

CITY COUNCIL AGENDA PACKET

MONDAY,
OCTOBER 21st, 2002

• 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***

AGENDA

KEIZER CITY COUNCIL
REGULAR SESSION

Monday, October 21, 2002

7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. PUBLIC HEARINGS

- a. Richard Lewis Development Review Hearing – Case No. 2002-59
- b. Chemawa Activity Center/Keizer Station Plan – Text Amendment/Comprehensive Plan Change/Zone Change Case No. 01-50
- c. Water Rate and Administrative Fee Adjustments (cont. from October 7, 2002)
- d. John's Chinese Restaurant Liquor License Application

5. COMMITTEE REPORTS

6. 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 that are not on tonight's agenda.

- a. New Business
- b. Old Business

7. ADMINISTRATIVE ACTION

- a. **ORDINANCE** - Text Amendment Case No. 02-21 (Restricting Private Streets)
- b. Gubser Neighborhood Traffic Management Plan

8. CONSENT CALENDAR

- a. **RESOLUTION** – Appointing Pro Tem Judges for Keizer Municipal Court
- b. Approval of September 3, 2002 Regular Session Minutes
- c. Approval of September 16, 2002 Regular Session Minutes
- d. Approval of October 7, 2002 Regular Session Minutes

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

10. AGENDA INPUT

November 4, 2002

7:00 p.m. City Council Meeting

- Compensation Study – Request for Proposals

November 11, 2002 – Holiday – No Work Session

November 18, 2002

7:00 p.m. City Council Meet

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.



October 21, 2002

AGENDA ITEM 4a

**RICHARD LEWIS DEVELOPMENT REVIEW HEARING – CASE NO.
2002-59**

CITY COUNCIL MEETING: October 21, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *DEVELOPMENT REVIEW CASE NO. 2002-59 (RICHARD LEWIS/CADE STREET)*

This matter is before the Council at the request of Richard Lewis for review of an alternate parking lot design at property located at the northwest corner of River Road and Cade Street (old LaBrisa site).

A review of the chronology is necessary to understand this case:

1. August 1999, Keizer Planning Department issued its Lot Line Adjustment/Variance decision. A copy of such decision is attached as Exhibit "A". Mr. Lewis had requested this land use action for two reasons. First, he needed to move the common lot line between the LaBrisa building and the large parking lot in order to make it more developable. Mr. Lewis totally remodeled the old LaBrisa and constructed a retail center on the other lot.

In a second part of the decision, staff noted that Mr. Lewis' proposed parking on the south side of the LaBrisa building called for perpendicular parking in which the vehicles would back directly into Cade Street. Because staff felt that Cade Street was a through-fare and not a "parking aisle" staff told Mr. Lewis that he must apply for and be granted a variance to reduce the required parking lot aisle width from 24 feet to 0. Keizer Development Code Section 2.303.11(C).

The application was granted, but Condition No. 1 required Mr. Lewis to replace the four parking spaces (No. 20 - 23) closest to River Road with landscaping. Staff's

conclusion was that Cade Street had a low volume of traffic and backing into Cade Street from the other parking spaces would be acceptable. However, cars backing out into Cade Street in the proximity of the intersection with River Road could present a safety problem.

Mr. Lewis did not appeal this decision.

2. August 1999 - April 2001. Mr. Lewis moved forward with development of the site. Pursuant to the land use decision, Mr. Lewis submitted a site plan showing the four parking spaces replaced with landscaping. Based on this approved site plan, building permits were issued and construction of the new building and refurbishment of the LaBrisa building were completed. However, Mr. Lewis did not complete the parking and landscaping pursuant to the site plan that was approved. Consequently, he did not receive an occupancy permit for the LaBrisa building.
3. April 2001. Following some survey work done by the applicant, Mr. Lewis or his surveyor apparently requested Marion County to review surveys and recorded documents to determine if Cade Street was a public right-of-way. In April 2001, Mr. Lewis received a letter from a Marion County cartographer. Please see Exhibit "B". The letter alleges that the City of Keizer never received a deeded interest or dedication of the Cade Street right-of-way and further indicated that the county was updating their maps to show Cade as a private right-of-way. It should be noted at this point that the county's actions are merely for tax assessment records only. The county is not, and does not pretend to be, in a position to rule on who owns property or the status of a right-of-way or street.

Following receipt of this letter, Mr. Lewis received title company documents which he believes support the Marion County cartographer conclusion. Subsequently, Mr. Lewis informally approached City staff with this information and asked if he could construct the parking on the south side of the building as he had originally requested including the four spaces required to be removed. Mr. Lewis did this because he felt that he was misled by City staff initially as to the public nature of Cade Street and that if Cade Street was private, a variance would not be needed for the parking aisle width.

Because of the safety issue, and because of the fact that Mr. Lewis did not appeal the original August 1999 decision, staff informally declined to process this alternate

design. Mr. Lewis then hired Norman Hill, an attorney in Salem. Mr. Hill contacted me and formally submitted the alternate site plan showing the four parking spaces. For the same reasons as stated previously, the City declined to process this alternate site plan.

4. February 2002. Though we held extended discussions, a negotiated resolution could not be reached. Unable to reach a satisfactory resolution, Mr. Hill filed a writ of mandamus proceeding on behalf of Richard Lewis. A writ of mandamus is filed with the Circuit Court seeking a order from the Court requiring an official or governmental agency to take certain action. In this case, Mr. Lewis argued that the City was required to either issue his occupancy permit and approve his alternate plan, or at least rule on the alternate plan. The failure of the City to rule on the alternate plan one way or the other prevented Mr. Lewis from appealing such decision.

Our office filed a motion to dismiss the writ of mandamus due to the fact that Mr. Lewis did not appeal the original August 1999 decision. Judge Richard Barber denied such motion and set the matter for trial.

After discussions with Mr. Lewis' attorney, and consultation with staff and Council members, it was agreed that a partial settlement of the matter would resolve the court case. This resolution was to accept the alternate site plan for review without any promises of a particular result. It was agreed that it would be reviewed as a development review matter, rather than as an amendment of the lot line adjustment case.

Consequently, this matter is now before the Council for review. Below I have suggested a method of analysis for the Council to follow, as well as information on each of the issues in this case.

Method of Analysis

An explanation of Mr. Lewis' position with regard to the variance is necessary before proceeding. At several points through the discussions with Mr. Lewis' legal counsel, the question arose whether Mr. Lewis was requesting an amendment of the original lot line adjustment/variance decision. It appeared without question that that was what he was requesting.

However, Mr. Hill explained that Mr. Lewis was not requesting an amendment of such decision. Rather, Mr. Hill was pointing out that it appears from the available information from the title company and the county that Cade Street is not a public right-of-way. If this is true, the argument is that the variance should never have been requested in the first place and, more importantly, the variance is not necessary to Mr. Lewis. The argument continues that if the variance is not necessary, then the condition related to the variance cannot be imposed. However, I believe that there are more issues involved than whether or not Cade Street is a public right-of-way.

I would suggest the following method of analysis for the Council:

A. Is a variance necessary?

1. Is Cade Street public or private?
2. Assuming it is private, does the private nature of this street negate the need for the variance? In other words, is there still a question of need for a separate parking aisle if Cade Street is private?

B. Assuming that there is no need for a variance, the Council should turn to the merits of the alternate design and determine if the design is safe and can otherwise meet the applicable criteria.

I would recommend that the Council go through the entire steps listed above, even if the initial questions indicate that a variance is necessary.

Determining Public/Private Nature of Cade Street

There are three ways to create a public street: Dedication, Prescriptive Use, or Eminent Domain or other formal legalization process. This memorandum will address only the dedication method.

A dedication can be expressed or implied. Though it is common to have a dedication by separate document or set forth in a recorded plat, a dedication can also occur by reservation in a deed. In this particular case, it appears that there was expressed dedication in a deed in the chain of title. The deed dated April 12, 1944 from Wier to Eubanks conveyed the subject property excepting "a right-of-way for road purposes, being a strip of land 30 feet in width

off of and adjacent to the west boundary of said tract of land, a strip of land 44 feet in width off of and adjacent to the south boundary of said tract of land, and a strip of land 30 feet in width off of and adjacent to the east boundary of said tract of land." These properties represent a widening of River Road and the creation of Cade Street on the south and east portion of the subject property.

In addition, in a deed dated October 3, 1960 from Butler to Pedwell, the same right-of-way is clearly expressed as "right of the public in and to" the above noted roadway descriptions.

Additional deeds specified that the "rights of the public in and to the streets and roads" were reserved. The land sale contract from Gutierrez to Mr. Lewis in 1997 is silent about Cade Street. However, the 1999 deed from Gutierrez to Lewis excepts "the rights of the public in and to that portion of the herein described property line within the limits of the public roads, streets, or highways."

It is apparent that the reservation in the deed acts to grant the dedication. However, a second question must be answered and that is whether or not the dedication has been accepted. Generally, there can be no dedication unless it has been accepted. Acceptance can be expressed or implied.

There is no express acceptance that I have been able to locate. Implied acceptance may be found if the local government unequivocally asserts control or voluntarily provides improvements. The requirement of acceptance may be satisfied by the public's use, especially if it is long continued. *Wallawa County v. Wade*, 43 Or 253 (1903). Also, evidence of improvements or maintenance of the road may establish official acceptance. *Prosch v. City of LaGrande*, 14 Or App 546 (1973).

Cade Street has been used by the public for many years. In addition to the Lewis property, the patrons of the restaurant on the south side of Cade have also used this street for extended periods of time. Cade Street connects two arterials, River Road and Cherry Avenue.

Acceptance can also be shown by the maintenance and improvements done on this portion of the street. Though no formal determination has been made by the City one way or the other with regard to the public/private nature of the street, the maintenance and improvement of this portion of Cade Street indicates acceptance by the local government.

Interpretation of Parking Aisle

Keizer Development Code Section 2.303.11(C) requires certain minimum aisle dimensions:

C. Aisle

The following minimum aisle dimensions shall apply:

1. Without adjacent parking:
 - a. Single family residence: 12 feet
 - b. One-way: 12 feet
 - c. Two-way: 22 feet
2. With adjacent parking:

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

The purpose of this section is to allow maneuvering room for cars to back out of parking spaces without interfering with roadway traffic. The question is whether Mr. Lewis can call Cade Street a "aisle" for purposes of this code section. If the Council interprets this section to require an aisle separate from the travel portion of the roadway, then Mr. Lewis cannot use Cade Street as an aisle. However, if the Council interprets the aisle and the travel roadway as being combined, then Mr. Lewis can use Cade Street for the aisle. In such a case, the variance is not necessary.

The Keizer Development Code does not define "aisle". However, when reviewing code sections it is helpful and appropriate to use the "Purpose" section of the chapter in the analysis. The Purpose section of Chapter 2.303 (Off-Street Parking and Loading) is as follows:

2.303.01 Purpose. The purpose of this Section is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City of Keizer.

Whether public or private, Cade Street is used as a street - it is not used as access to the Lewis property alone. It is used for the restaurant to the south, and to reach the residences behind the commercial property. It functions as a local street as that is defined in the Development Code and Keizer Transportation System Plan.

