous lengths of wall by using variable materials. Nate added that the proposal is to use different materials and heights. Mr. Deener referred to the picture of roof lines and explained the features adding that canopies will add richness and variation. Before Council took a 10-minute recess, City Attorney Shannon Johnson reminded Councilors that during the break they should not discuss the matter with anyone other than Nate Brown.

Upon return from the recess, Mr. Brown explained that the application also includes a request for a major variance from a 20-foot setback including parking, building and paved areas, down to a minimum of 10 feet. This is because the interior of the loop road is very constrained with limited access. Because of these constraints and because applicant is providing park and ride facilities to mitigate public impact, staff felt they could support the variance. Shannon Johnson pointed out that this particular "Park & Ride" actually referred to carpool parking. Lastly, Mr. Brown explained that the building at the corner of Area D is 13,000 square feet and in comparison, City Hall is approximately 11,000 square feet.

Mayor Christopher closed the public hearing.

EXHIBIT "B"

Criteria and Standards

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

1. Keizer Station Master Plan.
2. KDC 2.113 (Industrial Business Park).
3. KDC 2.125 (Activity Center Overlay Zone).
4. KDC 2.202 (General Exceptions).
5. KDC 2.302 (Street Standards).
6. KDC 2.303 (Off-Street Parking and Loading).
7. KDC 2.305 (Transit Facilities).
8. KDC 2.306 (Storm Drainage).
9. KDC 2.307 (Utility Lines and Facilities).
10. KDC 2.308 (Signs).
11. KDC 2.309 (Site and Landscaping Design).
12. KDC 2.312 (Yard and Lot Standards).
13. KDC 2.315 (Development Standards).
14. KDC 2.419 (Service Stations).
15. KDC 3.105 (Variances).
16. KDC 3.113 (KSP Master Plan Review).

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

EXHIBIT "C"

Facts

FINDINGS: GENERAL

1. The applicant is Chemawa Station LLC. The subject property is owned by the Confederated Tribes of the Siletz Indians and the Confederated Tribes of Grand Ronde.
2. The applicant's agent is Eric Scott.
3. The subject property is located at the Chemawa Rd/Interstate 5 interchange. The subject property consists of Area D of the Keizer Station Plan (identified on Marion County Tax Assessor's Map as Township 6 South Range 3 West, Section 36D, Lot # 00400).
4. The subject property contains approximately 15.68 acres.
5. The subject property is designated Campus Light Industrial on the Comprehensive Plan Map and is zoned IBP (Industrial Business Park).
6. Public water is available to the subject site. Public sanitary sewer service will be available north of the subject site upon construction of a sewer trunk line through Area A of the Keizer Station Plan. Public bus transit is provided by Salem Area Transit with Route numbers 4 and 9 currently serving the intersection of Lockhaven and McLeod. Route number 4 services the School for the Deaf, Cherriots Administrative Office, Keizer, and Whitaker Middle School.
7. The subject property is bordered on the north by Chemawa Rd, Interstate 5 (I-5) and Salem Parkway on ramp to the east, the Portland and Western Railroad to the west, and the Salem Parkway to the south. Residential properties, a church, and the Keizer Little League Fields are located across Ridge Dr NE on the west side of the railroad tracks. The proposed Keizer Station Village Center (Area A) is located across Chemawa Rd to the north of the site. The surrounding properties are zoned MU (Mixed Use) and P (Public) to the west, and EG (Employment General) to the north. Interstate 5 (I-5) and the Salem Parkway border the south and east sides of the property.
8. The applicant is requesting a Keizer Station Master Plan approval and a Major Variance for the reduction of front yard setbacks for the interior (north side) of the loop road from 20' to 10'.

9. The internal street system allows for vehicular travel within the site as well as providing access to and from major arterial streets to the north (Chemawa Road), and access to the future Keizer Station Village Center to the north.
10. Internal streets will have landscaping with tree lined streets and low-impact street lighting. All streets are proposed with bicycle lanes in each direction and pedestrian sidewalks, separated from the street with a five-foot landscape buffer. As a result of safety concerns, certain specific areas do not have sidewalks on one side. Sidewalk widths vary between 6, 8 and 12 feet for multi use. The proposed "Loop" road is the only public through street.
11. A system of internal pedestrian walkways to building structures is proposed.
12. Water service will be provided by a connection to a new reservoir south of Chemawa Road NE as well as connection to the existing water mains in Tepper Lane and Lockhaven Drive. The public water system will be constructed within the realigned Radiant Drive and the right of ways for roads A, B and C in Area A, and within dedicated public right of ways or easement. Fire hydrants will be spaced between 250 and 500 feet to any point on the buildings.
13. Sanitary sewer service will be provided through a connection to the existing 21-inch sewer main at the intersection of existing Radiant Drive and Tepper Lane at the existing ball field entrance. The public sewer main will be extended through Area A as development of that area proceeds. The sanitary sewer trunk will be extended to the north property line of the subject property.
14. Storm drainage facilities will be provided in Area A within the public roadway system for collection and conveyance of runoff from development in the area. The project area is identified as a critical drainage basin, requiring higher runoff control standards. Area D will be required to provide water quality treatment and detention of its storm water runoff.
15. Landscaping is being provided to meet zone and Keizer Station Plan requirements as well as providing additional amenities such as plaza areas, water features and terraces.
16. The Keizer Public Works Department, Keizer Fire District, City of Salem Public Works Department, Portland General Electric, Salem-Keizer School District, Marion County Surveyor's Office, Keizer Police Department, the Salem Transit District and Oregon Department of Transportation have submitted comments.

FINDINGS: MASTER PLAN

17. The review criteria for the Keizer Station Master Plan are listed in Section 3.113.04 of the Keizer Development Code (KDC). The criteria and findings are listed below:

A The master plan shall meet the purpose and objectives identified in the Keizer Station Design Plan. KDC 3.113.04(A).

1. Purpose: Area D (15 acres) is proposed to have a mix of industrial uses. Key issues that will need to be considered as Area D develops include:
 - Location and design of transportation facilities;
 - Traffic operations at the Chemawa Interchange; and
 - Physical constraints (e.g. power lines, utility easements and rail right-of-way) that will influence the amount of buildable land and building locations.
2. Objectives: Development in Area D will be focused on achieving the following objectives:
 - A Source of Employment Opportunities; and
 - Protect Traffic Operations

FINDINGS: The proposed development in Area D includes approximately 149,724 square feet of floor area offering a combination of office/industrial (103,415 square feet) and flexible space uses defined as restaurant, gas stations and retail areas, (46,309 square feet) as specified in the IBP zone (discussed later in this report). The proposed mix of uses on the site will clearly provide new and varied employment opportunities.

The applicant's traffic consultant, City staff, the City's traffic engineer, and the City's engineer have evaluated the impact of this development on the transportation system. ODOT has indicated preliminary approval. The street design is based upon the input from traffic and transportation planning professionals from each of these parties.

The buildings and improvements are located so as to keep existing easement areas clear of inappropriate development.

The proposal indicates that the project will be completed in two phases with all of the office/industrial floor space construction in the 2nd phase.

- B. The master plan shall meet the following standards as identified in the Keizer Station Plan in addition to standards within applicable zones:

1. Design standards
2. Transportation system standards
3. Utility standards
4. Parking standards
5. Landscape standards

If a conflict exists between standards within the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards shall be applied.
KDC 3.113.04(B).

1. Design Standards

A. **Development Standards:** KDC Section 2.315 Development Standards requires new development to apply for Development Review and to comply with standards identified in KDC Section 2.315.08. These standards are intended to be objective and to serve as a guide to designers of developments during the building permit approval process. A building permit shall be issued when the proposal:

1. Is consistent with the Development Standards of KDC Section 2.315; and
2. Is in substantial conformity to the approved Master Plan.

Modification of a building permit application, which is not in substantial conformity with the Development Standards or the approved Master Plan, may be approved by the City Council under KDC Section 2.315.08.

B. **Other Design Standards:** Design standards within the underlying zone, Industrial Business Park - Section 2.113 shall apply.

FINDINGS: Compliance with the standards outlined in the KDC will be achieved through the building permit process. The applicant's proposal shows substantial conformance with these standards.

2. Transportation system standards

The extension of transportation facilities through Area D is a key element, not only to the transportation system but also to the visual quality of the center. Accordingly, the following design features shall apply to Radiant Drive:

A. Transportation facilities may be established to bisect Area D to provide a landscaped entry into Area D and Area A - Village activities.

B. Access from a potential transportation facility to adjoining property shall be controlled. The intent of Radiant Drive is to provide efficient through traffic. Signalized access connections will be located at least 600 feet apart, except where approved by the City Traffic Engineer. Additional access connections on Radiant Drive should be limited and designed to maximize the flow of traffic. All internal signalized intersections on Radiant Drive will operate at a V/C standard of 0.87 or better.

FINDINGS: The applicant's traffic engineer has designed the transportation system to accommodate the traffic needs of Area D and of the Village Center to the north. The overall transportation system is interdependent and the loop road in area D also serves as support to that system. The applicant's proposal indicates compliance with these standards, however final construction plans of the transportation system will be reviewed at the time of permit application to insure compliance with these standards.

3. Utility Standards

In addition to the development standards of Utility Lines and Facilities - Section 2.307 the following standards shall apply to new utilities:

A. All utilities located adjacent to transportation facilities connecting to Radiant Drive shall be located underground.

- B. All other new utility connections and lines shall be located underground.

FINDINGS: The applicant's proposal indicates compliance with these requirements.

4. Parking Standards

The development shall be required to adhere to the parking standards as outlined in the Keizer Development Code, in the underlying zone and in Section 2.303.

FINDINGS: The applicant's proposal indicates compliance with these requirements.

5. Landscape standards

In addition to the development standards of Site and Landscape Design - Section 2.309 the following standard shall apply:

- A. A coordinated landscape plan shall be provided for the frontage portion of Area D along I-5 with the request for master plan approval.

- B. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area D without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.

1. Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

FINDINGS: The applicant has submitted a landscaping plan for the entire area. The proposal does not adequately address the requirement for a coordinated landscaping plan for the frontage along I-5. The applicant will be required to demonstrate a design which coordinates the landscape design along the I-5/Salem Parkway and shall be a condition of approval.

18. IBP (Industrial Business Park) Zoning Requirements. The applicable zone within the subject site is Industrial Business Park (IBP). Section 2.113.02 identifies the various uses allowed and Section 2.113.05 defines the development standards of the IBP zone.

KDC 2.113.02 identifies the use requirements for the IBP zone, including the permitted uses and how "Flexible Space Uses" are to be developed.

A. Flexible Space Uses

1. The following uses, when restricted, developed, and conducted as required in subsection 2 below, are permitted in the IBP district

- a. Food Stores (54).
- b. Apparel and Accessory Stores (56).
- c. Furniture, Home Furnishings and Equipment Stores (57).
- d. Miscellaneous Retail; BUT EXCLUDING used merchandise stores (59).
- e. Business Services.
- f. Miscellaneous Repair Services.

2. In the Keizer Station Plan where Flexible Space uses are to be developed within the IBP district, the following development limits apply;

- a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection (1)(a)-(d).
- b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district. "IBP district" is defined as IBP zoned property within the Keizer Station, including any internal public streets. In no case shall each contiguously zoned IBP district within the Keizer Station exceed 32,400 square feet of Flexible Use Space as set forth in subsections 1 (a) through (d).
- c. The area developed in all flexible space uses shall in the aggregate not exceed 30 percent of the gross area of the IBP district.
- d. Any outdoor storage area shall:
 - i. Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building;

- ii. Be enclosed with a sight-obscuring fence or wall;
 - iii. Have at least one side conterminous with the building that it serves;
 - iv. Have no opening within fifty feet and visible from any property boundary; and
 - v. Meet the other applicable requirements of this ordinance.
- e. Loading doors shall have no opening within seventy five feet and visible from any street or property boundary.
 - f. Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall.
 - g. All buildings shall be capable of development as flexible industrial space.

FINDINGS: While specific uses are not yet determined, the applicant's proposal shows a mix of uses which meet with these provisions.

B. 2.113.05 Development Standards

1. Design Standards. Unless specifically modified by provisions in this Section, buildings located within the IBP zone shall comply with the Development Standards in Section 2.315.

2. Location Standards.

- a. Each IBP district shall have direct access onto an arterial or collector street.
- b. Access to a local street abutting the district shall not be permitted from any lot within the IBP district; except that, access may be permitted to a local street if 75 percent of the property is zoned industrial or designated industrial in the Keizer Comprehensive Plan along both sides of the street for a distance of 600 feet from the center line of a proposed access in both directions along the street, or for the distance from said centerline to the next intersecting arterial or collector street in both directions, whichever is less.

c. Calculation of the percent of industrial property shall be based upon the street frontage of properties having frontage on the local street within the described distance of the centerline of the proposed access.

d. The Zoning Administrator may require street right-of-way and improvements for streets abutting or within the IBP district in accordance with the Development Code, except that for local streets to which access is not allowed under 2. above, the Zoning Administrator may only require right-of-way dedication, and not improvements.

FINDINGS: The subject site will have direct access to Chemawa Rd, which is identified on the Transportation System Plan as a Major Arterial. New streets are proposed for the development which access to the proposed buildings. The applicant's proposal shows compliance with these standards.

- C. Height. Within the IBP district buildings and structures erected, altered or enlarged shall not exceed 100 feet in height, except for the area within 50 feet of any residential zone where the maximum height shall be 15 feet.

FINDINGS: The applicant's proposal indicates that no buildings proposed will exceed 100 feet in height. There are no residential zones within 50 feet of the subject site. Therefore, the 15 foot height limitation is not applicable.

- D. Lot Area and Dimensions. There are no minimum lot area requirements in an IBP district.

FINDINGS: The proposal is not restricted as to lot area or dimensions.

