

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

A G E N D A

KEIZER CITY COUNCIL
SPECIAL SESSION

Monday, October 23, 2000

5:30 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

This time is provided for citizens to address the Council on matters not scheduled on the agenda.

4. ADMINISTRATIVE ACTION/DISCUSSION

a. RESOLUTION – Initiating Legislative Amendment Re: Dual Interest Area Agreement

b. City Council Goal Setting for 2001-2002

5. ADJOURN

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

CITY COUNCIL MEETING: October 23, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER 

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *INITIATION OF LEGISLATIVE AMENDMENTS REGARDING
DUAL INTEREST AREA AGREEMENT***

The Cities of Keizer and Salem, as well as Marion County and developers of McNary Estates have preliminarily settled the ongoing litigation and agreed on a framework settlement agreement. For your convenience I have attached a copy of such agreement, without the exhibits.

The agreement envisions taking the following steps:

1. Amend the Dual Interest Area Agreement (DIAA) to exclude approximately 14 acres adjacent to McNary Estates, along with the property south of the imaginary westerly extension of Lockhaven Drive as well as other certain properties. Salem and Marion County will also need to adopt the amended DIAA.
2. Amend the Agricultural/Industrial (IA) zone to clarify that nurseries are an allowed use and to make other technical changes to the zone. It is anticipated that the AI zone text will be attached as an exhibit to the new DIAA to indicate the restricted uses within the new DIAA boundary.
3. Adopt a new "overlay" zone. This zone would be applied to the excluded properties to indicate that the other jurisdictions would have notice, standing and an opportunity to comment on any land use actions pertaining to the excluded properties. It would also state that any development would be conditioned upon the execution and recordation of an easement/waiver by the respective property owners.

4. If the above legislative steps are accomplished and the adoptions become final, the developers will convey the Donated Property of approximately 27 acres to Salem and Salem will reimburse the developers for costs and expenses in the amount of \$150,000.00. When these last steps have been completed, the settlement will be finalized and the lawsuit will be dismissed.

The above legislative amendments first have a public hearing before the Planning Commission. The Planning Commission then makes a recommendation to the Council who holds an additional public hearing. To begin these steps, the Council needs to initiate the legislative amendments referenced above. Consequently, I have attached a resolution to accomplish this. I would estimate that because of the notice and hearing requirements, it will take a minimum of three months to adopt the required changes.

RECOMMENDATION:

Adopt the attached Resolution.

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

ESJ/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2000-_____

3 INITIATING LEGISLATIVE AMENDMENT REGARDING
4 THE DUAL INTEREST AREA AGREEMENT,
5 AMENDMENT OF THE AGRICULTURAL/INDUSTRIAL
6 (IA) ZONE, AND A NEW WILLOW LAKE OVERLAY ZONE

7 WHEREAS, Section 3.203 of the Keizer Development Code authorizes the City
8 Council to initiate an amendment to the text of the Keizer Comprehensive Plan;

9 WHEREAS, the Cities of Keizer and Salem, as well as Marion County and other
10 parties via mediation have reached a framework settlement agreement that calls for moving
11 forward with certain text amendments;

12 WHEREAS, it is appropriate to move forward with such text amendments; NOW,
13 THEREFORE,

14 BE IT RESOLVED that the City Council of the City of Keizer does hereby initiate
15 a legislative amendment of the Keizer Comprehensive Plan and Keizer Development Code
16 as follows:

- 17 1. Amendment and adoption of a revised Dual Interest Area Agreement;
- 18 2. Amended Agricultural/Industrial (IA) zone;
- 19 3. Adoption and imposition of a new overlay zone affecting those certain

1 properties removed from the restrictions of the new Dual Interest Area
2 Agreement.

3 BE IT FURTHER RESOLVED that the City staff is directed to prepare and send
4 notice to the Department of Land Conservation and Development and all other necessary
5 parties, if any regarding such proposed amendments and to set a date for the initial hearing
6 before the Keizer Planning Commission as soon as practical.

7 PASSED this _____ day of _____, 2000.

8 SIGNED this _____ day of _____, 2000.

9 _____
10 Mayor

11 _____
12 City Recorder

WILLOW LAKE SETTLEMENT AGREEMENT

The parties to this agreement are the City of Salem, Oregon ("Salem"); the City of Keizer, Oregon ("Keizer"); Marion County, Oregon; FRTW Investment Company, LLC ("FRTW") and Monterey Development Corporation, an Oregon corporation ("Monterey").

WHEREAS, Salem and Keizer are neighboring cities who share an urban growth boundary in Marion County, and Salem provides regionally important wastewater treatment services at its Willow Lake Wastewater Treatment Plant ("Willow Lake WWTP") located within the Keizer-Salem Urban Growth Boundary; and

WHEREAS, Salem, Keizer and Marion County are parties to a Dual Interest Area Agreement ("DIAA"), which, among other things, prohibits residential development in a Special Policy Area ("SPA") in the vicinity of Willow Lake WWTP; and

WHEREAS, Monterey is the owner of approximately 14.4 acres of land east of Willow Lake WWTP, all of which lies within the current SPA; and

WHEREAS all parties agreed it was in the interest of the public and the parties to enter into a mediation in order to resolve issues raised by litigation filed by FRTW and Monterey against Salem, Keizer, and Marion County concerning the DIAA and SPA, and in order to create a basis for future cooperation and coordination relating to the Willow Lake WWTP impact area located within Keizer City limits; and

WHEREAS, the mediation process identified common interests among the parties, including Salem's continued provision of regional wastewater treatment in a manner that is both safe and protective of its regional ratepayers, and Keizer's ability to plan and approve development within its city limits in and adjacent to any plant impact area in a manner consistent with Salem's interests; and

WHEREAS, Monterey seeks to complete residential development on approximately 14.4 acres on the eastern edge of the SPA as defined by the existing DIAA in a manner protective of Salem's interests (the "Development Property"); and

WHEREAS, the parties recognize the need of Salem to control the area east of the plant within the amended DIAA as contemplated by this Agreement, and the local government parties recognize Monterey's residential development interest in the Development Property;

WHEREAS, the parties recognize that it is for the benefit of each party that there be a mediated settlement and that litigation against all defendants be dismissed with prejudice on completion of the conditions precedent described below, and the parties further recognize that the completion of these conditions depends on the occurrence of an event or events independent of and beyond the control of this agreement; and

WHEREAS the parties agree that any mediated settlement is the compromise of a doubtful and disputed claim, and that any payment or completion of other elements of a mediated settlement is not to be construed as an admission of liability on the part of Salem, Keizer, Marion County, or any officer, agent, or employee of those defendants;

THEREFORE, the parties enter into a Willow Lake Settlement Agreement as follows:

Part I. CONDITIONS PRECEDENT

The following are conditions precedent to completion of a mediated settlement including dismissal of the lawsuit with prejudice. The conditions represent the good-faith attempt of the parties to reach mediated consensus on all relevant issues. Execution of this agreement which identifies conditions precedent is not a final and binding commitment on behalf of any governmental entity on any of the conditions.

Section I. Intergovernmental Actions

(A) Amend the DIAA/SPA boundary to exclude the following areas currently within the DIAA, more particularly described in Appendix "A" and illustrated on a map attached as Appendix "B":

1. The Development Property (the 14.4 +/- acres proposed by Monterey for development);
2. All areas south of the imaginary western extension of Lockhaven to the eastern edge of Willow Lake WWTP property;
3. All areas to the north and south of the Development Property that are east of the extended western boundary line of the Development Property; and

4. Two triangular areas on both sides of Windsor Island Road (one north of Lockhaven Road and west of Windsor Island Road to the point at which the northern boundary of that triangle intersects Windsor Island Road, and one east from that point to the southern extension of the west Monterey property line and to the northern boundary line of that parcel).

(B) Amend the DIAA to

1. Require a protective overlay zone for the excluded property identified in Section I(A) of this agreement, more particularly described in Appendix "A" and illustrated on a map attached as Appendix "B," which zone shall include these requirements:
 - a. Salem and Marion County shall have standing in and be entitled to notice of all legislative and quasi-judicial zoning and comprehensive plan map amendments; and
 - b. Keizer, as a condition of approval of development and building permits, shall require an odor easement in favor of Salem, Keizer, and Marion County in a form substantially similar to Appendix "C."
2. Impose, as land use regulations for areas subject to the amended DIAA, the Agricultural Industrial (IA) zone provisions adopted by Keizer modified to conform to the amended DIAA. Such modifications to the IA zone shall include, but not be limited to, the prohibition of wastewater treatment.

- (C) Salem and Marion County concur in the Keizer rezoning of the 14.4 +/- acres of Development Property, limited to single family residential at no more than 5 dwelling units per acre.

Section II. Keizer Actions

- (A) Adopt the overlay zone required in Section I(B)
- (B) Within the parameters of the protective overlay zone referenced in Section II(A), process as provided by law the necessary land use applications for Monterey's development of the Development Property for a single family residential subdivision with the density not to exceed five lots per acre.

Section III. Salem Actions

- (A) Subject to an environmental assessment acceptable to the City of Salem, accept a donation of 27 +/- acres of FRTW real property (the Donated Property) located west of Development Property, and more particularly described in Appendix D and illustrated on a map attached as Appendix "B," subject to grantors' reservation of.

- (1) Either an option for a 40-year lease for a 4-acre golf driving range or, if necessary, a permanent access right-of-way of not more than 60 feet in width at a location to be determined during applicable land use proceedings; and
- (2) If "necessary" a permanent utility and sewer easement, and
- (3) A temporary access right-of-way for construction purposes over the property described in Appendix E, and
- (4) A covenant prohibiting the treatment of wastewater on the Donated Property.

The City of Salem is a political subdivision qualified to receive a charitable contribution pursuant to IRC § 170(c)(1). For purposes of § III(A)(1) and (2) above, "necessary" shall mean required by a government entity for development approval purposes.

- (B) Reimburse Monterey Development for expenses and costs of litigation and settlement in the amount of \$150,000.

Section IV Monterey and FRTW Actions

Upon the satisfaction of the conditions precedent set forth above, including, but not limited to, the approval of by Keizer a subdivision and development application for the Development Property and the Amendment of the DLAA as set forth in Section I(A) and (B) above:

- (A) Monterey shall grant to Salem, Keizer, and Marion County an Easement and Waiver in the form of the attached Appendix "C" over the 14.4 +/- acres of Development Property, which is described and depicted in Appendix F.
- (B) Monterey and FRTW shall execute a release releasing Salem, Keizer, and Marion County from any and all actions, causes of action, claims, demands, damages, costs, expenses, and all other damages that Monterey and FRTW have or may hereafter have on account of or arising out of or related to the claims and occurrences alleged in Marion County Circuit Court Case No. 99C-15234.

PART II. DISMISSAL OF LITIGATION

The parties agree that on the completion of all conditions precedent identified in this agreement, that in the lawsuit entitled

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
COUNTY OF MARION

MONTEREY DEVELOPMENT COMPANY,
an Oregon corporation, and F.T.R.W.
INVESTMENT COMPANY, LLC, an Oregon
limited liability company,

Plaintiffs,

THE CITY OF SALEM, a municipality,
CITY OF KEIZER, a municipality, and
MARION COUNTY,

Defendants.

Case No. 99-C-15234

Plaintiffs Monterey Development and FRTW shall file a stipulated order of dismissal, with prejudice, as to all claims made by plaintiffs.

PART III. COMPLETION OF SETTLEMENT

This agreement shall be in full force and become effective upon signing by a representative of all parties. Unless a condition precedent is waived by written agreement of all the parties hereto, this Agreement shall be terminated by the failure of any party hereto to satisfy a condition precedent to the mediated settlement within 180 days of the execution of this

Agreement. However, such term for completion of the conditions precedent may be extended by written agreement of all parties to this Agreement.

The term of this agreement is perpetual.

By: _____
Monterey Development

By: _____
City of Salem

Print Name: _____

Its: _____

DATED: _____, 2000

Print Name: _____

Its: _____

DATED: _____, 2000

By: _____
FRTW Investment Company LLC

By: _____
City of Keizer

Print Name: _____

Its: _____

DATED: _____, 2000

Print Name: _____

Its: _____

DATED: _____, 2000

By: _____
Marion County

Print Name: _____

Its: _____

DATED: _____, 2000

Keizer City Council Goal Setting Session

October 23, 2000

- Video Presentation – “Our Legacy – Our Choice”
- Review of City Staff goals
- Review and refinement of Stated Goals
(September 25, 2000 minutes attached)
- Establishment of final list of goals for 2001-2002
Council deliberation scheduled for January 8,
2000 at 5:30 p.m.

City of Keizer Staff Goals

FY 2000-2001

- ◆ **Provide a superior level of customer service in carrying out daily functions and Council objectives.**

Definition: Continue to enhance our ability to deliver courteous, accurate and timely responses to customer and Council requests for service by refining our methods of delivering existing services and providing new services where appropriate.

Next Steps:

1. Evaluate benefits of providing building permit and plans review process in house. Determine financial and organizational factors necessary to establish this type of service.
 2. Develop the position of Volunteer Coordinator/Emergency Preparedness Director to help recruit and focus volunteer activity within the community and the organization. This position will also manage the EOC and be a permanent staff liaison to the EVAC Committee.
 3. Evaluate the City's technology package to ensure that it continues to be state-of-the-art (phone system, computers, etc.).
 4. Explore on-line account access and billing/payment or automatic debit packages so citizens can access their accounts and make payments over the Internet.
- ◆ **Establish a package of services and level of service provision that meets or exceeds the needs and expectations of the citizens of Keizer.**

Definition: Determine what types of services the citizens of Keizer want their government to provide, to what extent do they want them provided, and at what level they are willing to fund them.

Next Steps:

1. Solicit feedback from citizens through a number of methods (citizen survey, suggestion box, etc.) to determine the types of services they wish to receive from their city government.
2. Determine the cost of providing new or expanded services to the citizens, or to eliminate undesired services, and develop stable revenue streams to fund new programs.

3. Develop with Council a strategy to initiate or eliminate new or expanded programs as recommended by the citizens of Keizer.
 4. Explore alternative hours to be more accessible to citizens when it is convenient for them.
 5. Research the feasibility and need of providing a peer court.
 6. Evaluate land use application fees to staff time and materials utilized on each type of project.
- ◆ **Develop a stable revenue stream for each fund that secures our ability to provide a superior and sustainable level of service, health, and welfare to the citizens of Keizer.**

Definition: Create revenue streams for the General, Water, Sewer, Street and Street Lighting Funds that will remain healthy over time and will provide for all aspects of efficient governmental service delivery, including appropriate levels of staffing, supplies/materials/equipment, facilities, operation/maintenance, and future needed capital improvements.

Next Steps:

1. Develop financial policies to guide Council and Staff in making ethical, sound, and appropriate financial and budgeting decisions in accordance with GFOA best practices.
 2. Develop a long-range financial planning strategy that maximizes organizational efficiency while minimizing the financial impact on the Keizer ratepayers. This includes updating the City's investment policy (established in 1982) in compliance with current Oregon law and to secure the safety of capital while generating a reasonable return on investments.
 3. Identify a workable plan to establish sustainable revenue streams for each fund, especially the General fund, and localize expenditures to their appropriate funds as specified by the intent of State budget law and organizational policies.
 4. Continue to assess our current fee schedule to ensure that they are appropriately covering the cost of providing services and that we are not overcharging for providing services.
- ◆ **Establish appropriate staffing levels for each department to provide for effective and efficient delivery of service to the citizens of Keizer.**

Definition: Evaluate and provide for the proper number of staff necessary to carry out Council directives public service requests fully and efficiently.

Next Steps:

1. Evaluate current staff levels and positions within each department and determine how this affects the quality/level of service each department should or wants to provide.
 2. Identify positions that should be eliminated, added, or reclassified where needed.
 - a. Secure authorization and funding for additional School Resource Officers to work at the new Keizer schools in the fall of 2001.
 3. Develop a staffing strategy to reach optimum staffing levels within a given time frame and work with Council to provide support necessary to justify staff reductions or additions.
- ♦ **Continue striving to meet all federal and state mandates on water quality, stormwater management, land use, flooding, etc. and plan/complete infrastructure improvements, that promote a better and safer community.**

Definition: Complete projects that improve traffic safety/congestion concerns, water quality and pressure, efficient transmission throughout the sanitary sewer system, stormwater drainage, flooding, etc.

Next Steps:

1. Initiate and complete the FEMA map re-study of the flood protection project just completed by the City and US Army Corps of Engineers along the Willamette River.
 2. Develop an overall plan on the City's requirement to meet the NPDES Phase II Storm Water Rules, which would include design, funding mechanism and CIP.
 3. Design and Fund the Sanitary Sewer Trunk located near McNary Estates, which will be required, when the Chemawa Activity Center develops.
 4. Analyze the retirement of the Water Fund Revenue Bonds and how we can complete the next ten year CIP and Water Regulations as outlined in the Water Master Plan with or without a significant rate increase.
 4. Continue planning and completing street projects that improve connectivity, traffic flow and safety.
- ♦ **Develop strategy and time frame to upgrade or replace the City Hall and Police Department Facilities.**

Definition: Due to the continued increase in services provided and the staffing needs to effectively deliver those services, it is apparent that the existing City Hall and Police Facilities are quickly being outgrown. To provide for additional room, meeting space, and to promote an improved downtown in the spirit of the Heritage

Center and other physical improvements in the downtown area, it is important to develop a plan to either expand our existing facilities or build new facilities, whichever is more financially prudent.

Next Steps:

1. Develop Civic Center masterplan for upgrading existing facility or building a new facility on existing site.
2. Develop funding strategy for completing the project.
3. Initiate engineering and commit to schedule.

◆ **Develop high levels of employee commitment to increase success in achieving City and Council goals.**

Definition: Develop a clear sense of its purpose, direction, and desired future state for the organization, and ensure that this image is widely shared. Help individuals to find their own roles in the organization so that they gain a sense of importance as they gain a sense of fulfillment and worth as human beings engaged in a creative and purposeful venture.

Next Steps:

1. Clearly disseminate information from the top down to all levels so that all employees understand what the organizations is doing, what the goals are, what steps are taking place, what is important to Council and management and solicit their input on issues that affect them.
2. Clearly define for the employees the results we are seeking as an organizations so that they can understand them and help management achieve them.
3. Develop and clearly define for employees, soliciting their input in the process, the plan for achieving the organizational goals so that they can actively participate in accomplishing the goals.
4. As management, provide positive feedback to employees so they can see what is expected of them and how their contributions matter in attaining the organizational goals.

MINUTES
KEIZER CITY COUNCIL WORK SESSION
Monday, September 25, 2000
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

*minutes
approved
10-16-2000*

CALL TO ORDER

Mayor Newton called the work session meeting to order at 5:45 p.m.

Roll Call was taken as follows:

Present:

Bob Newton, Mayor
Lore Christopher, Council President
Jim Keller, Councilor
Jerry McGee, Councilor
Jacque Moir, Councilor
Richard Walsh, Councilor

Council Candidates

Roy Duncan
Ray Kelly
Dee Lane
Chuck Lee (left at 6:45 p.m.)
Judy Smith

Absent:

J. L. Wilson, Councilor

Staff:

Chris Eppley, City Manager
Susan Gahlsdorf, Finance Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Dianne Hunt, Human Resources Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY (taken out of order)

Myrna Wogglemont- urged the Council to either move forward with the Chemawa Activity Center or allow the property owners in the area to build on their property.

Tina Sloan- would like to see housing that is not built so close together. She felt this would help to solve some of the school overcrowding and increase the livability of neighborhoods.

DISCUSSION

Mayor Newton reviewed the information pertaining to the background of the development of Council Goals and

a. Review of 1997-1999 Goals (Resolution No. R97-960) and 1999-2000 Goals (Resolution No. R99-1140)

b. 2000-2001 Goal Setting

- 1. Establish Ground Rules**
- 2. Establish Goals Setting Schedule**
- 3. Build initial list for consideration**

timeframes for various issues. He reviewed ground rules which were adopted by the Council in 1998, they included:

Establishing Ground Rules

1. There are no established minimum/maximum numbers of goals needed as a result of the meeting.
2. Every idea proposed was intended to make the city a better place.
3. Ideas could be problem-driven or vision-driven.
4. Members were to be non-judgmental regarding another's goals.
5. There are no dumb ideas.
6. Members were to develop facts and rationale to support their proposed goals.
7. Costs were not initially to be a consideration.

Councilor McGee moved to accept the list of ground rules with the exception of number seven, which would be reworded to say, "Cost is a consideration, but not initially". Council President Christopher seconded the Motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Wilson (1)

Values

Mayor Newton also reviewed the set of values on which the goals were based, these included:

1. Democracy (open government through participation of community members in the development of plans, policies and procedures for the city.
2. Community (developed through small groups including churches, neighborhood association, service clubs, fraternal organization, business organizations and senior centers).
3. Cooperation (people working together for the common good).
4. Respect (for others)
5. Fairness (protecting and enforcing the rights of individuals).
6. Honesty, integrity, courage and compassion (in elected leaders).
7. Involved citizens.
8. Protected environment.
9. Safe, secure community.
10. Strong infrastructure
11. Clean air

12. Sustainable economy.

Councilor Moir moved to accept the above values as written. Council President Christopher seconded the motion.

Councilor Walsh made the motion to add to the values the enhancement and livability of the city. Roy Duncan seconded the motion.