Given these facts, together with the purpose statement quoted above, the Council could interpret the aisle section of the code to require a separate aisle from the roadway area. Local governments are given broad discretion in interpreting their own code. ORS 197.829.

Substantive Review of the Alternate Parking Lot Plan

The Council should now turn to analysis of the site plan substantively.

First, the Council must keep in mind that the purpose statement can be used as a criteria to determine if the alternate site plan should be approved. (See KDC 2.303.01 above.) In addition, KDC 2.303.11(G) requires service drives to be constructed in an appropriate manner:

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

As can be seen by the discussion above, the Council is free to interpret the development code as they see fit as long as such interpretation is not clearly erroneous. The service drive in this case is Cade Street. Staff's concern is that with the placement of the four subject parking spaces adjacent to River Road that the "service drive" (Cade Street) is unsafe. This is particularly true if cars back out of the parking spaces and turn the rear of the vehicles towards River Road. The Council will need to determine if the purpose statement and subsection G above are complied with under the alternate parking plan.

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF DECISION
LOT LINE ADJUSTMENT/
MAJOR VARIANCE CASE No. 99-38**

I. REQUEST

The following report reviews a land use application for a Lot Line Adjustment and a Major Variance for property located at the 3600 Block of River Road N. The applicant is requesting to adjust the common property lines between Tax Lots 1800, 1900, and 2000 (Marion County Tax Assessor's Map No. 7S3W11BC). The applicant also requests to vary Section 2.303.11(C) the required aisle dimensions for parking spaces from 22 to 0, which would allow for vehicles to maneuver directly into Case Street NE.

II. BACKGROUND

- A. **APPLICANT:** Richard Lewis
- B. **PROPERTY LOCATION:** The subject property is located at the 3600 Block River Road N, Keizer. The Assessor's Office identifies this property as T7S, R3W, Section 11BC, Tax Lots 1800, 1900, and 2000 (See Exhibit "A").
- C. **PARCEL SIZE:** Approximately 1.15 acres.
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property fronts a public street and can be served by public sewer and water.
- E. **ZONING:** Commercial Mixed (CM)
- F. **ADJACENT ZONING AND LAND USES:** Surrounding property is to the south and west is zoned CM and contains commercial uses. Property located to the east of the subject property is zoned Residential Medium Density (RM) and contains single family dwelling units. Property located to the north of the subject property is zoned Commercial Office (CO) and contains the Keizer Village Assisted Living Center.
- G. **PROPOSAL:** The applicant is requesting to adjust the common property lines between Tax Lots 1800, 1900, and 2000 (Marion County Tax Assessor's Map No. 7S3W11BC). The applicant also requests to vary Section 2.303.11(C) the required aisle dimensions for parking spaces from 22 to 0, which would allow for vehicles to maneuver directly into Case Street NE.

III. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED** the Lot Line Adjustment request subject to the conditions and requirements noted below. Findings in support of this decision are found in Section VI.

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED WITH CONDITIONS** the request subject to the conditions and requirements noted below. Findings in support of this decision are found in Section VII.

IV. CONDITIONS AND REQUIREMENTS

This decision does not include approval of a building permit.

A. CONDITIONS: The following conditions must be met before a building permit can be obtained or must be continually met as a condition of the particular land use:

1. The applicant shall replace proposed parking spaces No. 20 through 23 with landscaping as permitted in Section 2.309 of the Keizer Development Code.
2. The actual adjustment of the property lines shall substantially conform to the proposed lot line adjustment as detailed on Exhibit B.
3. Title transfer instruments accomplishing the property adjustments shall be recorded with the Marion County Clerk by May 14, 2000. The effective period of an approved application may be extended for an additional year subject to approval of an extension (Extension form available from the Planning Division). After the title transfer instruments accomplishing the property adjustments are recorded no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.
4. Unless otherwise specifically modified by this decision, development of the subject property shall comply with remaining requirements of the Keizer Development Code.
5. If Cade Street is ever extended and further improved, the subject property may be required to eliminate the parking along Cade Street as shown on the attached site plan. This shall be determined by the Director of Public Works at the time of improvement.

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

V. APPEALS

Any interested person, including the applicant, who disagrees with this decision may request that the application be considered by the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$150.00 fee. This fee will be refunded if the appeal is successful. An appeal request for a hearing in front of the Hearings Officer, must be submitted in writing and be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on August 19, 1999.

Unless further consideration is requested, or the decision is appealed, this decision becomes final on August 20, 1999.

This approval is valid only when the use is established by August 20, 2000. The effective period of an approved application may be extended for an additional year subject to approval of an extension by the Community Development Department.

VI. FINDINGS - LOT LINE ADJUSTMENT

- A. The applicant is requesting to adjust the common property lines between Tax Lots 1800, 1900, and 2000 (Marion County Tax Assessor's Map No. 7S3W11BC). The applicant proposes to adjust the common property lines to accommodate for new development on Tax Lot 1800. The proposed lot line adjustment increases the area to be contained in Tax Lots 1800 and 1900. Tax Lot 2000 will decrease in area from approximately 5,663 square feet to 2,728 square feet.
- B. The approval or denial of a lot line adjustment is based on compliance with decision criteria found in Section 3.106 of the Keizer Land Development Code. Section 3.106.04 establishes the decision criteria. The criteria and staff's findings are listed below.
1. 3.106.04.A. - The adjustment of the lot lines results in no more parcels than originally existed.

FINDINGS: The proposal complies with this requirement as it adjusts the boundary between two parcels and does not create a new parcel.

2. 3.106.04.B. – The proposed lot line adjustment results in parcels that meet all area and dimension standards of the Development Code.

FINDINGS: There is no minimum lot size for commercial properties within a Commercial Mixed (CM) zone. In addition, the CM zone does not require a minimum width or depth. According to Section 2.110.05 *Dimensional Standards*, the parcel size shall be adequate to contain all structures within the required yard setbacks. The proposed lot line adjustment conforms to the standards for lots within a CM zone.

3. 3.106.04.C. – The proposed lot line adjustment does not locate lines in violation of the setback and height provisions of the Code relative to existing structures and improvements.

FINDINGS: The existing commercial structure is located on the southwest corner of the subject property and will not be affected by the proposed lot line adjustment. In addition, there is an existing private utility structure located on Tax Lot 2000. The proposed lot line adjustment will not violate any setback provisions for the structures or improvements on the subject property.

- C. The proposed lot line adjustment conforms with Section 3.106.04 of the Keizer Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria.

V. FINDINGS - VARIANCE

- A. The applicant also requests to vary Section 2.305.11(C) the required aisle dimensions for parking spaces from 22 to 0, which would allow for vehicles to maneuver directly into Case Street NE.
- B. The decision criteria for a variance are contained in Section 3.105.05 of the Keizer Development Code. The criteria and staff's findings are listed below:
1. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.

FINDINGS: The applicant requests a variance reduce the required aisle dimensions for parking spaces from 22 to 0, which would allow for vehicles to maneuver directly into

Case Street NE. The existing commercial structure on the southwest corner of the subject property is vacant. The previous use of the structure was a restaurant, which utilized a pre-existing parking configuration. The existing parking area along the south property line contains only enough room for a vehicle to park at a 90 degrees angle (See Exhibit "C"). Therefore the required area for maneuverability, identified as aisle width in the development code, is reduced to zero. The applicant proposes to allow vehicles to park on the subject property and pull out into Cade Street.

According to the Public Works Department, the amount of vehicle trips per day on Cade Street NE is minimal and the proposed variance will not interfere with the traffic patterns existing on the street. However, the applicant proposes eleven parking spaces along Cade Street NE. Due to the proximity to the intersection of River Road and Cade Street NE, the four parking spaces closest to the intersection should be removed and replaced by landscaping. The four parking spaces in question are numbered as 20 through 23. This reduction will limit the amount of vehicles maneuvering in and out of parking spaces along Cade Street NE. In addition, the reduction will counter the effect of the added commercial traffic onto Cade Street NE.

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

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

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

FINDINGS: The proposed variance would not be unreasonably detrimental to property or improvements in the neighborhood of the subject property. In fact, the applicant will be required to landscape along Cade Street in lieu of proposed parking spaces No. 20 through 23. In addition, the commercial revitalization of the existing vacant structure will improve the aesthetics in the given area.

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

FINDINGS: The existing parking area along the south property line contains only enough room for a vehicle to park at a 90 degrees angle (See Exhibit "C"). Therefore the required area for maneuverability, identified as aisle width in the development code, is reduced to zero. The applicant proposes to allow vehicles to park on the subject property and pull out into Cade Street.

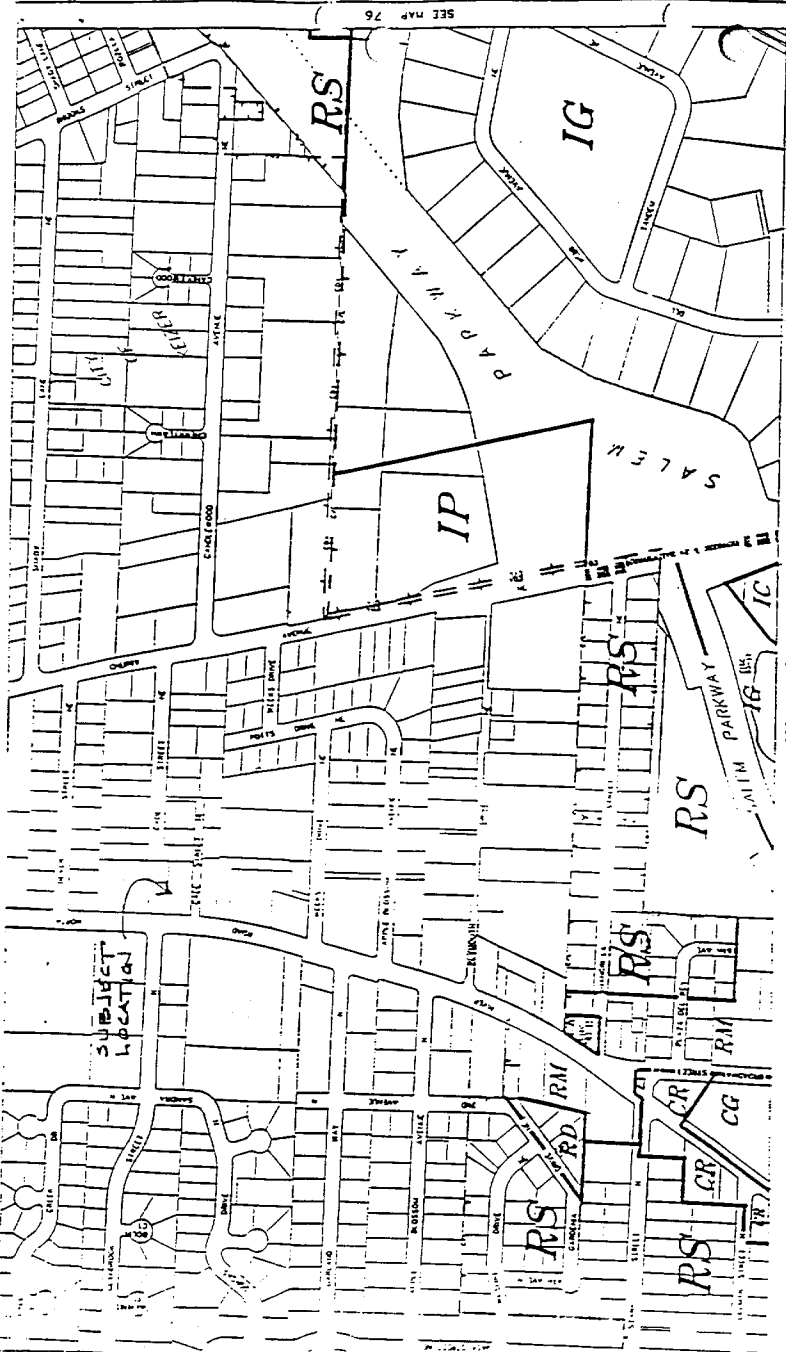
The applicant proposes eleven parking spaces along Cade Street NE. Due to the proximity to the intersection of River Road and Cade Street NE, the four parking spaces closest to the intersection should be removed and replaced by landscaping. According to the Public Works Department, the amount of vehicle trips per day on Cade Street NE is minimal and the proposed variance will not interfere with the traffic patterns existing on the street. The four parking spaces in question are numbered as 20 through 23. This reduction will limit the amount of vehicles maneuvering in and out of parking spaces along Cade Street NE. In addition, the reduction will counter the effect of the added commercial traffic onto Cade Street NE.