- E. Yards Adjacent to Streets. Within an IBP district:

1. Along the full extent of each lot line adjacent to a street, there shall be a required yard 20 feet in depth.
2. Setbacks for accessory building and structures, except fences, shall be the same as for primary buildings.
3. No parking will be allowed in required yards.
4. No buildings or structures except transit shelters approved by the Salem Area Transit District shall be permitted in a required yard adjacent to a street.

FINDINGS: The applicant has applied for a variance to reduce the required yard of 20 feet in depth, down to 10 feet for the development on the north side of the

proposed "Loop" road. In all other areas the proposal meets the yard setback requirements. Approval of the variance will be required in order to meet this requirement.

F. Yards Adjacent to Other Districts.

1. Where an IBP district within the Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there shall be a required yard 40 feet in depth adjacent to the lot line separating the IBP district from the abutting district.
2. Where an IBP district not within the Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there shall be a required yard 15 feet in depth plus 1 foot of depth for each foot of building height over 10 feet, adjacent to the lot line separating the IBP district from the abutting district.
3. Where an IBP district within the Keizer Station Plan abuts another "I" district, directly or across an alley, there shall be a required yard 20 feet in depth adjacent to the lot line separating the IBP district from the abutting district.
4. No buildings or structures shall be permitted in a required yard adjacent to an abutting district.
5. All parking shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district.
6. Driveways shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district, except where the driveway provides direct access to the abutting property or to a street.

FINDINGS: The subject property is surrounded by a public street, I-5, and, the railroad and does not abut any other zoning districts directly or across an alley. Therefore, there are no additional requirements due to adjacent zoning districts.

G. Side and Rear Yards. Notwithstanding Section 2.113.05.F, There are no side or rear yard requirements in the IBP district except:

1. As may be required for a yard adjacent to another district as defined above.
2. Where a side or rear yard is not required but is provided it shall:
 - a. Be at least ten feet in depth;
 - b. Not include buildings, structure, parking or driveways; and
 - c. Be landscaped.

3. Driveways and accessways shall set back at least ten feet from the internal property lines, except where the driveway or accessway provides direct access to an adjacent street, or where a common driveway is provided along a lot line between two separately owned properties. In case of the latter exception, at least ten feet of landscaped yard shall exist parallel and along each side of the common driveway.

FINDINGS: The proposed development demonstrates compliance with side yards of 10' which exclude structures and paved areas.

- H. Lot Coverage. Each lot within an IBP district shall have a least 20 percent of its gross area landscaped; that portion of the required yards, which are landscaped, may be included in the calculation to meet the 20 percent landscaped area.

FINDINGS: The applicant's landscaping plan and written statement indicate that 27% of the property will be landscaped.

- I. Open Storage.

1. Open storage of materials and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall or berm at least six feet in height, or a sight obscuring hedge no less than four feet in height and capable of obtaining a height of six feet within two years, any of which shall be located on the property at the required set back line in the same manner as if such berm, fence, wall, or hedge were a building.

2. Materials and equipment stored as permitted in this section shall be no more than 14 feet in height above the elevation of the storage area.

FINDINGS: This is a development requirement and compliance with these standards will be ensured through the building permit review process.

- J. Landscaping.

1. Landscaping shall meet the requirements of the Keizer Development Code as well as the following requirements.

2. Required yards shall include the following plant materials:

Number of Plant Units or Square Feet of Living Ground Cover
Per 1000 Square Feet of Landscaped yard

Plant Type	Boundary of IBP District	Other Locations
Trees	2	1
Shrubs	5	3
Evergreens and Conifers	1	
Living Ground Cover	500 sq. ft.	500 sq. ft.

3. Plant units shall be distributed not less than two units per each 100 linear feet of boundary or lot line and each ten feet of depth.
4. Plant units meeting the above standards shall also be planted and maintained in any planting strip or area within the public right of way adjacent to a use. Trees within the planting strip shall be in conformance with City standards for street trees.

FINDINGS: The applicant's landscaping plan shows compliance with these standards. However, as a condition of approval trees which abut street improvements and parking and loading areas should be a minimum 2" caliper as opposed to the minimum requirement of 1 1/4" to minimize potential damage to the trees in accordance with industry standards.

- K. Off-Street Parking and Loading.** Within an IBP district all uses shall meet the requirements of the Parking Chapter of the Keizer Development Code as well as the additional requirements of this section:

1. **Parking**
 - a. All parking shall be set back at least ten feet from all interior property lines.
 - b. Transit stop(s) approved, as to location, design and construction, by the Keizer Area Transit District may satisfy five percent of the parking space requirements for building sites located within 400 feet of any such transit stop(s).
 - c. A ride sharing program approved by the Director of Public Works may satisfy five percent of the parking space requirements.

d. Bicycle parking at a ratio of one bicycle space for each twenty vehicle parking spaces may satisfy three percent of the parking space requirements.

2. Loading

a. All loading spaces shall be screened from adjacent property by a sight-obscuring fence, wall, hedge, or berm at least four feet in height.

b. Loading docks and loading doors shall be screened from the street by landscaping and shall be offset from driveway openings.

FINDINGS: The proposal indicates compliance with all parking and loading requirements.

L. **Lighting.** Exterior light fixtures shall be so located and designed that the light source, viewed by an observer five feet above the ground and five feet outside the boundary of the IBP district, shall within 50 feet of the base of the light standard be either:

1. Completely shielded from direct view, or.
2. Not greater than five foot candles.

FINDINGS: The applicant has submitted a lighting plan which shows conformance with these standards.

19. Activity Center Overlay

A. 2.125.04 Keizer Station Plan Development Standards - IBP Zone

For any project for which the projected average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

FINDINGS: The applicant has submitted, in conjunction with Area A of the Keizer Station Plan, a Traffic Impact Analysis and it is part of the record.

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B. 2.125.05 Keizer Station Plan Development Standards - IBP Zone

All development within the Keizer Station Activity Center, which is zoned Industrial Business Park (IBP) shall be subject to the following additional requirements.

1. **Specific Use Restrictions.** A limitation of the total floor area of specified IBP uses applies to all of Area A - Sports Center and Area D - Commerce Center of the Keizer Station Plan. The uses identified in Sections 2.113.02 (J) and (N) shall be subject to the following total floor area limitations:

- a. 15,000 square feet in Area A - Sports Center; and
- b. 70,000 square feet in Area D - Commerce Center.

2. **Flexible Space Uses.**

The following uses, when restricted, developed, and conducted as required in Section 2.113.02 N. 2. are also permitted in the IBP district:

- a. Within Area A "Sports" of the Keizer Station Plan boundary:
 - i. Recreational Vehicle Parks and Campsites (7033), provided, however, that such uses are not subject to the limitation in Section 2.113.02 N. 2. (c).
- b. Within Area D of the Keizer Station Plan boundary:
 - i. General Merchandise Stores (5399).
 - ii. Gasoline Service Stations (554) in accordance with Section 2.419.

FINDINGS: The total area indicated on the plans as flex space (Tenant I, Retail, Tenant II, Tenant III, Building I and part of Building VII) total 38, 809 square feet, which is well below the maximum of 70,000 square feet set in Section 2.125.05.A.2.

C. 2.125.06 Keizer Station Plan Prohibited Uses - IBP and EG Zones

The following uses are prohibited on properties within the Keizer Station Plan boundary, which are zoned IBP or EG:

- 1. Manufacturing of grain mill products (204)

2. Manufacturing of biological products, except diagnostic substances (2836)
3. Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (284)
4. Miscellaneous plastic products (308)
5. Motor freighting (42)

FINDINGS: The proposal indicates no prohibited uses are proposed.

D. 2.125.07 Conditions of Approval

The City may attach conditions to any development within an Activity Center to achieve the following objectives:

1. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require:

- a. Orienting building and facilities towards transit services.
- b. Minimizing transit/auto conflicts.
- c. Encouraging transit supportive uses.
- d. Minimizing walking distance to transit stops.
- e. Avoiding excess parking areas.
- f. Encouraging shared parking and structures or understructure parking.

FINDINGS: The Transit District has indicated that the location of transit facilities shall be accomplished at time of permitting process. Coordination with the District shall be a condition of permit issuance.

2. Pedestrian/Bicycle Circulation. The development shall facilitate pedestrian/bicycle circulation. This may require:

- a. Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments with the Activity Center facilities, and surrounding development.
- b. Separating auto and truck circulation and activities from pedestrian areas.
- c. Pedestrian-oriented design.
- d. Pedestrian amenities.

- e. Bicycle parking.
- f. Outdoor lighting.

FINDINGS: The applicant's proposal shows a pedestrian/bicycle system which provides for circulation not only within Area D, but also connecting to Area A. In addition to the pedestrian/bicycle pathways bike lanes are proposed as a part of the street improvement design. The applicant shows connection to the Regional Multi-Use/Bike pathway adjacent to Salem Parkway. This connection is important in order to facilitate implementation of the Transportation System Plan goals and shall be a condition of approval.

3. Coordination. Coordination of development within an Activity Center area. This may require:

- a. Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements.
- b. Siting and orientation of land uses.
- c. Frontage roads or shared access.

FINDINGS: The circulation pattern, developed in conjunction with Area A, is compatible and shall be limited to that coordinated plan. The landscaping standards shall also be consistent with those established in Area A. The orientation and siting of uses is consistent with those specified in zoning requirements. Architectural design must be consistent with standards imposed on Area A.

4. Compatibility. Developments within the Activity Center should be compatible with, and complement the surrounding neighborhood. This may require:

- a. Sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features.
- b. Buffering of adjacent residential uses

FINDINGS: Due to the interconnection with other areas within the Keizer Station, sensitivity must be used in architectural design, circulation patterns, landscaping and site amenities to achieve desired compatibility between developments. The proposal demonstrates this sensitivity in providing site amenities such as plaza/outdoor seating areas and water features. The design of

the buildings, although different in character, must demonstrate a consistent level of human scale, variation in building planes and building materials.

20. Street Standards.

- A. 2.302.03.A. 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 development features two new streets within the development. The location, width and grade of the proposed streets are designed to promote public convenience and safety for the development.

All new streets shall be constructed to the requirements of the City of Keizer Department of Public Works Design and Construction Standards and in conformance with the final Transportation Impact Analysis adopted for the Keizer Station Plan. Preliminary construction specifications and plans for all transportation mitigation measures necessary to satisfy the improvements identified in the "Transportation Impact Analysis, Keizer Station Plan" for all street construction, including retaining walls, fencing, landscaping, sidewalks, signing, etc. shall be submitted to the Department of Public Works for review prior to submitting final plans for approval. The Department of Public Works will review the proposed plans and make recommendations for any additional work and coordination with other development in the area as needed.

- B. 2.302.03.B. Continuation of Streets. Development proposals, including subdivisions and partitions, shall provide for the continuation of, and connection to, streets where necessary to promote appropriate traffic circulation in the vicinity of the development. Where necessary to give access or permit a satisfactory future division of adjoining land, streets and utilities shall be extended to property boundaries to allow the future extension of streets and infrastructure. A temporary turnaround shall be constructed for stub streets in excess of 150 feet in length.

No street or utility extensions are required when any of the following circumstances exist:

1. Less than three additional existing or future lots on adjoining parcels would gain access from the extension. For purposes of this criterion, the size of said future lots shall be no greater than two times the minimum lot size of the zone.
2. Parcel shape or size prevents new lots from meeting lot width or depth standards when a public street or infill street is proposed through the parcel.
3. Partial-width streets where adjoining development would provide a full-width public street or infill street; does not eliminate the need for variances to lot depth or width requirements.
4. Natural physical obstructions or barriers, such as parkland, floodplain, slopes, or significant trees, make access and connectivity unreasonable or impracticable.
5. Providing access and connectivity to one or more adjoining parcel(s) would not be useful given that at least one of the following conditions exist:
 - a. A future street plan demonstrates that adequate access and connectivity is provided from the adjacent parcel(s).
 - b. The development potential of the adjoining parcel(s) is (are) limited due to physical or jurisdictional constraints to such a degree that connectivity is unreasonable or impracticable.

FINDINGS: The proposed development provides the necessary street and pedestrian/bicycle connections to adjoining properties. It will include construction of an underpass of Chemawa Road that will connect to Arca A Village Center and new intersection design at Chemawa and the previous location of Radiant Drive.

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

FINDINGS: The proposed streets meet these requirements.

- D. 2.302.03.D. Future extension of streets. When it appears possible to continue a street, bicycle path and/or pedestrian accessway into a future subdivision, adjacent acreage or area attractors such as schools and shopping centers, streets, bicycle paths and/or pedestrian access way facilities shall be platted and built to

a boundary of the subdivision. The street may be platted without a turnaround unless the Public Works Department finds a turnaround is necessary for reasons of traffic safety. Any street extension exceeding 150 feet in length shall be provided with an approved turnaround as set forth in Section 902.2.2.4 "Dead Ends" of the Uniform Fire Code, 1994 edition.

FINDINGS: The loop road does not end and the other stub street ends in a large bulb turnaround, and the property is fully constrained in its access ability from other properties. The proposed circulation plan provides connectivity with existing transportation system.

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

FINDINGS: Street names must 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. Due to the significance of this development as a landmark of the City of Keizer, street names should also receive approval of the City Council.

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

FINDINGS: The proposed arterial street grades are relatively flat and in no case do they exceed 7%. All streets have a minimum profile grade of 0.60.

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

FINDINGS: The proposal provides for an access road along the west property line. This however, is separated from residential areas by both the Railroad and Ridge Drive. No additional buffering, other than landscaping would be required.

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

FINDINGS: No alleys are proposed. The site provides adequate access to off-street parking and loading facilities.