The Council and candidates debated Councilor Walsh's motion.

The Council discussed how the candidates would work within the meeting. City Attorney, Shannon Johnson suggested to allow the candidates the ability to vote that a motion to form a special committee would be in order.

Councilor McGee moved to establish the special committee. Councilor Keller seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: Wilson (1)

ABSENT: None (0)

Roy Duncan moved to amend the motion to make the city safe and clean.

With no second the motion Roy Duncan withdrew his motion.

Councilor Walsh made the motion at add number 13 to the values to include "high quality of life".

The motion died for a lack of a second.

Council President Christopher moved to accept the values as written. Councilor Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Duncan, Keller, Kelly, Lane, Lee, McGee, Moir, Newton, Smith and Walsh (11)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Wilson (1)

Goal Setting Schedule

The group agreed to set the following schedule:

Monday, October 23rd at 5:30 p.m.

Monday, January 8th at 5:30 p.m.- work session

Types of Goals

After discussion it was the consensus of the group to set the time orientation and the prioritization would take place during the January work session.

Mayor Newton requested that the City Manager provide updated demographic information to the Council in the near future.

Status of 1999-2000 Goals

City Manager Chris Eppley addressed some of these goals noting that the development of the Chemawa Activity Center was not accomplished, but was still ongoing. The possibility of flooding had been greatly reduced with the construction of the River Wall, the adoption of the new FEMA Flood Map and the Salem Storm Water Master Plan. The Parks Master Plan would be revisited in the near future and Councilor McGee suggested that the Water Master Plan also be reviewed.

Chief Adams noted that the Peer Court had evolved and the hope was to have this take place through the Marion Polk Boys and Girls Club. He indicated the program should begin during this school year and he indicated that he would provide an update on the program within the next month.

Finance Director, Susan Gahlsdorf indicated that the five - year financial plan had not been completed as the Committee which discussed this plan felt that the five years might be too long to extend a plan. Councilor Keller also shared information from the committee's standpoint.

Mr. Eppley indicated that the Development Code was currently being reviewed and an in-fill master plan was in the development stage.

1997-1998 Goals

The group reviewed these goals and it was noted that six of the eight goals had been completed or were near completion. The remaining goals regarding Community Policing and the Chemawa Activity Center were felt to be an ongoing process.

2000-2001 Staff Goals

City Manager Eppley provided a list of these goals to the group.

Each member of the group addressed some goals which they would like to see take place:

Councilor Moir

- In-fill.
- Addressing the Development Code with private vs. public streets.
- Willow Lake Treatment Plant and the formation of a Regional Policy Group to oversee the plant.
- Establish a yard debris and recycling program
- Resource system to protect City documents

Roy Duncan:

- Sidewalks.
- Add more retail to Keizer
- Review the Solid Waste Ordinance
- Flood problems and drainage

Judy Smith:

- Improve traffic safety
- Establish a citizens hotline
- Noise ordinance enforcement
- Public Works Seasonal maintenance (i.e.: storm drains, school lights)

Councilor McGee:

- UNOCAL property
- Explore consolidation of the city's lighting districts
- Explore extracting the City from the Chemeketa Regional Library

Councilor Walsh:

- Support of public library
- Move forward with the Chemawa Activity Center Plan or removal of the City's participation with the CAC
- Requiring bike helmets in skate parks
- Establish an Intergovernmental Regional Greenway Task Force
- Interconnectivity of the bike system

Council President Christopher:

- Five year financial plan
- Zip code for the City of Keizer
- Improve and maintain community communications by using CCTV during Council Meetings
- Expanding on the City's web page and providing a "Kids Page"

Ray Kelly:

- Drug Task Force to include prevention, intervention and education
- Neighborhood watch program established
- Establishing a Teen Center

Mayor Newton:

- Bringing the Building Permit Services In house.

Mayor Newton requested that the minutes and copies of staff 2000-2001 goals be distributed prior to the next meeting. He urged the members to bring any additional ideas to the next meeting and indicated the group would attempt to consolidate the listed goals into a manageable number.

Mayor Newton thanked everyone for his or her participation.

OTHER BUSINESS

There was no other business to come before the Council.

ADJOURNMENT

Mayor Newton adjourned the meeting at 7:11 p.m.

Tracy L. Davis
City Recorder

APPROVED:
MAYOR:

Bob Newton

COUNCIL MEMBERS:

ABSENT

Councilor #1 - J. L. Wilson

Councilor #4 - Jacque Moir

Councilor #2 - Lore Christopher

Councilor #5 - Richard Walsh

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

CITY COUNCIL AGENDA PACKET

MONDAY, NOVEMBER 6th, 2000

- 7:00 P.M. CITY COUNCIL
REGULAR SESSION

*Please contact Chris Eppley, City Manager if
you have any questions or need additional
information regarding any of the staff
reports or issues contained on the agenda.
Thanks!!*

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

A G E N D A

KEIZER CITY COUNCIL
REGULAR SESSION

Monday, November 6, 2000

7:00 p.m.

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

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

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

- a. Willow Lake Natural Treatment Process Presentation – Francis Kessler**
- b. Marion County Area Gang & Narcotics Enforcement Task Force Presentation**

4. COMMITTEE REPORTS

- a. Neighborhood Response Effort Presentation (Youth Compact)**

5. OTHER BUSINESS

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

- a. New Business**
- b. Old Business**
 - Swingwood Court Foot Bridge**

6. PUBLIC HEARINGS

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

7. ADMINISTRATIVE ACTION

- a. RESOLUTION – Initiation of Vacation of Right-of-Way/ Walkway near Janet Avenue/Chemawa Road**
- b. RESOLUTION – Initiation of Vacation for property near Lockhaven/Trail Avenue**
- c. RESOLUTION – Initiation of Vacation of Right-of-Way Near Radiant Drive**
- d. RESOLUTION – Authorizing the City Manager to Enter Intergovernmental Agreement for Marion County Area Gang and Narcotics Enforcement Task Force (MAGNET)**

8. **CONSENT CALENDAR**

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

9. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

10. **AGENDA INPUT**

November 13, 2000

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

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

November 20, 2000

6:00 p.m. Urban Renewal Agency Meeting

- River Road/Chemawa Road Property Public Hearing

7:00 p.m. City Council Regular Session

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

December 4, 2000

7:00 p.m. City Council Regular Session

- Library Task Force Report

11. **ADJOURN**

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



November 6, 2000

AGENDA ITEM 3a

WILLOW LAKE NATURAL TREATMENT PROCESS PRESENTATION

COUNCIL MEETING: November 6, 2000

AGENDA ITEM NUMBER:

TO: MAYOR NEWTON AND CITY COUNCILOR MEMBERS

FROM: CHRIS C. EPPLEY
CITY MANAGER

SUBJECT: WILLOW LAKE NATURAL TREATMENT PROCESS PRESENTATION

ISSUE:

Francis Kessler will give a brief presentation on the pilot program for the Willow Lake Natural Treatment Process.



November 6, 2000

AGENDA ITEM 3b

MARION COUNTY AREA GANG AND NARCOTICS ENFORCEMENT
TASK FORCE PRESENTATION

CITY COUNCIL MEETING OF NOVEMBER 6, 2000

AGENDA ITEM NO. _____

TO: Mayor and City Council

THRU: Christopher Eppley, City Manager

FROM: H. Marc Adams, Chief of Police

SUBJECT: MAGNET

A presentation is scheduled for tonight to provide you with information on the "Marion County Area Gang and Narcotics Enforcement Team" (MAGNET). This is Oregon's largest interagency task force recently established by local, state and federal public safety agencies in Marion County to enhance response to increased drug abuse and drug trafficking throughout the region.

Serving as a coordination umbrella for agencies in Marion County, MAGNET will be composed of over 40 individual full and part-time members representing the following public safety agencies:

Aumsville Police Department	Oregon Department of Justice
Aurora Police Department	Oregon HIDTA Program
Drug Enforcement Administration	Oregon National Guard
Federal Bureau of Investigation	Oregon State Police
Hubbard Police Department	Salem Police Department
Keizer Police Department	Silverton Police Department
Marion County District Attorney's Office	Stayton Police Department
Marion Co. Sheriff's Office	Turner Police Department
Mt. Angel Police Department	Woodburn Police Department

Endorsed by the Marion County Public Safety Council, this Regional Task Force will take a holistic approach to coordinate and focus efforts on drug related crimes and violence at the street level, drug houses, with gangs, and upper level organized drug trafficking organizations, and will enable public safety agencies to:

- * Enhance the impact of law enforcement efforts on community safety and livability
- * Leverage short agency resources
- * Coordinate federal, state and local counter-drug efforts and investigations regionally
- * Destroy and dismantle drug trafficking organizations operating in Marion County
- * Overcome single agency enforcement constraints
- * Enhance officer safety and tactics
- * Share specialized agency and personnel resources, skills, talents, and experience
- * Share specialized equipment and criminal intelligence

As a member of this interagency task force, the Keizer Police Department will sign an agreement to provide one (1) police officer to this team for as long as we are willing and able to participate. This task force deserves our support and, in the future, will contribute to bettering the livability of our city.

hma:cp



November 6, 2000

AGENDA ITEM 4a

NEIGHBORHOOD RESPONSE EFFORT PRESENTATION
(YOUTH COMPACT)

COUNCIL MEETING: November 6, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCILOR MEMBERS

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

SUBJECT: NEIGHBORHOOD RESPONSE EFFORT (YOUTH COMPACT)

ISSUE:

Jan Calvin from the City of Salem will be in attendance to give a brief presentation on the Neighborhood Response Effort or Youth Compact Restoration Program. Council President Christopher will also give a brief Youth Compact committee report.



November 6, 2000

AGENDA ITEM 5b

OLD BUSINESS – SWINGWOOD COURT FOOT BRIDGE

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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



SUBJECT: REPALACEMENT OF LABISH DITCH FOOTBRIDGE

DATE: NOVEMBER 2, 2000

BACKGROUND:

During the 1996 and 1997 flood events on Labish Ditch, the culvert pipe and asphalt walking path that served Swingwood and Gubser School was destroyed. Council has requested an analysis regarding the replacement of this structure. Staff has identified three options that might be available.

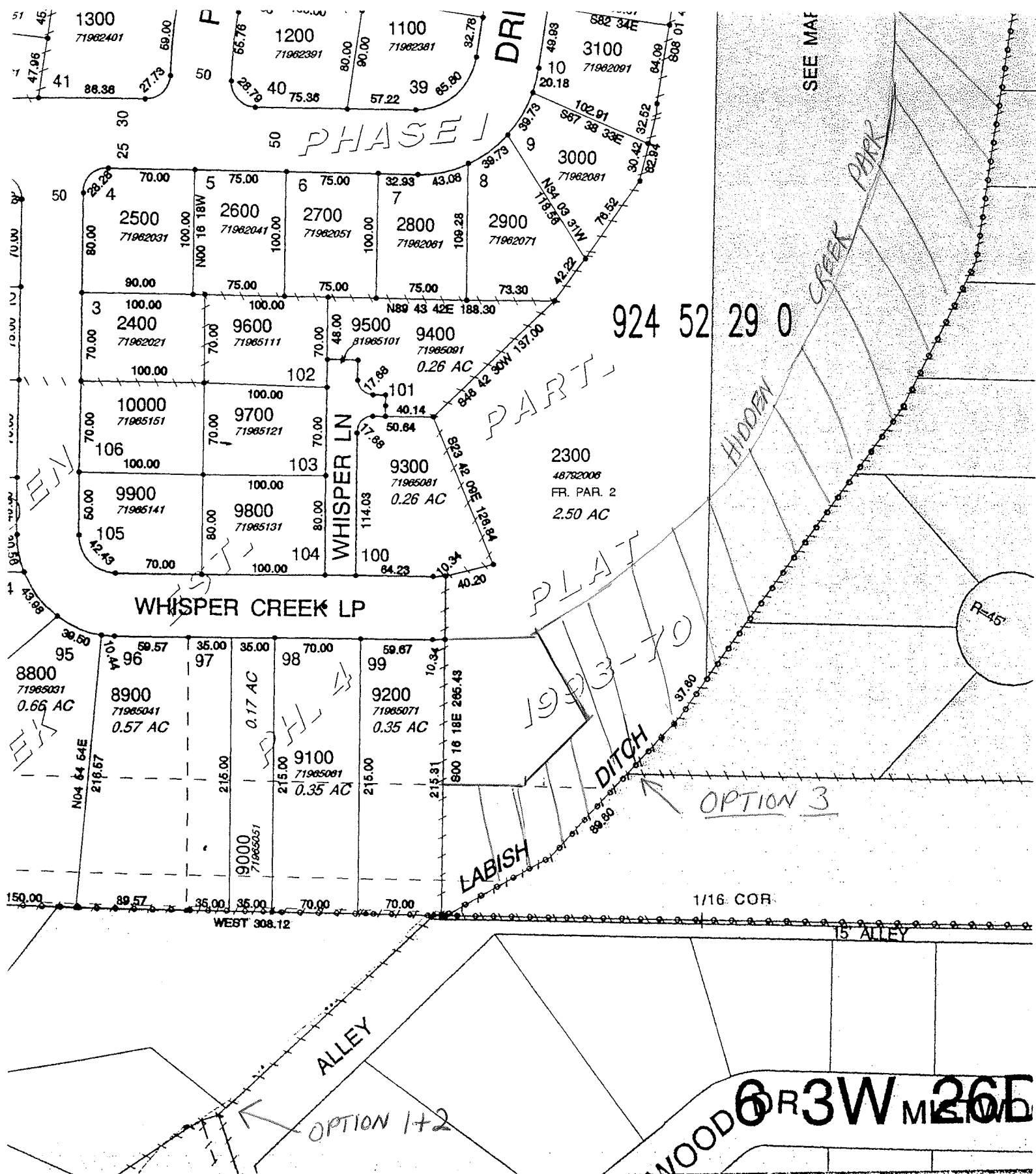
Option 1: Build a wooden bridge at the end of Swingwood at the same location and elevation as the destroyed culvert. The cost of this structure is approximately \$15,000. Staff would not recommend this option, because it will not meet our current development code and flood ordinance as required by FEMA to participate in the National Flood Insurance Program. It could create a damning effect upstream during high water events along Labish Ditch as the destroyed culvert did in 1996 and 1997. Future high water events may damage or destroy this bridge if built at the old location. This bridge will only serve Swingwood Ct.

Option 2: Build a bridge at the same location, but elevate the structure higher than the old culvert. The City could meet the necessary FEMA and Development Code criteria with this structure. The slope of this proposed bridge will not meet the current ADA requirements and will only serve Swingwood Ct. Estimated cost of this project is \$80,000 to \$100,000. Staff would not recommend this option, because of the extreme cost, limited service area and the Federal ADA requirements.

Option 3: Build a permanent bridge over Labish Ditch at the south end of the new Hidden Creek Park. This structure will meet all Federal Requirements including the FEMA flood ordinance as indicate in the City's Development Code. The location of this pedestrian/bicycle bridge will connect Country Glen and Hidden Creek Sub-Divisions to the Gubser School area. The adjacent property owner for this proposed site is willing to work with the City on easements. Oregon Department of Transportation grants may be available to help offset the estimate cost of \$100,000 to \$150,000. Swingwood Ct would not be served by this bridge location until the City identified and built a connecting path to Hidden Creek Park. Staff recommends this option, because of the larger service area and provides better neighborhood connectivity.

RECOMMENDATION:

Council choose a preferred option and direct staff on further action.





November 6, 2000

AGENDA ITEM 6a

COMP PLAN/ZONE CHANGE/SUBDIVISION
CASE NO. 00-56 (PRO-CONSTRUCT)

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
STAFF RECOMMENDATION**

**COMPREHENSIVE PLAN MAP AMENDMENT/ZONE CHANGE
SUBDIVISION CASE No. 00-56**

TO: Mayor Newton and City Councilors

FROM: Maria C. Meier, Senior Planner

SUBJECT: Comprehensive Plan Map Amendment/Zone Change Case No. 00-56

DATE: September 28, 20000

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

I. GENERAL INFORMATION

- A. **APPLICANT:** Pro-Construct, L.L.C
- B. **PROPERTY LOCATION:** The subject properties is located north of Bowden Lane N. and west of Golden Lane N. The property is not addressed but the Assessor's map identifies the properties as being located within Township 6 South; Range 3 West; Section 34C; Tax Lot 300. See Exhibit "A".
- C. **EXISTING PARCEL SIZE:** Tax Lot 300 contains approximately 14..97 acres
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The area proposed to change for residential development within the subject property is adjacent to Willow Leaf Street via Lot 45 of Apple Tree Estates Phase 3B. The subject property may be served by public water and sewer.
- E. **PLAN DESIGNATION AND ZONING:** Tax Lot 300 is designated Special Policy Area (SPA) on the Comprehensive Plan Map. The Special Policy Area Comprehensive Plan designation was established by the Dual Interest Area Agreement (DIAA; est. 1991) between the cities of Keizer and Salem, and Marion County, regarding the Willow Lake Treatment Facility. The subject site is currently zoned Exclusive Farm Use (EFU).
- F. **ADJACENT ZONING AND LAND USES:** Properties to the south and east of the subject site are zoned Single Family Residential (RS). Single family homes are the dominant land use. Property to the north of the subject site is zoned Agricultural Industrial (IA). The property to

the northwest of the subject site is zoned Exclusive Farm Use (EFU). The property to the southeast of the subject site is located outside of the Keizer city limits.

- G. **PROPOSAL:** The applicant is requesting approval of a Comprehensive Plan Map Amendment and Zone Change to establish the Low Density Residential Designation and the Single Family Residential (RS) zone on the subject property as identified on the attached site plan. See Exhibit "B". The applicant is also requesting approval for an eighty-six lot subdivision as part of the Comprehensive Plan/Zone Change request.
- H. **BACKGROUND:** In April 1997, the Keizer City Council approved Comprehensive Plan Change/Zone Change/Subdivision (CPC/ZC/SUB) Case No. 96-05 for the subject property to construct a 73 lot subdivision. CPC/ZC/SUB Case No. 96-05 was then appealed by the City of Salem to the Land Use Board of Appeals (LUBA). In 1999, LUBA reversed the decision and denied CPC/ZC/SUB Case No. 96-05 due to the contractual requirements of the Dual Interest Area Agreement (DIAA) between the City of Keizer, City of Salem and Marion County. The Cities of Keizer and Salem, and Marion County have entered into the Willow Lake Settlement Agreement, which will result in the subject property being removed from the restrictions of the DIAA. The subdivision cannot be platted until the amended DIAA is final.

II. AGENCY COMMENTS

- A. Joint participants of the Dual Interest Area Agreement for Willow Lake Treatment Plant Area including the City of Salem and Marion County were notified of the proposed Comprehensive Plan Map Amendment/Zone Change. Through the Keizer City Attorney's office, Salem indicated that a condition should be added that prohibits the issuance of any building or any development permits and/or platting of any subdivision prior to the Dual Interest Area Agreement being amended to exclude the subject property.
- B. The Public Works Department provided comments regarding public facility improvements. These comments are incorporated in the findings and recommendations within this staff report.
- C. The Keizer Fire District submitted comments stating the following: "The applicant shall meet requirements for access, minimum street width for emergency vehicle access, and fire hydrants located as per code." "No Parking Fire Lane" signs must be placed along the accessway between proposed lots 14 & 15 in accordance with the Uniform Fire Code.
- D. Portland General Electric stated that a 8' to 10' Public Utility Easement will be required. Water meters and fire hydrants should not be placed within the PUEs.

III. APPLICATION SUMMARY

- A. The subject property contains Tax Lot 300 of Marion County Assessor's Map No. Township 6 South, Range 3 West, Section 34C. The subject property contains approximately 14.97

acres. The applicant requests the City to approve a Comprehensive Plan Map Amendment to change the subject site from Special Policy Area (SPA) to Low Density Residential (LDR) and to change the zone from Exclusive Farm Use (EFU) to Single Family Residential (RS). The applicant is also requesting approval of a proposed 86-lot subdivision, to attain access through Lot 45 of Apple Tree Estates to extend Golden Lane. The subject site is currently vacant.

- B. The SPA designation applies to land potentially influenced by the operation of the nearby Wastewater Treatment Facility. Permitted or conditionally permitted uses are primarily limited to farming and other resource-related activities. Subdivision and other developments, which may result in a concentration of population, are prohibited. These limitations are enforced through the property's Exclusive Farm Use (EFU) zoning.
- C. Studies conducted have analyzed the odors emitting from the wastewater treatment facility. The studies appear to indicate the subject property is not impacted or minimally impacted by the facility's odors. In addition, Salem, Marion County, Keizer and the applicants have met and it appears that the subject property will be removed from the restrictions of the Dual Interest Area Agreement (DIAA). For this reason, it is appropriate to change the existing Plan designation to allow alternative uses on the property. This proposal would change the Plan designation to Low Density Residential and change the zoning to Single Family Residential. This Plan and zone change would allow residential development.

IV. FINDINGS AND CONCLUSIONS COMPREHENSIVE PLAN MAP AMENDMENT

- A. The proposal would change the existing Plan designation on the subject site from the Special Policy Area to Low Density Residential for as identified on the attached site plan.
- B. The decision criteria for non-legislative Plan amendments are found in Section 3.109.03 of the Keizer Development Code. The specific criteria, and staff's response, are noted below:
 - 1. Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.