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

FINDINGS: The intent and purpose of this provision is to create a safe area for maneuverability for vehicles to ingress and egress from parking spaces. Due to the proximity to the intersection with River Road and Cade Street, proposed parking spaces No. 20 through 23 shall be eliminated and replaced with landscaping. In doing so, the proposed amount of parking spaces is reduced to seven. Combined with the minimal amount of vehicles using the street as it exists, the proposed variance is consistent with the intent and purpose of the provision being varied.

If you have any question about this application or the decision please call 390-3700 or visit the Community Development Department at the above address.

REPORT PREPARED BY	Maria C Meier, Associate Planner
REPORT APPROVED BY	Amy Drought, AICP, Senior Planner
DATE	6-1-11



ZONING MAPS

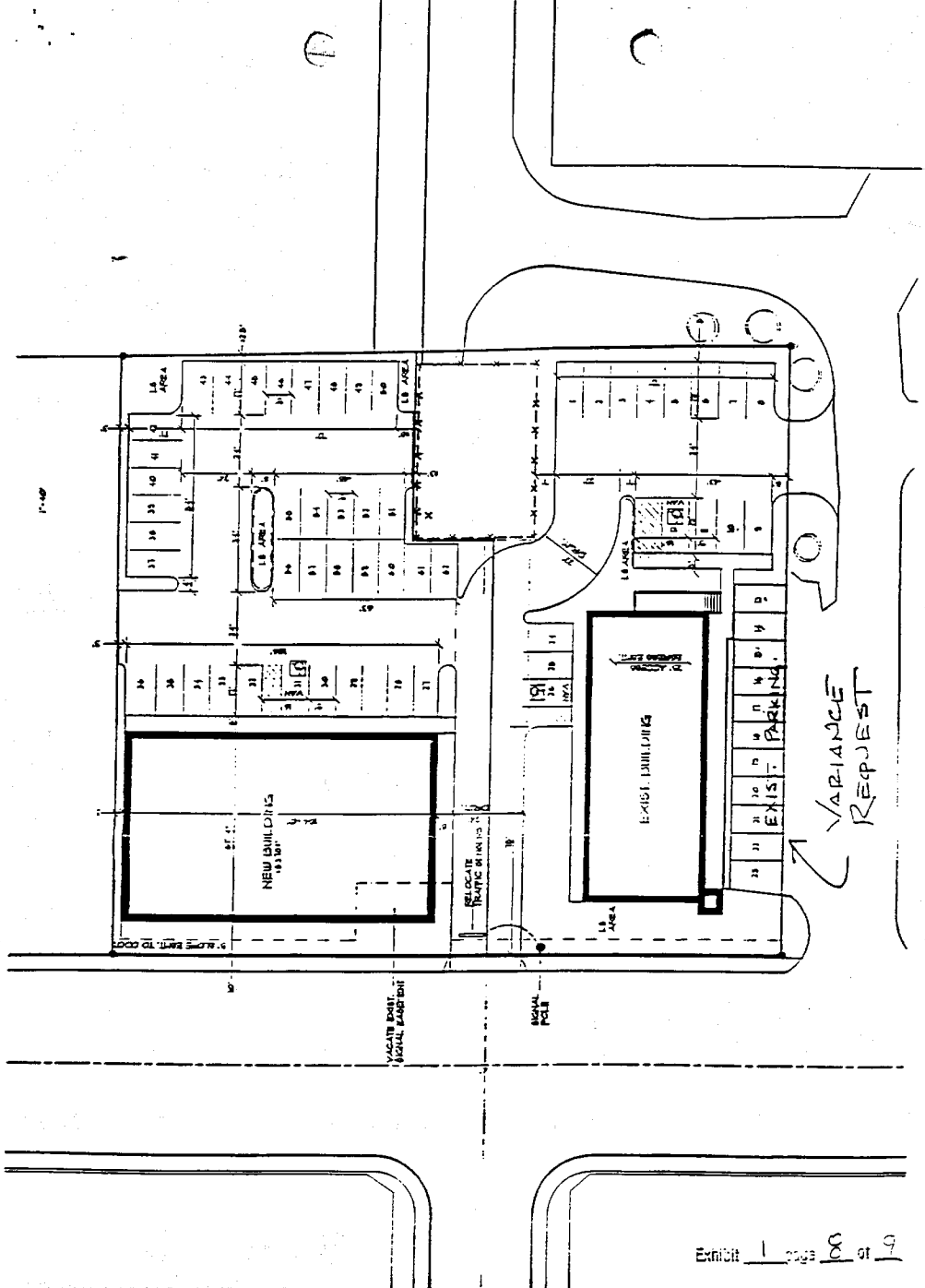
CITY OF SALEM

DEPARTMENT OF COMMUNITY DEVELOPMENT
355 N. COMMERCIAL STREET, S.W.
SALEM, OREGON 97302
TELEPHONE - 503-586-6041

LEGEND

- 1. UNDEVELOPED AREA
- 2. URBAN GROWTH BOUNDARY
- 3. CITY LIMITS
- 4. CITY DISTRICT
- 5. CITY DISTRICT
- 6. CITY DISTRICT

FOR PRECISE LOCATION, SEE MAP 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 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2224, 2225, 2226, 2227, 2228, 2229, 2230, 223



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P.1



Marion County
OREGON
ASSESSOR'S OFFICE

Devin Gager
503-581-1431

ASSESSOR

Doug Fisher
(503) 588-5144

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ASSESSOR FAX #

(503) 588-7922

BOARD OF

COMMISSIONERS

Kendall Frazier
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Mark Myers

WEBSITE

www.openclearing.com

Richard Lewis

2385 Niagara St. N.

Keizer, Oregon 97103

April 02, 2001

Map No. 07-3W-118C

Dear Mr. Lewis:

Four years ago the City of Keizer was proposing improvements to Cade Street. It was discovered that the City did not have a deeded interest or dedication of the right-of-way, giving them the authority to go forward with the improvements. I contacted them a short time ago, and they stated that they no longer had any plans to do the improvements or seek to make the street public.

Since you are an owner of property on Cade Street in Keizer, Oregon, I am writing to you to let you know that we will be updating our maps and property assessment records to show Cade Street as a private right-of-way instead of a public one.

This will result in a larger acreage figure in our records, as well as on your tax statement this fall. This correction will not cause your assessed value to increase. I am notifying each property owner along Cade Street of this change. If you have any questions or concerns, feel free to come into our office on the 2nd floor of the Courthouse Square building at 555 Court St. in downtown Salem, or call us at 503-588-5144.

Sincerely,

Kenneth A. Lehto

Kenneth A. Lehto

GIS Cartographer

Exhibit 2 page 1 of 1

Webb, Martinis & Hill

Attorneys at Law
1114 - 12th Street S.E.
Salem, Oregon 97302

Norman F. Webb
Michael J. Martinis
Norman R. Hill

Legal Assistants:
Diana L. Anderson
Gloria M. Patterson
Nicola L. Hedberg

August 20, 2002

HAND DELIVERED

City of Keizer
City Hall
930 Chemawa Road NE
Keizer OR 97303

Dear Ladies and Gentlemen:

As you know, this office represents Richard Lewis with regard to his property at 3600 River Road in Keizer. The purpose of this letter is to comply with the settlement agreement between the City of Keizer and Richard Lewis in *State of Oregon ex rei Richard Lewis v. City of Keizer*, Marion County Case No. 02C11791. Enclosed please find Mr. Lewis' revised site plan. We would like to give Staff the benefit of Mr. Lewis' view of this dispute.

A. Procedural Background

Richard Lewis' building at 3600 River Road has been completed for a long time. Upon completion of the physical construction, Lewis attempted to have City Staff review and approve an alternative site plan. A copy of the site plan was delivered to City Staff. Mr. Lewis explained that he believed he was entitled to additional parking spaces reflected on the site plan and requested that Staff approve modifications to the plan and issue a certificate of occupancy.

Staff refused to even review the proposed parking layout.

As a result, Lewis had no choice but to file suit for *mandamus* in the Marion County Circuit Court demanding that Keizer actually rule on his proposed parking layout. The City of Keizer filed a motion to dismiss the *mandamus* lawsuit, contending that Lewis was requesting a modification of a land use decision and that he had no right to *mandamus*. The Circuit Court disagreed. Judge Barber denied the City of Keizer's motion. The matter was set for trial.

Pending trial, Keizer and Lewis entered into a settlement agreement. Under the terms of the settlement, Keizer agreed to review Lewis' proposed amended site plan and consider his request for an occupancy permit. It is undisputed that all other requirements of the occupancy permit are met. The only items at issue are parking spaces 1, 2 and 3 as set in the proposed parking layout.

The balance of this letter addresses some of the concerns Staff raised regarding the proposed parking layout.

B. Prior Land Use Action

Staff has repeatedly raised concerns about the impact of a prior land use decision on its approval of these parking spaces. In particular, Staff believes it is bound by a prior land use decision requiring the elimination of parking spaces nearest River Road on the south side of the property. However, Staff's concerns are easily resolved because the prior land use action is no longer needed to comply with City Code. They are therefore moot.

The prior land use action was a variance. The purpose of a variance is to allow development even though a property does not actually conform to the development standards in the development code. See KZO 3.105.01. In other words, a variance allows a property owner to avoid certain development standards. A variance is only needed when the development cannot proceed under a strict application of the Development Code.

In this case, Staff represented and the applicant initially believed that he needed a variance to develop the property. KZO 2.303.11(C) requires parking isles to have widths of 22 feet. Staff informed Lewis that Cade Street, on the south side of his property, was a public street. Thus, the actual isle width was zero. Lewis applied for and received a variance, allowing him to park on the south side of the building with a zero isle width. Staff required the removal of parking spaces 1, 2 and 3 as a condition of approval.

It is now clear that Cade Street is **not** a public street. The road has never been dedicated or accepted by the City of Keizer. In fact, several years ago the City considered and then abandoned an attempt to make Cade Street a public street. At most, Cade Street is an easement for the benefit of properties east of the subject property.