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

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

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

FINDINGS: The conceptual landscaping plan indicates that street trees shall be planted with 30-foot spacing using identified varieties. The plan specifies 1 ¼ inch caliper sizes. Although this caliper is the minimum city requirement, a minimum caliper of 2 inches should be used in areas subject to damage along walkways and streets and is consistent with the standards set in Area A. 1 ¼ inch caliper trees are much more susceptible to damage and vandalism.

- J. 2.302.04 General Right-of-way and Improvement Widths. The standards outlined in this section shall be the minimum requirements for all streets, except where a variance is requested as permitted under Subsection 2.202.05.

FINDINGS: The right of way width is the responsibility of the Department of Public Works to be consistent with the standards adopted by the City. Within

those standards the Public Works Director has the ability to determine specific design elements within those standards.

21. Off-Street Parking and Loading.

- A. 2.303.6 Off-Street Automobile Parking Requirements. Off-street parking shall be provided in the amount not less than:

- Retail store: 1 per 300 square feet
- Service repair center; retail store handling bulky merchandise (e.g. furniture): 1 per 900 square feet
- Bank, offices, medical clinic: 1 per 300 square feet
- Eating and drinking establishment: 1 per 250 square feet
- Hotel: 1 space per guest room

B. 2.303.6 B and C Additional Off Street Automobile Parking Requirements.

1. **Parking Reduction.** The number of minimum required parking spaces may be reduced by up to 10% to redevelop the existing parking area for transit related uses including transit stops, pull-outs, shelters, park and ride lots, transit oriented developments and similar facilities where appropriate. The redevelopment area shall be abutting a street with transit service. (5/98)

2. **Parking Increase.** The number of minimum required parking spaces shall not be increased by more than 50%.

FINDINGS: The master planned area contains a public road which bisects the property. This creates two separate areas which are used when calculating such things as parking space requirements as well as signage requirements. Parking area calculations have been provided by the applicant and indicate substantial conformance with this standard in the area outside of the loop road.

The area within the loop road (between the loop road and Chemawa Rd) shows a total of 122 parking spaces. The maximum allowed based upon the plans submitted is 108. The application shows a total of 13,659 square feet of retail and 6,400 sq ft of food service (eating and drinking establishment) area. The minimum parking spaces required are 72 spaces; the maximum is 1.5 times that figure. The number of stalls in this area must comply with the range that is allowed by the Keizer Development Code. The number of parking spaces may

vary dependent upon the size and type of businesses and a final number cannot be determined until plans are submitted for building permits. The applicant has agreed to designate all stalls in excess of the maximum allowed for the use of Park and Ride. This total is currently shown at 14 but may vary slightly. These spaces shall be designated as "Park and Ride" between the hours of 7:00 am and 5:00 pm Monday through Friday. These stalls, therefore, would not be counted as those required or allowed for the retail and eating and drinking establishment.

C. 2.303.08.A . Bicycle Parking shall be required in all public and semi-public, commercial and industrial development as well as park-and-ride lots. Bicycle parking shall be provided in the following amounts:

- Retail store: 1 per 10 required vehicle parking spaces with a maximum of 6 required
- Service repair center; retail store handling bulky merchandise (e.g. furniture): 1 per 30 required vehicle parking spaces with a maximum of 6 required
- Bank, offices, medical clinic: 1 per 20 required vehicle parking spaces with a maximum of 6 required
- Eating and drinking establishment: 1 per 20 required vehicle parking spaces with a maximum of 6 required
- Hotel: 1 per 40 required vehicle parking spaces

Exemptions. The following uses are exempt from the bicycle parking requirements:

- Seasonal or temporary businesses. (5/98)
- Drive-in theaters
- Self-storage facilities
- Automobile oriented businesses such as automobile service stations, automobile repair shops, restaurants without seating facilities (either indoors or outdoors), or oil and lubrication services, but excluding automobile retail businesses such as dealers or auto parts stores.

FINDINGS: The plan indicates the location and number of bicycle parking spaces however, no specific information has been provided by the applicant regarding the type design of the bicycle rack. The Keizer Development Code sites specific standards that serve the intent of the Keizer Station Plan and will be reviewed as a part of building permit approvals.

- D. **2.303.09 Carpool and Vanpool Parking.** New office or industrial development with 100 or more parking spaces shall designate at least 5% of the parking spaces for carpool or vanpool parking. These designated spaces shall be the closest parking spaces to the building entrance normally used by employees, with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only" along with specific hours of use. Any other use establishing car and vanpool spaces may reduce the minimum parking requirement by 3 spaces for each carpool/vanpool space created.

FINDINGS: The proposal indicates compliance with the number of spaces required. The location of these spaces, however, shows their placement to be in locations other than those closest to the building entrance normally used by employees. The language of the Keizer Development Code is specific; however, the specific designs of the buildings have not been set. This requirement shall apply to each of the buildings at time of construction.

The applicant does not wish to apply the ability to reduce the minimum number of parking spaces required by increasing the number of carpool/vanpool spaces as allowed by this criterion.

- E. **2.303.10 Off-Street Loading Requirements.** All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 30 feet long, and 14 feet high in the following amount: for buildings containing over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space.

FINDINGS: The office/industrial spaces in the proposal (buildings 2-7) are as yet not defined as specific tenants. As such, the loading areas have not yet been specifically identified. Concern should be given when locating the loading areas in conjunction with the limitations of delivery truck mobility.

F. 2.303.11 Parking and Loading Area Development Requirements.

1. Surfacing. All driveways, parking and loading areas shall have a durable, hard, dust free surface built to Department of Public Works standards.

FINDINGS: Pavement conforming to adopted City of Keizer Department of Public Works standards shall be required as part of the building permit and public improvement permit processes.

2. Parking Spaces

a. Dimensions. Parking spaces shall be a minimum 9 feet wide and 18 feet in length.

b. Compact Spaces. Compact parking spaces, at a reduced width of 8.5 feet, shall be permitted on sites with more than five (5) parking spaces. No more than 30% of the required parking shall be compact spaces and each space must be identified as a "Compact Space."

FINDINGS: The proposal appears to meet these requirements. The parking space dimensions must be verified during the building permit review process.

3. Aisle The following minimum aisle dimensions shall apply:

a. Without adjacent parking:

i. One-way: 12 feet

ii. Two-way: 22 feet

b. With adjacent parking:

PARKING ANGLE	DRIVEWAY WIDTH
0 to 40	12 feet
41 to 45	13 feet
46 to 55	15 feet
56 to 70	18 feet
71 to 90	24 feet

FINDINGS: The proposal appears to meet these requirements. The driveway dimensions will be verified during the building permit review process.

4. Screening. When any public parking or loading area is within or abuts a residential zone along a side or rear lot line, the parking or loading area shall be separated from the lot line by a 20 foot landscaped yard, or shall be screened from the residential property with an ornamental fencing or wall of at least 4 feet in height.

FINDINGS: The property does not abut any residentially zoned properties; therefore this criterion does not apply.

5. Lighting. All lighting shall be directed entirely onto the loading or parking area and away from any residential use. The lighting shall not cast a glare or reflection onto the public rights-of-way.

FINDINGS: The residential properties to the west are separated by the railroad right-of-way. The proposed lighting plan demonstrates that the proposed site lighting will not provide any significantly measurable light beyond the property lines. Care must be taken however, that no light source be directly visible from residential properties. Any such light source must be shielded.

6. Landscaping. A tree shall be planted for every eight lineal parking spaces not located adjacent to a building. The planting space shall measure no less than 4 feet square and be surrounded by concrete curbing. The plant shall be of a species that the root system will not interfere with underground utilities or the parking surface, and, is capable of achieving a 15 foot radius. The specific planting enclosure and appropriate tree selection will be provided by the City.

FINDINGS: The site plan shows that one tree has been supplied in parking areas for every eight parking stalls. This requirement shall be a strict condition of approval. Compliance with this requirement will be verified with each building permit.

7. Traffic Flow. Service drives to off-street parking areas shall be designed and constructed to allow flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.

FINDINGS: The access to and from the various parking lots is controlled and designed to provide suitably spaced street or driveway intersections. This design will provide for safe and efficient traffic flow throughout the site.

8. Entrance/Exits. Service drive exits shall have a minimum vision clearance area of 15 feet from the intersection of the street and driveway.

FINDINGS: The entrances all appear to have adequate vision clearance. The landscaping plan and the applicant's written statement indicate that ongoing maintenance of the landscaping, including the vision clearance areas will be essential to maintain the type of landscape and aesthetic standards established in the Keizer Station Plan.

9. Bumper Rails. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail to prevent a motor vehicle from extending over an adjacent property, a street, or a sidewalk. The bumper shall be at least 4" high and located a minimum of 3 feet from the property line.

FINDINGS: To create a level of landscaping and aesthetic standards all paved areas must be bordered with a curbing 6 inches high.

22. Transit.

A. 2.305.01 Location Requirements

1. Siting Requirements. The location of transit facilities shall be based upon the size and trip generation potential of major new development adjacent to a transit street. Section 2.305.02 outlines the maximum transit facilities that may be required by the City. Determination of specific requirements will be made on a case by case basis for each development by evaluation the following factors:

- a. Expected transit ridership generated by a development.
- b. The level of existing or planned transit service adjacent to the development. Planned transit service is defined as service that is planned to be established within five years after the completion of development according to the latest officially adopted transit plan by the Transit District.
- c. The location of existing facilities.
- d. The proximity of other transit ridership generators.

FINDINGS: The applicant shall work with the Transit District to ensure compliance with these requirements, making adjustments where necessary to accommodate the needs of the district. The level of service shall be consistent with that level established generally in other areas within the City. The Transit District has indicated that they are working with the applicant.

- B. 2.305.02 Design Requirements Retail /industrial/institutional peak hour traffic trips of more than 200 require a concrete boarding pad and transit turnout.

FINDINGS: The Transit District has indicated that they are working with the applicant. The applicant shall continue to work with the Transit District to ensure compliance with these requirements, making adjustments where necessary to accommodate the needs of the district.

23. 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: A site grading and drainage plan that complies with Section 2.306 shall be submitted for approval to the Public Works Department prior to any building permit being issued.

24. Section 2.307 - Utility Lines and Facilities.

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

FINDINGS: A public improvement plan identifying all water, sewer, utilities and easements shall be approved by the City prior to the issuance of any building permits.

- B. **Street Lights.** When required, installation of street lights shall be pursuant to the requirements of the city and the company serving the development.

FINDINGS: The design, location and height of lighting fixtures shall be consistent with that approved in Area A of the Keizer Station Plan in order to meet the purpose and intent of the Keizer Station Plan.

- C. **Easements.** Easements shall be provided along property lines as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions, and on the final plat of all partitions.

FINDINGS: All easements shall be located in the appropriate locations based on actual approved plans. No building permits shall be issued prior to approval of easement widths and locations. The applicant desires that the loop road not be dedicated in the traditional sense but would rather be located in a public easement. This would serve to maintain the entire parcel in one tract. The granting of a public easement for both access and utilities serves the same public purpose and is consistent with the portion of "Road C" in the Area A master plan approval.

The language of such easement must be written to meet all necessary legal constraints and must be reviewed and approved by the City and recorded with Marion County Clerk's Office prior to the issuance of any other permit.

The interval road, which proceeds south from the loop road, is considered as an interval access way for the development. It will require only those easement rights necessary to install and maintain the public utilities located therein, including access for maintenance of any water facilities at the southerly end of the property.

25. 2.308.08.B. **Commercial and Industrial Signs, Integrated Business Centers:**

- A. **Total allowed area.** For wall, canopy and projecting signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business. Individual businesses may not assign their unused allowed area to other businesses in the

integrated business center. Free standing signs are permitted only as set forth below and in Section 2.308.08.C.

- B. Free-standing Sign. For each integrated business center, 1 free-standing sign per street frontage not to exceed 100 square feet in area. Free-standing signs shall not exceed one sign on each frontage and shall be oriented to face the traffic flow on the street upon which then front.
- C. Maximum sign height:
 - 1. Wall and canopy signs shall not project above the parapet or roof eaves.
 - 2. Free-standing signs: 20 feet.

FINDINGS: The proposal indicates compliance with all requirements of the sign code with regard to wall, canopy and projecting signs. Individual sign zoning permits will be required prior to the installation of any signage for the proposed businesses.

The specific signs have not been proposed since specific tenants have not yet been identified. The intention of the sign code is to allow up to 150 sq ft of signage at the rate of 1.5 sq ft for each lineal foot of building frontage for wall signage. It is important to note that this is calculated based on that face of the building that will allow the greatest amount of signage area. Then the owner can divide the allocation on whatever side of the building they choose. By way of example, if an individual tenant wishes to have signage on the side of the building which faces the entrance off of the parking lot as well as the side of the building facing Chemawa. They would divide the signage area allowed by calculating the side with the greatest frontage on one side and then dividing that area between each side as they choose.

This master plan contains two areas. Each area is permitted a freestanding sign for each frontage limited to a height of twenty (20) feet and a total allowed area of 100 square feet. The area is also bordered by Chemawa Road. The sign code allows a freestanding sign for each frontage providing each sign is oriented to the road it fronts. The proposal indicates the desire to locate a freestanding sign for each side of the loop road as well as one located at the entrances to the development, oriented to Chemawa Road. The application shows compliance with the intent and purposes of the Sign Code.

The applicant is proposing three separate free standing signs for the development. Each freestanding sign proposed will meet the requirements of the sign code in relation to area and height. Therefore, the freestanding signage shall be located substantially as shown on the application materials.

D. Location:

1. Wall or projecting signs may project up to 2 feet from the building.
2. Free-standing signs have no location limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.

FINDINGS: The applicant is proposing to comply with these requirements. Individual sign permits will be required prior to installation of wall signs for individual businesses and will be reviewed for compliance at that time.