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

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

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

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

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

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

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

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

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

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

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

to permit low-density residential development will increase land availability for single family development within the community.

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

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

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

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

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

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

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

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

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

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

Studies were completed in the early 1990's, which indicated that the subject property was not affected or minimally affected by odors from the treatment facility. Keizer and Salem were unable to reach an agreement at that time with regard to amending the DIAA. However, recently the Cities of Keizer and Salem, along with Marion County and the applicants have met in mediation sessions in an effort to resolve the long standing dispute regarding the subject property and other properties under the restrictions of the Dual Interest Area Agreement. The parties have reached tentative agreement that includes the removal or exclusion of the subject property from the DIAA. Such exclusion allows the Comprehensive Plan Map/Zone Change/Subdivision to move forward. A condition is appropriate to prevent the property from being developed until the amendment of the DIAA is executed, which would exclude the subject property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. FINDINGS AND CONCLUSIONS - ZONE CHANGE

- A. Section 1.103.02 of the Keizer Development Code identifies two zones appropriate for the Low Density Residential Plan designation: Single Family Residential (RS) and Urban Transition (UT). The primary difference between these zones the RS permits single family homes outright.
- B. The zone change review criteria are found in Section 3.110.03 of the Keizer Development Code. The appropriate criteria for residential zone changes are found under subsection (F)(1-3). Those criteria and the related findings are set forth below:
1. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

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

2. The uses in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

FINDINGS: The subject property can accommodate a single-family development in accordance with the minimum dimensional standards identified in the Keizer Development Code. The ground is relatively level, however a portion of the subject property is located within the 100-year flood plain. The proposed lots within the identified flood plain shall be required to obtain flood plain development permits from the City of Keizer. Therein, based on the parcel's size and topography, there does not appear to be any physical limitation which would prohibit the proposed subdivision.

3. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.

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

4. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

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

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

5. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met:

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

- (a) The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next five (5) years, or the location of the appropriately zoned land is not locationally or physically

suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.

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

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

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

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

- C. Based on the above findings, staff concludes the proposal complies with the decision criteria for a zone change.

VI. FINDINGS – SUBDIVISION

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

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

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

SECTION 2.310.03 APPLICATION OF PUBLIC FACILITY STANDARDS

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

SECTION 2.302 - STREET STANDARDS

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 subdivision features new public streets that connect to Golden Lane via an existing lot in the adjoining subdivision. Lot 45 of Apple Tree Estates Phase 3b will be used for the construction of a new street and dedication of right of way. No additional access to other adjoining property will be proposed other than the private street to the southwest (Bowden Lane) in order to provide access to several parcels which are generally west of the subject property. An existing private roadway easement along the south side of the subject property needs to be abandoned. Prior to platting of the subdivision, all property owners currently using the private roadway shall be contacted by the developer's representative and notified that the easement will be closed and not available for use. A procedure for closing the roadway shall be submitted to the Department of Public Works for review and approval prior to the issuance of any construction permits for the development. The applicant's engineer shall provide a preliminary roadway alignment for the realignment of Bowden Lane that meets the City Street Standards for review by the Department of Public Works. An existing storm drainage system is available to serve the property. All new streets will be built to City standards, as noted by the Public Works Department in Conditions & Recommendations of this staff report. Furthermore, the Public Works Department included specific conditions of approval to ensure public convenience and safety.

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

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

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

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

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

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

15 feet. Major arterial intersections shall have curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 20 feet.

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

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

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

G. Half-Streets. Half-streets may be approved where essential to the reasonable development of an area and when the City finds it to be practical to require the dedication of the other half when the adjoining property is developed. When a $\frac{3}{4}$ width street can reasonably be developed, as determined by the Department of Public Works, a half street will be constructed with an additional 10 feet of pavement on the opposite side of the street from full improvement.

FINDINGS: All proposed public streets will be improved to full width and will be fully improved with curbs and sidewalks.

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

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

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

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

J. Grades and Curves. Grades shall not exceed 7 percent non arterials, 10 percent on collector streets or 15 percent on any other street. Street grades of 15 percent shall not exceed 200 feet in length. To provide for adequate drainage, all streets shall have a minimum slope of .5 percent. On arterials there shall be a tangent of not less than 100 feet between reversed curves.

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

2.302.04 - General Right-of-Way and Improvement Widths

The following standards are general criteria for public streets in the City of Keizer. These standards shall be the minimum requirements for all streets, except where modifications are permitted under Subsection 2.202.05.

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

2.302.05 - Modification of Right-of-Way and Improvement Width

The City, pursuant to variance approval, may allow modification to the public street standards of Subsection 2.302.04, when the following criteria are satisfied:

- A. Modification Permitted. The modification is necessary to provide design flexibility where:
 - 1. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
 - 2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 2.302.04; or
 - 3. A modification is necessary to preserve trees or other natural features determined by the City to be significant to the aesthetic character of the area; or
 - 4. The modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
- B. Vehicular Access Maintained. Modification of the standards of Section 2.302.04 shall only be approved if the City finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

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

2.302.06 - Construction Specifications

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

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

2.302.07 - Private Streets

FINDINGS: The applicant has identified the private access between Lots 14 and 15 to be a 28' access easement. The proposed access easement is to serve three existing dwellings located to the west of the subject property. These dwellings are currently served by Bowden Lane, and access easement located within the southerly 28 feet of the entire south property boundary. The applicant has developed an agreement with the property owners to vacate the access easement and to serve the dwellings through a private access way between Lots 14 and 15 as shown on the site plan.

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

2.302 - Private Access Easements

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

SECTION 2.303 - OFF-STREET PARKING AND LOADING

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

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

SECTION 2.306 - STORM DRAINAGE

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

surface water on adjacent property, or may impact any permanent natural body of water.

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

SECTION 2.307 - UTILITY LINES AND FACILITIES

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

SECTION 2.309.04(B)(7f) - GENERAL PROVISIONS

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

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

SECTION 2.310 - DEVELOPMENT STANDARDS FOR LAND DIVISIONS

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

FINDINGS: Each lot meets the 5,000 square foot minimum lot size requirement for detached single family dwellings. Lots 1 and 46 contain more than 7,000 square feet and are located on corner lots. Therefore, Lots 1 and 46 meet the minimum lot size

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

C. Lot width and depth.

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

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

D. Access.

All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. The following exceptions shall apply: residential lots or parcels, may be accessed via a private street or access easement developed in accordance with the provisions of Section 2.303 when the City finds that a public street is not necessary to provide for the future development of adjoining property.

FINDINGS: Each proposed parcel attains direct access onto proposed public streets. Access for dwellings west of the subject property (outside both the city limits and the UGB) will be attained by a private street.

E. Flag Lots.

Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be access.

The access strip shall not be less than 20 feet wide, shall be improved with a minimum 12 foot wide paved driveway and paved encroachment which meet applicable City standards. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.

FINDINGS: There are no flag lots proposed within the development.

2.310.04 Additional Design Standards for Subdivisions

A. Standards for Blocks

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

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

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

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

FINDINGS: The proposed subdivision is laid out to provide safe and convenient vehicle and pedestrian access to surrounding areas. The applicant proposes to develop public streets within the subdivision.

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

1. **Stub Streets:** Where the potential exists for additional residential development on adjacent property.
2. **Pedestrian/Bicycle Accessways:** Public accessways to provide a safe and efficient connection from a residential area to nearby residential areas, transit stops, neighborhood activity centers, including schools, parks, shopping centers, other community services and other commercial and industrial areas when such connections are not available by streets and when a pedestrian must go at least one quarter of a mile out of his or her way to make that connection using the street system.

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

2.310.06 - Improvement Requirements - Subdivisions

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

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

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

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

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

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

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

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

E. **Surface Drainage and Storm Sewer System.** Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain

unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas. Drainage shall be designed to avoid impacts on adjacent property.

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

F. Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.

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

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

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

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

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

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

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

J. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City and shall be of a type

required by City standards. Each street sign shall display the one hundred block range. Street signs shall be installed prior to obtaining building permits.

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

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

FINDINGS: This is a condition of subdivision approval and is specified in the *Recommendations and Conditions* Section within this staff report.

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

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

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

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

N. Grading and Fills. All grading which results in fills in excess of 3 feet located within the identified building envelope on a subdivision lot or parcel must be engineered.

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

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

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

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

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

VII. DEVELOPMENT CONSIDERATIONS

- A. The City Engineer and Keizer Fire District submitted a list of development requirements. The requirements are necessary to ensure public health and safety. Staff recommends these as conditions of approval.
- B. The Keizer Land Development Code requires the developer to connect to public utility services. The Ordinance also requires all utility services to be placed below ground. These requirements apply to this request. Further, the developer is responsible for all utility connection costs.
- C. The City's System Development Charge for park development is \$300.00 per single-family dwelling or duplex unit and \$200.00 for each apartment unit. These Development charges, as well as those involving the extension of sewer and water and storm drainage, will apply to this request.

VIII. RECOMMENDATION AND CONDITIONS

- A. The available evidence indicates the subdivision proposal complies with the decision criteria. Staff recommends approval of the subdivision subject to the following conditions:
 - 1. The access way between Lots 14 and 15 must be platted as a private street and meet the standards identified in Section 2.302.07 of the Keizer Development Code.
 - 2. Appropriate declaratory statements shall be recorded for Lots 14 and 15 that the private street is to serve properties located outside the jurisdiction of the City of Keizer.
 - 3. The applicant is indicating that the existing access easement to the south of the subject property (Bowden Lane) will be abandoned and the property be incorporated within the proposed development. Appropriate documents eliminating the existing easement shall be submitted to the City for review prior to submission of the proposed subdivision plat.
 - 4. Two trees must be planted for each significant tree removed, in total of 120 trees to be planted within the proposed development. A tree replacement plan must be submitted to and approved by the City indicating the location, size, and type of replacement tree proposed to be planted prior to final approval of the subdivision plat. The trees shall

be planted prior to final inspection approval for each proposed dwelling within the subdivision.

5. Flood Insurance Rate Map No. 41047C0193 G, indicates a portion of the subject property to be located within the special flood hazard area. The applicant must identify the lots within the development that are located within the 100-year flood plain. Flood plain development permits must be processed for any development located within the 100-year flood plain.
6. The applicant shall take part in a conference with the applicable public facility providers for the purpose of coordinating facility improvements. This conference shall occur prior to submitting engineering drawings. It is recommended the conference participants include the Keizer Department of Public Works, Keizer City Engineer, Keizer Fire District, City of Salem Department of Public Works (sewer), and private utility providers.
7. The applicant shall submit an engineering site plan to the Keizer Department of Public Works for its review and approval. The site plan shall include information concerning storm water detention, street improvements, easements, sewer, water and other engineering information as necessary to show compliance with Public Works development standards.
8. The applicant shall submit a detailed site plan (plat) to the Keizer Community Development Department for review and approval prior to submittal of a final plat. The detailed plan shall include the following provisions:
 - a. The plan shall substantially conform to the proposed subdivision request.
 - b. Include all engineering elements as required by the department of Public Works requirements.
 - c. Lots shall comply with all area and dimension requirements for lots within the Single Family Residential (RS) zone. The subdivision site plan shall be modified to accommodate the minimum lot size requirement for each lot prior to final plat approval.
9. Upon approval of the detailed site plan and engineering plans, the applicant shall submit a final plat for the subdivision, which conforms to the detail plan approval. The plat shall be prepared by a registered professional surveyor and conform with the requirements in ORS Chapter 92. A bond will be required by the County Surveyor for post monumentation of the subdivision plat.
10. Improvement work shall not commence until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City.

11. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
 12. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
 13. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed at a length eliminating the necessary for disturbing the street improvements when service connections are made.
 14. Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide certified as-built drawings of all public utility improvements to the City. As-built conditions and information shall be reflected on one set of Mylar base as-built drawings. The as-built drawings shall be submitted to the City Engineer by the Developer's engineer.
 15. Street names for the subdivision shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No final plat shall be released without approved street names.
 16. The preceding items shall be completed, including review and approval by the appropriate department, prior to the issuance of a building permit for any one building. These additional items shall also be completed prior to receiving a building permit:
 - a. The applicant shall apply to the City of Keizer for the creation of a Local Improvement District (L.I.D.) for street lighting. Street lighting improvements shall comply with the City regulations and requirements.
 17. All improvements required under this Section shall be competed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision.
 18. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.
- B. PUBLIC WORKS REQUIREMENTS: The following requirements are the recommended conditions of approval by the Public Works Department.

SANITARY SEWERS:

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

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer for review and determination of compliance with the City's Master Sewer Plan for the area.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
- c.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.
- d.) It will be the responsibility of the developers engineer to locate any existing wells (including on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. Any conflicts between existing wells and proposed sanitary sewers shall be removed by the developer prior to platting of the proposed subdivision.

WATER SYSTEM:

- a.) A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways. Any system development charges for water system improvements will be those in place at the time of individual service connections
- b.) Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to any issuance of building permits by the City of Keizer.
- c.) Any existing wells on the subject property are to be abandoned in accordance with the rules of the Oregon State Water Resources Department.
- d.) Location of all meters to be approved by Keizer Water Department.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) The developers engineer shall submit an overall storm drainage plan that will provide service to this development consistent with the City Master Storm Drain Plan for this area of Keizer prior to submitting street plans for approval or issuance of any permits for construction of the proposed development.
- b.) Storm water detention will be required for this site. The Department of Public Works shall determine the appropriate location and type for all detention facilities proposed. All storm water and roof drains to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces.
- c.) A grading and drainage plan shall be developed for the subject property. Details shall include adequate conveyance of storm water from adjacent property across the subject property. This plan shall be submitted and approved by the Department of Public Works prior to the issuance of any permits for street or storm drainage for the subject property.

OTHER

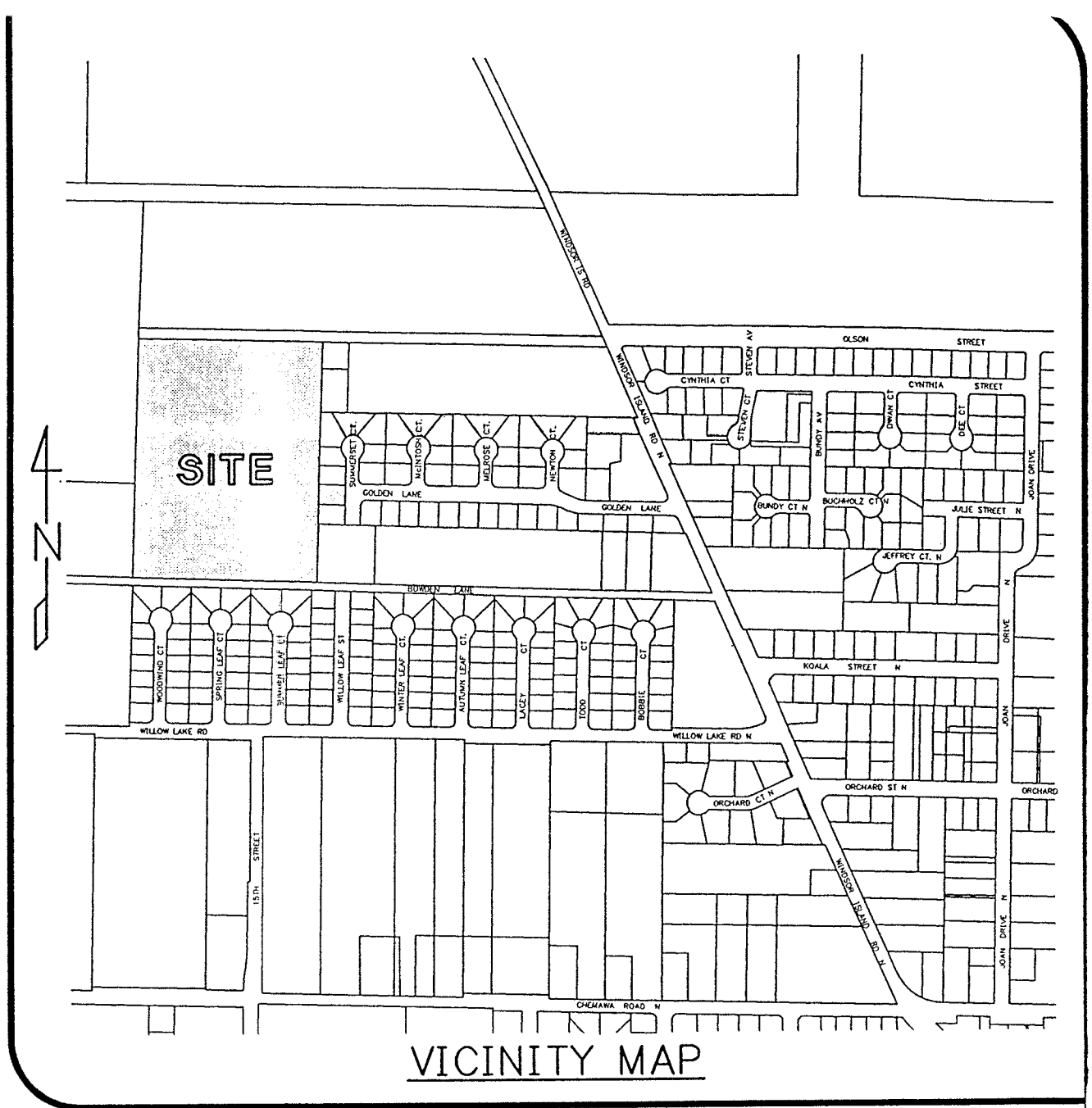
- a.) A street lighting district shall be created to provide for adequate street lights along the frontage of proposed new lots.
- b.) Construction permits are required by the Department of Public Works prior to any public facility construction.

Contact Scott Peterson at the City Engineer's office at 390-7402 for the necessary permit information that is required.

- c.) 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.
 - d.) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
 - e.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the city.
- C. No building or development permit shall be issued, and no subdivision or partition plat shall be recorded until the Dual Interest Area Agreement has been amended to exclude the subject property.

ER
EN

9



VICINITY MAP

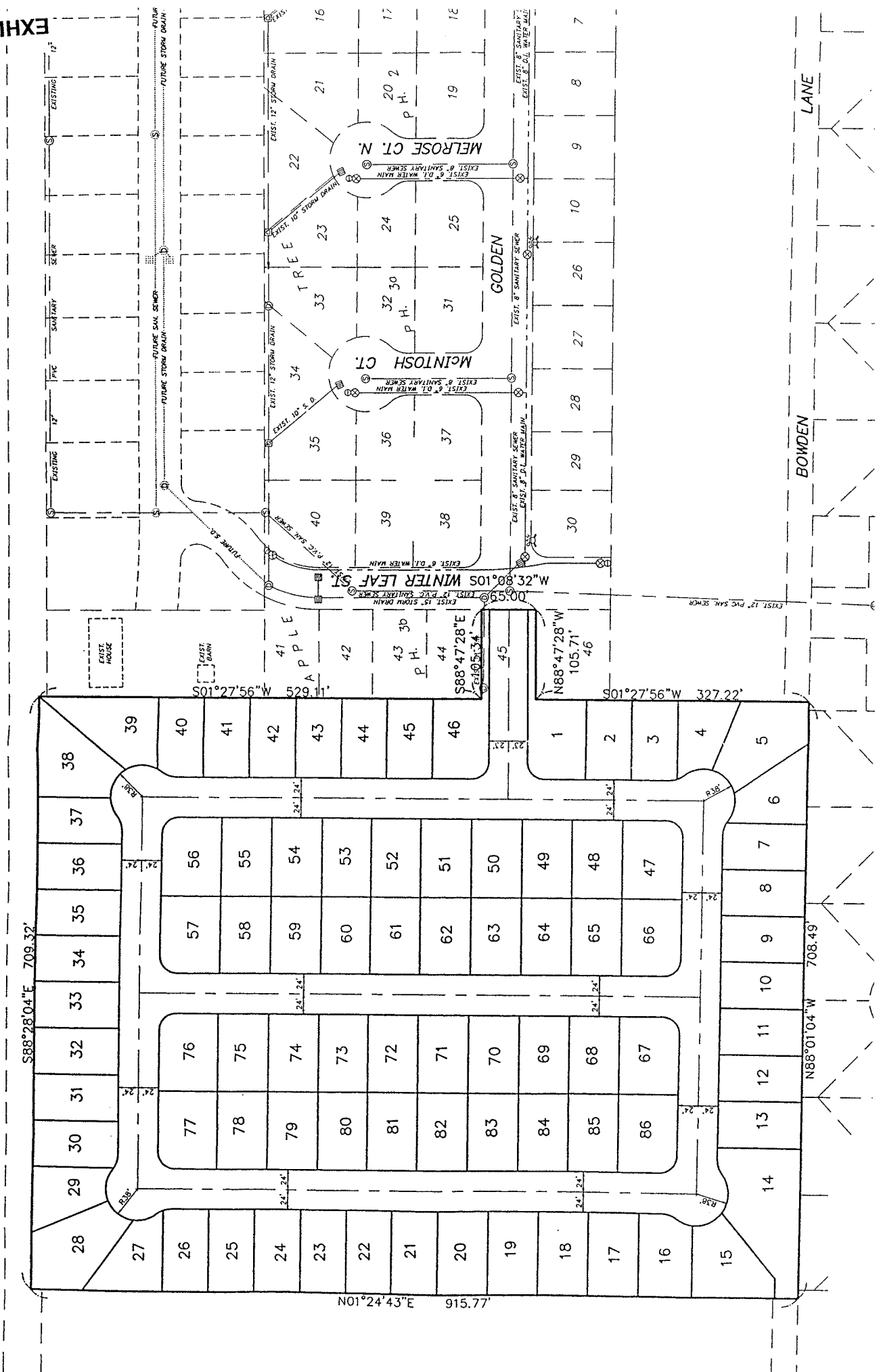
L SIZE:
 OPABLE AREA _____ 15.11 AC.
 ER OF UNITS _____ 86
 TY _____ 5.69 UNITS/ACRE
 ST LOT _____ 12,431 SQ. FT.
 EST LOT _____ 5,150 SQ. FT.
 AGE _____ 5,865 SQ. FT.