Because Cade Street is not public, there is sufficient isle width for parking along the south side of the building. The variance is not needed and the project can be approved based on the existing Keizer Code. Thus, the variance is moot.

C. Keizer has no authority to require removal of the parking space.

Because there is no variance needed, Keizer has no authority to restrict the development and use of the parking spaces in question. Indeed, the Development Code does not have any provision prohibiting the use of these parking spaces. Parking requirements are found in the General Development Standards Sections of the Code. Specifically, Chapter 2.303 governs off street parking and loading. There is absolutely no portion of this chapter which precludes this type of parking arrangement. Indeed, Figure 10 in the City's Code illustrates the type of parking at issue in this case.

The only Code provision Staff relies on is 2.303.11(G). This section is clearly not applicable. The provision states:

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

It is clear, that this provision has nothing to do with the issue at hand. The proposed parking layout does not implicate a service drive to an off-street parking area. Rather, the only thing at issue is the off-street parking area itself. Indeed, the only requirement applicable in any fashion is KZO 2.303.11(H) provides:

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

In this case, the driveway that is identified as Cade Street clearly has more than 15 feet of vision clearance area. Thus, the proposed parking layout complies with all objective standards set forth by the Keizer Code.

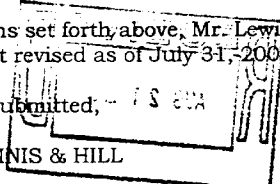
D. Safety

Finally, Staff argues that the proposed layout is unsafe and inappropriate. However, Staff is already aware that this same type of parking arrangement exists throughout Keizer. This parking arrangement is also prevalent along River Road. Indeed, even the City Attorney's Office contains the exact same parking arrangement as that which is proposed in this case.

The applicant is available to demonstrate to Staff and the Council numerous additional examples of this parking arrangement. Mr. Lewis does not believe that he should be singled out for treatment different than other residences and businesses of Keizer.

CONCLUSION

For the reasons set forth above, Mr. Lewis urges you to approve his proposed parking layout revised as of July 31, 2002 and issue certificates of occupancy.

Respectfully submitted,  J S 82A

WEBB, MARTINIS & HILL


Norman R. Hill

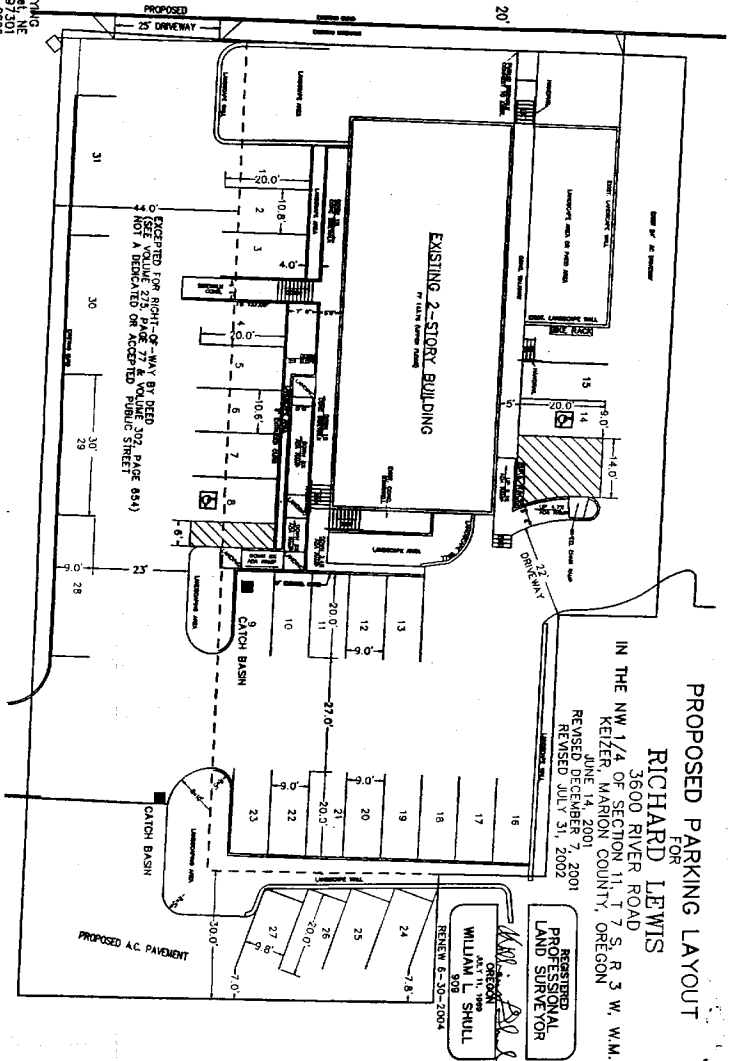
NRH/nlh

c: Richard Lewis

Shannon Johnson, City Attorney Via Fax 503-390-6557 and
First Class Mail

SCALE: 1" = 20'

ASIMUTH SURVEYING
2015 Market Street, NE
Portland, OR 97232
Phone (503) 354-0025
Project No. 99-044



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1114 - 12th Street S.E.
Salem, Oregon 97302

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Legal Assistants:

Diana L. Anderson
Nicola L. Hedberg

September 12, 2002

E. Shannon Johnson
Lien & Johnson
Attorneys at Law
4855 River Road N.
Keizer OR 97303

*Re: State of Oregon, ex rel, Richard Lewis v. City of Keizer
Marion County Case No. 02C 11791*

Dear Shannon:

Thank you for speaking with me on September 5, 2002 regarding Richard Lewis' project and our request. As we discussed, the proposed parking layout we provided was in error in the sense that it depicts only three spaces. Enclosed please find the new proposed parking layout, which I believe reflects what is existing on the ground. I do not believe the dimensions on the prior layout have changed. There is simply an extra parking space drawn in to the plan.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

WEBB, MARTINIS & HILL



Norman R. Hill

NRH/nlh
Enclosure

c: Richard Lewis *w/o encl.*

Telephone: (503)363-9264
Fax (503)363-2250
Email for Norman R. Hill
nrh@callatg.com

*Copy to Marion
County Court Records
9/13/02*

RICHARD LEWIS

3600 RIVER ROAD
IN THE NW 1/4 OF SECTION 11, T 7 S, R 3 W, W.M.
KEIZER, MARION COUNTY, OREGON
JUNE 14, 2001, REVISED DECEMBER 7, 2001
REVISED JULY 31, 2002, AS REVISED SEPTEMBER 11, 2002

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

WILLIAM L. SHULL
JUL 11 1969
OREGON
505
RENEW 6-30-2004

SCALE: 1" = 20'

AZMUTH SURVEYING
 2015 Market Street, NE
 Salem, Oregon 97301
 Phone (503) 364-0026
 Project No. 99-044



October 21, 2002

AGENDA ITEM 4b

CHEMAWA ACTIVITY CENTER/KEIZER STATION PLAN – TEXT
AMENDMENT/COMPREHENSIVE PLAN CHANGE/ZONE CHANGE
CASE NO. 01-50

To: Mayor Christopher and City Council

From: Maria Meier, Planning Director

Date: October 17, 2002

Re: Text Amendment/Comprehensive Plan Amendment/Zone Change Case No. 01-50; Amendment to Chemawa Activity Center Plan – Proposed Keizer Station Plan

On October 7, 2002, the City Council requested staff to prepare complete revised copies of the proposed Keizer Station Plan and corresponding text amendments to the Keizer Development Code and Comprehensive Plan. Please find attached copies of the following:

- Draft Keizer Station Plan as amended by Council.
- Draft text amendments to the Keizer Development Code as amended by Council.
- Preliminary Findings to the applicable Development Code criteria, Comprehensive Plan goals and policies, and Statewide Planning Goals.
- * Changes were made to various sections within the documents listed above. These changes impacted the formatting for following pages and documents, therefore full sets of copies were prepared again for Council with exception of the Preliminary Findings document (one added paragraph between pages 57 & 58; 97 page document not re-printed).

Staff recommends the City Council conduct a public hearing on Text Amendment/Comprehensive Plan Amendment/Zone Change Case No. 01-50; Amendment to Chemawa Activity Center Plan – Proposed Keizer Station Plan. Staff also recommends the City Council review the draft amendments and findings and advise staff of any necessary changes.

The SKAPAC Elected Official Subcommittee meets on November 7, 2002. Decisions made by the City Council on October 21st will be the initial set of documentation to be provided to the SKAPAC process.

KEIZER STATION PLAN

INTRODUCTION

Planning for this area began in 1987 when the Keizer Comprehensive Plan established the Chemewa Activity Center and McNary Activity Center. The first Chemewa Activity Center Plan was adopted in 1993, followed by amendments to the plan in 1995. The city amended the plan two years later and adopted the 1997 version of the Chemewa Activity Center Plan, which provides for development of a mixed-use area incorporating service commercial, industrial, housing, retail, office, and public uses. The activity center is divided into four areas (A through D) corresponding with specific sections on the north and south side of Chemewa Road and Lockhaven Drive.

~~The Pre-Development Agreement between the City of Keizer, the Urban Renewal Agency of the City of Keizer and Northwest National LLC sets forth requirements for the preparation of a Concept Design Plan for the Chemewa Activity Center. The intent of the Concept Design Plan is specified in Section 1.3 of the Pre-Development Agreement:~~

~~*"Concept Design Plans shall mean plans which illustrate the general number and location of buildings, improvements, and uses, and which illustrate the general design character of building sufficient to determine size and building style and utility and infrastructure needs."*~~

~~Prior to determining building types, size and location the Northwest National LLC Project Team evaluated the existing zoning of the Chemewa Activity Center Plan (1997) in light of anticipated uses. Suggested changes to the Comprehensive Plan and Zoning maps are recommended to be consistent with the types of uses based on anticipated market demand. The suggested changes to the zoning pattern are further supported by the economic analysis conducted by Hobson Ferrarini & Associates that indicates that there is a large shortfall of commercial land within Keizer. This analysis also indicates that the existing industrial land in Keizer is more than sufficient to meet the 20-year demand for industrial uses.~~

This plan also provides specific recommendations for development standards within the Keizer Station Plan area. Development standards design details for buildings and on-site improvements and uses are provided in the Keizer Development Code. ~~This step is consistent with Section 2.1 of the Pre-Development Agreement that indicates, in part:~~

~~"...amendments to both plans (Chemawa Activity Center Plan and Urban Renewal Plan) may include, but not necessarily be limited to, an expansion of the commercially-zoned area with the Chemawa Activity Center area, as described in the Chemawa Activity Center Plan."~~

Based on this evaluation, this plan ~~establishes~~ **recommends** establishing ~~five~~ **four** specific areas within the Keizer Station Plan area (Figure 1):

- ~~Village Center~~ **Area A – Village Center/Entertainment and Sports Center**
- ~~Retail Service Center~~ **Area B – Retail Service Center**
- ~~Keizer Station Center~~ **Area C – Keizer Station Center**
- ~~Commerce Center~~ **Area D – Commerce Center**
- **Entertainment and Sports Center**