26. Site and Landscaping Design.

- A. 2.309.03 Minimum Area Requirements.** Landscaped areas may include landscaping around buildings; in open spaces and outdoor recreation areas; in islands and perimeter planting areas in parking and loading areas; and in areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance. The following area requirements shall be the minimum areas devoted to landscaping:

A minimum of 10% of the gross land area shall be devoted to landscaping in commercial and industrial developments.

FINDINGS: Section 2.113.05(H & J) requires a minimum twenty percent of the gross land landscaped, therefore, the more restrictive amount of twenty (20) percent applies to the master plan development.

B. Section 2.309.04 General Provisions

1. Landscaped Area. For purposes of satisfying the minimum requirements of this Ordinance, a "landscaped area" must be planted in lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements as defined in this Ordinance.

FINDINGS: The application indicates compliance with this requirement, and with twenty-seven (27) percent of the site in landscaped areas. This includes the plaza areas, water features and other amenities. The applicant has exceeded the minimum landscaping requirements and is showing the embodiment of the purposes and intent of the Keizer Station Plan.

2. Existing Vegetation. The landscape design shall incorporate existing significant trees and vegetation preserved on the site.

FINDINGS: See landscaping plan.

C. Section 2.309.05 Screening and Buffering

1. Screening. Screening shall be used to eliminate or reduce the visual impacts of the following uses:

- a. Commercial and industrial uses when abutting residential uses.
- b. Industrial uses when abutting commercial uses.
- c. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas.
- d. Outdoor storage areas.
- e. Parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses.
- f. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.

2. Screening Methods. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques.

FINDINGS: The area is separated from all surrounding properties with significant public right-of-ways, therefore screening and buffering is not a significant issue with regard to visual impacts on surrounding uses. Individual service areas and water disposal containers must be screened from visual access from public view with either landscape materials or architecturally related walls or fencing.

3. **Buffering.** Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:

- a. **Planting Area:** Width not less than 15 feet, planted with the following materials:
 - i. At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart.
 - ii. At least one row of evergreen shrubs that will grow to form a continuous hedge at least five feet in height within one year of planting.
 - iii. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.
- b. **Berm Plus Planting Area:** Width not less than 10 feet, developed in accordance with the following standards:
 - i. Berm form should not slope more than 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.
 - ii. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use.
 - iii. The combined total height of the berm and hedge shall be not less than five feet.
- c. **Wall Plus Planting Area:** Width must not be less than five feet developed in accordance with the following standards:
 - i. A masonry wall or fence not less than five feet in height.
 - ii. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
- d. Other methods which produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the City.

FINDINGS: All uses allowed in the IBP zone are by nature compatible with each other. The subject area is separated from any adjoining properties.

D. Section 2.309.06 Planting and Maintenance

1. **Planting Height.** No sight-obscuring plantings exceeding 30 inches in height shall be located within any required vision clearance area in accordance with Section 2.312.09 of this Ordinance.

FINDINGS: As noted above, the applicant's submittal indicates compliance with these standards, and their written statement indicates the property owners will provide ongoing maintenance of all landscaping elements, including those within vision clearance areas to maintain these standards.

2. **Plant Materials.** Plant materials shall not cause a hazard. Landscape plant materials over walks, pedestrian paths and seating areas shall be pruned to a minimum height of eight feet and to a minimum height of 15 feet over streets and vehicular traffic areas.

FINDINGS: Based upon the plant list proposed by the applicant, this problem is not anticipated. Street trees will be pruned to comply with this requirement through ongoing maintenance.

3. **Utility Interference.** Landscape plant materials shall be selected, which do not generally interfere with utilities above or below ground.

FINDINGS: Utilities are to be placed underground. No conflicts are foreseen based upon the preliminary landscaping and utility plans.

4. **Installation.** Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

FINDINGS: The preliminary landscaping plan includes typical planting details for trees. This will be monitored as part of the building permit approval process.

5. **Suitability.** Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems, and be sound, healthy, and free from defects, diseases, and infections.

FINDINGS: The plants proposed in the preliminary landscaping plan appear to be appropriate, given the conditions of the site. Although the proposed trees meet the minimum caliper prescribed in the Keizer Development Code, trees of this size are susceptible to damage and vandalism. Those trees located in areas susceptible to damage such as along streets and walkways should be increased in size to ensure survivability. The requirement established in Area A is a minimum

size of two (2) inch caliper for those trees adjacent to pedestrian and vehicle areas. In order to be consistent with Area A this shall be a condition of approval.

6. **Deciduous Trees.** Deciduous trees should be fully branched, have a minimum caliper of 1 1/4 inches and a minimum height of 8 feet at the time of planting.

FINDINGS: As noted above, the preliminary landscaping plan calls for trees of this size, however, trees this small are easily damaged. Trees located along streets and pathways would demonstrate a greater survivability if the size were increased to a minimum 2-inch caliper. This increase would also be consistent with that required in Area A.

7. **Evergreen Trees.** Evergreen trees shall be a minimum of 6 feet in height, fully branched at time of planting.

FINDINGS: The applicant's landscaping plan shows the desire to use some evergreen trees two (2) to three (3) feet in height. The height must be increased to comply with ordinance requirements, however the size may be variable provided the applicant is able to demonstrate the overall average size is six feet.

8. **Shrubby.** Shrubs shall be supplied in a minimum 1 gallon containers or 8 inch burlap balls with a minimum spread of 12 to 15 inches.

FINDINGS: The applicant's landscaping plan indicates substantial conformance with this requirement. Additionally, the shrub plant materials shall be planted at spacing necessary to achieve the landscape design objectives within five years of growth, in accordance with the stated intent of the Keizer Development Code, and to be consistent with Area A.

9. **Ground Cover.** Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container or a 2 1/4 inch container or equivalent if planted 18 inches on center.

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FINDINGS: The applicant proposes ground cover of unspecified spacing. Spacing should be appropriate for each species and be indicated as that which is needed for whatever species of ground cover to reach full coverage by the third year of growth, in accordance with the intent of the Keizer Development Code.

10. **Irrigation.** All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over 1,000 square feet of landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials. Sprinkler heads shall not cause any hazard to the public. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks.

FINDINGS: An irrigation system is proposed for the entire development. Irrigation plans will be reviewed and approved as part of the building permit review process.

11. **Re-planting.** Trees or shrubbery which die-off shall be replaced with new plants of the same or similar type. Replacement is ultimately the responsibility of the property owner.

FINDINGS: This will be done as necessary if any of the plants die and will require continual care and maintenance by the applicant.

12. **Maintenance.** Landscaping shall be continually maintained. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property.

FINDINGS: This shall be established as a condition of approval by the City. The applicant has indicated in their written statement that landscaping will be maintained by the property owners.

13. **Plant Protection.** Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods.

FINDINGS: The preliminary landscaping plan appears to have the landscaped areas well-protected. This will be confirmed when the final landscaping plans are submitted for approval as part of the building permit process.

27. Section 2.312.09 Vision Clearance.

A vision clearance area shall be maintained where roadways, including streets, alleys, and private points of access, intersect.

FINDINGS: The applicant shall be required to maintain all vision clearance areas as specified in the Keizer Development Code.

28. Section 2.315 Development Standards.

A. 2.315.08.A. Pedestrian Circulation. As used herein "walkway" means a hard surfaced area intended and suitable for use by pedestrians, including both public and private sidewalks.

1. Connection Required. The pedestrian circulation system for the proposed development must connect uses, building entrances, adjacent streets, and nearby transit stops.

FINDINGS: The applicant's proposal indicates compliance with this requirement.

2. Walkway Location and Design. Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the entrance(s) to a building(s). Except where it crosses a driveway, a walkway shall be separated by a raised curb or other physical barrier from the auto travel lane and parking. If a raised path is used the ends of the raised portions must be equipped with curb ramps which comply with Oregon State Building Code Requirements.

FINDINGS: While transit service is ultimately anticipated, route locations and stops have not been established by the Transit District. Coordination with the Transit District is required as a condition of approval.

3. Additional Street Access. A walkway from a building entrance to a public street shall be provided for every 300 feet of street frontage.

FINDINGS: Walkways are provided and the design proposed indicates compliance with these standards.

4. **Driveway Crossings.** Driveway crossings shall be a maximum of 36 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material, texture, or other similar method.

FINDINGS: The applicant's proposal indicates driveway crossings will be clearly identified through stamped concrete, pavers, or a similar method and shall be a requirement of approval. This design is necessary to comply with the intent and purpose of the Keizer Station Plan.

5. **Lighting.** Lighting shall be provided for all walkways. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers.

FINDINGS: The general lighting proposed for the site will provide appropriate illumination for the development. Special attention is required to provide safety at the pedestrian under crossing located at the "Loop" road and Chemawa. Security lighting shall be provided which provides secure illumination of the under crossing, while being directed away from the flow of traffic, so as not to cause glare.

6. **Walkway Coverage.**

a. Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs. The minimum vertical clearance shall be 9 feet for awnings and building overhangs. The maximum vertical clearance shall be 15 feet.

b. In the EG zone, Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs as provided in Subsection a, except for buildings, which have greater than 300 feet of lineal frontage, where this requirement shall apply to at least 33 percent of the building frontage. The maximum vertical clearance shall be 15 feet.

FINDINGS: The design concepts for the buildings are provided. These appear to comply with this criterion. Compliance with this standard must be confirmed during the building permit review.

7. **Dimensions.** Walkways shall be at least five feet in paved unobstructed width. Walkways that serve multiple uses or tenants shall have a minimum unobstructed width of eight feet.

FINDINGS: The applicant proposes varying widths of walkways throughout the development as was determined appropriate in the pre-application conferences. There are some pathways which serve only one use, while others serve multiple uses. There are also some areas without walkways to discourage pedestrian uses because of concerns for pedestrian safety. The variation in sidewalk widths shown on the plans has been determined to be appropriate. The development of pedestrian facilities shall substantially conform to what is shown in the application materials, and shall conform to the dimensional requirements of the Keizer Development Code.

8. **Stairs or ramps** shall be in place where necessary to provide a direct route between the transit street and the building entrance. Walkways without stairs shall comply with the accessibility requirements of the Oregon State Building Code.

FINDINGS: The applicant shows direct connections to streets where transit service will be available. Specific compliance with State Building Code will be accomplished with building permit review.

9. **Access to Adjacent Property.** If the proposed development has the potential of being a significant attractor or generator of pedestrian traffic, potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified.

FINDINGS: The area is surrounded by Portland and Western railroad, and the Salem Parkway interchange/overpass/off-ramp. Pedestrian connection is provided to the north of the site via a multi-use pathway which goes under the overpass adjacent to the new proposed loop road. While the development could be a major attractor to the adjacent property to west which contains residential uses, concerns for pedestrian safety and control of the railroad easements restricts the placement of any additional pedestrian crossings. Therefore, no additional pedestrian connections are practical.

29. 2.315.08.B. Building Design.

FINDINGS: The subject site is zoned IBP and there are no specific requirements for ground floor windows or building facades. However, as a part of the master plan approval, buildings shall provide adequate ground-floor windows and building facade variations and treatments to achieve an aesthetically pleasing design, and which incorporate human scale elements. Compatibility with the development in Area A, village center is desired and the two developments should complement one another. The applicant's submittal demonstrates creativity in the application of various building materials and building massing. The treatment of the facades of the buildings in the retail tenant buildings and in NE corner of building six (6) demonstrates the qualities of visual interest and relates well to a human scale with variations in both the vertical and horizontal directions. The design of these buildings meets the purpose and intent of the Keizer Development Code and this design, or something similar in its variation and use of materials should be used throughout Area D. Additional variation of materials and massing would be necessary in the other building facades of the site such as those in buildings two (2) through seven (7) to comply with the purpose and intent of the Keizer Station Plan.

- A. Awnings - Awnings or canopies, shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall be constructed of canvass, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings and canopies of corrugated fiberglass or polycarbonate roofing shall be prohibited. Awnings and canopies shall not be back lit.

FINDINGS: The concept drawings and plans indicate compliance with this criterion, showing awning covering for all adjacent walkway and shall be a requirement of Master Plan approval. Compliance will be confirmed during building permit review.

B. Materials and Texture

1. Building Materials.

- a. All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding. Metal siding as described in this section shall be allowed.
- b. Metal siding other than corrugated or reflective material are allowed.
- c. Plain concrete block, plain concrete, plywood and sheet press board may not be used as exterior finish materials.

FINDINGS: The concept drawings and plans indicate compliance with this criterion in the tenant retail buildings and the NE corner of building six (6). The industrial business park buildings show a single plane of tilt-up concrete. Additional variation of the textures and materials of these buildings are necessary to meet the purpose and intent of the Keizer Station Plan. Additional human scale design elements along the facades of these buildings two (2) through seven (7) will be required in order to be consistent with the design of the tenant retail buildings, in order to reflect the intent of the Keizer Station Plan.

2. Trim Material. Building trim shall be wood, brick, stone, stucco, vinyl siding material made to look like wood, or metal.
3. Roofing Material. Any roofing material is allowed including metal roofs.
4. Foundation Material. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 3 feet.

FINDINGS: The concept drawings and plans indicate compliance with this criterion, and shall be a requirement of Master Plan approval. Compliance will be confirmed during the building permit review.

C. Color

1. Any portion of a building that is painted or stained may use as the main color, and roof color for all portions of the roof visible from the ground, any color which meets all of the following criteria:
 - a. The Red-Green-Blue factors (also known as XYZ factors) shall not exceed a saturation level of 20%.
 - b. Each component factor, as a percentage of the whole component value, shall equal or exceed 38%, with no greater than a 20% difference between any of the three values.
 - c. Light Reflectance Value (LRV) of any color shall be between the values of 30 and 85.
 - d. The finish shall be either matt or satin.
2. For the purpose of this ordinance, "main color" is the principal color of the building which must be at least 75% of the surface of the building excluding windows; the trim colors of all buildings may be any color.

3. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color.

FINDINGS: The applicant indicates the intent to comply with these requirements. The concept drawings building elevations indicate substantial compliance with this criterion; however some proposed colors do not meet the requirement. Compliance will be confirmed during the building permit process, with specific paint samples prior to building permit review. This will be a required as part of the Master Plan approval.

- D. **Roof Lines - Roof lines shall establish a distinctive "top" to a building. When flat roofs are proposed, a cornice a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided.**

FINDINGS: The concept drawings and building elevations indicate consistency with this criterion showing designs features that meet with these requirements. Compliance will be confirmed during building permit review.

- E. **Roof-mounted equipment - In a CM, CR, CO, EG or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this standard.**

FINDINGS: The subject site is zoned IBP and there are no specific requirements for roof mounted equipment. However, as a part of the master plan approval, equipment mounted on the roof of buildings should be screened from view as in the CM, CR, CO EG or MU zone to achieve an aesthetically pleasing design in conformance with the purpose and intent of the Keizer Station Plan. Compatibility with the development in Area A, Village Center is desired and the two developments should complement one another with similar design treatment of such things as rooftop equipment.

- F. **2.315.08.C. Accessory Structures. Accessory Structures including buildings, sheds, trash receptacles, mechanical devices, and other structures outside the main building, shall either be screened from view by the public by either a hedge or fence; OR, with the exception of trash receptacles, accessory structures including buildings, sheds, mechanical devices, and other structures outside the main building must be screened by painting them the same color as the main color of the building.**

FINDINGS: The applicant indicates desire to comply and this shall be a requirement of the Master Plan approval. This will be a requirement of building permit approval

- G. 2.315.08. D. **Alternative Design Solutions** Depending upon the applicable review process identified in this code, the Planning Commission or City Council may approve design alternatives to the Standards in this chapter, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (01/04)

FINDINGS: The applicant has not requested at the time of this report a specific design alternative.

30. Section 2.419 Service Stations.

Where permitted as a special use, gasoline service stations shall meet the following use and development standards.

- A. Lot area and dimensions. Minimum lot size 10,000 square feet, minimum of 100 feet of street frontage for an interior lot and minimum of 120 feet of frontage on each street abutting a corner lot.

FINDINGS: The application complies with this requirement.

- B. Yard Exceptions for Service Stations. Free standing gasoline pumps and pump islands, identification signs and lighting standards may occupy a required front or street side yard exclusive of a clear vision zone unless otherwise prohibited by this Ordinance.

FINDINGS: The pumps and islands are proposed to be in an interior portion of the service station site and as such do not require exception to yard setbacks.

- C. Gasoline Pumps. Gasoline pumps and pump islands shall not be located so that any part of a vehicle being served will extend into any public right-of-way, alley or private drive used for access or egress. Further, gasoline pumps or pump islands shall not be built within 10 feet of a property line.

FINDINGS: The pumps and islands are proposed to be in an interior portion of the service station site therefore this criterion is met.

- D. Screening. The property shall be screened from every abutting residential zone or use by a sight-obscuring fence, wall, or hedge.

FINDINGS: As noted above, the development does not abut a residential zone. However, there are residential uses located on the west side of the railroad tracks. They are, however, a significant distance from the proposed development. Therefore, screening between the development and residential properties would serve no useful purpose.

- E. Lighting. Outdoor lighting shall be directed away from residential property.

FINDINGS: As noted above, the lighting plan demonstrates that light and glare will not go beyond the boundaries of the development. In addition, the railroad right-of-way provides additional distance for any light to dissipate before reaching residences. Visual access to a direct light source, however, must be prohibited to comply with the intent of this requirement.

FINDINGS: VARIANCE

31. The review criteria for a Major Variance is listed in Section 3.105.05 of the Keizer Development Code. The criteria and findings are listed below.

- A. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.

FINDINGS: The applicant is requesting a setback variance to only one side of the loop road. This complies with the intent of this requirement.

- B. The applicant in good faith is unable to comply with the standard without undue burden. The applicant must demonstrate that the burden is substantially greater than the potential adverse impacts caused by the proposed variance.

FINDINGS: This site is severely constrained in its ability to access the transportation system. The design of the loop road leaves an interior parcel, irregular in shape, with limited potential for access. Varying the setback on the north side of the loop road, where visual impacts are lessened due to limited sight distance, is demonstrated by the site's constraints. The applicant has agreed to designate all parking stalls on the property area located on the north side of the loop, which are in excess of the maximum allowed, for the use of Park and Ride.

This total is currently shown at 14 but may vary slightly. These spaces shall be designated as "Park and Ride" between the hours of 7:00 am and 5:00 pm, Monday through Friday. The addition of commuter parking spaces provides mitigation for any detriment to the community by a reduction of the setback.

- C. The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property.

FINDINGS: The surrounding properties are zoned IBP which allows a mixture of Industrial Uses. The uses proposed are permitted within the IBP zone as flexible use space and are with the uses approved in Area A. Since the development to the north is being developed as commercial/retail and will have similar setback requirements to that of this request, the approval of this variance will not be unreasonably detrimental to property or improvements in the neighborhood. The structures will be located outside of any vision clearance areas. This request can satisfy the above criterion.

- D. There has not been a previous land use action approved on the basis that variances would not be allowed.

FINDINGS: There are no prior land use actions, which expressly prohibit the granting of this variance. Therefore, the proposed variance can comply with this criterion.

- E. The variance will not significantly affect the health or safety of persons working or residing in the vicinity.

FINDINGS: There are no significant affects upon the health or safety of persons working or residing in the vicinity if the variance request is granted provided the improvement of pedestrian connections and improvements identified in the proposal are implemented. This request meets with the above criteria.

- F. The variance will be consistent with the intent and purpose of the provision being varied.

FINDINGS: The applicant is providing site amenities such as water features, substantial landscaping and pedestrian amenities which offsets any visual impacts a reduction on the interior of the loop road, where sight distance is reduced due to the curve of the road.

32. This variance request shall automatically transfer to any new owner or occupant subject to all conditions of approval. It is the responsibility of the applicant and property owner to provide information to any new property owner(s) regarding this variance request and any conditions of approval.

FINDINGS: OTHER PERMITS AND RESTRICTIONS:

33. This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon.

EXHIBIT "D"

Justification

The applicant has the burden of proving that the application meets relevant standards and criteria to be applied in the particular case. The applicant, Chemawa Station LLC has requested approval of Master Plan and Major Variance for Area D.

The Keizer Station Design Plan was adopted in February 2003 for the area formerly known as the Chemawa Activity Center. The Keizer Station Plan (KSP) sets forth a detailed vision for the northwest and southwest quadrants of the I-5 interchange. This well-situated and strategic property has been planned for a mix of commercial and industrial uses with emphasis on pedestrian-friendly design and attractive, streetscape amenities.

The applicant has met its burden of showing compliance with all the applicable criteria. The Master Plan request includes the uses envisioned by the KSP. As properly conditioned, the Master Plan presents a vibrant and energetic vision for Area D. The KSP goals of a northern gateway to Keizer, a focal point for commerce and community activities, and a source of employment opportunities are enhanced and realized by this proposal. The criteria have been satisfied with the aid of appropriate conditions.

The applicant requests a major variance for buildings within the "loop road". The standard setback is 20 feet and the applicant is requesting a variance to reduce such setback to 10 feet. Because of the constraints within the loop road area and the allowance for park and ride parking spaces in such area, the variance meets the applicable criteria and shall be granted.

The proposal meets the applicable criteria and is approved.

EXHIBIT "E"

Action

The City of Keizer hereby ORDERS as follows:

The application for approval of the master plan and variance are hereby GRANTED subject to the conditions set forth below. Unless specifically stated otherwise herein, all conditions must be met prior to the issuance of any building permits (See Condition 63):

1. The construction of all the public improvements and its associated landscaping must be completed within two years of the final date of this decision which can be extended upon approval by the Community Development Director. This approval is only valid when the construction is completed by November 2, 2006. Any request for an extension must be made in writing prior to this date.
2. The applicant shall submit a phasing plan for all improvements for approval by the Community Development Director.
3. The development shall be required to meet all Development Code requirements relating to signs as found in Section 2.308.
4. The landscaping and pathway improvements including water features, plazas and other amenities for the entire Area D shall be provided as shown in the application or as modified by the conditions of approval. The final landscaping and pathway plans shall be approved by the Community Development Director prior to installation. These landscaping and pathway improvements shall be provided in conjunction with the first building permit approved for the development or as specifically approved by the City of Keizer.
5. A landscaping design for the area adjacent to the Interstate 5 freeway and the Salem Parkway shall be submitted to the Community Development Director's for review and approval. The design shall demonstrate a coordinated design with Area A.
6. The land area devoted to industrial and commercial uses, as required in KDC 2.113, IBP Zone, shall be met and maintained within Area C. The amount of "Flex Space" use, as defined in Section 2.113.02.N.2 shall be limited to that specified in this section of the KDC.
7. Except as approved in the variance application, all KDC dimensional requirements for building heights, lots, and setbacks shall be met.

8. Street names and numbers shall conform to the established standards and procedures in the City. Street names shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No building permit shall be issued without approved street names. Due to the significance of this development as a landmark of the City of Keizer, street names must also receive approval of the City Council.

9. Street trees shall be planted at the locations and varieties specified in the submitted landscaping plan. A minimum caliper of 2 inches shall be used for street trees and all other trees in areas near pathways, walkways streets and parking areas. A final street tree planting plan shall be approved by the Community Development Director prior to planting. All other landscaping standards of the KDC shall be met. Evergreen trees may be varied in height as long as the average height of all evergreen trees planted shall be an average height of 6 feet at time of installation.

10. Ground cover and shrubbery shall be planted in conformity with the KDC and industry standards as approved by the Community Development Director, and shall reach full coverage by the third year of growth for ground cover and the fifth year of growth for shrubbery.

11. The amount of area landscaped, and the design thereof, shall conform substantially with the plan submitted with the application. A final landscaping plan shall be submitted for approval by the Community Development Director prior to planting.

12. Irrigation system plans shall be submitted for approval as part of the review process of building permits and public improvement permit process. Approved irrigation systems shall be installed prior to issuance of an occupancy permit.

13. A tree shall be planted for every eight lineal parking spaces not located adjacent to a building in accordance with KDC standards, and shall substantially conform to the landscaping plan submitted with the application.

14. Parking shall be provided as required by KDC 2.303. Parking driveway aisles shall be a minimum of 24 feet wide. A plan documenting compliance with parking requirements shall be provided for the Community Development Director's Master Plan approval. Verification shall be provided during building permit review. Parking in the area of the north side of the loop road in excess of the maximum allowed under KDC 2.303.06 shall be designated for the use as "Park and Ride". This total excess is currently shown at 14 but may vary slightly. These spaces shall be designated as "Park and Ride" between the hours of 7:00 am and 5:00 pm, Monday through Friday.

15. Bicycle parking shall be provided as required by KDC 2.303.08. In addition, the bicycle rack design shall provide secure support for bicycles and the ability to lock bicycles securely. The bicycle rack design, installation, and locations shall be approved by the Community Development Director prior to installation.
16. Sufficient paved areas and designated loading areas shall be provided in accordance with KDC 2.303.10.
17. Pavement shall be provided for all driveways, loading, and parking areas as required by KDC 2.303.11.
18. Electric and mechanical equipment and other service areas such as trash/recycling dumpsters shall be screened with vegetation and/or fencing. The final landscaping plan shall be approved by the Community Development Director prior to planting.
19. Driveway entrances shall be a maximum of 36 feet wide.
20. Pedestrian systems crossing driveways, parking areas and loading areas shall be clearly identified through the use of stamped concrete, pavers or similar methods and shall be indicated on the building permit plans submitted.
21. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. The lighting plan shall be approved by the Community Development Director.
22. The applicant shall construct connections to the regional multi-use path adjacent to the Salem Parkway. This shall provide connections to the pathway which border the Salem Parkway in both a south and the north direction as shown on the submitted plans.
23. Awnings shall be provided for all walkways adjacent to buildings that comply with Section 2.315 of the Keizer Development Code.
24. The proposed site lighting shall not cast any light or glare toward the residential properties to the west or allow any direct visual access to a direct lighting source from any residential property.
25. Security lighting shall be provided which provides secure illumination of the Chemawa Road under crossing, while being directed away from the flow of traffic, so as not to cause glare.

26. Building design elements including ground floor windows, facades, awnings and materials shall satisfy KDC 2.315.08.

27. The elevations of all buildings shall be varied in texture and materials and shall create a very human scale in massing and incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements and shall reflect the proposal exemplified by that submitted for the Tenant Retail building and the NE Corner of Building Six (6). Different materials, varied at the same frequency as the architectural elements, shall be used and shall conform to the samples in the submitted materials. These materials shall be varied in type, and incorporate such things as cultured stone, a variety of split face Concrete Mortar Units (CMU's), as well as smooth faced CMU walls. The colors used shall be in compliance with the KDC Development Standards section 2.315.08.B.5.

28. Screening of roof-mounted equipment from adjacent public streets shall be required.

29. All accessory structures including trash receptacle and mechanical devices shall be screened from view in compliance with Section 2.315.08.C of the Keizer Development Code.

30. Maintenance of landscaping materials as specified in the Keizer Development Code Section 2.309, space tracts, plazas, and pathways shall be the responsibility applicant.

31. Construction specifications (e.g., base rock, concrete/pavement thickness) for the separate pathways shall be subject to Public Works Department approval in accordance with Keizer City Standards.

32. The development shall conform to the requirements of all federal, state, and local requirements, including but not limited to ADA requirements.

33. During construction, adjoining properties shall be protected from impacts of noise at unreasonable hours, unreasonable dust, and safety concerns, and shall conform to Keizer City requirements regulating such impacts.