IES:
 _____ T.C.I.
 _____ P.G.E.
 _____ QUEST COMMUNICATIONS
 _____ NW NATURAL GAS

PRINTED

OCT 06 2000

EXHIBIT A





November 6, 2000

AGENDA ITEM 7a

RESOLUTION – INTIATION OF VACATION OF RIGHT-OF-
WAY/WALKWAY NEAR JANET AVE/CHEMAWA ROAD

CITY COUNCIL MEETING: November 6, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

SUBJECT: *INITIATION OF VACATION PROCESS FOR JANET AVENUE/CHEMAWA ROAD WALKWAY*

During development of the new commercial retail building between Baker Square and the Keizer Mower and Saw shop, City staff became aware of an unused six-foot wide right-of-way (walkway). (See attached map.) It may be appropriate to visit the issue of vacating such walkway if it appears that the public interest will not be prejudiced by such vacation.

The vacation statutes indicate that in a case such as this title to the vacated right-of-way would vest in the adjoining property owners. In this case, it would be the Baker Square owners, and the owners of the adjoining new building.

RECOMMENDATION:

Adopt the attached Resolution initiating the vacation process and setting the matter for a public hearing.

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

ESJ/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2000-_____

3 INITIATING VACATION PROCESS FOR RIGHT-OF-WAY (WALKWAY)
4 BETWEEN JANET AVENUE AND CHEMAWA ROAD NORTH

5 WHEREAS, there exists a six-foot wide right-of-way (walkway) adjacent to Tax Lots
6 3900, 5400 and 4100 running from Chemawa Road to Janet Avenue;

7 WHEREAS, the City Council wishes to consider whether it is appropriate to vacate
8 such walkway;

9 WHEREAS, the City Council is authorized by ORS 271.130 to initiate vacation
10 proceedings on the Council's own motion;

11 NOW, THEREFORE,

12 BE IT RESOLVED that the City Council of the City of Keizer hereby initiates the
13 vacation process as provided in ORS 271.130 for that portion of the undeveloped right-of-
14 way (walkway) between Janet Avenue and Chemawa Road North;

15 BE IT FURTHER RESOLVED that this matter be set for public hearing as set forth
16 in state statute to be held on December 4, 2000;

17 ///

18 ///

19 ///

20 ///

1 BE IT FURTHER RESOLVED that the City Recorder is directed to provide notice
2 of such hearing in the manner set forth in ORS 271.110.

3 PASSED this _____ day of _____, 2000.

4 SIGNED this _____ day of _____, 2000.

5 _____
6 Mayor

7 _____
8 City Recorder

NOLEST

WOLF'S SUBDIVISION

SEC. 283 T7S. R3 WMM CL. 37

SURVEYOR'S CERTIFICATE

State of Oregon | SS
County of Marion |
I, David F. Bates, being first duly sworn, depose and say that I have surveyed and marked with monuments the land herein shown as Wolf's Subdivision which is described as follows:

Beginning on the North line of the U.S. River Donation Land Claim No. 37 in Township 7 South Range 3 West of the Meridian the division in Marion County Oregon of a point which is 5500 feet N89°04' W from the Northwest corner of the said Claim 37 at 414.37 feet; thence S89°04' E parallel to the East line of the said Claim 37 540.02 feet to the East line of the said Claim 37 136.50 feet; thence N89°34' W 1164.54 feet; thence N0°02' W 537.78 feet; thence N89°18' E 555.55 feet to the North line of the said Claim 37; thence S89°04' E 594.45 feet to the place of beginning and containing 1275 acres of land.

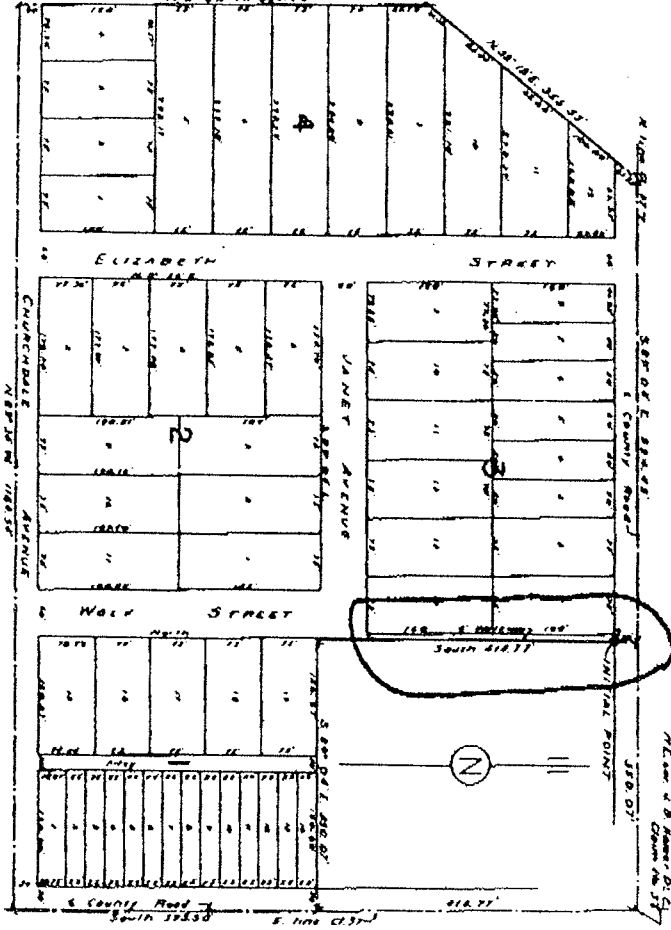
This Initial Point is a section of gravelized iron pipe 36 inches long and 2 inches in diameter set 6 inches below the surface of the ground at a point which is 350.07 feet N89°04' W and 30 feet South from the Northwest corner of the said Claim 37.

DAVID F. BATES
SURVEYOR

DAVID F. BATES
SURVEYOR

Subscribed and sworn to before me this 11th day of March, 1942.

DAVID F. BATES
SURVEYOR



DEDICATION

KNOW ALL MEN BY THESE PRESENTS That we, Donald B. Wolf and Adeline G. Wolf, his wife, being the owners of the land described in the Surveyor's Certificate herein made and doing to dispose of same to said State, have caused the same to be surveyed and platted. The same is to be known as Wolf's Subdivision.

We hereby dedicate to the public use, forever, the streets and alleys shown on the map and shown in the within plat. We hereby certify that all taxes and assessments levied against said land have been paid.

In witness whereof, we have hereunto set our hands and seals this 11th day of March, 1942.

Donald B. Wolf
Adeline G. Wolf

Done in the presence of:
John C. Williams

John C. Williams
State of Oregon | SS
County of Marion |

On this 11th day of March, 1942, personally came before me a Notary Public in and for said County and State, the within named Donald B. Wolf and Adeline G. Wolf, his wife, to me personally known to be the identical persons named in and who executed the above instrument; and who personally acknowledged to me that they received the same freely and voluntarily for the uses and purposes therein named and without fear or compulsion from anyone.

Witness my hand and seal this 11th day of March, 1942.

John C. Williams
Notary Public for Oregon
My commission expires March 11, 1944

FILED RECORDS
MAR 24 1942
NOTARY PUBLIC
COUNTY OF MARION
STATE OF OREGON



November 6, 2000

AGENDA ITEM 7b

RESOLUTION – INITIATION OF VACATION FOR PROPERTY NEAR
LOCKHAVEN/TRAIL AVENUE

CITY COUNCIL MEETING: November 6, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY *ESJ*

SUBJECT: *INITIATION OF VACATION PROCEEDINGS FOR UNUSED TRAIL AVENUE RIGHT-OF-WAY ADJACENT TO LOCKHAVEN DRIVE*

Clyde and Cindy Aspinwall have approached the City and requested that the City consider initiating the vacation procedure for an unused portion of the Trail Avenue right-of-way. See attached map. The subject property was a portion of the old Trail Avenue right-of-way. Sometime ago, Trail Avenue was realigned to make the intersection at Lockhaven a "T" intersection instead of "Y" intersection. In the course of such realignment, the old right-of-way became unnecessary. It is our understanding that Mr. Aspinwall wishes to have the vacation process go forward in order that he may have more useable lot space for expansion of the small structure currently serving as a fruit stand business.

It is further our understanding that Mr. Aspinwall attempted to accomplish the vacation through the petition process, but was unable to do so when an abutting property owner refused to give their consent.

ORS 271.130 allows for the initiation of the vacation process on the Council's own motion. Therefore, I have prepared the attached resolution for Council's consideration.

There had been discussion at a previous Council meeting in which the Council expressed interest in having Mr. Aspinwall pay the costs of the vacation, something that is not commonly done for a Council-initiated vacation process. However, due to the unique nature of this vacation request, there was interest in the Council in considering that issue. Therefore, I have added a clause in the resolution to that effect for the Council's consideration.

RECOMMENDATION:

Consider the attached Resolution and direct staff to take the appropriate action. Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2000-_____

3 INITIATING VACATION PROCESS FOR A PORTION OF TRAIL
4 AVENUE RIGHT-OF-WAY ADJACENT TO LOCKHAVEN DRIVE

5 WHEREAS, Clyde and Cynthia Aspinwall has requested that the City of Keizer
6 initiate the vacation process for an unused portion of the Trail Avenue right-of-way adjacent
7 to Lockhaven Drive and the Aspinwall property;

8 WHEREAS, it is appropriate for the Council to consider the matter at public hearing
9 as called for in the state vacation statutes;

10 WHEREAS, the City Council is authorized by ORS 271.130 to initiate vacation
11 proceedings on the Council's own motion;

12 NOW, THEREFORE,

13 BE IT RESOLVED that the City Council of the City of Keizer hereby initiates the
14 vacation process as provided in ORS 271.130 for that unused portion of the Trail Avenue
15 right-of-way adjacent to Lockhaven Drive;

16 BE IT FURTHER RESOLVED that Clyde and Cindy Aspinwall shall reimburse the
17 City of Keizer for all reasonable expenses incurred by the City in this matter, including, but
18 not limited to publication costs, engineering fees and attorney fees;

19 BE IT FURTHER RESOLVED that this matter be set for public hearing as set forth
20 in state statute to be held on December 4, 2000;

1 BE IT FURTHER RESOLVED that the City Recorder is directed to provide notice
2 of such hearing in the manner set forth in ORS 271.110.

3 PASSED this _____ day of _____, 2000.

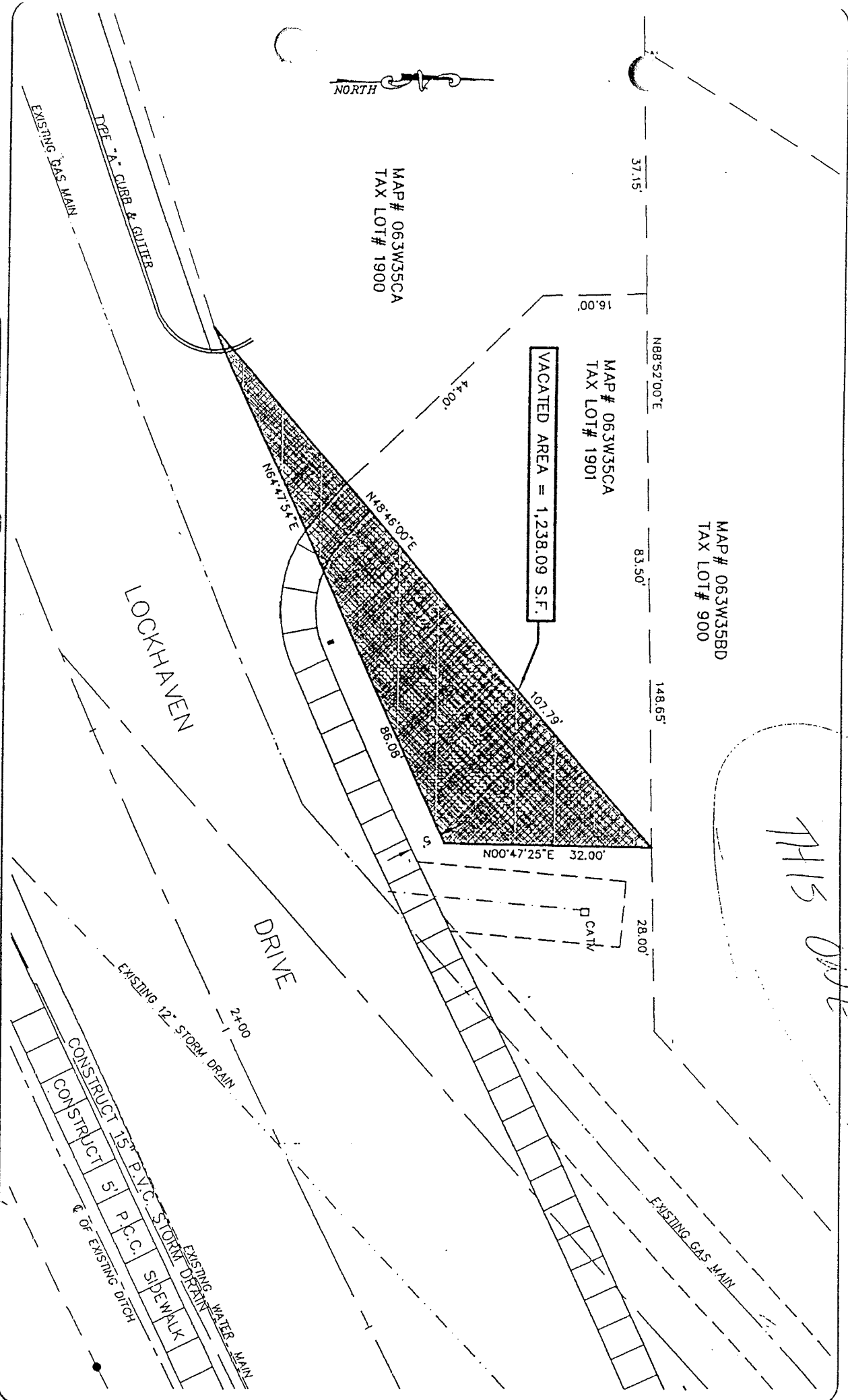
4 SIGNED this _____ day of _____, 2000.

5 _____
6 Mayor

7 _____
8 City Recorder

10° CURVE ASPENWAL

GO WITH THIS DUE



MAP# 063W35CA
TAX LOT# 1900

MAP# 063W35CA
TAX LOT# 1901

MAP# 063W35BD
TAX LOT# 900

WILLIAM I. PETERSON
ENGINEERING CONSULTANTS INC.

NOT FOR
CONSTRUCTION
UNTIL 5' AMENDED
APPROVED



NO DIMENSIONS OR NOTATIONS
SHOWN ON THIS DRAWING ARE
TO BE USED FOR CONSTRUCTION
OR FOR ANY OTHER PURPOSE.
ALL DIMENSIONS SHALL BE
AS SHOWN ON THIS DRAWING.

Design: J.L.P.
Drawn: J.L.P.
Date: 1/1/11
Scale: AS SHOWN
APP. DATE: _____



City of Kelso
1234567890

ASPENWAL VACATION

Drawing Number
0481
Sheet Number
1 of 1



November 6, 2000

AGENDA ITEM 7C

RESOLUTION – INITIATION OF VACATION OF RIGHT OF WAY
NEAR RADIANT DRIVE

CITY COUNCIL MEETING: November 6, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

SUBJECT: *INITIATION OF OLD RADIANT DRIVE VACATION PROCEEDINGS*

When the Keizer stadium project went forward, a portion of Radiant Drive was realigned to allow construction of the ball park. Because of concerns regarding condemnation proceedings and other matters, the vacation of the old portion of Radiant Drive through the stadium area was postponed.

There has been no real pressure to finish the vacation process other than the tax assessor's office feels it would be clearer if such vacation was completed. Therefore, I have drafted a resolution to initiate such vacation process.

RECOMMENDATION:

Adopt the attached Resolution initiating the vacation process and setting the matter for a hearing.

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

ESJ/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2000-_____

3 INITIATING VACATION PROCESS FOR A PORTION OF
4 THE OLD RADIANT DRIVE RIGHT-OF-WAY

5 WHEREAS, during construction of the stadium in 1997 Radiant Drive was realigned;

6 WHEREAS, upon conclusion of any condemnation litigation and finalization of the
7 new road it is unnecessary to have the old portion of Radiant Drive listed as right-of-way;

8 WHEREAS, the City Council is authorized by ORS 271.130 to initiate vacation
9 proceedings on the Council's own motion;

10 NOW, THEREFORE,

11 BE IT RESOLVED that the City Council of the City of Keizer hereby initiates the
12 vacation process as provided in ORS 271.130 for that portion of the old Radiant Drive right-
13 of-way as set forth in Exhibits "A" and "B" and by this reference incorporated herein;

14 BE IT FURTHER RESOLVED that this matter be set for public hearing as set forth
15 in state statute to be held on December 4, 2000;

16 ///

17 ///

18 ///

19 ///

20 ///

1 BE IT FURTHER RESOLVED that the City Recorder is directed to provide notice
2 of such hearing in the manner set forth in ORS 271.110.

3 PASSED this _____ day of _____, 2000.

4 SIGNED this _____ day of _____, 2000.

5

6

Mayor

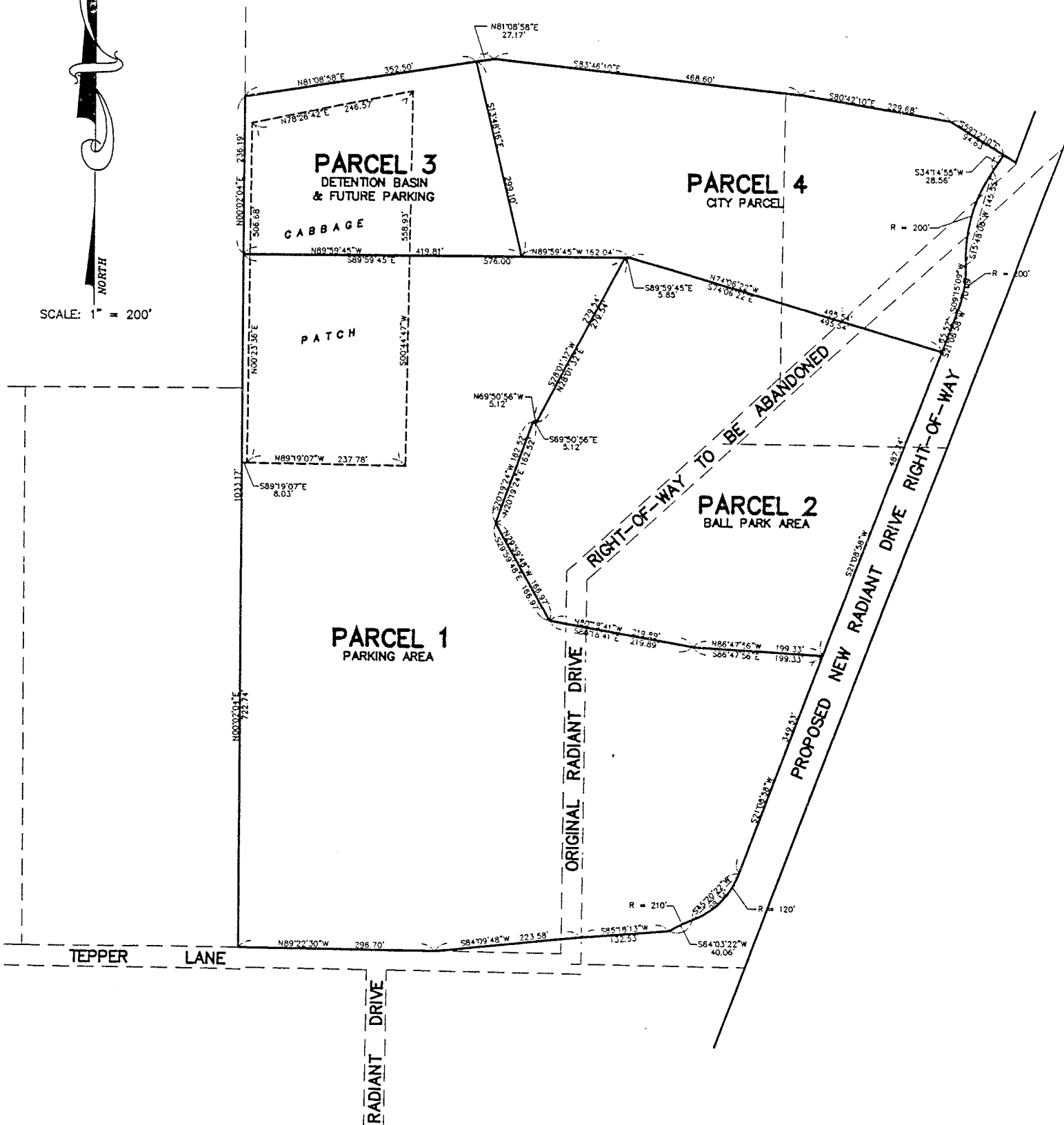
7

8

City Recorder



SCALE: 1" = 200'





DAVID EVANS AND ASSOCIATES, INC.