FIGURE 1: SUBAREAS

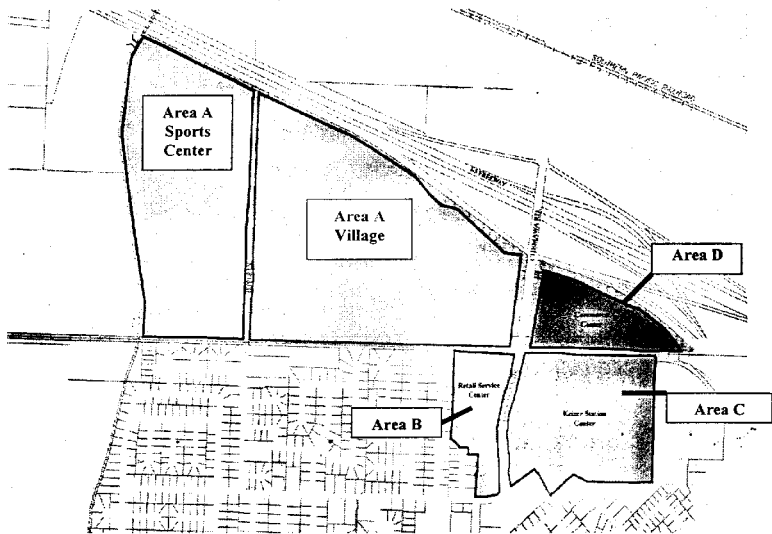


FIGURE ONE

KEIZER STATION PLAN -

SUBAREAS
SEPTEMBER 2001



ANKROM MOISAN
ASSOCIATED ARCHITECTS

The Keizer Station Plan is intended to build on the objectives that were previously used to guide the preparation of the Chemawa Activity Center Plan:

- Establish a northern gateway into the Salem/Keizer area;
- Provide an opportunity for multi-modal transportation options;
- Provide the opportunity to live, work and shop in close proximity to the Center;
- Provide an additional focal point for commerce and community activities;
- Enhance economic activity within the community without threatening the economic health and redevelopment activities along the River Road and Cherry Avenue corridors;
- Provide an appropriate site for community facilities;
- Offer a source of employment, particularly family wage jobs; and
- Be a Source of Pride.

~~We believe that the approach taken in this plan will fully meet these objectives and will result in an opportunity to realize the vision of an Activity Center at this location.~~

In addition to the recommendations regarding the Comprehensive Plan and Zoning maps, an assessment of transportation operations (both under existing and proposed zoning), an economic analysis documenting the need for commercial and industrial land in the city, and an analysis of public infrastructure needs is provided.

KEIZER STATION PLAN LAND USE AND ZONING

~~The proposed changes to the zoning pattern will result in a more logical balance of land use types, which provides a variety of employment opportunities at this location. The Plan proposal takes advantage of the access and visibility of the Keizer Station Plan area and is designed to allow flexibility with applicable development standards. The proposal Plan land use designations, which are shown in Figure 2, include:~~

- ③ Area A – Industrial General, Campus Light Industrial , and Special Planning District
- ③ Area B – Commercial and Low Density Residential
- ③ Area C - Mixed Use and Commercial
- ③ Area D – Campus Light Industrial

The Plan also features a new zoning district called Employment General (EG) that develops standards to promote a an employment center with a mixed development pattern with of industrial and commercial uses, to serve as an employment center within the City. **Attachment A** presents staff's recommendation for the proposed EG zone includes text amendments to create the EG Zone. Other amendments are also recommended to various sections of the Development Code and are attached as The Keizer Development Code amendments that are necessary to implement the Keizer Station Plan are provided in Attachments A through J.

Based on the suggested changes to the Zoning Map (Figure 2-3) the following totals for the Keizer Station Plan area by zoning district results:

Zoning District	Existing Acres	Proposed Acres	Change/Acres
Industrial Business Park (IBP)	124.2	51.6	-72.6
General Industrial	0	32.1	+32.1
Commercial Mixed Use (CM)	18.8	11.4	-7.4
Mixed Use (MU)	36	34.5	-1.5
Public (P)	35.7	0	-35.7
Commercial Office (CO)	12.5	0	-12.5
Commercial Retail (CR)	0	1.5	+1.5
Single Family Residential (RS)	0	1.1	+1.1
Employment General (EG)	0	95	+95
Total Approximate Acres	227.2	227.2	

**The above listed acreage is based upon data from the Marion County Assessor's Office, December 2001.*

The existing and proposed zoning is further described for the ~~five~~ four areas of the Keizer Station Plan as follows:

Village Center Area A - Village Center

<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
Employment General (EG)	0	95
Industrial General	0	2.1

Entertainment and Sports Center Area A - Entertainment & Sports Center

<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
Industrial Business Park	Including BPA 40.1	Including Ball Park 51.6
(IBP)	Not Including BPA 16.3	Not Including Ball Park 30.1
General Industrial (IG)	0	Including BPA 30.0
		Not Including BPA 16.3
Public (P)	27.9	0

(BPA = Bonneville Power Administration)

Retail Service Center Area B - Retail Service Center

<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
Commercial Mixed Use (CM)	0	11.4
Single Family Residential (RS)	0	1.1
Commercial Office (CO)	12.5	0

Keizer Station Center Area C - Keizer Station Center

<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
Mixed Use (MU)	36	34.5
Commercial Retail (CR)	0	1.5

Commerce Center Area D - Commerce Center

<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
Industrial Business Park (IBP)	0	15.0
Commercial Mixed-Use (CM)	8.0	0
Public (P)	7.0	0

*The above listed acreage is based upon data from the Marion County Assessor's Office

FIGURE 2: ZONING MAP

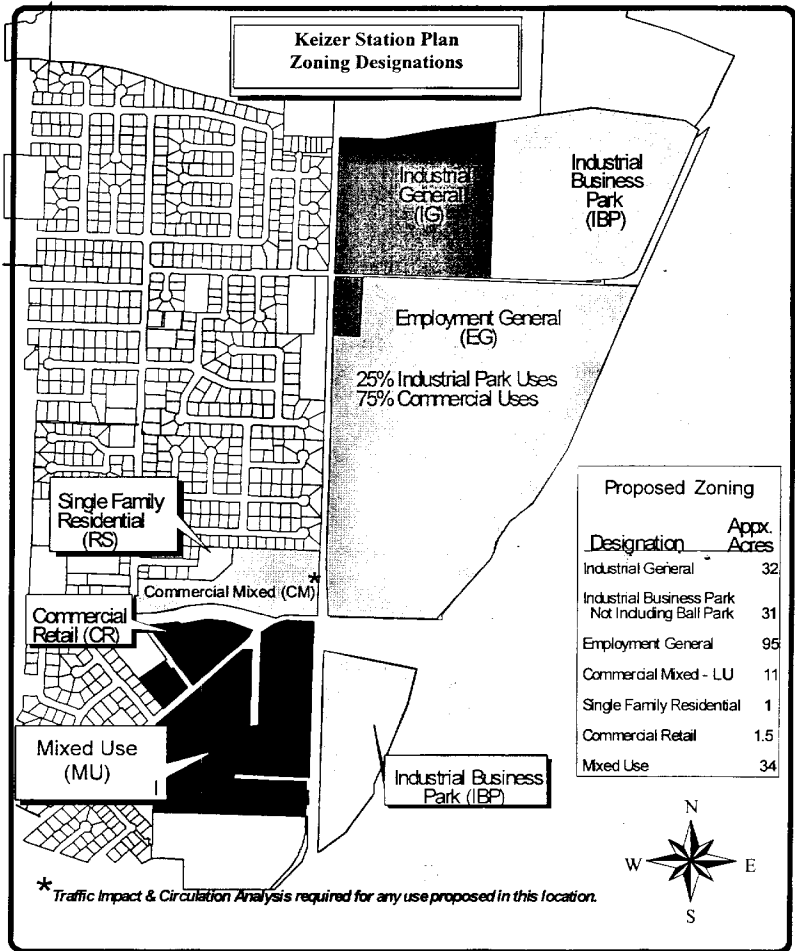
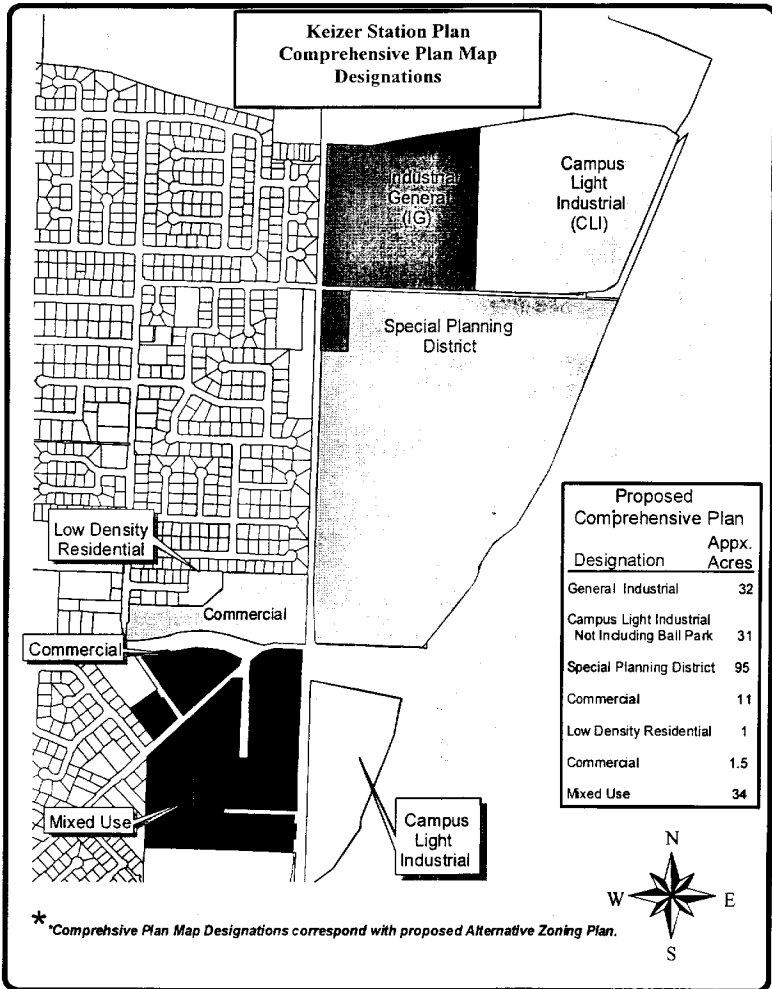


Figure 3: Comprehensive Plan Map Land Use Designations



SITE CHARACTERISTICS

One factor that will influence future development in the Keizer Station Plan area is the site's physical constraints. These constraints will shape where future development and infrastructure will be located and include:

- Utility easements, including the BPA and PGE powerline easements and facilities;
- ODOT access easements; and
- Rail right-of-way.

These areas are shown on Figure 3 and will need to be considered as the Keizer Station area develops.