34. The applicant shall work with the Transit District to ensure compliance with the requirements found in Section 2.305 of the KDC.

35. In addition to complying with all development standards, all new utility connections and lines shall be located underground.

PUBLIC WORKS REQUIREMENTS: The following requirements are the conditions of approval by the Public Works Department.

MASTER PLAN

The Public Works Department has reviewed the applicant's submittals and has compared them with the requirements of the adopted Keizer Station Plan. The developer shall submit a detailed phasing plan for all required improvements (including site grading) prior to any construction and grading of the subject property. The following are conditions of approval of the master plan.

SANITARY SEWERS:

The subject property is located outside of the original Keizer Sewer District and therefore an acreage fee is required. The current acreage fee is \$7,460.00 per gross acre. The applicant indicates that the area of Area D is 15.68 acres. The acreage fee applied will be the fee in place at the time of development of the property. At the current acreage charge the acreage fee will be \$116,972.80. The Master Sewer Plan provides for a sewer trunk line to be constructed through Area A to a point on the north property line of the subject property. Connection to the sewer trunk will be the responsibility of the developers of Area D. Development of Area D will require coordination of the construction of the sewer trunk. Additionally, the following requirements shall be applied:

36. Prior to development of the subject property, a master sewer plan for the proposed development shall be submitted to the City of Keizer's Department of Public Works for review and approval. The plan shall include proposed rim and invert elevations, proposed alignment of sewer mains and proposed easements.
37. City of Salem approval for both sewer trunk lines and local sewers is required. Permits from the City of Salem shall 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 Public Works Department for review and determination of compliance with the City of Keizer's Master Sewer Plan for the area.
38. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
39. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.

40. It will be the responsibility of the developer's engineer to locate any existing wells (including those 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 addressed by the developer prior to issuance of public works construction permits.

WATER SYSTEM:

The developer has submitted a master water system plan showing proposed routes of public water mains and fire hydrants. The master plan is generally acceptable to the Public Works Department, however, prior to submittal of final construction plans the developer's engineer shall arrange for a pre-design conference to discuss water main sizing, meter sizing and locations, fire hydrant locations, fire sprinkler line locations and easement width for all public lines (including fire hydrant lines) located outside of right of ways. Additionally, the developer will be required to coordinate construction activities with the developers of Area A. Final location of all meters is to be approved by the Keizer Department of Public Works. To provide for adequate peak consumption and fire protection requirements it has been determined that additional public facilities will be required including but not limited to elevated storage facilities, wells, connection to existing mains on the west side of the BNRR right of way, and any other off-site construction required to provide required peak flows to the proposed development. It is the Department of Public Works understanding that the developers of Area A in conjunction with developers of Area D are undertaking a study to determine the required water system improvements necessary for the development of the Keizer Station area. No permits for the subject property shall be issued until the Department of Public Works has reviewed and accepted the study. 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.

41. 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 public works construction permits by the City of Keizer.

42. It will be the responsibility of the developer to abandon all existing wells prior to site grading. All abandonment shall be in accordance with the rules of the Oregon State Water Resources Department.

STORM DRAINAGE IMPROVEMENTS:

43. The developer has submitted plans indicating the present drainage patterns and runoff characteristics. The property is within a critical drainage basin and strict compliance with city

ordinances will be necessary. No increase in runoff will be allowed as development occurs. Prior to any development of the subject property an overall storm water master plan including invert elevations, pipe sizes and alignment, easements, detention calculations, water quality measures and an approved point of discharge shall be submitted to the Department of Public Works for approval. A point of discharge has been identified on the ODOT system in Interstate 5. ODOT approval shall be required for water quality, conveyance systems and points of discharge. It is the understanding of the Department of Public Works that the engineers for the developers of Area A and Area D are studying the two areas and the storm drainage from Area D will be connected to a system constructed in Area A. The location for the proposed connection will be on the north property line of the subject property.

44. Storm water detention will be required for this site. All storm water including roof drains are to be connected to an approved system designed to provide adequate drainage for proposed new driveways, parking lots and other impervious surfaces.

45. 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.

46. If it is anticipated that the property will develop in phases, prior to any development, a phasing plan shall be submitted to indicate how the storm water management will be developed to provide service to each area.

47. The developer shall submit to the Department of Public Works a master plan for erosion control for the entire site. The master plan shall be approved by the Department of Public Works. Prior to any development, including site grading, the applicant shall obtain an NPDES permit from the Oregon Department of Environmental Quality.

TRANSPORTATION:

48. The proposed development requires construction of an underpass under the BNRR between Areas A and B as well as an underpass of Chemawa Road between Areas A and D. Additionally, other off-site improvements have been identified in the Transportation Plan developed for the Keizer Station Plan. These improvements include but are not limited to, construction of an extension of Radiant Drive to Lockhaven Drive and continuing to Chemawa Road to a point south of the intersection of Chemawa Road and McLeod Lane, construction of a pedestrian under-crossing of the BNRR at Tepper Lane, and other improvements necessary to provide compliance with the adopted Keizer Station Plan adopted Feb. 3, 2003. Additionally, a regional multi-use pathway has been identified on the Keizer Station Village Center Master Plan. The path location shall be coordinated with the Area A development, ODOT and the Keizer Community Development Department. The path shall be of P.C.C. and constructed to

a width of 12 feet or as approved by the City. Coordination of the above improvements with the developers of Area A will be required to insure all elements of the required road improvements are in place prior to issuance of any building permits for the subject property.

49. All new streets shall be constructed to the requirements of the City of Keizer Department of Public Works Design and Construction Standards and in conformance with the final Transportation Impact Analysis adopted for the Keizer Station Plan. The loop street shall be designed to arterial standards in terms of structural section and geometrical configuration or engineered alternative as approved by the Department of Public Works. Preliminary construction specifications and plans for all transportation mitigation measures necessary to satisfy the improvements identified in the "Transportation Impact Analysis, Keizer Station Plan" for all street construction, including retaining walls, fencing, landscaping, sidewalks, signing, etc. shall be submitted to the Department of Public Works for review prior to submitting final plans for approval. The Department of Public Works will review the proposed plans and make recommendations for any additional work and coordination with other development in the area as needed. Prior to approval of any development on the subject property or issuance of any construction permits, the developer shall submit an access and utility easement document suitable for recording for review and approval by the Department of Public Works.

50. The developer's engineer shall submit detailed traffic signal plans indicating phasing, recommended interties, materials to be used, etc. to the City of Keizer Department of Public Works for approval prior to construction. All traffic signal plans shall be designed to City of Salem/ODOT Standards where appropriate.

GENERAL:

51. A street lighting master plan shall be developed. A street lighting district or other approved method of providing for adequate illumination of the proposed loop street shall be submitted to the Department of Public Works for review and approval. Decorative lighting approved by the Department of Public Works shall be used and shall be installed and maintained by the applicant if a street lighting district is not formed.

52. Construction permits are required by the Department of Public Works prior to any public facility construction. Contact the City Engineer's office at (503) 390-7402 for the necessary permit information that is required.

53. 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.

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

55. Facility phasing plans and arrangements for reimbursing developers for providing additional capacity to serve future development shall be approved by the Keizer Department of Public Works and the City Council prior to any construction.

56. All easements to be located in the appropriate locations based on actual approved plans.

57. An improvement agreement or other acceptable form of guarantee for all required construction shall be in place and appropriate easements recorded prior to construction permits being issued.

58. Unless otherwise specifically modified by this decision, development of all structures and parking areas shall comply with remaining requirements of the Keizer Development Code, and shall provide for the public good by providing a minimum of ten (10) stalls for Park and Ride vehicles. The amount of designated Park and Ride spaces may be increased. These spaces shall be posted indicating parking only for Park and Ride between the hours of 7 a.m. and 5 p.m. Monday through Friday.

59. The City of Keizer employs Marion County Building Department for the processing of building permits. Therefore, the applicant shall meet all requirements of the Marion County Building Division pertaining to building code issues.

In order for the Master Plan to receive final approval the applicant will be required to submit documentation demonstrating compliance with all applicable federal, state and local requirements. This shall include all conditions adopted by the City Council which apply to this Master Plan. These shall be submitted to the Community Development Director for verification and final approval.

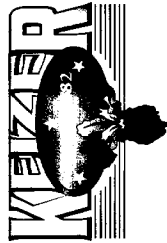
VARIANCE:

60. The applicant shall locate the proposed structures and parking areas as indicated on the submitted site plan and shall maintain a minimum setback of ten (10) feet from the inner edge of the sidewalk on the north side of the Loop Road.

61. This variance was revised based upon amenities and landscaping shown in the plans submitted. These amenities provided mitigate any visual impact this variance may create. Therefore all improvements such as landscaping, pathways and amenities shown on the proposal must be implemented.

62. The construction of the infrastructure and associated landscaping areas must be completed within two (2) years of the final date of this decision which can be extended upon approval by the Community Development Director. This approval is only valid when the construction is completed by November 2, 2006.

63. Unless expressly stated otherwise with these conditions, no building permits shall be issued until all conditions have been met or the applicant has demonstrated with certainty in the City's discretion the ability to meet such conditions. For example, no building permit shall be issued until contracts have been let for all infrastructure. Building permits may also be held until sufficient infrastructure is completed to support the requested development.



AGENDA ITEM 8a

**RESOLUTION - Authorizing the City Manager to
Purchase Property for Chemawa Road Improvements**

November 1, 2004

CITY COUNCIL MEETING: November 1, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *AUTHORIZING THE CITY MANAGER TO PURCHASE
PROPERTY FOR CHEMAWA ROAD IMPROVEMENTS (OTIS
AND ALICE ANDERSON TRUST)***

The Chemawa Road improvements involve a widening and slight realignment of Chemawa Road as it approaches Claggett Creek and the Verda Lane intersection. The City purchased a small piece of property from Dorothy Crooks recently for road purposes. An additional small parcel needs to be purchased along the frontage of the mobile home park located on the north side of Chemawa Road. (See enclosed map). Such mobile home park is owned by the Otis and Alice Anderson Trust.

Mr. and Mrs. Anderson have agreed to the transaction in the amount of \$1,564.43. A copy of the agreement is attached to the enclosed resolution.

RECOMMENDATION:

Adopt the attached Resolution authorizing the City Manager to purchase the subject property.

Please let me know if you have any questions. Thank you.

ESJ/tmh
attachment

Subject
property
(Not to scale)

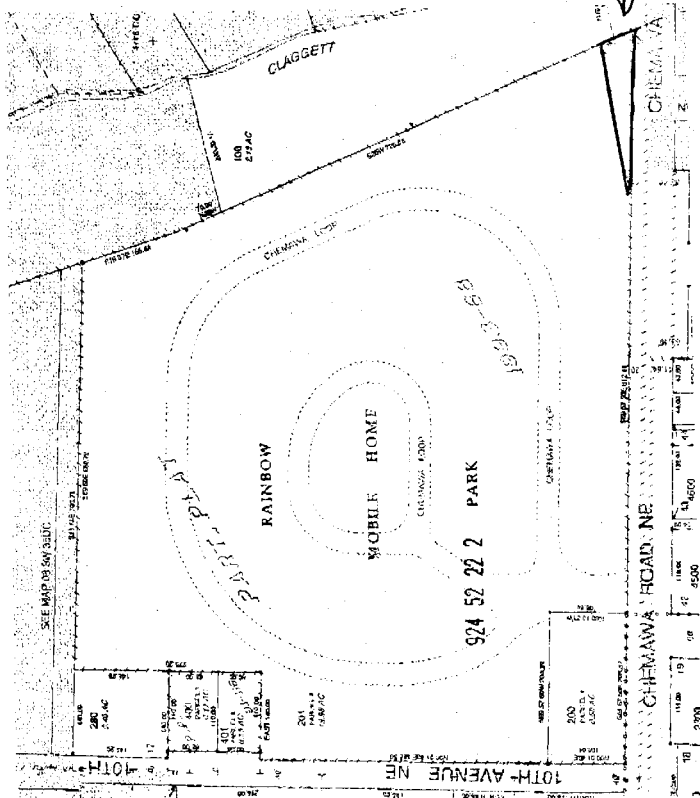


EXHIBIT "2"

LOT 18

1890 SQ.FT.
0.04 ACRES

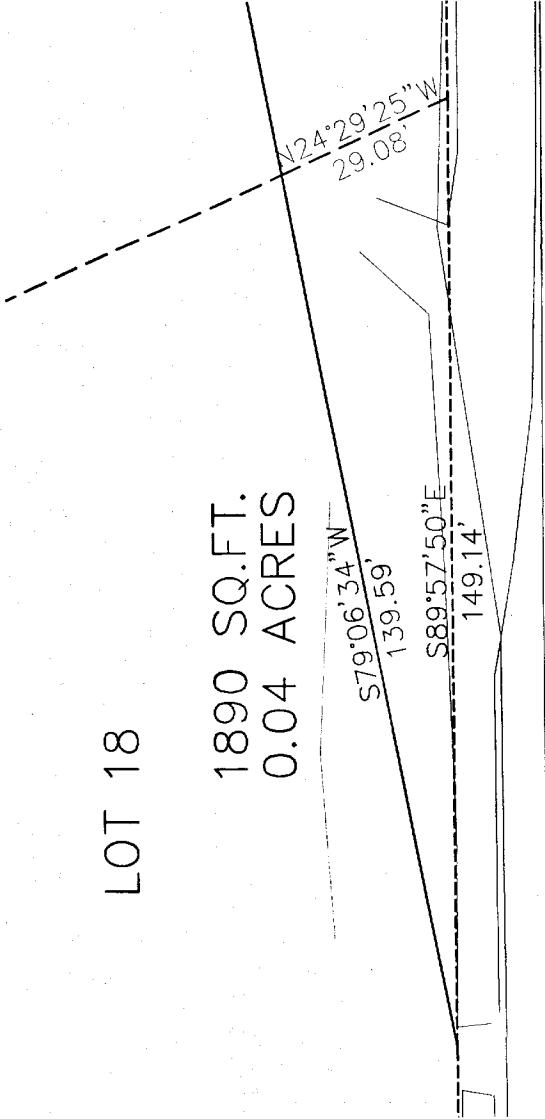


EXHIBIT "2"
LOT 18, of CLAGGETT
FRUIT AND GARDEN TRACTS

SCALE 1" = 20'

CITY OF KEIZER
KEIZER, OREGON



WILLIAM L. PETERSON
ENGINEERING CONSULTANTS INC.