WIPE0005
ERC
3/10/97

2828 SW Corbett Avenue

Portland, Oregon 97201

Tel: 503.223.6663

Fax: 503.223.2701

VACATION OF A PORTION OF RADIANT DRIVE

To Be Vacated

All of that portion of Radiant Drive (County Road 616 / 6103) on each side of the following described centerline:

Beginning at a point on the south line of and North 89° 22' 30" West 1,137.35 feet from the southeast corner of Section 25, Township 6 South, Range 3 West, Willamette Meridian, Marion County, Oregon; and running thence North 00° 26' 50" East 579.45 feet to a 1/2 inch iron pipe; thence North 47° 47' 50" East 911.46 feet to the south bank of the Lake Labish Drainage Ditch.

ERC:DEA, Inc.
3/10/97

o:\project\w\wipe0005\vacate.doc



November 6, 2000

AGENDA ITEM 7d

**RESOLUTION – AUTHORIZING THE CITY MANAGER TO ENTER
INTERGOVERNMENTAL AGREEMENT FOR MARION COUNTY REGIONAL
DRUG ENFORCEMENT TASK FORCE**

COUNCIL MEETING: November 6, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCILOR MEMBERS

THROUGH: CHRIS C. EPPLEY
CITY MANAGER

FROM: H. MARC ADAMS
CHIEF OF POLICE

SUBJECT: INTERGOVERNMENTAL AGREEMENT FOR MARION COUNTY AREA
GANG AND NARCOTICS ENFORCEMENT (MAGNET) TASK FORCE

ISSUE:

Early this evening the Council was given a presentation on the newly formed Marion County Area Gang and Narcotics Enforcement Task Force. As a member of this interagency task force, the Keizer Police Department will agree to provide one police officer to this team for as long as we are willing and able to participate. The full agreement is attached to the Resolution.

RECOMMENDATION:

It is recommended the City Council adopt the attached Resolution Authorizing the City Manager to Enter Into Intergovernmental Agreement for Marion County Area Gang and Narcotics Enforcement (Magnet) Task Force.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2000-_____

**AUTHORIZING THE CITY MANAGER TO ENTER INTO INTERGOVERNMENTAL
AGREEMENT FOR MARION COUNTY AREA GANG AND NARCOTICS
ENFORCEMENT (MAGNET) TASK FORCE**

WHEREAS, the City of Keizer has been asked to join other public safety agencies in participating in the Marion County Area Gang and Narcotics Enforcement Task Force;

WHEREAS, this task force was established to enhance response to increased drug abuse and drug trafficking throughout the region. These coordinated efforts will focus on drug related crimes and violence at the street level, drug houses, with gangs, and upper level organized drug trafficking organizations. ; NOW, THEREFORE

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby authorized to enter into the Intergovernmental Agreement, a copy of which is attached as Exhibit "A", with other agencies to participate in the Marion County Area Gang and Narcotics Enforcement Team, subject to the guidelines as set forth in the agreement.

PASSED this _____ day of _____, 2000.

SIGNED this _____ day of _____, 2000.

Mayor

City Recorder

Partnership Agreement
Marion County Area Gang and
Narcotics Enforcement Task Force (MAGNET)

This Interagency "Partnership Agreement" is between Law Enforcement Agencies in Marion County, Oregon pursuant to ORS 190.

This Agreement is made for the purpose of securing to each party the benefits of mutual assistance in addressing common problems and goals specifically related to the enforcement of state and federal drug laws; and is made under the authority and in consideration of the provisions of ORS 190.003 to 190.110.

1. Problem Statement

Marion County and its municipalities have a serious problem of drug related crime and violence. The 2000 drug abuse trends in Oregon suggest that at least one in nine people are in need of treatment for drug or alcohol problems. This is up from one in 16 people since 1995. Alcohol abuse has declined by 26 % over the same time period while illegal drug abuse has increased by 232% (Per Oregon Department of Human Services May, 2000).

Drug abusers commit a significant number of major crimes, such as residential and commercial burglary, robbery, and assault. Drug abuse dramatically impacts the safety and livability of our neighborhoods.

Illegal drug use and its consequences, including crime, permeate every corner of our society, afflicting inner cities, affluent suburbs, and rural communities. Seventy-three percent of drug users in America are employed.

No single solution or entity can suffice to deal with the multifaceted challenge of drug abuse. To protect our citizens, communities, and especially our children, the 1999 National Drug Control Strategy recommends a cooperative partnership and holistic approach involving all individuals, organizations, and groups of our society in education, prevention, treatment, and enforcement activities to reduce both the demand for and supply of illegal drugs.

Drug Trafficking Organizations are multi-jurisdictional with no respect for law enforcement jurisdictional boundaries. Cooperation between law enforcement agencies and the exchange of criminal information is essential to counter these organizations.

Forming a Regional Gang and Narcotics Enforcement Task Force in Marion County enables individual law enforcement agencies to:

- Enhance the impact of law enforcement efforts on community safety and livability,
- Leverage short agency resources,
- Coordinate federal, state, and local counterdrug efforts regionally,
- Destroy and dismantle drug trafficking organizations operating in Marion County,
- Overcome single agency enforcement constraints,

- Enhance officer safety and tactics,
- Share specialized agency and personnel resources, skills, talents, and experience,
- Share specialized equipment and criminal intelligence,

2. Task Force Mission:

The Mission of the Marion County Area Gang and Narcotics Enforcement Task Force (MAGNET) is to enhance community safety and livability by implementing a comprehensive community response strategy to the threat of drug related crimes and violence.

3. Task Force Goals

- 3.1. To reduce the impact of illegal drugs on Marion County residents, communities, and neighborhoods by coordinating and leveraging all Marion County community and government resources.
- 3.2. To enhance coordination of counterdrug and crime reduction efforts in Marion County.
- 3.3. To measurably reduce drug trafficking by prosecuting, disrupting, and dismantling drug trafficking organizations and individuals that are involved in drug manufacture, transportation, and/or distribution in, and through, Marion County.
- 3.4. To enhance law enforcement coordination, training, and deconfliction for criminal enforcement, intelligence exchange, interdiction, and investigative activities.
- 3.5. To support and participate in drug problem solving, prevention, and intervention strategies.
- 3.6. To prosecute, inhibit, and interdict illegal money laundering activities by drug trafficking organizations.
- 3.7. To strategically respond to the drug threat to residents by coordinating, maximizing, and leveraging law enforcement counter drug resources in Marion County.
- 3.8. To increase the exchange of narcotics intelligence between the Oregon HIDTA Investigative Support Center, drug task forces, and other law enforcement agencies.
- 3.9. To seize assets that are the proceeds from illegal drug distribution.
- 3.10. To leverage and coordinate offender custody and supervision resources in order to hold offenders accountable and promote public safety.

4. MAGNET Strategy

Federal Law Enforcement Agencies (ATF, DEA, FBI, INS, IRS, USA, USCS, etc.):

To enforce the controlled substances laws and regulations of the United States and to bring to the criminal and civil justice system of the United States or any other competent jurisdiction, those organizations, and principal members of organizations, involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

Mid/Upper Level Drug Investigations and Enforcement:

To measurably reduce drug trafficking by investigating, prosecuting, disrupting, and dismantling drug trafficking organizations and individuals that are involved in drug manufacture, transportation, and/or distribution in, and through, Marion County.

Street Crimes Reduction:

To enhance the livability and safety of Marion County streets and neighborhoods by:

- Eliminating or displacing visible street level drug, prostitution, or other criminal activity
- Enforcing all laws as they apply to visible street level drug, prostitution, or other criminal activity
- Utilizing non-traditional law enforcement methods and resources in partnership with residents to assist them in maintaining the livability of their neighborhoods
- Reporting suspect information to the Oregon Criminal Intelligence Unit
- Coordinating drug activities with the Mid/Upper level Task Force, and Federal Agencies as appropriate.

Gang Related Crimes:

To enhance the livability and safety of Marion County streets and neighborhoods by:

- Eliminating or displacing visible street level gang activity
- Enforcing all criminal and civil laws as they apply to illegal gang activity.
- Utilizing non-traditional law enforcement methods and resources in partnership with residents to assist them in maintaining the livability of their neighborhoods
- Reporting suspect information to the Oregon Criminal Intelligence Unit
- Coordinating drug related activities with the Street Crimes Task Force, Mid/Upper level Task Force, and Federal Agencies as appropriate.

5. Purpose

The purpose of this Partnership Agreement is to memorialize the participating agencies agreement regarding operational and program requirements and partnership expectations.

6. Cooperation

Each participating agency assumes an obligation of good faith cooperation to provide all reasonable assistance and resources to and with other participating agencies in implementing the purposes of this Partnership Agreement. Issues or problems that arise will be promptly brought to the attention of the MAGNET Policy Board or to the MAGNET Operations Committee.

7. Duration

This Partnership Agreement will enter into full force and effect as to each participating agency upon the signature of that agency's chief executive, or designee, and will continue in effect until terminated. This Partnership Agreement may be modified by mutual consent of the parties hereto at any time prior to its termination.

8. Termination of Agreement

Any party may withdraw from this Partnership Agreement at any time by giving 30 days prior written notice to the other parties of its intent to withdraw from the Partnership Agreement. Upon withdrawal or termination of this agreement, each Law Enforcement Agency (LEA) will deliver acquired Task Force equipment to a MAGNET Commander for disposition within the active participating agencies.

9. Agency Liability

For purposes of this partnership it is understood that each participating agency is responsible for liability issues resulting from the actions of its own officers and employees.

To the extent permitted by Article XI, Section 7 of the Oregon Constitution and by the Oregon Tort Claims Act, the Regional Drug Enforcement Policy Board members shall defend, save, hold harmless and indemnify each other party and such parties' officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever arising from, arising out of, or relating to activities of the indemnifying party or its officers, employees, subcontractors or agents under this Agreement.

10. MAGNET Policy Board

The administrators of each participating law enforcement agency must be responsive to their respective governing bodies and the citizens of their communities. To assure that the activities of MAGNET are appropriately coordinated and responsive to community needs, the parties to this agreement hereby create a MAGNET Policy Board. The Board will consist of the chief administrator of the law enforcement agency of each participant, or the designee of any administrator in that administrator's absence. The Board will meet quarterly, or more

frequently, at a time and place set by the Board Chair. The MAGNET Policy Board shall quarterly review drug impact data for Marion County and the communities therein, develop and approve drug enforcement policies, and review the overall implementation of those policies.

- 10.1. It is agreed that critical to the success of this joint law enforcement Partnership Agreement is a shared management system committed to directing, leveraging, and fairly administering limited law enforcement resources in order to maximize regional impact.
- 10.2. It is agreed that the MAGNET Policy Board will elect a chairperson and vice-chair for a term of one year. The chairperson shall be responsible for keeping parties to the Partnership Agreement informed on all matters relating to the function, expenditures, accomplishments, and problems of the Task Force. A new election will occur each year during September.
- 10.3. It is agreed that each member of the MAGNET Policy Board shall have one vote.
- 10.4. It is agreed that overall direction of the MAGNET Policy Board is shared equally by the participating law enforcement agencies, and all decisions regarding policies, operations, and administration must be approved by a majority of the parties to this agreement.

11. MAGNET Operations Committee

The MAGNET Policy Board shall establish an Operations Sub-Committee which will meet with the MAGNET supervisors and managers (DEA, MAGNET Commanders/Supervisors) every month, or more often as necessary, to be briefed on current cases and current County-wide requests for assistance. The MAGNET Operations Committee will assist MAGNET Commanders/Supervisors with decisions regarding responses to requests for assistance, problem solving, implementation of Policy Board policies and timely, fair resource allocation. The MAGNET Operations Sub-Committee will consist of a Policy Board member, or their designee, from the following agencies: The District Attorney, each law enforcement agency contributing a full time officer/investigator to MAGNET, one other Marion County Police Department (on one year rotational basis), and a federal agency (on a one year rotational basis). The HIDTA Investigative Support Center will provide intelligence support to this committee regarding trends and activities impacting Marion County.

- 11.1. The MAGNET Operations Committee is to serve as the critical operations coordination and communications link for the MAGNET Policy Board.
- 11.2. It is understood that, with limited regional drug enforcement resources, MAGNET services cannot be responsive to every problem that arises in each jurisdiction. MAGNET commanders/supervisors and the Operations Committee will endeavor to be responsive to each agency's needs on an equitable and reasonable basis considering the law enforcement resources available, agency participation in MAGNET, and the overall impact on illegal drug trafficking in Marion County.

- 11.3. The Operations Committee will report to the full MAGNET Policy Board regarding MAGNET activities and any issues that relate to the successful achievement of Task Force goals and implementation of regional policies.
- 11.4. The MAGNET Operations Committee will make decisions based upon a majority of committee members available.
- 11.5. Law enforcement agencies in Marion County can submit requests for MAGNET services to the appropriate MAGNET commander/supervisor or directly to the MAGNET Operations Committee. Responses to requests will be provided in all cases. Requests should be in writing if possible (e-mail, or fax are also good).

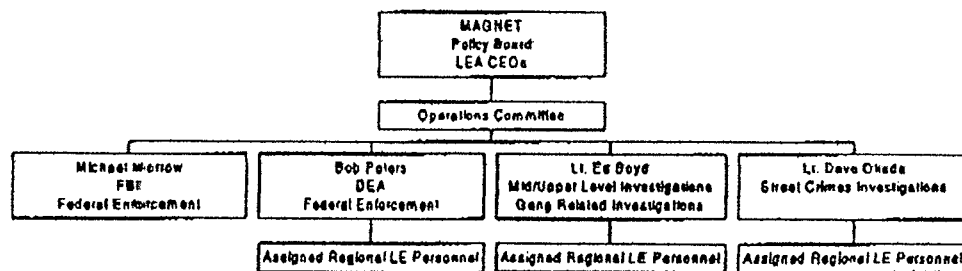
12. Task Force Personnel Assignments

It is critical that the core supervisory and investigative staff for MAGNET be experienced representatives of the participating agencies in Marion County. Management, supervision, and staff should rotate amongst the participating agencies. The minimum rotation assignment to a Task Force should be for a minimum of two years to promote continuity and for operational effectiveness. Part-time and case-by-case assignment to MAGNET is encouraged as well.

Good faith efforts will be made to provide enforcement services and communications to all regional law enforcement agencies whether or not the agencies are able to assign personnel to MAGNET.

13. MAGNET Structure

Marion County Gang and Narcotics Enforcement Task Force



Personnel Commitments:

Key:

X # FT (Full-Time)
X # PT (Part-Time)
CC (Case by Case)
PB (Policy Board Only)

PB	Aumsville PD Investigator
PB	Aurora PD Investigator
1 FT	DEA Agents
.5 PT	DOJ/HIDTA - Staff Support
1 FT	DOJ/HIDTA Crime Analyst at (ISC)
1 FT	FBI Agents
PB	Gervais Police Department
PB	Hubbard PD Investigators
1 FT	Keizer PD Investigators
PB	Marion County District Attorney
3 FT	Marion County Deputy District Attorneys
1 FT	Marion County Sheriff Lieutenant
7 FT	Marion County Sheriff Deputies
4 FT	Marion County Sheriff Parole/Prob.
2 FT	Marion County Sheriff Corrections Dep.
PB	Mt. Angel PD
.5 PT	Oregon National Guard
3 FT	Oregon State Police
.5 PT	Oregon State Police
1 FT	Salem Police Dept. Lieutenant
3 FT	Salem Police Dept. Sergeants
12 FT	Salem Police Dept. Investigators
1 FT	Salem Police Dept. Staff Assistant
.5 PT	Silverton PD Investigators
PB/CC	Stayton PD Investigators
PB	Turner PD Investigators
1 FT	Woodburn PD Investigators
_____	Polk County LEA Investigators
_____	Linn County LEA Investigators
_____	Lincoln County LEA Investigators
44 FTE	Total

14. Asset Seizure, Forfeiture, and Sharing

General Guidelines

The seizure, forfeiture, and sharing of the illegal proceeds of drug trafficking from drug trafficking suspects will always be in accordance with law and the following guidelines:

- I. Law enforcement is the principal objective of forfeiture. Potential revenue must not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations, or the due process rights of citizens.
- II. No prosecutor's or sworn law enforcement officer's employment or salary shall be made to depend upon the level of seizures or forfeitures he or she achieves.
- III. Whenever practicable, and in all cases involving real property, a judicial finding of probable cause shall be secured when property is seized for forfeiture. Seizing agencies shall strictly comply with all applicable legal requirements governing seizure practice and procedure.
- IV. If no judicial finding of probable cause is secured, the seizure shall be approved in writing by a prosecuting or agency attorney or by a supervisory-level official.
- V. Seizing entities shall have a manual detailing the statutory grounds for forfeiture and all applicable policies and procedures.
- VI. The manual shall include procedures for prompt notice to interest holders, the expeditious release of seized property where appropriate, and the prompt resolution of claims of innocent ownership.
- VII. Seizing entities retaining forfeited property for official law enforcement use shall ensure that the property is subject to internal controls consistent with those applicable to property acquired through the normal appropriations processes of that entity.
- VIII. Unless otherwise provided by law, forfeiture proceeds shall be maintained in a separate fund or account subject to appropriate accounting controls and annual financial audits of all deposits and expenditures.
- IX. Seizing agencies shall strive to ensure that seized property is protected and its value preserved.
- X. Seizing entities shall avoid any appearance of impropriety in the sale or acquisition of forfeited property.

Disbursement of Forfeited property and funds

Unless otherwise provided by law, MAGNET forfeiture proceeds shall be maintained in a separate Trust Fund by a participating agency in an account subject to appropriate accounting controls and annual financial audits of all deposits and expenditures. The MAGNET Policy Board shall designate a participating agency to act as fiscal agent for this fund.

General Guidelines:

Patrol Seizures – Assets seized during patrol stops should be the responsibility of the officer and agency involved. Seizure and forfeiture proceedings will normally be the responsibility of the patrol officer's agency. Exceptions to this can be made on a case-by-case basis as noted below in the Special Provisions section.

MAGNET Seizures – Forfeitures of cash, real property proceeds, and personal property proceeds resulting from MAGNET cases will be accumulated in the Trust Fund. These funds will be disbursed to participating agencies at periodic intervals as determined by the MAGNET Policy Board.

Disbursed funds will be equitably shared by participating agencies after all expenses have been deducted. Expenses may include but are not limited to publishing costs, District Attorney, Forfeiture Counsel, Illegal Drug Clean-up Fund, and Asset Forfeiture Oversight Advisory Committee. The lead agency on the particular case will select the forfeiture attorney to be used.

Disbursements – Disbursements from the forfeiture Trust Fund will be made periodically at the discretion of the MAGNET Policy Board. Pending disbursements will be announced to all MAGNET Policy Board agencies and other appropriate agencies 30 days prior to a Policy Board disbursement vote. Disbursement sharing to participating agencies should be equitable and fair based upon agency participation. The primary formula for disbursements will be: One share of designated available funds for each agency officer, investigator, or prosecutor assigned full time at a designated MAGNET site for at least one month prior to the disbursement vote.

Exceptions to this formula may be granted by vote of the MAGNET Policy Board for non-collocated officers/investigators/prosecutors based upon their participation and/or contributions to task force cases. A specific written exception request and justification must be submitted after the announcement of a pending disbursement. A majority vote of the MAGNET Policy Board is required for all exceptions and all Trust Fund Disbursements.

In the event that MAGNET is dissolved, the above listed procedures will be utilized for disbursement of the forfeiture Trust Fund balance.

Special Provisions – It is recognized that drug investigations often involve the cooperation and assistance of many agencies and their officers. In cases where an agency with no assigned personnel on MAGNET has contributed to the successful resolution of a drug case

involving the seizure and forfeiture of assets, that agency may request, through the exception process, a portion of the forfeited assets from the MAGNET Policy Board.

15. MAGNET Media Policy

Because MAGNET is a joint partnership effort on the part of all law enforcement agencies in Marion County, all media or press coverage, or press releases, regarding Task Force related activities must refer generically to the Multi-Agency Marion County Area Gang and Narcotics Enforcement Task Force or MAGNET rather than any specific MAGNET Policy Board agency. If cases are done in conjunction with non-Policy Board law enforcement agencies they should be included in the media credits.

The spirit of this section is for MAGNET command to make every effort to share the credit for Task Force efforts with all law enforcement agencies in Marion County and avoid, as much as possible, exclusive credit to a single agency. It is recognized however; that often the press will print or report news stories the way they wish regardless of how press releases, or press conferences are prepared.

16. Severability

If any section of the agreement is found to be void, the remaining sections shall remain in full force until terminated pursuant to this agreement.

IN WITNESS THEREOF, this Partnership Agreement is duly executed on the date written below.

Signatures of Agency Executives

Date

_____	Aumsville Police Department
_____	Aurora Police Department
_____	DEA
_____	DOJ/HIDTA
_____	FBI
_____	Gervais Police Department
_____	Hubbard Police Department
_____	Keizer Police Department
_____	Marion County District Attorney
_____	Marion County Sheriff

IN WITNESS THEREOF, this Partnership Agreement is duly executed on the date written below.