KEIZER STATION PLAN AREAS AND DESIGN GUIDELINES

The Keizer Station Plan has evaluated each of the five four areas from a development, urban design, transportation and public facilities perspective. Based on this evaluation, this Plan recommends a number of specific design guidelines and identifies development issues that will need to be addressed as development occurs in each area. The following section provides the specific area descriptions, design guidelines and issues that will guide future development in for each of the following areas:

- ~~Village Center Area A – Village Center/Entertainment and Sports Center~~
- ~~Retail Service Center Area B – Retail Service Center~~
- ~~Keizer Station Area Area C – Keizer Station Center~~
- ~~Commerce Center Area D – Commerce Center~~
- ~~Entertainment and Sports Center~~

A limitation to the total floor area, as defined in the Keizer Development Code (KDC), for retail uses is required within the Keizer Station Plan. Each area is limited with a specific amount of floor area for retail uses. The retail use restrictions are also specified in the Keizer Development Code under each applicable zone. The areas are restricted to the following amount of square footage for retail uses as follows:

<u>Areas</u>	<u>Square Footage Limitation for Retail Uses</u>
<u>Area A – Village Center</u>	<u>800,000 sq. ft.</u>
<u>Area A – Entertainment & Sports Center</u>	<u>15,000 sq. ft.</u>
<u>Area B – Retail Service Center</u>	<u>25,000 sq. ft.</u>
<u>Area C – Keizer Station Center</u>	<u>65,000 sq. ft.</u>
<u>Area D – Commerce Center</u>	<u>70,000 sq. ft.</u>

KEIZER STATION PLAN IMPLEMENTATION PROCEDURES

Land Use Review Procedures

This Plan calls for the development of Master Plans for each of the five four areas, with exception to Area C (only required for development of two or more lots/parcels). The Master Plans are to be reviewed and approved through a Type II-B review process in accordance with the Keizer Station Plan design guidelines. These Master Plans are to be publicly or privately prepared representing the actual intent of the developer or developers for a given area. It is recognized that the applicant of the master plan for an area may not own or control all the land within the master plan boundary. However, to properly plan development and provision of public facilities and services, ~~the~~ master plan shall still cover all the area. Individual areas may determine a requirement for a minimum portion of ownership requirement prior to master plan approval. For those portions not owned or controlled by an applicant, the Master Plan shall focus on a cohesive interconnected system of planned public facilities and shall set general design guidelines to be used throughout the Master Plan area. Subdivision approval shall be based upon the zone and Section 3.108 as applicable.

The Master Plans will be developed and considered in accordance with the requirements of the Activity Center Overlay provisions (KDC Section 2.125 of the Keizer Development Code). Individual areas may require a detailed transportation system design plan as a requirement of Master Plan approval. Once a Master Plan is adopted, individual buildings and uses must receive ~~Development Review~~ building permit approval. As part of the building permit process the proposal will be evaluated ~~against~~ for compliance with the adopted Master Plan, zone standards, and applicable design standards as referenced in the Keizer Development Code. In the case of conflicts between the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards will apply.

- ◆ In order to establish the Type II B procedures, Section 3.101.02 of the Keizer Development Code is amended.
- * **See Text Amendments for Summary of Application Types – KDC Section 3.101. Attachment B.**
- ◆ In order to establish the criteria for Type II B review, a newly developed KDC Section 3.113 shall be created.

- * See Text Amendments for Keizer Station Master Plan Review – Newly Created Section 3.113 of the Code. Attachment C.

Transportation Review Procedures

The Beginning with the adoption of the Chemawa Activity Center Plan (1997) adopted a transportation level-of-service standard for future traffic operations at the signalized intersections on Lockhaven Drive and Chemawa Road between River Road and the eastern I-5 ramp. This level-of-service standard (volume to capacity (V/C) ratio of 0.87) is included in Keizer's Transportation System Plan (TSP) as well. Traffic operations are a critical element of the future implementation of the Keizer Station Plan. Therefore, the Keizer Station Plan includes the 0.87 V/C ratio as adopted in the Chemawa Activity Center Plan. Specifically, the Keizer Station Plan includes the following level of service standard / policy for the evaluation of future development in the plan area:

The transportation requirements of the Keizer Station Plan include an underpass of Chemawa Road. The underpass is an important element of the overall transportation system needed to provide safe access to and from the developing areas of the Keizer Station Plan. Provisions for construction of the underpass shall be in place so as to not allow the intersection of Radiant Drive with Chemawa Road to fall below a volume to capacity (v/c) ratio of 0.87 as calculated by the critical movement analysis methodology as development occurs. The transportation requirements of the Keizer Station Plan may include an underpass of Chemawa Road. The underpass is one of several optional elements of the overall transportation system needed to provide safe access to and from the developing areas of the Keizer Station Plan. Provisions for construction of the underpass and/or other improvements shall be in place so as to not allow the intersection of Radiant Drive with Chemawa Road to fall below a volume to capacity (v/c) ratio of .87 as calculated by the critical movement analysis methodology as development occurs.

The Chemawa Activity Center provided for widening of off-ramps at the Chemawa Road Interchange. It is the recommendation of the Department of Public Works that the off-ramp improvements, if necessary, be constructed as a regional improvement to the I-5 Interchange. Funding shall be provided by all parties benefiting from the improvements (i.e. City of Salem, Marion County, ODOT and the City of Keizer.)

Street right of way dedications and street vacations will be required. Prior to development, an overall preliminary plan shall be submitted for review and approval by the Department of Public Works indicating the location of all proposed public and private streets to be dedicated and vacated. All new public streets shall be constructed to the requirements of the City of Keizer Department of Public Works Design and Construction Standards in place at the time of development. During the master planning process, circulation to and within the Keizer Station Plan shall be addressed to promote pedestrian and bicycle access to the site from all surrounding areas.

Utility Review Procedures

General:

- A. A street lighting master plan shall be developed during the "Concept Design Plan" phase of development of the subject property. A street lighting district shall be created while under the control of the developer to provide for adequate streetlights along the frontage of all new street rights of way. Decorative lighting shall be used.
- B. Construction permits are required by the Department of Public Works prior to any public facility construction. Contact 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.

Sanitary Sewer:

A portion of the Keizer Station Plan is located within the original Keizer Sewer District and a portion is located outside of the original district. ~~The Developers~~ will construction the sewer trunk line and pay an acreage fee for the property outside of the original district.

- A. Prior to development of the subject property, a master sewer plan for the proposed development shall be submitted to the Department of Public Works for review and approval. The entire project shall be served by an existing 18-inch trunk sewer located adjacent to Keizer Stadium.
- B. City of Salem approval for both sewer trunk lines and local sewers are required. Permits from the City of Salem are 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.
- C. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
- D. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.
- E. It will be the responsibility of the developer's engineer to locate any existing wells (including those on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. Any conflicts between existing wells and proposed sanitary sewers shall be addressed by the developer prior to issuance of public works construction permits.

Domestic Water:

- 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. Location of all meters shall be approved by the Keizer Department of Public Works. To provide for adequate peak consumption and fire protection requirements it is anticipated that new public wells and storage facilities will be required. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways. Dedication of property to the City shall be required for any wells or storage facilities developed. 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 Department with regard to access and adequate location of fire hydrants prior to any issuance of public works construction permits by the City of Keizer.
- C. Existing wells on the subject property are to be located by the developer and reviewed by the Keizer Department of Public Works to determine if existing water rights can be transferred to municipal use. If so, the developer shall make the transfer at the request of the City. The City will be responsible for any fees charged by the State of Oregon associated with the transfer. If the wells cannot be incorporated into the city system, the developer shall abandon them in accordance with the rules of the Oregon State Water Resources Department.

Storm Sewer:

- A. Development plans will require an evaluation of the present drainage patterns and runoff characteristics. The property is within a critical drainage basin and strict compliance with city ordinances will be necessary. No increase in runoff will be allowed as development occurs. Prior to development an overall storm water master plan shall be submitted for review and approval by the Department of Public Works.
- B. Storm water detention will be required. All storm water and roof drains shall be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other impervious surfaces.
- C. A grading and drainage plan shall be prepared and submitted for review and approval by the Department of Public Works. Details shall include adequate conveyance of storm water from adjacent property across the subject property.
- D. Section V of the Keizer Station Plan provides a detailed description of the various drainage basins within the Keizer Station Plan area. In all cases, storm water detention and treatment will be required to the standards in place at the time of development
- E. It is anticipated that the property will develop in phases. Prior to development, a phasing plan shall be submitted for review and approval by the Department of

Public Works to indicate how the storm water system will be developed to provide service to each area.

KEIZER STATION VILLAGE CENTER Area A – Village Center

I. PURPOSE AND OBJECTIVES

- A. Purpose:** The Village Center (97.1 acres) portion of Area A is the heart of the Keizer Station Plan. The Village Center will provide the opportunity to establish a true activity center that will focus on offering a variety of commercial activities such as specialty retail stores, hospitality services, theaters and larger retail uses. In order to achieve the necessary mix of uses and design environment to create the Village Center, this plan sets forth a series of objectives for new development to accomplish.

Key issues that will need to be considered as ~~the Village Center~~ Area A – Village Center develops include:

- Location and design of ~~Radiant Drive~~ transportation facilities.
 - ~~Location and design of Radiant Loop Road.~~
 - Traffic operations at the Chemawa Interchange.
 - Physical constraints (e.g. power lines, utility easements, rail right-of-way) that will influence the amount of buildable land and building locations; and
 - Phasing of development.
- B. Objectives:** Development in ~~the Village Center~~ Area A – Village Center will be focused on achieving the following objectives:
- Provide a Northern Gateway to Keizer
 - Develop a Variety of Employment Opportunities
 - Create a Focal Point for Commerce and Community Activities
 - Establish a Place for Multiple Activities
 - Provide a Gateway to Entertainment and Sports Activities; and
 - Be a Source of Employment Opportunities

- C. **Base Zones:** In order to achieve the Village Center Development Objectives for Area A – Village Center, the Special Planning District Comprehensive Plan designation for shall apply to the property within the Village Center shall be Special Planning District. Property within ~~the Village Center~~ this area shall be zoned as follows:

Zoning	Acres
Employment General (EG)	95.0
Industrial General (IG)	2.1
- Existing Substation	

II. VILLAGE CENTER AREA A – VILLAGE CENTER DESIGN STANDARDS

In addition to the development standards of the underlying zone, Employment General (EG) – Section 2.119, future development within ~~the Village Center~~ Area A – Village shall comply with the following design standards:

- A. **Development Standards:** KDC Section 2.315 *Development Standards* requires all new commercial, industrial and multi-family development to apply for Development Review and to comply with standards identified in KDC Section 2.315.08. The development standards embodied in the ordinance are administratively reviewed at the time of a building permit. Compliance to the standards is a condition of building permit approval. These standards are intended to be objective and to serve as a guide to designers of developments. Any alternative proposal to the design standards shall be reviewed by the Planning Commission.

* **See Attachment D; Development Standards – KDC Section 3.315 for reference.**

- B. **Additional Design Standards:** Development throughout ~~the Village Center~~ Area A – Village Center will be controlled by a set of design standards aimed at establishing an environment that promotes a coordinated approach to developing the entire 97.1 acres. The intent is to establish design standards in addition to the standards identified in KDC Section 2.315 that will guide future development in a manner that will achieve the development objectives for ~~the Village Center~~ Area A – Village Center. In addition to the development standards in the EG zone –

KDC Section 2.119 and Development Standards – KDC Section 2.315, the following Design Standards shall apply to new development in ~~the Village Center~~ Area A – Village Center area:

1. **Gateway.** In order to achieve the objective of making ~~the Village Center~~ Area A – Village a gateway to Keizer, a gateway feature visible from I-5 shall be provided.
2. **Weather protection.** Weather protection for pedestrians, such as awnings, canopies and arcades, shall be provided at building entrance(s). Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway.