4300 CHERRY AVE. NE, KEIZER, OR. 97003
(503) 380-7402 FAX # 380-7441

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2004-_____

3 AUTHORIZING THE CITY MANAGER TO ENTER
4 INTO AN AGREEMENT TO PURCHASE A PORTION
5 OF PROPERTY ALONG CHEMAWA ROAD
6 NORTHEAST, KEIZER, MARION COUNTY, OREGON
7 (OTIS AND ALICE ANDERSON TRUST)

8 WHEREAS, Otis and Alice Anderson are the owners of certain property located
9 along Chemawa Road Northeast, Keizer, Marion County, Oregon;

10 WHEREAS, a portion of Mr. and Mrs. Anderson's property is necessary for the
11 planned improvements to Chemawa Road Northeast;

12 WHEREAS, the City Engineer's office has negotiated the fair market value for
13 the purchase of such land and the Sale Agreement has been prepared for the City
14 Manager's signature;

15 NOW, THEREFORE,

16 BE IT RESOLVED by the City Council of the City of Keizer that the City
17 Manager is authorized to enter into that certain Sale Agreement, a copy of which is
18 attached as Exhibit "A" and by this reference incorporated herein.

19 ///

20 ///

1 BE IT FURTHER RESOLVED that the City Manager is directed and authorized
2 to take all action necessary and appropriate to consummate such transaction. The funds
3 for this transaction will be paid from the street fund.

4 PASSED this _____ day of _____, 2004.

5 SIGNED this _____ day of _____, 2004.

6 _____
7 Mayor

8 _____
9 City Recorder

**SALE AGREEMENT AND
RECEIPT FOR EARNST MONEY**

DATE: Oct 25, 2004

SELLER: OTIS A. ANDERSON and L. ALICE
ANDERSON, Trustees of the Otis A.
Anderson and L. Alice Anderson Joint
Revocable Trust
1011 Chemawa Road NE
Keizer, OR 97303

BUYER: THE CITY OF KEIZER, an
Oregon Municipal Corporation
c/o E. Shannon Johnson
4855 River Road N.
Keizer, OR 97303

RECITAL:

Sellers desire to sell to Buyer and Buyer desires to purchase from Sellers certain real property located in the City of Keizer, Marion County, Oregon, having the following legal description (the "Property"):

See Exhibit "1" attached hereto and by this reference
incorporated herein.

AGREEMENT:

Now, therefore, for valuable consideration, the parties agree as follows:

1. Sale and Purchase. Buyer agrees to purchase the Property from Sellers and Sellers agree to sell the Property to Buyer for the sum of \$1,564.43 (the "Purchase Price").

2. **Earnest Money.** Buyer shall pay the sum of \$500.00 as earnest money within 24 hours of Buyer's acceptance. The earnest money shall be deposited with escrow and shall be applied to the Purchase Price on the Closing Date, as that term is defined below.

3. **Payment of Purchase Price.** The Purchase Price shall be paid as follows:

3.1 At closing, the earnest money shall be credited to the Purchase Price.

3.2 At closing, Buyer shall pay the balance of the purchase price in cash.

4. **Closing.** Closing shall take place on or before December 15, 2004 (the "Closing Date"), at the offices of Fidelity National Title Company of Oregon.

5. **Preliminary Title Report.** Buyer will have ten (10) days from receipt of the Title Report to review the Title Report and to notify Sellers, in writing, of Buyer's disapproval of any exceptions shown in the Title Report. Buyer shall not be required to notify Sellers with regard to any trust deed or mortgage or other monetary lien which will be presumed disapproved. Those exceptions not objected to by Buyer are referred to below as the "Permitted Exceptions." Zoning ordinances, building restrictions, taxes due and payable for the current tax year, and reservations in federal patents and state deeds shall be deemed Permitted Exceptions. If Buyer notifies Sellers of disapproval of any exceptions, Sellers shall have fifteen (15) days after receiving the disapproval notice to either remove the exceptions or provide Buyer with reasonable assurances of the manner in which the exceptions will be removed before the transaction closes. If Sellers do not remove the exceptions or provide Buyer with such assurances, Buyer may terminate this Agreement by written notice to Sellers given within fifteen (15) days after expiration of such 15-day period, in which event the earnest money shall be refunded to Buyer and this Agreement shall be null and void.

6. **Buyer's Conditions.** Buyer's obligation to purchase the Property is contingent on satisfaction of each of the following conditions:

6.1 Buyer's approval of the preliminary title report pursuant to Section 5.

6.2 Buyer's written acceptance prior to the Closing Date of any adverse conditions noted in any inspections, studies, surveys or tests conducted on the Property. Buyer shall have the right, at its expense, to conduct any such inspections, studies, surveys and tests, and Sellers agree to reasonably accommodate such inspectors.

The foregoing conditions are for the benefit of Buyer and may be waived, in whole or in part, by Buyer only. Any waiver must be in writing. Unless waived, if any condition

is not satisfied by the date specified, this Agreement may be terminated, at the option of Buyer, by written notice, in which event the earnest money shall be refunded to Buyer.

7. Installation of Driveway. If this transaction closes in a timely manner pursuant to the terms of this Agreement, Buyer agrees to put a 10-foot driveway access at the rear of the property being retained by Sellers within thirty (30) days of completion of the Chemawa Road improvements, at Buyer's sole expense.

8. Storm Drain Outlet. If this transaction closes in a timely manner pursuant to the terms of this Agreement, Buyer agrees that if a storm drain outlet is needed for drainage on the property Sellers are retaining because it is no longer able to drain into the Property being sold to Buyer, Buyer will install such storm drain outlet within thirty (30) days of completion of the Chemawa Road improvements, at Buyer's sole expense.

9. Deed. On the Closing Date, Sellers shall execute and deliver to Buyer a statutory warranty deed conveying the Property to Buyer, free and clear of all liens and encumbrances except the Permitted Exceptions.

10. Title Insurance. Within fifteen (15) days after closing, Sellers shall furnish Buyer with an owner's policy of title insurance in the amount of the purchase price, standard form, insuring Buyer as the owner of the Property subject only to the usual printed exceptions and the Permitted Exceptions.

11. Costs and Expenses. Sellers shall pay for Sellers' share of prorations. Buyer shall pay all premiums for the title insurance policy, all escrow fees and costs, all document recording charges, and Buyer's share of prorations. Sellers and Buyer shall each pay their own legal and professional fees respectfully. All other costs and expenses shall be allocated between Sellers and Buyer in accordance with the customary practice in Marion County, Oregon.

12. Taxes; Prorates. Real property taxes for the current tax year and all other usual items shall be prorated as of the Closing Date.

13. Possession. Buyer shall be entitled to possession immediately upon closing.

14. Property Included. The property is bare land only. No fixtures are part of the property.

15. Personal Property. No personal property is included as part of the Property being sold to Buyer.

16. Sellers' Representations. Sellers represent and warrant to Buyer as follows:

(1) Sellers have received no written notice of any liens to be assessed against the Property.

(2) Sellers have received no written notice from any governmental agency of any violation of any statute, law, ordinance, or deed restriction, rule, or regulation with respect to the Property.

(3) Sellers are not a "foreign person" as that term is defined in IRC §1445.

(4) The Property has never been used for the storage or disposal of any hazardous material or waste. There are no environmentally hazardous materials or wastes contained on or under the Property and the Property has not been identified by any governmental agency as a site upon which environmentally hazardous materials or wastes have been or may have been located or deposited.

All representations and warranties contained in this Agreement will survive closing and the conveyance of the Property to Buyer.

Pursuant to ORS 105.465(1)(a), Buyer hereby indicates to the Sellers, and such indication is conclusive, that the real property will be used for purposes other than a residence for the Buyer or the Buyer's spouse, parent or child. Therefore, a statutory sellers' disclosure or disclaimer form is not required.

17. Buyer Held Harmless as Municipal Government. Sellers agree and understand that Buyer's responsibility and obligations under this Agreement do not and cannot bind Buyer as to its duties as municipal government which are necessarily separate and apart from its obligations hereunder. To that end, with regard to any actions that may affect Sellers' operation of the Premises in any manner whatsoever, Sellers agree that enforcement in good faith of any lawful ordinances or regulations or any other acts Buyer may take with regard to the adoption of appropriate and necessary laws and ordinances, or any other acts Buyer may take in its role as municipal government shall not be restricted by the fact that Buyer entered into this Agreement. However, nothing in this Section shall be interpreted to permit Buyer to act or fail to act in any way inconsistent with any common law, constitutional or statutory rights of Sellers or the established duties and obligations of Buyer as a municipal body. This provision shall survive closing and shall not merge with the deed.

18. Binding Effect/Assignment Restricted. This Agreement is binding on and will inure to the benefit of Sellers, Buyer, and their respective heirs, legal representatives, successors, and assigns.

19. Remedies. TIME IS OF THE ESSENCE REGARDING THIS AGREEMENT. If the conditions described in Section 6 above are satisfied or waived by Buyer and the transaction does not thereafter close, through no fault of Sellers, before the close of business on the Closing Date, Buyer shall forfeit the earnest money deposit to Sellers as liquidated damages, and this Agreement shall be of no further effect, it being the intention of the parties that Buyer may forfeit the earnest money and be free of any further obligations under this Agreement. If Sellers fail to deliver the deed described in Section 9 above on the Closing Date or otherwise fails to consummate this transaction, the earnest money shall be refunded to Buyer, but acceptance by Buyer of the refund will not constitute a waiver of other remedies available to Buyer.

20. Attorney Fees. If an action is instituted to enforce any term of this Agreement, the prevailing party shall recover from the losing party reasonable attorney fees incurred in such action as set by the trial court and, in the event of appeal, as set by the appellate courts.

21. Notices. All notices and communications in connection with this Agreement shall be given in writing and shall be delivered personally or transmitted by certified or registered mail, return receipt requested, to the appropriate party at the address first set forth above. Any notice so transmitted shall be deemed effective on the date delivered personally or it is placed in the United States mail, postage prepaid. Either party may, by written notice, designate a different address for purposes of this Agreement.

22. Entire Agreement. This Agreement sets forth the entire understanding of the parties with respect to the purchase and sale of the Property. This Agreement supersedes any and all prior negotiations, discussions, agreements, and understandings between the parties. This Agreement may not be modified or amended except by a written agreement executed by both parties.

23. Applicable Law. This Agreement shall be construed, applied, and enforced in accordance with the laws of the state of Oregon.

24. Required Statutory Warning. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT

LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

25. Agreement Preparation. Sellers understand that the law firm of Lien & Johnson prepared this Agreement on behalf of the Buyer and in no way represents the Sellers. Sellers are advised to seek independent legal counsel.

26. Acceptance. This Agreement shall be null and void unless accepted by Buyer, by Buyer's execution of it, on or before November 4, 2004. Sellers may not withdraw this offer prior to this date.

SELLER:

BUYER:

DATE: 10-25-04

DATE: _____

OTIS A. ANDERSON AND L. ALICE
ANDERSON JOINT REVOCABLE TRUST

THE CITY OF KEIZER, an Oregon
Municipal Corporation

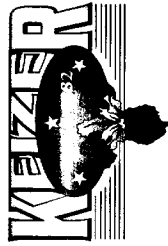
By: Otis A. Anderson
Otis A. Anderson, Trustee

By: _____
Christopher C. Eppley,
City Manager

By: L. Alice Anderson, Trustee
L. Alice Anderson, Trustee

"EXHIBIT 1"
A Portion of Lot 18
Claggett Fruit and Gardens Tracts

Beginning at the Southeast corner of Lot 18, Claggett Fruit and Garden Tracts, as recorded in Marion County Records, Volume 6, Page 45 Book of Town Plats, in Section 2, Township 7 South, Range 3 West, Willamette Meridian, Marion County, Oregon; thence along the Northerly right of way of Chemawa Road and South line of Lot 18, North 89 degrees 57 minutes 50 seconds West a distance of 149.14 feet; thence leaving said right of way line North 79 degrees 06 minutes 34 seconds East a distance of 139.59 feet to a point on the East line of Lot 18; thence along said East line South 24 degrees 29 minutes 25 seconds East a distance of 29.08 feet to the point of beginning. Containing 0.04 acres of land more or less.



AGENDA ITEM 8b

**Authorize to Accept LLEBG Grant – Keizer Police
Department**

November 1, 2004

COUNCIL MEETING:

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

**THROUGH : CHRIS EPPLEY
CITY MANAGER**

**FROM: H. MARC ADAMS
CHIEF OF POLICE**

SUBJECT Authorization to Accept Anticipated Grant Award

ISSUE:

The Keizer Police Department has applied for a Local Law Enforcement Block Grant in the amount of \$7,645 with a Police Department match of \$849.44 for a total amount of \$8494.44.

The LLEBG is a Federal Grant passed through the State of Oregon. The amount allotted to KPD is based on our annual Uniform Crime Report (crime rate). The funds may only be used for certain law enforcement (non-budgeted) services/equipment.