Mt. Angel Police Department

Oregon National Guard

Oregon State Police

Salem Police Department

Silverton Police Department

Stayton Police Department

Turner Police Department

Woodburn Police Department



November 6, 2000

AGENDA ITEM 8a

RESOLUTION – APPROVING ENGINEER REPORT FOR THE
VINEYARDS NORTH PHASE 2 STREET LIGHTING DISTRICT

COUNCIL MEETING: November 6, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, CMC
CITY RECORDER

SUBJECT: THE VINEYARDS NORTH PHASE 2 STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT

ISSUE:

Upon review of the City Engineer's report filed for the The Vineyards North Phase 2 Street Lighting Local Improvement District, should City Council adopt a Resolution approving this report - or amend and approve the report as amended - and set a public hearing date to receive remonstrances to the project; or, in the alternative, abandon formation of the district.

BACKGROUND:

On October 16, 2000, the City Council adopted Resolution R2000-1212 declaring the City's intent to initiate The Vineyards North Phase 2 Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

FISCAL IMPACT:

The costs for establishing the district in the first year include a fee for the engineers report and an administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Street Lighting District Fund.

RECOMMENDATION:

It is recommended City Council adopt a Resolution approving the City Engineer's Report and set the public hearing date for November 20, 2000 to consider remonstrances and other comments on the district's formation and objections to proposed assessments, and directing the City Recorder to provide notice of public hearing.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2000-

**APPROVING THE CITY ENGINEER'S REPORT; DECLARING
THE CITY'S INTENT TO FORM THE VINEYARDS NORTH PHASE 2 STREET
LIGHTING LOCAL IMPROVEMENT DISTRICT; PROVIDING NOTICE AND SETTING
HEARING**

BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

Section 1. That the City Council hereby finds the City Engineer's Report, marked as exhibit "A" and by this reference incorporated herein, containing preliminary plans and an estimate of probable costs for The Vineyards North Phase 2 Street Lighting Local Improvement District which was filed with the City Recorder on November 2, 2000 to be satisfactory, and the same are hereby approved and adopted.

Section 2. That the City Council hereby declares its intention to form The Vineyards North Phase 2 Street Lighting Local Improvement District and to make the lighting district improvements to serve The Vineyards North Phase 2 Street Lighting Improvement District.

Section 3. That the City Council hereby directs the City Recorder to give notice of its intention to form The Vineyards North Phase 2 Street Lighting Local Improvement District and to make the improvements by sending notice to the property owners within the district stating a public hearing will be held on November 20, 2000, said notice to also provide that information required under City of Keizer Ordinance 94-278, an ordinance providing for procedures for municipal lighting districts and special assessments.

PASSED this ____ day of _____, 2000.

SIGNED this ____ day of _____, 2000.

Mayor

City Recorder



City of Keizer

Phone: 390-3700 • Fax: 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

ENGINEER'S REPORT
FOR
THE VINEYARDS NORTH PHASE 2
STREET LIGHTING DISTRICT

For City Council Action November 6, 2000



Renew date: December 31, 2000

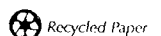
PREPARED BY:
William I. Peterson
Engineering Consultants, Inc.
4300 Cherry Ave. N
Keizer, OR 97303
(503) 390-7402

Date: October 25, 2000

Project File 00-0653

“Pride, Spirit and Volunteerism”

Incorporated 1982



TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

SUBJECT: Street Lighting District for The Vineyards North Phase 2

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 2000-1212** for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefitted by the street lights proposed to be installed.

Lighting Plan The lighting improvements will consist of 15, 100 Watt, high pressure sodium luminaires mounted on 4 foot long mast arms and attached to 30 foot gray fiberglass poles. This design is selected to be consistent with adjacent lighted areas. It is recommended that installation be accomplished by the following method:

Portland General Electric (PGE) would supply, install and maintain the luminaires, poles and underground or overhead wiring. PGE would also supply the electrical power to the District.

Estimated Costs:

Initial Cost and Annual costs -

15 Poles & 100 Watt luminaires @ \$11.17 per month each x 12 mos. =	\$2010.60
Administrative Fee @ \$6.00/Lot:	282.00
Engineering @ \$14.00/Lot:	<u>658.00</u>
Total Assessment	\$2950.60
(1)Per Lot Assessment (First Year, 47 Lots)	\$62.78

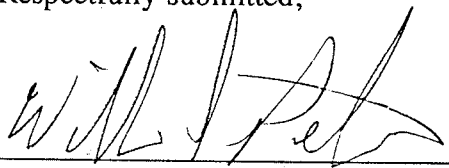
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on a per lot basis to each parcel in the district.

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$42.78 per lot.

Assessment Roll: The attached preliminary assessment roll identifies the benefitted properties and the first year assessments to be levied against each.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'William I. Peterson', written over a horizontal line.

William I. Peterson, PE

PRELIMINARY ASSESSMENT ROLL

THE VINEYARDS NORTH PHASE 2
STREET LIGHTING DISTRICT

*Assessors Map 6 3W 23CD
Tax Lot # 063W23CD00603

<u>Lot #</u>	<u>Owners Name and Address</u>	<u>Cost per Lot</u>	<u>Lots</u>	<u>Assessment</u>
1 - 47	VINEYARDS LLC, THE 5605 INLAND SHORES WAY N SUITE # 202 KEIZER, OR 97303	\$62.78	47	\$2950.60

TOTAL ASSESSMENT \$2950.60

THE VINEYARDS NORTH PH. 2

SEC. 23 & 26 T. 6 S., R. 3 W., W.M.

CITY OF KEIZER

MARION COUNTY, OREGON

51 LOTS - 10.00 ACRES

Pages 5 & 8

CITY OF KEIZER
PLAN REVIEW

APPROVED AS SUBMITTED
APPROVED, SUBJECT TO CORRECTIONS NOTED
REVISION AND RESUBMIT TO:

CITY OF KEIZER
PLANNING DEPARTMENT
4200 CHURCH AVE. N.
KEIZER, OR 97138
(503) 390-7402
DATE: 3/5/00
ISSUED: 3/5/00

DATE: 3/5/00
DRAWN: 3/5/00
CHECKED: 3/5/00
BY: [Signature]

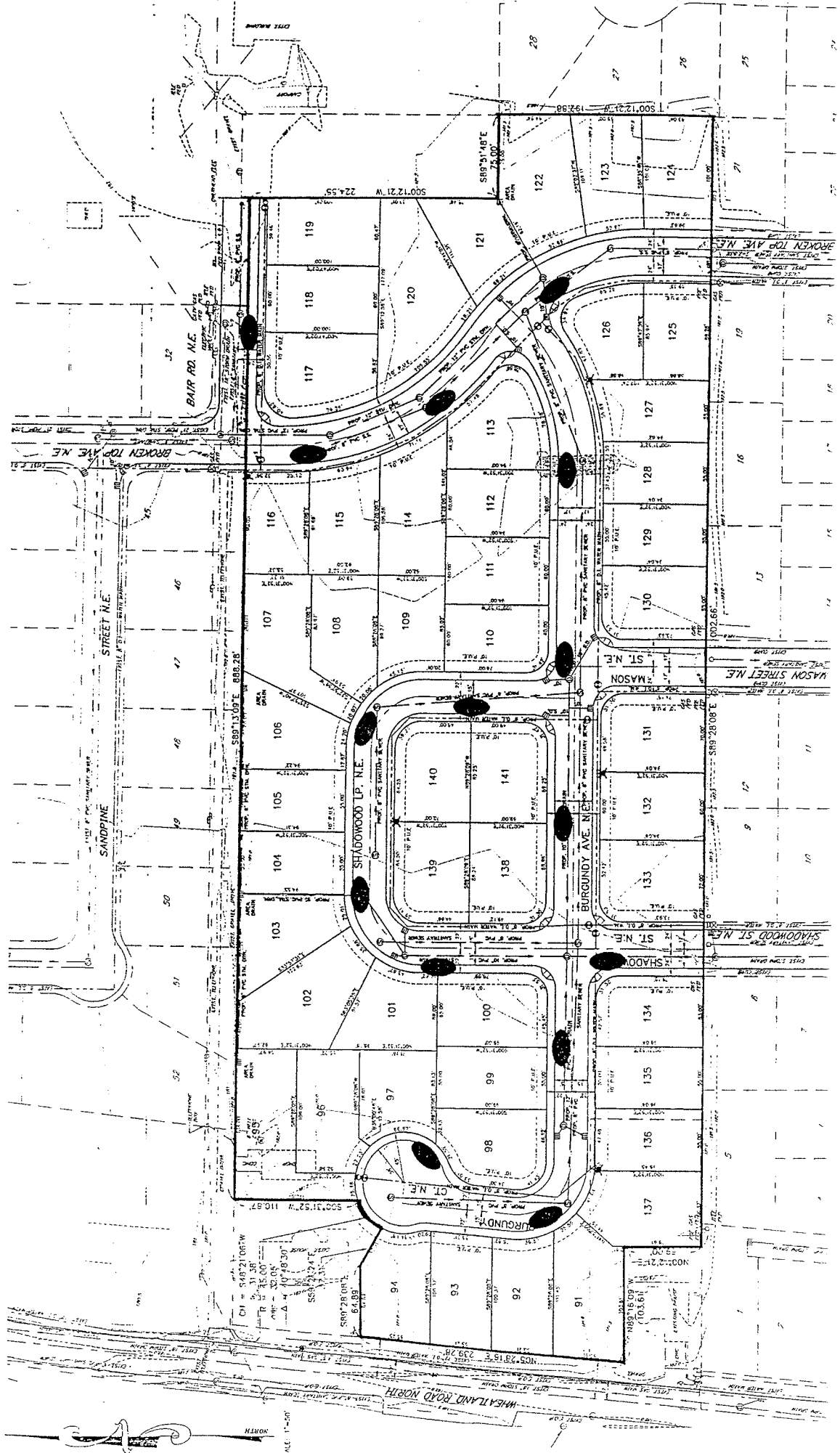
T.B.M. 183.50

SANITARY SEWER MANHOLE RIM ADJACENT
TO PUMP STATION SOUTH OF MERLOT RD.
BASED ON BENCH MARK OSHD MON.
10L-SOT 1935 ON EAST SIDE OF RIVER RD.
OPPOSITE PARKMEADOW. ELEV. 177.004

SEE SHEET 16 OF 16
FOR GENERAL NOTES

SHEET INDEX

1 OF 16	COVER SHEET
2 OF 16	SANITARY SEWER IMPROVEMENTS
3 OF 16	SANITARY SEWER IMPROVEMENTS
4 OF 16	SANITARY SEWER C-LINE, D-LINE & E-LINE
5 OF 16	STREET & STORM DRAIN IMPROVEMENTS
6 OF 16	STREET & STORM DRAIN IMPROVEMENTS
7 OF 16	STREET & STORM DRAIN IMPROVEMENTS
8 OF 16	STREET & STORM DRAIN IMPROVEMENTS
9 OF 16	STREET & STORM DRAIN IMPROVEMENTS
10 OF 16	STREET & STORM DRAIN IMPROVEMENTS
11 OF 16	STREET & STORM DRAIN IMPROVEMENTS
12 OF 16	STREET & STORM DRAIN IMPROVEMENTS
13 OF 16	STREET & STORM DRAIN IMPROVEMENTS
14 OF 16	STREET & STORM DRAIN IMPROVEMENTS
15 OF 16	STREET & STORM DRAIN IMPROVEMENTS
16 OF 16	STREET & STORM DRAIN IMPROVEMENTS



*

- - Property Data Selection Menu - -

-1

Prop ID : R326076 (Real Estate) Owner: VINEYARDS LLC, THE
Map Tax Lot: 063W23CD00603 (424268) 5605 INLAND SHORES WY N STE
Legal : PP#00-026, P#2, FR P#1 01-02: DISQ KEIZER, OR 97303
FARM USE

Situs : Year Built :
Living Area:

Name(s) :

2000 Roll Values

Code Area : 92420210	Improvements	\$	0 (+)
Sale Info : 03/21/00 \$650,000	Land	\$	28,510 (+)
Deed Type : WD	Land Spec Mkt	\$	352,000
Instrument: 16780301	Land Spec Use	\$	5,950 (+)
2000 Tax Status * Unpaid Taxes *	Appraised	\$	34,460 (=)
Current Levied Taxes : 97.10	Exemptions	\$	0 (-)
Special Assessments :	Taxable RMV	\$	34,460 (=)
2001-02 SB125 Taxes :	M50 Assessed	\$	5,950

(A)lt Disp ☐ (Y) primary ☐ (S)econdary ☐ (L)and/Impr
(G)en Appr ☐ (O)wnership ☐ (H)istory ☐ (.) More

Enter Option from Above or <RET> to Exit: _



November 6, 2000

AGENDA ITEM 8b

RESOLUTION – APPROVING ENGINEER REPORT FOR HIDDEN
CREEK ESTATES PHASE 5 STREET LIGHTING DISTRICT

COUNCIL MEETING: November 6, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, CMC
CITY RECORDER

SUBJECT: HIDDEN CREEK PHASE 5 STREET LIGHTING LOCAL IMPROVEMENT
DISTRICT

ISSUE:

Upon review of the City Engineer's report filed for the Hidden Creek Phase 5 Street Lighting Local Improvement District, should City Council adopt a Resolution approving this report - or amend and approve the report as amended - and set a public hearing date to receive remonstrances to the project; or, in the alternative, abandon formation of the district.

BACKGROUND:

On October 16, 2000, the City Council adopted Resolution R2000-1211 declaring the City's intent to initiate Hidden Creek Phase 5 Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder.

This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

FISCAL IMPACT:

The costs for establishing the district in the first year include a fee for the engineers report and an administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Street Lighting District Fund.

RECOMMENDATION:

It is recommended City Council adopt a Resolution approving the City Engineer's Report and set the public hearing date for November 20, 2000 to consider remonstrances and other comments on the district's formation and objections to proposed assessments, and directing the City Recorder to provide notice of public hearing.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2000-

**APPROVING THE CITY ENGINEER'S REPORT; DECLARING
THE CITY'S INTENT TO FORM HIDDEN CREEK PHASE 5 STREET LIGHTING
LOCAL IMPROVEMENT DISTRICT; PROVIDING NOTICE AND SETTING HEARING**

BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

Section 1. That the City Council hereby finds the City Engineer's Report, marked as exhibit "A" and by this reference incorporated herein, containing preliminary plans and an estimate of probable costs for Hidden Creek Phase 5 Street Lighting Local Improvement District which was filed with the City Recorder on November 2, 2000 to be satisfactory, and the same are hereby approved and adopted.

Section 2. That the City Council hereby declares its intention to form Hidden Creek Phase 5 Street Lighting Local Improvement District and to make the lighting district improvements to serve Hidden Creek Phase 5 Street Lighting Improvement District.

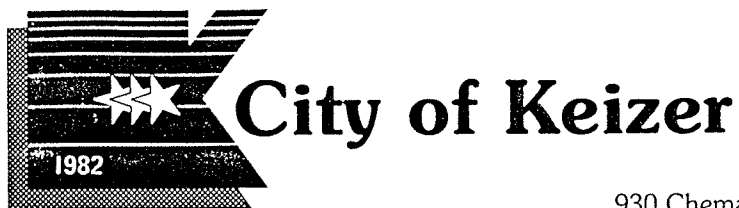
Section 3. That the City Council hereby directs the City Recorder to give notice of its intention to form Hidden Creek Phase 5 Street Lighting Local Improvement District and to make the improvements by sending notice to the property owners within the district stating a public hearing will be held on November 20, 2000, said notice to also provide that information required under City of Keizer Ordinance 94-278, an ordinance providing for procedures for municipal lighting districts and special assessments.

PASSED this ____ day of _____, 2000.

SIGNED this ____ day of _____, 2000.

Mayor

City Recorder

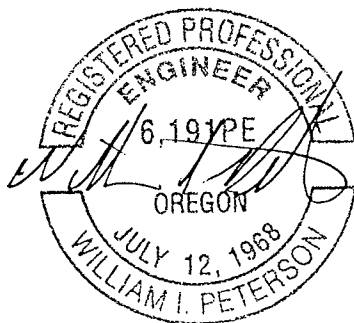


Phone: 390-3700 • Fax: 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

ENGINEER'S REPORT
FOR
HIDDEN CREEK ESTATES PHASE 5
STREET LIGHTING DISTRICT

For City Council Action November 6, 2000



Renew date: December 31, 2000

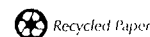
PREPARED BY:
William I. Peterson
Engineering Consultants, Inc.
4300 Cherry Ave. N
Keizer, OR 97303
(503) 390-7402

Date: October 25, 2000

Project File 00-0657

“Pride, Spirit and Volunteerism”

Incorporated 1982



TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

SUBJECT: Street Lighting District for Hidden Creek Estates Phase 5

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 2000-1211** for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefitted by the street lights proposed to be installed.

Lighting Plan The lighting improvements will consist of 4, 100 Watt, high pressure sodium luminaires mounted on 4 foot long mast arms and attached to 30 foot gray fiberglass poles. This design is selected to be consistent with adjacent lighted areas. It is recommended that installation be accomplished by the following method:

Portland General Electric (PGE) would supply, install and maintain the luminaires, poles and underground or overhead wiring. PGE would also supply the electrical power to the District.

Estimated Costs:

Initial Cost and Annual costs -

4 Poles & 100 Watt luminaires @ \$11.17 per month each x 12 mos. =	\$536.16
Administrative Fee @ \$6.00/Lot:	60.00
Engineering @ \$14.00/Lot:	<u>140.00</u>
Total Assessment	\$736.16
(1)Per Lot Assessment (First Year, 10 Lots)	\$73.62

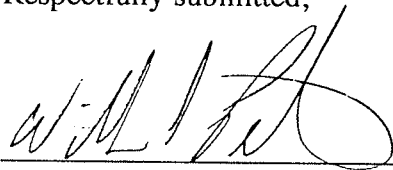
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on a per lot basis to each parcel in the district.

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$53.62 per lot.

Assessment Roll: The attached preliminary assessment roll identifies the benefitted properties and the first year assessments to be levied against each.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William I. Peterson', written over a horizontal line.