* ~~See Text Amendments for~~ the Employment General (EG) zone – Newly-Created KDC Section 2.110. Attachment A.

III. VILLAGE CENTER AREA A – VILLAGE CENTER TRANSPORTATION SYSTEM

The extension of Radiant Drive through ~~the Village Center~~ Area A – Village is a key element, not only to the transportation system, but to the visual quality of the center. Accordingly, the following design features shall apply to Radiant Drive:

- A. **Streetscape.** Radiant Drive is relocated to bisect ~~the Village Center~~ Area A – Village Center and will provide a landscaped entry into the commercial activities as well as providing a direct connection into ~~the Entertainment and Sports Center~~ Area A – Village Center. The design of Radiant Drive shall include landscape features as approved by the City Council ~~depicted on Figure 4.~~ Landscaping and streetscaping provisions identified in KDC Section 2.119, Attachment A.
- B. **Access.** Access from Radiant Drive to adjoining property shall be controlled. At a minimum, spacing between full access points shall be located no less than 600 feet apart. Limited access points (e.g. right-in/right-out) may be permitted based upon an assessment of traffic operations, including the proximity to existing access points, and the need to address internal circulation needs.

C. Pedestrian circulation:

1. The on-site pedestrian circulation system shall be continuous, connecting the ground-level entrances of primary structure(s) to the following:
 - a. Streets abutting the site;
 - b. Parking areas;
 - c. Shared open spaces and play areas;
 - d. Abutting transit stops;
 - e. Any pedestrian amenity such as plazas, resting areas and viewpoints; and
 - d. Adjacent buildings.
2. There shall be at least one pedestrian connection to an abutting street frontage for each 300 linear feet of street frontage.

IV. UTILITIES

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

- A. All utilities located adjacent to Radiant Drive and Radiant Loop and connecting transportation facilities shall be located underground.
- B. All other new utility connections and lines shall be located underground where practicable.

V. PARKING

Parking standards for ~~the Village Center~~ Area A – Village Center shall follow the standards located in the corresponding base zone as well as Off-Street parking and Loading – Section 2.302. In addition to these standards, the following shall also apply:

- A. Location of parking – If the building is located within 20 feet of property lines adjacent to Radiant Drive, there shall be no parking or maneuvering between the building and the street right-of-way.

VI. LANDSCAPE

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

- A. A coordinated landscape plan shall be provided for the frontage portion of the Village Center along I-5 with the request for master plan approval.
- B. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area A- Village Center without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.
 1. Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

ENTERTAINMENT AND SPORTS CENTER Area A – Sports & Entertainment Center

I. PURPOSE AND OBJECTIVES

- A. **Purpose:** The Entertainment and Sports Center Area A – Sports Center (71 Total 81.6 acres – See page 6 for details) is the location of the Keizer Stadium as well as the potential location for a variety of entertainment, recreation and sports-related facilities. A portion of this area is devoted to existing industrial uses – a power substation. The Entertainment and Sports Center Area A – Sports Center will be accessed via the extension of Radiant Drive through the Village Center Area A - Village. Key issues that will need to be considered as the Entertainment and Sports Area Area A – Sports Center develops include:

- Location and design of Radiant Drive;
- Physical constraints that will influence the amount of buildable land and building locations;
- Phasing of development;
- Coordination with Keizer Stadium activities; and

- Relationship to Lake Labish restoration improvements.
- B. **Objectives:** Development in the ~~Entertainment and Sports Area Center~~ Area A – Sports will be focused on achieving the following objectives:
- Providing development opportunities for recreation facilities while addressing building constraints;
 - Creating a recreation and community center; and
 - Providing compatible uses to the existing power transmission center.
- B. **Base Zone:** In order to achieve the ~~Entertainment and Sports Area Center~~ Area A – Sports Development Objectives, the Comprehensive Plan designation for property within the ~~Entertainment and Sports Center~~ Area A – Sports shall be Campus Light Industrial and General Industrial. Property within the Entertainment and Sports Center shall be zoned as follows:

Zoning	Acres
Industrial Business Park (IBP)	51.6
General Industrial (IG)	30.0

II. ~~ENTERTAINMENT AND SPORTS CENTER~~ AREA A – SPORTS CENTER DESIGN STANDARDS

In addition to the development standards of the underlying zone, Industrial Business Park—Section 2.113 future development within the ~~Entertainment and Sports Center~~ Area A – Sports Center shall comply with the following design standards:

- A. **Permitted Uses:** All permitted uses listed in the corresponding base zones are allowed in the ~~Entertainment and Sports Center area~~ Area A – Sports.
- B. **Development Standards:** In addition to the development standards in the underlying base zones, the following design standards shall apply:
1. The requirement in Industrial Business Park Section 2.113.05 H (Lot Coverage) for 20 percent of the gross area of a lot in the IBP district is ~~reduced to 10 percent for~~ shall also apply to the Entertainment and Sports Center Area A – Sports Center.

2. The requirement in General Industrial Section 2.114.05 B is amended to allow an additional one foot of height for every five feet of setback from residential areas in ~~the Entertainment and Sports Center~~ Area A – Sports Center.

III. ~~ENTERTAINMENT AND SPORTS CENTER~~ AREA A – SPORTS TRANSPORTATION SYSTEM

The extension of Radiant Drive into ~~the Entertainment and Sports Center~~ Area A - Sports Center is a key element, not only to the transportation system, but also to the visual quality of the center. Accordingly, the following design features shall apply to Radiant Drive:

- A. Radiant Drive is relocated to bisect ~~the Village Center~~ Area A – Village Center and will provide a landscaped entry into the commercial activities as well as providing a direct connection into the Entertainment and Sports Center.
- B. Access from Radiant Drive to adjoining property shall be controlled. At a minimum, spacing between full access points shall be located no less than 600 feet apart. Limited access points (e.g. right-in/right-out) may be permitted based upon an assessment of traffic operations, including the proximity to existing access points, and the need to address internal circulation needs.
- C. **Pedestrian circulation:**
 1. The on-site pedestrian circulation system shall be continuous, connecting the ground-level entrances of primary structure(s) to the following:
 - a. Streets abutting the site;
 - b. Parking areas;
 - c. Shared open space and play areas; and
 - d. Abutting transit stops;
 - e. Any pedestrian amenity such as plazas, resting areas and viewpoints; and
 - f. Adjacent buildings.
 2. There shall be at least one pedestrian connection to an abutting street frontage for each 300 linear feet of street frontage.

IV. LANDSCAPE

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

- A. A coordinated landscape plan shall be provided for the frontage portion of the Entertainment and Sports Center along I-5 with the request for master plan approval.
- B. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area A- Village without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.
 - 1. Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

RETAIL SERVICE CENTER AREA B – RETAIL SERVICE CENTER

I. PURPOSE AND OBJECTIVES

- A. **Purpose.** ~~The Retail Service Center~~ Area B – Retail Service Center (12.5 acres) is envisioned to offer community supporting retail services such as a food store, personal services and specialty retail. In addition, the plan proposes the completion of Dennis Ray Avenue to complete the residential neighborhood nearby. Key issues that will need to be considered as ~~the Retail Service Center~~ Area B develops include:

- Site access;
- Buffering between adjacent residential areas; and
- Traffic operations on Lockhaven.

- B. **Objectives:** Development in ~~the Retail Service Center~~ Area B will be focused on achieving the following objectives:

- Complete residential neighborhood on Dennis Ray Avenue and provide a pedestrian and bicycle connection to nearby commercial activities;
 - Provide convenient retail opportunities for nearby residential areas;
 - Create a landscape buffer along the northern edge of the site; and
 - Protect traffic operations on Lockhaven Drive and McLeod Lane.
- C. **Base Zones:** In order to achieve the ~~Retail Service Center~~ Area B Development Objectives, the Comprehensive Plan designation for property within the ~~Retail Service Center~~ Area B shall be Low Density Residential for those properties zoned Single Family Residential and Commercial for the property zoned Commercial Mixed Limited Use (CM-LU). Property within the ~~Retail Service Center~~ Area B shall be zoned as follows:

Zoning	Acres
Commercial Mixed Use (CM-LU)	11.4
Single Family Residential (RS)	1.1

II. ~~RETAIL SERVICE CENTER~~ Area B STANDARDS

- A. **Permitted Uses:** All permitted uses listed in the corresponding base zones are allowed in the ~~Retail Service Center~~ Area B. In addition, the Commercial Mixed (CM) zone provides limitations to vehicular intensive uses from this area.
- B. **Development Standards:** KDC Section 2.315 *Development Standards* requires all new commercial and multi-family development to apply for Development Review and to comply with standards identified in Section 2.315.08. The development standards embodied in the ordinance are administratively reviewed at the time of a building permit. Compliance to the standards is a condition of building permit approval. These standards are intended to be objective and to serve as a guide to designers of developments. Any alternative proposal to the design standards shall be reviewed by the Planning Commission.
- **See Text Amendments in the Commercial Mixed (CM) zone – KDC Section 2.110. Attachment E.**

III. RETAIL SERVICE CENTER AREA B TRANSPORTATION SYSTEM

Traffic operations on Lockhaven Drive are an important design issue as the ~~Retail Service Center Area B~~ develops. Careful consideration of the location of access points to Lockhaven Drive and McLeod to the site will need to occur. Based on initial traffic assessments for the Keizer Station Activity Center Plan, the following traffic-related elements shall be a part of future development of the ~~Retail Service Center Area B~~:

- A. **Access to Lockhaven Drive.** Access will be via a single access point forming the northern leg of the Lockhaven Drive and Chemawa intersection. Additional or alternative access will only be allowed when it is demonstrated to the approval of the City Traffic Engineer that it can be designed so as to have minimal impacts on the safe and efficient flow of traffic on Lockhaven Drive.
- B. **Access to McLeod.** Access may be provided via a single access point located as far north as possible. No automobile access shall be allowed to Dennis Ray Avenue. At the City Traffic Engineer's discretion, this driveway may be limited to right-in/right-out depending on anticipated traffic flows.
- C. **Pedestrian Connectivity.** A pedestrian/bicycle connection to the ~~Retail Service Center Area B~~ shall be provided at Dennis Ray Avenue. The circulation system shall include provisions to provide pedestrian and bicycle connections to the overall Keizer Station Activity Center area from Area B and to Dennis Ray Avenue.
- D. **Internal Circulation.** This is provided to allow internal circulation and avoid the need to use Lockhaven Drive for vehicle trips within the ~~Retail Service Center Area B~~.
- E. **Pedestrian circulation:**
 - 1. The on-site pedestrian circulation system shall be continuous, connecting the ground-level entrances of primary structure(s) to the following:
 - a. Streets abutting the site;
 - b. Parking areas;
 - c. Abutting transit stops; and
 - d. Adjacent buildings.

2. There shall be at least one pedestrian connection to an abutting street frontage for each 300 linear feet of street frontage.