The Police Department will use the funds for the following purposes:

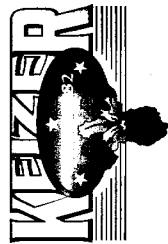
- To purchase one (1) Secured Evidence Storage Container
- To purchase six (6) Taser guns (less lethal weapons)

FISCAL IMPACT:

The \$849.44 matching funds will be paid from budgeted line-items with the Police Department's Budget.

RECOMMENDATION:

It is recommended the City Council authorize the acceptance of the grant funds for the above listed purchases.



November 1, 2004

AGENDA ITEM 8c

**RESOLUTION - Authorization for Resolution
Transfers**

COUNCIL MEETING: November 1, 2004

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY, CITY MANAGER

**FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR**



SUBJECT: Resolution Transfers

ISSUE:

Oregon Budget Law (ORS 294.450) allows for the transfer of appropriations within a fund during the fiscal year.

The following expenditures were not known at the time the Fiscal Year 2004-2005 budget was prepared. A resolution is required for the following items:

1. An additional \$6,000 is needed to cover costs for contributing to the regional "No Meth in My Neighborhood" program. Staff recommends transferring funds from the General Fund contingency line-item to the General Fund - Police budget to cover this cost.
2. An additional \$1,740 is needed in the General Fund - Community Development budget to cover travel and training costs for the Community Development Director to attend the Pacific Program leadership training. Staff recommends transferring \$1,140 from the General Fund contingency line-item and \$600 from the General Fund - Administration budget to cover this cost. The \$600 from the General Fund - Administration results from savings in travel and training originally budgeted for the Finance Director.

FISCAL IMPACT:

Staff recommends using \$7,140 of the \$75,000 in contingency in the General Fund to cover these costs leaving a \$67,860 balance in contingency.

RECOMMENDATION:

Staff recommends the council adopt the attached resolutions authorizing the transfer of appropriation if it so chooses.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-_____

AUTHORIZATION FOR RESOLUTION TRANSFER

WHEREAS, the Fiscal Year 2004-2005 adopted budget for the City of Keizer provides for contingency funds to cover unforeseen costs within the General Fund.

WHEREAS, a critical need has been identified to contribute to the "No Meth in My Neighborhood" program. WHEREAS, \$6,000 in Police Expenditure Appropriations is needed to cover the cost of this program.

WHEREAS, ORS 294.450 allows for the transfer of appropriations within a fund during the fiscal year; NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that appropriation transfers for the fiscal year ending June 30, 2005 be authorized in the amounts indicated below:

	<u>Decrease</u>	<u>Increase</u>
General Fund		
Contingency	\$6,000	
Materials & Services - Police		\$6,000

PASSED this _____ day of _____, 2004.

SIGNED this _____ day of _____, 2004.

Mayor

City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-_____

AUTHORIZATION FOR RESOLUTION TRANSFER

WHEREAS, the Fiscal Year 2004-2005 adopted budget for the City of Keizer provides for contingency funds to cover unforeseen costs within the General Fund.

WHEREAS, a critical need has been identified to pay travel and training costs for the Community Development Director to attend the Pacific Program leadership training. WHEREAS, \$1,740.00 in Community Development Expenditure Appropriations is needed to help cover the cost of this program.

WHEREAS, ORS 294.450 allows for the transfer of appropriations within a fund during the fiscal year; NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that appropriation transfers for the fiscal year ending June 30, 2005 be authorized in the amounts indicated below:

	<u>Decrease</u>	<u>Increase</u>
General Fund		
Contingency	\$1,140	
Materials & Services – Administration	600	
Materials & Services – Community Dev.		\$1,740

PASSED this _____ day of _____, 2004.

SIGNED this _____ day of _____, 2004.

Mayor

City Recorder

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2004-_____

AUTHORIZATION FOR RESOLUTION TRANSFER

WHEREAS, the Fiscal Year 2004-2005 adopted budget for the City of Keizer provides for contingency funds to cover unforeseen costs within the General Fund.

WHEREAS, a critical need has been identified to contribute to the "No Meth in My Neighborhood" program. WHEREAS, \$6,000 in Police Expenditure Appropriations is needed to cover the cost of this program.

WHEREAS, ORS 294.450 allows for the transfer of appropriations within a fund during the fiscal year; NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that appropriation transfers for the fiscal year ending June 30, 2005 be authorized in the amounts indicated below:

	<u>Decrease</u>	<u>Increase</u>
General Fund		
Contingency	\$6,000	
Materials & Services - Police		\$6,000

PASSED this ____ day of _____, 2004.

SIGNED this ____ day of _____, 2004.

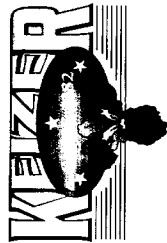
Mayor

City Recorder

COST ALLOCATION
Fiscal Year 2005

All Funds

	General Fund 102	Parks Fund 106	Planning Fund 108	Police Fund 111	Court Fund 115	Street Fund 012	Utility Fund 040	Water Fund 042	SID Fund 043	Urban Rental USD	TOTAL	Input
ADMINISTRATION												
Shook - Admin Only	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Shook - All GF Programs	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Human Resources Director	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Human Resources Director	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Clerical Specialist - Back	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Information Systems Technician	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Finance Department												
1 Accountant	400.00	0.00	0.00	0.00	0.00	150.00	-600.00	-250.00	-150.00	-250.00	-300.00	-300.00
1 Accountant	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Accounting Tech	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Utility Billing Technician	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3 Clerical Specialist - Clerk	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Chief Clerk	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Clerical Specialist (112 line)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Clerical Specialist - Reception/Court	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
PUBLIC WORKS												
1 Director	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Public Works Superintendent	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Public Works Permit Specialist	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Public Works Superintendent	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Municipal Utility Worker/Shocks	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Municipal Utility Worker/Spilt	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6 Municipal Utility Worker/Water	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Facility Maintenance Worker	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUBTOTAL												
CITY RECORDER/COURT												
1 City Recorder	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Recording Secretary	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUBTOTAL												
COMMUNITY DEVELOPMENT												
1 Community Development Director	0.00	0.00	1740.00	0.00	0.00	150.00	0.00	60.00	0.00	1050.00	3000.00	3000.00
1 Associate Planner	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Permit Specialist	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Community Development Director	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1 Zoning Technician	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUBTOTAL												
POLICE												
36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUBTOTAL												
83 Including Shock	-800.00	0.00	1740.00	0.00	0.00	0.00	-600.00	-690.00	-150.00	300.00	0.00	0.00



AGENDA ITEM 8d

**RESOLUTION – Adopting the 2003 International Fire
Code with the State of Oregon Amendments**

November 1, 2004

COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: NATE BROWN *NB*
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: INTERNATIONAL FIRE CODE ADOPTION

BACKGROUND:

The Keizer Fire District has adopted the current International Fire Code, in keeping with the State amendment and adoption of this latest edition of the fire code.

The Oregon Revised Statutes require local jurisdictions to adopt the code adopted by fire districts which provide fire protection service within the jurisdiction (ORS 478.924). Therefore, it is necessary to repeal the previous resolution, which adopted the previous fire code, and adopt a resolution which implements the latest code.

RECOMMENDATION:

Approve the attached resolution, adopting the 2003 International Fire Code with Oregon amendments; and authorizing permits for sale of fireworks in the City of Keizer, State of Oregon.

1 **CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON**

2 **Resolution 2004-_____**

3 **ADOPTING THE 2003 INTERNATIONAL FIRE CODE WITH STATE OF OREGON**
4 **AMENDMENTS; AND AUTHORIZING PERMITS FOR SALE OF FIREWORKS**
5 **IN THE CITY OF KEIZER, STATE OF OREGON**
6 **(REPEALING R98-1080)**
7

8 **WHEREAS, the Keizer Rural Fire Protection District adopted Ordinance 2004-1 on**
9 **September 21, 2004;**

10 **WHEREAS, ORS 478.924 provides that the District's Fire Prevention Code shall**
11 **not apply within the City of Keizer unless approved by Resolution of the Keizer City**
12 **Council;**

13 **WHEREAS, the City Council finds it to be in the public's interest to approve it;**
14 **NOW, THEREFORE,**

15 **BE IT RESOLVED by the City Council of the City of Keizer that the City of Keizer,**
16 **Oregon hereby adopts the Uniform Fire Code, as set forth in Keizer Rural Fire Protection**
17 **District Ordinance No. 2004-1, a copy of which is attached as Exhibit 1 and by this**
18 **reference incorporated herein.**

19 **BE IT FURTHER RESOLVED by the City Council of the City of Keizer, that the City**
20 **of Keizer hereby authorizes a requirement for permits for retail and/or wholesale sales**
21 **locations for sale of fireworks in the City of Keizer, as set forth in Keizer Rural Fire**
22 **Protection District Ordinance No. 98-2, a copy of which is attached as Exhibit 2 and by**
23 **this reference incorporated herein.**

24 **///////**

1 BE IT FURTHER RESOLVED that City of Keizer Resolution R98-1080 (Adopting the
2 Uniform Fire Code and Uniform Fire Code Standards; Authorizing Permits for Sale of
3 Fireworks in Keizer) is hereby repealed in its entirety.

4
5 PASSED this ____ day of _____, 1998

6 SIGNED this ____ day of _____, 1998.

7
8
9 _____
10 Mayor

11
12 _____
13 City Recorder
14

ORDINANCE 2004-1

COPY

AN ORDINANCE REPEALING ORDINANCE 98-1 ADOPTED ON SEPTEMBER 15, 1998.

BE IT ORDAINED by the Board of Directors of Keizer Rural Fire Protection District, a District duly authorized under and pursuant to the provisions of Chapter 478, Oregon Revised Statutes, located in Marion County, Oregon as follows:

As of October 1, 2004 Keizer Rural Fire Protection District will recognize the 2003 International Fire Code with the 2004 State of Oregon Amendments as adopted by the Oregon State Fire Marshal as the Code of Legal Reference.

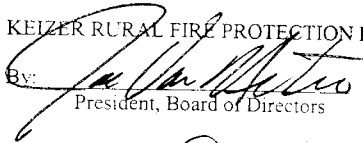
FURTHER this ordinance is adopted as an emergency ordinance under the provisions of ORS 198.550 (3) as immediate action is required in order for the Keizer Rural Fire Protection District to recognize the 2003 International Fire Code with the 2004 State of Oregon Amendments as the Code of Legal Reference which takes effect October 1, 2004

DATE OF EFFECT:

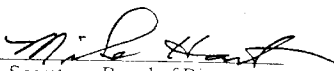
This ordinance shall take effect September 21, 2004.

ADOPTED this 21st day of September 2004, by the Board of Directors of the Keizer Rural Fire Protection District.

Ayes: 5
Nayes: 0

ATTEST:**KEIZER RURAL FIRE PROTECTION DISTRICT**By: 

President, Board of Directors

By: 

Secretary, Board of Directors

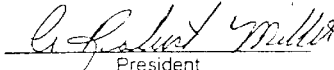
ORDINANCE 98-2

AN ORDINANCE REQUIRING PERMITS FOR RETAIL AND / OR WHOLESALE SALES LOCATIONS FOR SALE OF FIREWORKS IN KEIZER RURAL FIRE PROTECTION DISTRICT.

IT IS HEREBY ORDAINED AS FOLLOWS:

- 1) No person, company, or corporation shall operate a retail or wholesale fireworks sales location within the Keizer Rural Fire Protection District without first obtaining a permit from the fire district.
- 2) No permit for a fireworks sales location may be issued by Keizer Rural Fire Protection until after the filing by the location operator of the district's application form and payment of the required permit fee.
- 3) No Person, company, or corporation may obtain a permit for fireworks sales within the boundaries of Keizer Rural Fire Protection District without obtaining and providing proof of a bond or certificate of insurance in an amount of not less than \$500.00. Such bond or insurance shall be conditioned for the payment of all damages which may be caused either a person or property by reason of the operation of the sales location or arising from any acts of the person, persons, agents, or subcontractors of the person or corporation obtaining the permit.
- 4) PENALTY. Violation of this ordinance shall be considered an infraction and is punishable, upon conviction, by a fine of not more than \$250.00 for each occurrence. Each day shall be construed as a separate violation.

ADOPTED this 15th day of September, 1998, by the Board of Directors of the Keizer Rural Fire Protection District after being first duly read the 18th day of August, 1998, with a second reading on the 15th day of September, 1998.



President
Board of Directors

PUBLIC TESTIMONY

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

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

Name: _____

Address: _____

Subject or Agenda Item Number: _____

Your Comments:

Proponent _____ Opponent _____ General _____

Date _____

PUBLIC TESTIMONY

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

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

Name: _____

Paul Hunter

Address: _____

Subject or Agenda Item Number: _____

Your Comments:

Proponent _____ Opponent _____ General _____

Date _____

PUBLIC TESTIMONY

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

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

Name: _____

Address: _____

Subject or Agenda Item Number: _____

Your Comments:

Proponent _____ Opponent _____ General _____

Date _____

Chair of
Traffic
Safety
Comm



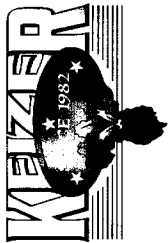
**PUBLIC HEARING
SIGN UP SHEET**

PUBLIC HEARING RE: EXEMPTION OF KEIZER STATION LID ENGINEERING DESIGNS FROM COMPETITIVE BIDDING AND PURCHASING

DATE: November 1, 2004 **TIME:** 7:00 p.m. **AGENDA ITEM #** 5a

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

[illegible]



***PUBLIC HEARING
SIGN UP SHEET***

PUBLIC HEARING RE: BARNICK ROAD INFILL PROJECT STREET LIGHT DISTRICT

DATE: November 1, 2004 TIME: 7:00 p.m. AGENDA ITEM # 5c

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

[illegible]



DATE: November 1, 2004 **TIME:** 7:00 p.m. **AGENDA ITEM #** 5b

[illegible]