William I. Peterson, PE

PRELIMINARY ASSESSMENT ROLL

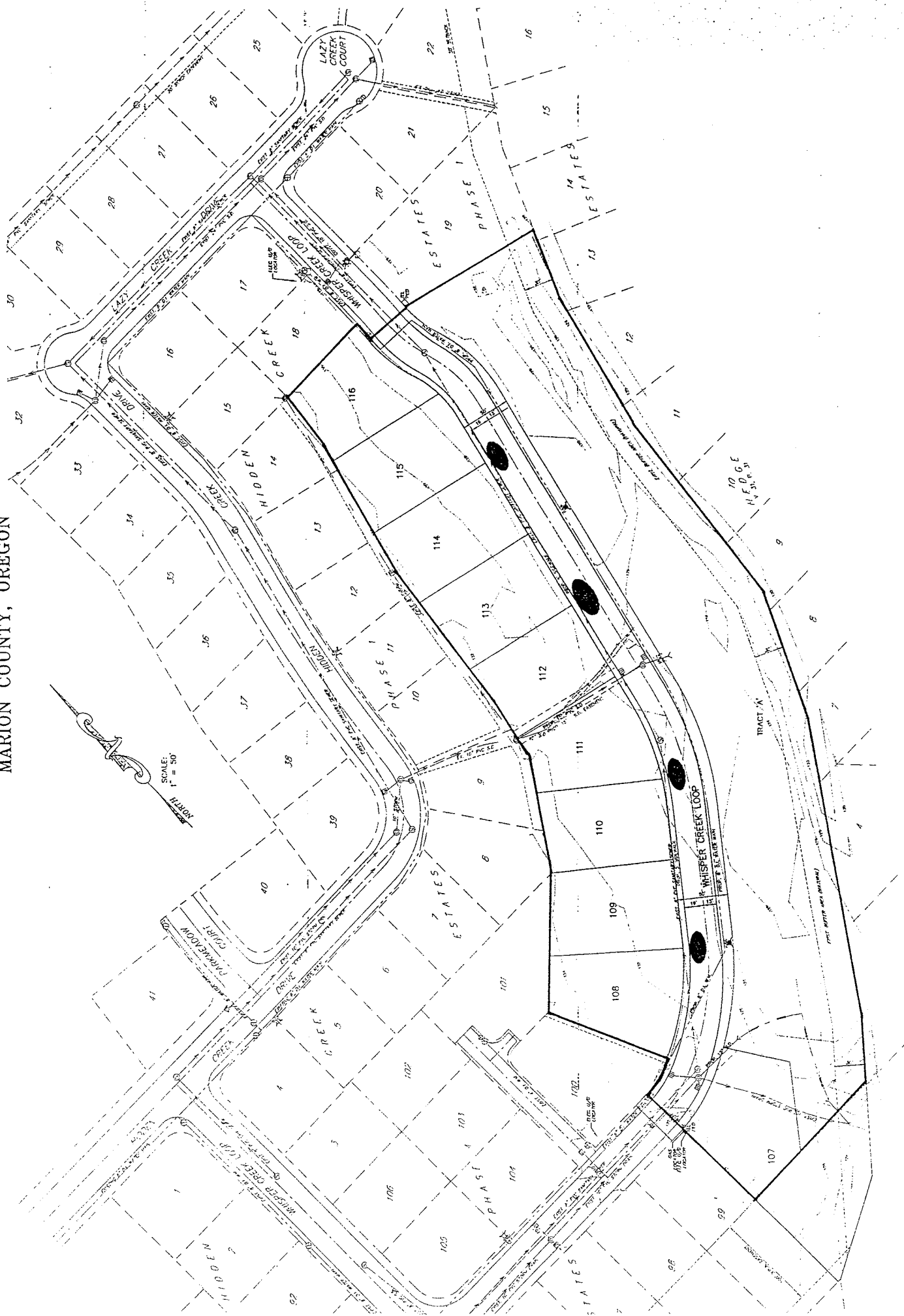
THE VINEYARDS NORTH PHASE 2
STREET LIGHTING DISTRICT

*Assessors Map 6 3W 26DC & 6 3W 26DD
Tax Lot # 063W26DC02300 & 063W26DD09200

<u>Lot #</u>	<u>Owners Name and Address</u>	<u>Cost per Lot</u>	<u>Lots</u>	<u>Assessment</u>
1 - 10	HIDDEN CREEK PROPERTIES LLC P.O. BOX 21209 KEIZER, OR 97307	\$73.62	10	\$736.16

TOTAL ASSESSMENT \$736.16

N.E. 1/4 SEC. 26 T. 6 S., R. 3 W., W.M.
CITY OF KEIZER
MARION COUNTY, OREGON



* - - Property Data Selection Menu - -

-1
 Prop ID : R20021 (Real Estate) Owner: HIDDEN CREEK PROPERTIES LLC
 Map Tax Lot: 063W26DC02300 (27871) %REIMANN ASSOCIATES
 Legal : TRACT P.P.1993-070, FR PAR. 2, PO BOX 21209
 ACRES 1.97, 26.16 AC DISQ FARM USE* KEIZER, OR 97307

XX

Situs : Year Built :
 Living Area:

Name(s) :
 Code Area : 92452290

Sale Info : 2000 Roll Values

Deed Type : RD	Improvements	\$	0 (+)
Instrument: 11170742	Land	\$	93,330 (+)
2000 Tax Status * Unpaid Taxes *	Appraised	\$	93,330 (=)
Current Levied Taxes : 1,002.38	Exemptions	\$	0 (-)
Special Assessments :	Taxable RMV	\$	93,330 (=)
2001-02 SB125 Taxes :	M50 Assessed	\$	65,080

XX

(A)lt Disp Ø (Y) primary Ø (S)econdary Ø (L)and/Impr
 (G)en Appr Ø (O)wnership Ø (H)istory Ø (.) More

XX

Enter Option from Above or <RET> to Exit: ____

*
 - - Property Data Selection Menu - -
 -1
 Prop ID : R20025 (Real Estate) Owner: HIDDEN CREEK PROPERTIES LLC
 Map Tax Lot: 063W26DD09200 (27877) PO BOX 21209
 Legal : TRACT P.P.1993-070,FR PAR. 2, KEIZER, OR 97307
 ACRES 1.76

Situs : Year Built :
 Living Area:

Name(s) :
 Code Area : 92452290
 Sale Info :

Deed Type : RD

Instrument: 11170742

2000 Roll Values

Improvements	\$	0 (+)
Land	\$	90,020 (+)
Appraised	\$	90,020 (=)
Exemptions	\$	0 (-)
Taxable RMV	\$	90,020 (=)
M50 Assessed	\$	62,770

2000 Tax Status * Unpaid Taxes *

Current Levied Taxes : 966.80

Special Assessments :

2001-02 SB125 Taxes :

(A)lt Disp Ø (Y) primary Ø (S)econdary Ø (L)and/Impr
 (G)en Appr Ø (O)wnership Ø (H)istory Ø (.) More

Enter Option from Above or <RET> to Exit: _



November 6, 2000

AGENDA ITEM 8C

RESOLUTION – INITIATING WESTMORE EAST STREET LIGHTING
DISTRICT

COUNCIL MEETING: November 6, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

Tracy

**SUBJECT: INITIATING WESTMORE EAST STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT**

ISSUE:

Shall the City Council initiate Westmore East Street Lighting Local Improvement District?

DISCUSSION:

A petition was filed on October 12, 2000 by the developer of Westmore East subdivision to form a local improvement district for street lights in this area of Keizer. The petition contained the required signatures of the property owner as outlined by City of Keizer Ordinance 94-278.

RECOMMENDATION:

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

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2000-_____

4
5 **DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING**
6 **LOCAL IMPROVEMENT DISTRICT (WESTMORE EAST) AND**
7 **DIRECTING THE CITY ENGINEER TO MAKE A SURVEY AND FILE A**
8 **WRITTEN REPORT WITH THE CITY RECORDER**
9

10 WHEREAS, the City Council of the City of Keizer has received a petition from the
11 developer to initiate a street lighting district in Westmore East subdivision in the City of
12 Keizer, Oregon; and

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

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

- 18 1. The City Council declares its intent to initiate Westmore East Street
19 Lighting Local Improvement District;
- 20 2. The map attached hereto, marked Exhibit "A", and by this reference
21 incorporated herein sets forth the proposed boundaries of the district;
- 22 3. The City Engineer is hereby directed to make a survey of the District;
- 23 4. The City Engineer shall file a written report with the City Recorder to be
24 considered by the City Council on November 20, 2000.

25 PASSED this ____ day of _____, 2000.

26 SIGNED this ____ day of _____, 2000.

27
28 _____
29 Mayor

30
31 _____
32 City Recorder

**PETITION TO FORM LOCAL IMPROVEMENT DISTRICT
FOR STREET LIGHTING**

To the City Council for the City of Keizer:

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

Westmore East

within the City of Keizer.

The legal description of the proposed district is:

Sec 3, T. 7 S, R 3 W, W.M.

PLEASE ATTACH A MAP OF THE AREA

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

PETITION SUBMITTED BY:

NAME: Stuart Crosby Multi/Tech Engineering
ADDRESS: 1155 13th Street SE, Salem, OR 97302
PHONE NUMBER: (503) 363-9227

DATE	DEED HOLDER/CONTRACT BUYER	SIGNATURE	ADDRESS OF PROPERTY (IF VACANT - LOT NUMBER/SECTION)
	George & Genevieve Stuart	<i>George & Genevieve Stuart</i>	
		<i>Stuart</i>	

10-12-03



November 6, 2000

AGENDA ITEM 8d

**RESOLUTION – INITIATING SHADY ADDITION PHASE 1 AND 2
STREET LIGHTING DISTRICT**

COUNCIL MEETING: November 6, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCIL

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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



**SUBJECT: INITIATING SHADY ADDITION PHASE 1 AND 2 STREET LIGHTING
LOCAL IMPROVEMENT DISTRICT**

ISSUE:

Shall the City Council initiate Shady Addition Phase 1 and 2 Street Lighting Local Improvement District?

DISCUSSION:

A petition was filed on October 30, 2000 by the developer of Shady Addition Phase 1 and 2 subdivision to form a local improvement district for street lights in this area of Keizer. The petition contained the required signatures of the property owner as outlined by City of Keizer Ordinance 94-278.

RECOMMENDATION:

It is recommended that the City Council approve the Resolution initiating Shady Addition Phase 1 and 2 Street Lighting Local Improvement District and direct the City Engineer to prepare a survey of the area.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2000-_____

**DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING
LOCAL IMPROVEMENT DISTRICT (SHADY ADDITION PHASE 1 AND 2) AND
DIRECTING THE CITY ENGINEER TO MAKE A SURVEY AND FILE A
WRITTEN REPORT WITH THE CITY RECORDER**

WHEREAS, the City Council of the City of Keizer has received a petition from the developer to initiate a street lighting district in Shady Addition Phase 1 and 2 subdivision in the City of Keizer, Oregon; and

WHEREAS, pursuant to City of Keizer Ordinance 94-278, the necessary signatures of land owner comprising two-thirds of the property to be included within Shady Addition Phase 1 and 2 Street Lighting District have requested the formation of the district; NOW, THEREFORE,

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

1. The City Council declares its intent to initiate Shady Addition Phase 1 and 2 Street Lighting Local Improvement District;
2. The map attached hereto, marked Exhibit "A", and by this reference incorporated herein sets forth the proposed boundaries of the district;
3. The City Engineer is hereby directed to make a survey of the District;
4. The City Engineer shall file a written report with the City Recorder to be considered by the City Council on November 20, 2000.

PASSED this ____ day of _____, 2000.

SIGNED this ____ day of _____, 2000.

Mayor

City Recorder

PETITION TO FORM LOCAL IMPROVEMENT DISTRICT FOR STREET LIGHTING

To the City Council for the City of Keizer:

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

Shady Addition Phases 1 & 2

within the City of Keizer.

The legal description of the proposed district is:

Sec 11, T 7 S, R 3 W, W.M.

PLEASE ATTACH A MAP OF THE AREA

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

PETITION SUBMITTED BY:

NAME: Stuart Crosby Multi/Tech Engineering

ADDRESS: 1155 13th Street SE, Salem, OR 97302

PHONE NUMBER: (503) 363-9227

DATE	DEED HOLDER/CONTRACT BUYER	SIGNATURE	ADDRESS OF PROPERTY (IF VACANT - LOT NUMBER/SECTION)
	Mayberry/Whitney Group II LLC	Stuart Crosby, Pres	
		Don W. Mayberry Pres	



November 6, 2000

AGENDA ITEM 8e

RESOLUTION – TRANSFERRING CONTINGENCY IN PARKS
IMPROVEMENT FUND (KEIZER LITTLE LEAGUE PARK RESTROOMS)

COUNCIL MEETING: November 6, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCILORS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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



SUBJECT: Transferring Appropriation in Parks Improvement Fund for Fiscal Year 2000-2001

ISSUE:

During the October 16, 2000 City Council meeting the Council passed a motion requesting a transfer of \$6,000 from the Parks Improvement Fund Contingency for Improvements line-item to the Improvements line item. The purpose of this transfer is to increase the \$19,000 budgeted for bathrooms at the Little League Park to \$25,000.

FISCAL IMPACT:

\$140,000 was included in the Park Improvement Fund Contingency for Improvements. Upon approval of the \$6,000 transfer this contingency line item will be reduced to \$134,000.

RECOMMENDATION:

Staff recommends the Council pass the attached resolution authorizing the transfer as referred to above, if it so wishes.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2000-_____

TRANSFERRING APPROPRIATIONS FOR FISCAL YEAR 2000-2001

WHEREAS, the Keizer City Council adopted a budget for the City of Keizer for the 2000-2001 fiscal year on June 19, 2000;

WHEREAS, there have been occurrences which were specifically unanticipated at the time of the preparation of the budget for the 2000-2001 fiscal year for the funds identified below. Such expenditures are necessary for the operations of the City's services;

WHEREAS, ORS 294.450(3) provides for the transfer of appropriations within a fund; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer, that appropriations for the fiscal year ending June 30, 2001 be transferred in the amounts indicated below:

Parks Improvement Fund

	<u>Increase</u>	<u>Decrease</u>
Improvements	\$6,000	
Contingency for Improvements		\$6,000

PASSED this _____ day of _____, 2000.

SIGNED this _____ day of _____, 2000.

Mayor

City Recorder



November 6, 2000

AGENDA ITEM 8f

APPROVING MIRACLE OF CHRISTMAS NOISE VARIANCE

COUNCIL MEETING: November 6, 2000

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCILORS

**FROM: CHRIS EPPLEY
CITY MANAGER**

SUBJECT: MIRACLE OF CHRISTMAS NOISE VARIANCE

BACKGROUND:

City Noise Ordinance 93-269 was passed by the City Council on November 1, 1993 which greatly expanded noise prohibitions within the City of Keizer. Provisions are contained within the Ordinance which allow for persons or groups to apply for a variance for certain events.

ISSUE:

The Gubser Neighborhood Association has submitted a variance application for Council approval, as stipulated in Section 8 of the Ordinance, for a Class B Variance. This variance specifically pertains to the upcoming Miracle of Christmas lighting display held annually within the boundaries of the Gubser Neighborhood Association. The variance is necessary due to the possible ordinance violations during this event. The various sounds involved include routine traffic noise generated from large volume of vehicles that visit the area; persons or groups singing seasonal music; seasonal music emitted from residential displays; and any other sounds generated from seasonal activities in the area.

The Miracle of Christmas lighting event begins on Friday, December 1, 2000 and runs through Sunday, December 31, 2000. The hours of display are from 6:00 p.m. to 10:00 p.m. daily.

RECOMMENDATION:

It is recommended the Council, by motion grant the Class B Noise Variance for the 1999 Miracle of Christmas lighting display and authorize the City Manager to sign the variance.

GUBSER NEIGHBORHOOD ASSOCIATION

To: Keizer City Council

The Gubser Neighborhood Association is asking for a variance to City Noise Ordinance #93-269 for the annual "Miracle of Christmas" Lighting display. The lighting will be from 6 to 10 Friday Dec 1st 2000 through Sunday Dec 26th 2000.

A variance is being sought under section 3 of City Ordinance #93-269

A variance is necessary due to possible ordinance violations during this event.

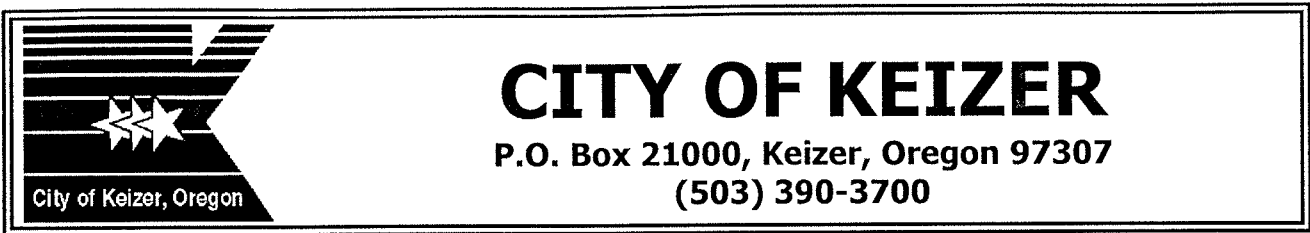
The various sound involved include routine traffic noise generated from vehicles that visit the area; persons or groups singing seasonal music; seasonal music emitted from residential displays; and any other sound's generated from seasonal activities in the area.

We are requesting that this variance be given without a public hearing, as it is an annual event.

Bud Staudenmier



Gubser Neighborhood Assoc Lighting Committee Chairperson



VARIANCE FROM KEIZER NOISE ORDINANCE (93-269)

Section 1. THE APPLICATION

Bud Staudenmier, Gubser Neighborhood

Association Lighting Committee Chairperson has applied for a Class B Variance from the requirements of the Keizer Noise Ordinance, to allow for the event known as the Miracle of Christmas lighting display. This event is for a period from Friday, December 1, 2000 through Sunday, December 31, 2000. The lighting will be displayed from 6:00 p.m. to 10:00 p.m. daily. The noise produced by this event consists of noise generated from large volumes of vehicles that visit the area; persons or groups singing seasonal music; seasonal music emitted from residential displays; and the other sounds generated from seasonal activities in the area. The location of the event is within the Gubser Neighborhood Association boundaries.

Section 2 APPLICABLE PROCEDURE

As the duration of this event is more than 72 hours, a Class B variance is applicable.

Section 3 GRANT OF THE VARIANCE

On November 6, 2000 the Keizer City Council **GRANTED** a Class B variance for the event at the location stated and for the duration stated.

Section 4 EFFECTIVE DATE

This order is effective immediately upon passage by the City Council.

Christopher Eppley - City Manager

Date



November 6, 2000

AGENDA ITEM 8g

APPROVING OCTOBER 9, 2000 SPECIAL SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, October 9, 2000
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Newton called the regular meeting to order at 5:39 p.m. Roll Call was taken as follows:

Present:

Bob Newton, Mayor
Lore Christopher, Council President
Jerry McGee, Councilor
Jacque Moir, Councilor
Richard Walsh, Councilor

Absent:

Jim Keller, Councilor
J. L. Wilson, Councilor

Staff:

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

PUBLIC TESTIMONY

City Manager Eppley provided copies of maps and an estimate of costs for three options of the realignment of Radiant Drive. Mr. Eppley stressed that the costs were only an estimate indicating the costs could fluctuate plus or minus ten percent.

Mayor Newton explained to the audience the lease agreement with the Volcanoes with the intent to make improvements to Radiant Drive within five years after the completion of the stadium.

City Manager Eppley reviewed each of the maps with the various realignments. Option 1a would improve the existing alignment and add the need to purchase right of way. Option 1b would skew the alignment to the east and Option 1c would skew the alignment to the west. Options two and three would change the existing routes. All options would be built to collector standards.

Public Works Director, Rob Kissler answered questions

**PUBLIC
INPUT/DISCUSSION
a. Realignment or
Improvements to
Radiant Drive**

from the Council pertaining to drainage, bike paths and green space.

City Manager Eppley stressed that the options presented were designed for ingress and egress of traffic. He explained that other options could be designed to service a commercial area and answered questions regarding the jug handle, sewer, water lines and future development.

Robert Herberger, 2800 Chemewa Rd NE, Keizer- speaking on behalf of the Gubser Neighborhood Association stated the wish of the association that the Council proceed with the construction of the overpass modifications to allow a developer reasonable access to the Chemewa Activity Center. Also that improvements be made to Radiant Drive to meet the contractual agreement with the Volcanoes Stadium. He urged the Council to take into consideration the current and future needs of the area when doing the improvements to Radiant Drive.

Responding to questions Mr. Herberger indicated that a combination of Options two and three with the improvement taking place down the middle of the property would be his preference at this time.

Public Works Director, Rob Kissler explained the current location of water and sewer lines near the ball stadium. He noted that the terminus of the sewer line was near the gravel parking lot of the stadium and the 12- inch water lines should be sufficient to service the area depending on the amount of commercial development, which takes place in the area.

Rick Roemer, 711 Chemewa Rd NE, Keizer- spoke as a member of the Keizer Urban Renewal Board. He questioned whether the option of paralleling the freeway was considered.

Mr. Eppley noted concerns with the suggestion regarding the merging of traffic onto one egress and the lack of storm water detention with this option.

Jim Bohanan, 6110 Radiant Drive, Keizer- referring to Option three Mr. Bohanan objected to the destruction of a home that he owns in the path of this alignment. He suggested a straight angle behind the properties would be more appropriate.

Mayor Newton indicated this was not done because of the

amount of additional property that would have to be purchased in order to do this and the attempt was to maximize the land for future development.

Doug Parrow, 6782 Amy Lane NE, Keizer- agreed with Gubser Neighborhood Associations recommendations and felt this would help to facilitate the development of the Chemawa Activity Center. He urged the Council to do the jug handle and the Radiant Drive improvements consecutively with Option two that was presented. He went on to expressed concerns with the idea of a large amount of retail being placed in the Chemawa Activity Center and the problems he felt this would cause the Gubser Neighborhood, as well as the city.

Jean Johnson, 5862 Rhinestone Court SE, Salem- spoke on behalf of the Mildred Hayes Family Partnership. Ms. Johnson expressed concerns with proposed dollar estimates for land acquisition. She urged the Council to make sure the improvements to Radiant Drive would not have to be redone once a developer initiated a master plan. She felt that if the city worked with a developer the costs for the infrastructure would not have to be passed onto the taxpayers.

Tina Sloan, 5905 Radiant Drive, Keizer- urged Council to not only pay attention to the stadium's needs but those of the property owners and the future development.

Responding to questions from Councilor Walsh, Ms. Sloan indicated Option Two was her choice and felt that a connection should be left on 35th and that Radiant Drive should not dead end at the stadium.

Myrna Wogglemont, 6255 Radiant Drive, Keizer- questioned who Carl Anderson had spoken with at City Hall regarding a plan for the Chemawa Activity Center.

City Manager Eppley indicated that Mr. Anderson presented some concept designs, which were not detailed.

Ms. Wogglemont briefly outlined the information that was supplied to her by Mr. Anderson and noted it was her understanding that Mr. Anderson would not be moving forward with his design until he was sure there were no other developers involved in the project.

Bob Herberger, 2805 Chemawa Rd NE, Keizer- noted

that Mr. Anderson indicated to him he could work with Option #3 of the alignment and was prepared to purchase 30 acres in the area to begin the development.

Mayor Newton indicated that 30 acres was not all the property that would be needed to move forward with this.

Mr. Herberger expressed that this would be a good reason to begin the development in portions as each developer has a specialty. (ie: commercial, residential, etc.)

Mayor Newton indicated the information submitted tonight would be reviewed by Council and staff and then narrowed down to one to two options, which would be brought before the Urban Renewal Agency.

At the invitation of Councilor McGee, Developer Chuck Sides indicated he would be prepared within the next week to submit a hypothetical plan for the entire 107 acres.

Marcia Bednarczyk, 7775 O'Neil Rd, Keizer- posed questions regarding the preliminary cost options for Option 2. She wanted to know how many acres of land this included.

Mr. Eppley indicated that these costs were for right of way.

Ms. Bednarczyk urged caution to the Council regarding the improvement to Radiant by making sure it would not have to be redone to meet a developers specifications at a later date.

Mayor Newton requested a meeting in November of the Urban Renewal Agency to discuss these options.

Councilor Walsh requested estimates for an option 4 that would include the improvement going down the middle of the property.

Mr. Kissler requested that Council submit their ideas to management to allow staff to develop an option four.

Council tentatively scheduled an Urban Renewal Meeting for Monday, November 13, 2000.

ADJOURNMENT

Mayor Newton adjourned the meeting at 6:50 p.m.

Tracy L. Davis
City Recorder

APPROVED:
MAYOR:

Bob Newton

COUNCIL MEMBERS:

ABSENT
Councilor #1 - J. L. Wilson

Councilor #4 - Jacque Moir

Councilor #2 - Lore Christopher

Councilor #5 - Richard Walsh

ABSENT
Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



November 6, 2000

AGENDA ITEM 8h

APPROVING OCTOBER 16, 2000 REGULAR SESSION MINUTES

**MINUTES
KEIZER CITY COUNCIL
Monday, October 16, 2000
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon**

CALL TO ORDER

Mayor Newton called the regular meeting to order at 7:06 p.m. Roll Call was taken as follows:

Present:

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

Staff:

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

PUBLIC TESTIMONY

Garry Miller, 4375 Bren Loop NE, Salem 97305- President of Claggett Creek Watershed Council. Mr. Miller provided an update regarding the mitigation at Claggett Creek Park as part of the state guidelines of mitigation with the development of the new elementary and middle schools. He indicated that the School District offered the Watershed Council \$86,400 to identify potential mitigation sites within the watershed and to put together a mitigation plan which would offset the wetland loss due to the construction of the new schools.

Mr. Miller indicated that a site plan had been developed for this area a few years ago and requested Council's approval to allow the Watershed

Council to go before the Division of State Lands to negotiate a contract for the mitigation.

Responding to questions, Mr. Miller indicated during his presentation to the Parks Board their main concern was that the ball and soccer fields were not compromised by the mitigation project. He indicated that the funds made available could not be used for development of a trail but could be reviewed in the future. He outlined some of the other sites that the Watershed Council had identified for possible mitigation and the reason for the choice, which was made.

Council President Christopher acting as the Parks Board Liaison indicated that the Board had previously allocated funds totaling \$7,500 to pave a portion of the trail along Claggett Creek in the park.

Councilor McGee expressed appreciation that the Watershed Council would keep them informed and addressed the fact that the group is an independent Council and is able to seek funding and grants without the City Council's consent.

After further discussion it was the consensus of the Council to approve the Watershed Council's request to draft an agreement with DLCD.

COMMITTEE REPORTS

a. Swearing In of Keizer Police Department Reserve Frank Edwards

Chief Adams supplied a brief bio for Frank Edwards and City Attorney Shannon Johnson administered the oath of office to Officer Edwards.

b. Library Task Force

Cynthia Holt, 683 Faymar Drive NE, Keizer- Vice-Chair of Library Task Force. She noted the Resolution that developed the Task Force and the charges, which were placed on them. Ms. Holt requested an extension of time from the October 1, 2000 deadline as outlined in the Resolution. She requested that the extension be extended through the month of November to allow the Task Force time

to organize and present their findings to the Council in the month of December.

Councilor Keller moved to grant an extension to the Library Task Force to submit their report to the City Council the first meeting in December. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Newton thanked Ms. Holt for her report.

OTHER BUSINESS

a. New Business

b. Old Business

- **EVAK**

Councilor Moir indicated that EVAK held two more orientation sessions in which they trained approximately 20 more volunteers.

- **City Manager Evaluation**

Mr. Eppley supplied the Council with a form for his evaluation and requested the Council's consideration and input.

- **Traffic Access/Control Issue at Wolf/Janet Streets**

City Manager Eppley indicated that staff had recommended initially that "No Trucks" signs be posted on Janet Avenue and upon further determination of traffic impact that these issues are addressed through the initiation of the Neighborhood Traffic Management Program.

Councilor Keller indicated he would like to prevent problems from occurring and indicated he wishes for signage and speed bumps for the area.

Public Works Director Rob Kissler responded by indicating that the Neighborhood Traffic Management Plan would address these issues and allow input from everyone in the neighborhood.

Councilor Keller addressed the possibility of placing a speed bump in the driveway access of the development.

Mr. Kissler indicated this could cause problems with drainage if the bump was placed in the right of way.

Mr. Kissler addressed questions from the Council regarding the location of signage; truck traffic and the difficulty larger trucks would have accessing the property from Wolf Street.

Reviewing the maps provided a three-foot easement was noted off Chemawa Road near the Baker Square Development. It was the consensus of the Council to initiate a vacation of the right of way discussed.

City Attorney Shannon Johnson indicated they would work this issue and bring forward to the Council during the next Council meeting.

Mayor Newton moved to accept the staff recommendation that "no truck" signs be posted on the right of way outside of the development and that Mr. Bauer be provided with a copy of the Neighborhood Traffic Management Plan so he could monitor the changes and bring back to the Council. Councilor Moir seconded the Motion.

Responding to questions Mr. Kissler indicated that signs should be placed on Wolf Street, Janet Street and the parking lot. He also noted that a "no truck" sign designation was to keep trucks from using a street as a cut through only.

Mayor Newton accepted Mr. Kissler's suggestions as a friendly amendment to the motion.

Councilor Keller moved to amend the Motion to add

that a speed bump is placed near the development.
Mayor Newton seconded the amendment.

The amendment to the motion passed as follows:

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

NAYS: Christopher (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

The Main Motion as amended passed as follows:

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

NAYS: Walsh and Wilson (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

- **Willow Lake Settlement Agreement**

City Attorney, Shannon Johnson reported that on October 9, 2000 the Salem City Council authorized the City Manager to sign the Willow Lake Settlement Agreement. Mr. Johnson stated that the Salem City Attorney indicated that the authorization was to sign the same Settlement Agreement that Keizer City Council had previously approved.

Since there were no changes in the agreement the parties are now in the process of circulating the original agreement for signatures and to move forward with the settlement process.

Mr. Johnson shared that there was no further action for the Keizer City Council to take regarding this matter.

Mr. Johnson answered questions from the Council noting that major issues within the agreement would be brought back before the Council for their review and that the lawsuit would not be dismissed until all the steps had taken place.

The Council expressed concerns with the possible change on the Salem City Council with the upcoming

elections and the effect this could have on the process moving forward.

Mr. Johnson attempted to alleviate the Council's concerns indicating it would be important to move forward with the issue as soon as possible with the timelines that are outlined for Legislative Land Use Matters.

Mayor Newton commended the Council on the accomplishment with the agreement.

- **Report on Bus Pullouts along River Road**

Public Works Director, Rob Kissler displayed maps from the Salem Area Transit District noting possible locations for bus pullouts. Identified were locations on River Road near Skyline Ford and the second near Sam Orcutt Way. He indicated he felt there were also other possible locations for pullouts, which would include the need to purchase right of way. Mr. Kissler requested direction from Council.

After further discussion it was the consensus of the Council to identify the potential spots and prioritize based upon funding available. Council also directed staff to continue discussions with the Salem Area Transit District.

- **Swingwood Court Footbridge**

Responding to questions Mr. Kissler indicated he did not have time to address the issue of the Swingwood Court footbridge but would provide this information at the next Council meeting.

- **Trail/Lockhaven Vacation**

Mr. Johnson reported that he wished to confirm issues with the property owner before moving forward with this issue.

PUBLIC HEARINGS

No public hearing were brought before the Council.

ADMINISTRATIVE ACTION

**a. RESOLUTION-
Initiating Fernwood
Park Vacation**

City Attorney, Shannon Johnson supplied a staff report and a Resolution for the Council's consideration. He noted that unlike a vacation of right of way when a public square is vacated the title would vest to the City. The Parks Board recommended that the process be started as the Resolution indicates.

Responding to questions, Mr. Johnson felt it would be appropriate to contact the neighbors adjacent to Fernwood Park.

After further discussion it was the consensus to direct the City Manager to contact the neighbors and bring back the resolution for Council's consideration during the first meeting in December.

**b. RESOLUTION-
Accepting COPS
"COPS in School"
Grant**

Chief Adams reported that the City received a letter from the U.S. Department of Justice confirming the receipt of the "COPS in Schools" grant which would fund one new full-time officer over a three-year period totaling \$125,000.

Chief Adams answered questions from the Council indicating that the contract agreement was based on a nine- month salary plus a percentage for supervisor and equipment.

Councilor McGee noted that this would be an increase in service to the City and requested that staff address whether there was the need for sworn officers in school below the high school level.

Chief Adams shared how the officers are used for various incidents in addition to resource officer duties.

City Manager Eppley suggested that dialog be opened with the School District regarding their needs.

Councilor Keller moved a Resolution Accepting the US Department of Justice Office of Community Oriented Policing Services COPS in Schools Grant. Council President Christopher seconded the Motion.

Councilor Walsh agreed with some of Councilor McGee's concerns but noted that the boundaries for the new schools had not been set and the new schools may be dealing with more children if the boundaries include a change of including children from north Salem.

Mayor Newton expressed his concern with taking any major action of this type indicating that if some of the measures being brought up during the election passed could have dier consequences for the City. He suggested waiting until after the election to make this decision.

Chief Adams indicated that an officer would not be brought on board until July. This would give adequate time to make the decision whether to drawn on the grant account.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

- a. **RESOLUTION**-Initiating The Vineyards North Phase 2 Street Lighting District
- b. **RESOLUTION**-Initiating Hidden Creek Estates Phase 5 Street Lighting District
- c. **RESOLUTION**-Authorizing the City Manager to Enter Intergovernmental Agreement for In-fill Grant
- d. **Approval of September 25, 2000 Work Session Minutes**
- e. **Approval of October 2, 2000 Regular Session Minutes**

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

Responding to questions, regarding the In-fill Grant Mr. Eppley indicated it would take approximately one

year to complete.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

Mayor Newton shared a letter from OAMR noting that City Recorder Tracy Davis was voted second Vice-President of this Association. He congratulated Ms. Davis on her appointment.

Responding to questions pertaining to a citizen requesting a street name change Mr. Eppley indicated that information was passed onto the citizen noting it would be up to the citizen to do the work and negotiate with the neighbors regarding this issue.

Keizer Little League Restrooms

Addressing a letter from the Keizer Little League Mr. Eppley apologized for not placing the issue of the KLL restrooms on the agenda. He went on to explain that the Parks Board had recommended that \$25,000 be used for this project. Currently, there was \$19,000 designated for the project in the City's budget. Mr. Eppley indicated that the remaining \$6,000 could be authorized by the Council from SDC Parks contingency fund to meet the remaining funds requested.

Councilor Keller requested that letters of commitment is submitted by the organizations that planned to donate funds. He also asked about projections for contingency, the drainage and sewer system for the project.

Council President Christopher introduced Chris De Santis who is the project manager for the KLL restrooms.

Mr. De Santis explained that the complex has a self -

draining system and explained how the drainage system could be tied into the existing system. He addressed concerns regarding the commitment letters, the hook up for sewer, maintenance and what the facility entailed to meet the needs of the public attending games at the park.

Councilor Keller moved to direct staff to transfer \$6,000 from contingency in the Parks Improvement Fund Contingency to bring the total amount to \$25,000 to participate in the construction of restrooms at Keizer Little League Park. He directed that the money would be spent as bills are presented using KLL funds first. He also requested letters of commitment from other donations be presented to the City. Council President Christopher seconded the Motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

AGENDA INPUT

October 23, 2000

5:30 p.m. City Council Work Session

- 2000-2001 Goal Setting (continued from 9-25-2000)

November 6, 2000

7:00 p.m. City Council Regular Session

- Presentation by Francis Kessler-Willow Lake Natural Treatment System
- Legal Services Agreement
- Comp Plan/Zone Change/Subdivision (Whalen) Public Hearing
- Footbridge at Swingwood Court
- Initiation of Vacation Right of Way near River and Chemawa
- Initiation of Vacation Right of Way at Trail and Lockhaven

November 13, 2000

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

- Realignment/Improvements to Radiant Drive

November 20, 2000

7:00 p.m. City Council Regular Session

- Parks System Development Charge Methodology Public Hearing
- Initiate Vacation of Fernwood Park

December 6, 2000

- Library Task Force

Mayor Newton noted the agenda items.

ADJOURNMENT

Mayor Newton adjourned the meeting at 8:45 p.m.

Tracy L. Davis
City Recorder

APPROVED:
MAYOR:

Bob Newton

COUNCIL MEMBERS:

Councilor #1 - J. L. Wilson

Councilor #4 - Jacque Moir

Councilor #2 - Lore Christopher

Councilor #5 - Richard Walsh

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee



November 6, 2000

AGENDA ITEM 8i

APPROVING OCTOBER 23, 2000 SPECIAL SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL SPECIAL SESSION
Monday, October 23, 2000
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Newton called the regular meeting to order at 5:35 p.m. Roll Call was taken as follows:

Present:

Bob Newton, Mayor
Lore Christopher, Council President
Jim Keller, Councilor
Jerry McGee, Councilor
Jacque Moir, Councilor
Richard Walsh, Councilor (arrived at 5:45 p.m.)
J. L. Wilson, Councilor

Council Candidates

Roy Duncan
Ray Kelly (arrived at 6:05 p.m.)
Judy Smith

Absent:

Dee Lane
Charles Lee

Staff:

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

PUBLIC TESTIMONY

Ted Plumb, 1067 Dearborn, Keizer- requested that discussions start regarding the planning and development of the city facility building. He urged the Council to begin setting money aside in a reserve fund to meet the needs of replacing the facilities.

Upon question by the Council, Mr. Plumb believed the City Hall building might be in better shape than the police building. He noted the auditorium was in dire need of improvements.

Councilor McGee expressed his appreciation for Mr. Plumb's comments and the potential of separating any potential improvements to each building.

Mayor Newton thanked Mr. Plumb for his testimony, noting that this had been a recent goal that should be revisited.

**ADMINISTRATIVE
ACTION/DISCUSSION
a. RESOLUTION-
Initiating Legislative
Amendment Re: Dual
Interest Area
Agreement**

City Attorney Shannon Johnson reported that the Cities of Keizer, Salem and Marion County and the developers of McNary Estates had preliminarily settled the ongoing litigation and agreed on a framework settlement agreement. Mr. Johnson answered questions from the Council.

Councilor Keller moved a Resolution Initiating Legislative Amendment regarding the Dual Interest Area Agreement. Councilor Moir seconded the motion.

The motion passed unanimously as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. City Council Goal
Setting 2001-2002**

Mayor Newton announced that the Council Candidates Committee would be participating in the discussion and vote of the Council Goals.

Willamette Valley Livability Forum

Mayor Newton supplied a committee report and shared a video regarding the forum that he attended. He stressed that Keizer's growth could have impact upon the rest of the region. Mayor Newton noted that he currently is a member of this committee and the new Mayor would need to appoint a new member after the first of the year. He supplied additional information that he received from the forum and offered to answer questions from the Council.

City Manager Eppley reviewed a list of goals that were developed by staff for FY 2000-2001 they included:

1. Providing a superior level of customer service in carrying out daily functions and Council objectives.

2. Establishing a package of services and level of service provision that meet or exceeds the needs and expectations of the citizens of Keizer.
3. Develop a stable revenue stream for each fund that secures our ability to provide a superior and sustainable level of service, health and welfare to the citizens of Keizer
4. Establish appropriate staff levels for each department to provide for effective and efficient delivery of service to the citizens of Keizer.
5. Continue striving to meet all federal and state mandates on water quality, stormwater management, land use, flooding, etc. and plan/complete infrastructure improvements that promote a better and safer community.
6. Develop strategy and time frame to upgrade or replace the City Hall and Police Department Facilities.
7. Develop high levels of employee commitment to increase success in achieving City and Council goals.

Mayor Newton indicated that he felt goal #2 was more politically orientated rather than staff orientated. He also felt that rewording of goal #7 would be appropriate to note the organizing and reorganizing of equipment and personnel to provide efficient and effective services.

Councilor McGee urged the Council to use the next year to consolidate and complete goals from the past. He noted issues that he felt should be addressed but not listed as goals.

The Council discussed the process for goal setting and priorities and then referred to the list of goals which were compiled and noted in the September 25, 2000 Work Session Minutes.

After discussion the following goals were omitted from the list:

- **Zip code for City of Keizer.** Council President Christopher noted that she and Councilor Moir were currently working with U.S. Representative Hooley's office to address this.

- **Explore extracting Keizer from the Chemeketa Regional Library.** Councilor McGee felt it was an issue to address but should not be listed as a Council Goal.
- **UNOCAL Property.** Councilor McGee indicated that he felt this would be dealt with in passing and should not be listed as a goal.
- **Requiring Bike Helmets in Skate Parks.** Councilor Walsh stated this was something that would be addressed but not as a Council Goal.
- **Bringing the Building Permit Services In- house.** Mayor Newton indicated this goal could be consolidated with staff's goal pertaining to this issue.
- **Establish Neighborhood Watch Program.** Mr. Kelly indicated that programs currently established should be enhanced.
- **Retail in Keizer.**
- **Review of Solid Waste Ordinance**
- **Noise Ordinance Enforcement.** Ms. Smith indicated her understanding that this was already addressed.
- **Establish citizen hotline.** Ms. Smith indicated her understanding that something similar to this had already been addressed through the public works department.
- **Flood problems and drainage.** This was also addressed in staff goals.

The Council discussed public works issues and communication with the public pertaining to these issues.

Public Works Director Rob Kissler noted that many projects listed under public works are contracted out due to the limited resources within the city. Also due to these limited resources issues public works deals with many issues on a reactive basis as opposed to a proactive basis.

Mr. Duncan moved that the previous goals of Council, in addition to the remaining goals not deleted from the September 25, 2000 Work Session minutes, be developed and prioritize during the January meeting. Council President Christopher seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Duncan Keller, Kelly, McGee, Moir, Newton, Smith, Walsh and Wilson (10)

NAYS: None (0)

ABSTENTIONS: None (0)
ABSENT: Lane and Lee (2)

Council requested that the garbage haulers provide a presentation to the Council regarding curbside yard waste at the November 13th Work Session.

Public Works Director offered to provide copies of the draft of the Water System Master Plan to the Council.

ADJOURNMENT

Mayor Newton adjourned the meeting at 7:10 p.m.

APPROVED:
MAYOR:

Tracy L. Davis
City Recorder

Bob Newton

COUNCIL MEMBERS:

Councilor #1 - J. L. Wilson

Councilor #4 - Jacque Moir

Councilor #2 - Lore Christopher

Councilor #5 - Richard Walsh

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

Burning **Allowed** Inside Special Control Areas:

Any person living in a residential dwelling (i.e. house, duplex, triplex, four-plex) in BENTON, LINN, and YAMHILL COUNTY, may open burn wood, needle or leaf material from yard cleanup, so long as the debris remains on the property of origin. The open burning season is during the dates listed below, however, before you burn, you must first check with your local fire department to determine if burning is allowed for that day.

SPRING: March 1 through June 15
FALL October 1 through December 15

	1997	1998	1999
Illegal Backyard Burns	45 (2.06 %)	42 (2.0 %)	54 (2.4 %)
Legal Backyard Burns	25 (1.14 %)	26 (1.2 %)	36 (1.6 %)
Total Burn Complaints	70 (3.2 %)	68 (3.2 %)	90 (4.0 %)
Total Calls	2181	2086	2205

Legal & Illegal Backyard Burns **1991**
Total 82 (6.1%) of 1,331 calls for 1991

October 2000 Backyard Burn Man-hours = 15.09 hours, not counting time spent submitting reports to DEQ, etc.

Points of Interest:

- 1) Calls that come in as structure fires, we roll out equipment with lights & sirens only to find a backyard burn. Increased liability for accidents en-route to fire, firefighter injuries during response. **This weekends call for example on Shady Ln NE**
- 2) At least once or twice a year, we have either a homeowner do damage to their own house or a neighbors structure.
- 3) Currently allowed only to burn only "Yard Debris" which means wood, needle or leaf materials from trees, shrubs or plants from **your** property. Also, your burn pile must be kept under control as to not cross from your property line into adjoining properties.

- a) Have had where people's unattended fire crossed through the fence onto someone else's property.
 - b) Illegal items that could be identified in various backyard burns over the years, were as follows:
 - i. wire
 - ii. bean bag
 - iii. coat & other clothing
 - iv. caulking gun with caulking tube still attached
 - v. fiberglass insulation
 - vi. cardboard beer boxes
 - vii. tin cans, and plastic milk crates.
 - viii. wooden pallets
 - ix. furniture
-

3) Oregon Administrative Rules

340-023-0035

Exemptions, Statewide

This Division shall not apply to:

- (1) Fires set for traditional recreational purposes and traditional ceremonial occasions for which a fire is appropriate provided that no materials which may emit dense smoke or noxious odors as prohibited in OAR 340-023-0042(2) are burned.
- (2) The operation of any barbecue equipment.

340-023-0042

General Prohibitions Statewide

2) No person shall cause or allow to be initiated or maintained any open burning of any wet garbage, plastic, wire insulation, automobile part, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or of any other material which normally emits dense smoke or noxious odors.

4) What Keizer Fire District has done...

Over the last several years we have mailed backyard burn info to each home in Keizer, some as an insert in our newsletter and other times, as a separate mailer.

We have also distributed burn information refrigerator magnets, and installed a backyard burn message line.