IV. UTILITIES

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

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

V. LANDSCAPE

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

- A. A coordinated landscape plan, including the use of trees, shall be provided for the frontage portion of ~~the Retail Service Center~~ Area B along Lockhaven Drive and McLeod with the request for master plan approval.

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

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

KEIZER STATION CENTER AREA C – KEIZER STATION CENTER

I. PURPOSE AND OBJECTIVES

- A. **Purpose.** The Area C (36 acres) is intended to allow for a mix of uses, both residential and commercial as well as opportunities for connection to public transit. Key issues that will need to be considered as the Keizer Station Center area develops include:

- Traffic operations on Lockhaven and Chemawa, especially at the intersection;
- Appropriate mix of uses;
- Compatibility with existing residential development; and
- Location and operation of future Commuter Rail Transit Station.

- B. **Objectives:** Development in the Keizer Station Center area will be focused on achieving the following objectives:

- Compatibility with existing residential development;
- Mix of uses that support transit development; and
- Preserving opportunities to support a future Commuter Rail Transit Station.

- D. **Base Zones:** In order to achieve the Keizer Station Plan Development Objectives, the Comprehensive Plan designation for property within the Keizer Station Center area shall be Mixed Use and Commercial. Property within the Keizer Station Center area shall be zoned as follows:

Zoning	Acres
Mixed Use (MU)	34.5
Commercial Retail (CR)	1.5

II. KEIZER STATION CENTER AREA C STANDARDS

- A. **Permitted Uses:** All permitted uses listed in the corresponding base zones are allowed in the Keizer Station Center. ~~The Mixed Use zone is amended to require the property within the Keizer Station Center to be built with a ratio of a minimum 75% high density residential development and 25% commercial~~

~~development.~~ In addition to the permitted uses, a Transit Station is allowed as a Special Permitted Use in the Mixed Use zone. Section 2.4 of the Keizer Development Code is amended to add the following Supplemental Standards for a Transit Station:

- * ~~See Text Amendments in the~~ **Mixed Use (MU) zone – KDC Section 2.107. Attachment F.**

The potential location of the Commuter Rail Transit Center in the Keizer Station Center is shown on Figure 3.

- * ~~See Text Amendments in Newly Proposed~~ **KDC Section 2.429, Special Use Section for a Transit Station. Attachment G.**

- B. **Development Standards:** In addition to the development standards in the underlying base zones, Mixed Use – KDC Section 2.107 and Commercial Retail – KDC Section 2.109, the following design standard shall apply to CR zoned properties within the Keizer Station Center area:

1. **Building orientation:** Buildings located within the Commercial Retail area shall have the building's primary entrance oriented to Lockhaven.

III. ~~KEIZER STATION CENTER~~ AREA C TRANSPORTATION SYSTEM

Traffic operations on Lockhaven Drive are an important design issue as the Keizer Station Center area develops. Careful consideration of the location of access points to Lockhaven Drive, McLeod and Chemawa will need to occur. Based on initial traffic assessments for the overall Keizer Station Plan, the following traffic-related elements shall be a part of future development of the Keizer Station Center:

- A. Access to Lockhaven Drive will be allowed when it is demonstrated to the approval of the City Traffic Engineer that it can be designed so as to have minimal impacts on the safe and efficient flow of traffic on Lockhaven Drive.
- B. Access to McLeod and Chemawa shall be coordinated with properties on both sides of these roads to minimize the number of access points and to align primary

access points opposite each other. At the City Traffic Engineer's discretion, driveways may be limited to right-in/right-out depending on anticipated traffic flows.

- C. The circulation system shall include provisions to provide pedestrian and bicycle connections to the overall Keizer Station Plan area.

IV. UTILITIES

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

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

V. LANDSCAPE

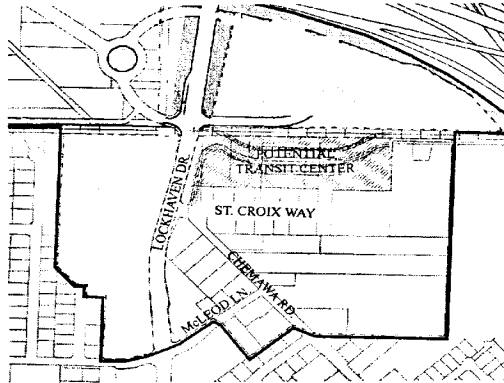
In addition to the development standards of Site and Landscape Design – Section 2.309 the following standard shall apply:

- A. A coordinated landscape plan, including the use of trees, shall be provided for the frontage portion of the Keizer Station Center along Lockhaven Drive with the request for master plan approval.

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

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

FIGURE 3: Potential Commuter Rail Transit Center



COMMERCE CENTER Area D – COMMERCE CENTER

I. PURPOSE AND OBJECTIVES

- A. **Purpose:** ~~The Commerce Center Area D~~ (15 acres) is proposed to have a mix of industrial and business-related activities. Key issues that will need to be considered as the ~~Commerce Center Area D~~ develops include:

- Location and design of Radiant Loop Road transportation facilities;
- Traffic operations at the Chemawa Interchange; and
- Physical constraints (e.g. power lines, utility easements and rail right-of-way) that will influence the amount of buildable land and building locations.

- B. **Objectives:** Development in the ~~Commerce Center Area D~~ will be focused on achieving the following objectives:

- A Source of Employment Opportunities; and
- Protect Traffic Operations on ~~Radiant Loop~~

- C. **Base Zone:** In order to achieve the Commerce Center Development Objectives, the Comprehensive Plan designation for property within the Commerce Center

shall be Campus Light Industrial. Property within ~~the Commerce Center Area D~~ shall be zoned as follows:

Zoning	Acres
Industrial Business Park (IBP)	15.0

II. COMMERCE CENTER STANDARDS

- A. **Permitted Uses:** All permitted uses listed in the corresponding base zone are allowed in ~~the Commerce Center Area D~~.
- B. **Development Standards:** Development Standards the underlying base zone, Industrial Business Park – Section 2.113 and Development Standards – Section 2.315 shall apply. In addition, the following standard shall apply:
1. The requirement in Industrial Business Park Section 2.113.05 H for 20 percent of the gross area of a lot in the IBP district is ~~reduced to 10 percent for the Entertainment and Sports Center.~~
- * **~~See Text Amendments in the~~ Industrial Business Park (IBP) zone – KDC Section 2.113. Attachment H.**

III. COMMERCE CENTER AREA D TRANSPORTATION SYSTEM

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

- A. ~~Radiant Loop is Transportation facilities~~ may be established to bisect the ~~Commerce Center Area D~~ to provide a landscaped entry into ~~the Commerce Center Area D and Village Center Area A – Village~~ activities.
- B. Access from a potential Radiant Loop transportation facility to adjoining property shall be controlled. At a minimum, spacing between full access points shall be located no less than 600 feet apart. Limited access points (e.g. right-in/right-out) may be permitted based upon an assessment of traffic operations and the need to address internal circulation needs.

IV. UTILITIES

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

- A. All utilities located adjacent to ~~Radiant Loop~~ transportation facilities connecting to Radiant Drive shall be located underground.
- B. All other new utility connections and lines shall be located underground.

V. LANDSCAPE

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

- A. A coordinated landscape plan shall be provided for the frontage portion of ~~the Commerce Center Area D~~ along I-5 with the request for master plan approval.
- B. Restriction on Tree Removal. From the date of adoption of this ordinance, no trees shall be removed from any property within Area A- Village without approval from the City. The City recognizes that factors such as disease and safety concerns or other practical considerations may require the approval to remove such trees. The City otherwise may determine existing trees to remain on the property.
 - 1. Upon application for master plan approval, the applicant shall submit a tree inventory of all existing trees and trees removed since the date of this ordinance.

FINANCING OPTIONS – ALL AREAS

Financing for certain pieces of infrastructure and/or facilities within the Keizer Station Plan area may be financed through the implementation of certain public financing options if agreeable to the City and property owner(s). Some of these options could include, but not necessarily be limited to the implementation of one or more local improvement district(s), creation of one or more tax overlay zone(s), and/or the issuance of Bancroft bonds as allowed for by the Oregon State Constitution. Infrastructure components and/or facilities funded by public financing options could include but not necessarily be limited to recreational facilities, streets, water/sewer/storm water improvements, etc.

2.119 GENERAL EMPLOYMENT (EG)

2.119.01 Purpose

The General Employment (EG) zone is located in an area of the City reserved for a mix of commercial and industrial development. The zone promotes a mix of allowed uses, the allowed intensity of development, and the development standards. The zone allows a wide range of employment opportunities. The regulations promote areas, which consist of uses and developments, which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. The intent is to promote viable and attractive industrial/commercial areas. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The General Employment zone is suitable for the Special Planning District (SPD) Plan designation.

2.119.02 Other Zoning Regulations

The regulations in this section state the **allowed uses** and development standards for the EG zone. Specific uses or development types may be subject to other applicable regulations in this Ordinance.

2.119.03 Commercial and Industrial Use Limitations

The EG zone is designed to promote a mixed development pattern with industrial and commercial uses to serve as an employment center within the City. This area is a subset of Area A of the Special Planning District (SPD) Comprehensive Plan designation. The EG zone is specifically designed for the property identified as Area A – Village Center in the Keizer Station Plan, physically bound by Tepper Lane to the north, Interstate 5 to the east, Burlington railroad tracks to the west, and Chemawa Road to the south. Uses in the gross acreage described shall be developed as a maximum seventy-five percent (75%) commercial and a minimum twenty-five percent (25%) industrial park. Uses shall be established in conformance with this Section and all other applicable regulations within the Keizer Development Code.

A limitation to the total floor area, as defined in the Keizer Development Code, for retail uses is required within the Keizer Station Plan. Each sub-area is limited with a specific amount of floor area for retail uses. The EG zone is located within Area A – Village Center of the Keizer Station Plan. The following limitation on total floor area for retail uses within the EG zone is 800,000 square feet for uses identified in Sections 2.119.04 (H), (K), and 2.119.06 (I).

2.119.04 Permitted Industrial Park Uses

Industrial Development. The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the EG zone on a minimum 25% gross acreage of the Village Center:

A. Manufacturing;

1. ~~Grain mill products. (204)~~
2. Bakery products. (205)

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3. Beverages. (208)
4. Miscellaneous food preparations and kindred products. (209)
5. The manufacture of meat products (201) but excluding both meat packing plant (2011) and any on site abattoirs and slaughtering, rendering of fats, processing of hides and maintenance of live animals or fowl. (Poultry slaughtering and processing (2015))
6. Textile mill products. (22)
7. Apparel and other finished products made from fabrics and similar products. (23)
8. Wood kitchen cabinets. (2434)
9. Nailed and lock corner wood boxes and shook. (2441)
10. Wood products, not elsewhere classified. (2499)
11. Furniture and fixtures. (25)
12. Paperboard containers and boxes. (265)
13. Printing, publishing, and allied industries. (27)
14. Drugs (283), **BUT EXCLUDING biological products, except diagnostic substances (2836)**
15. ~~Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations. (284)~~
16. ~~Miscellaneous plastic products. (308)~~
17. Leather and leather products (31) BUT EXCLUDING leather tanning and finishing. (311)
18. Glass products, made of purchased glass. (323)
19. Pottery and related products. (326)
20. Metal cans and shipping containers. (341)
21. Cutlery, hand tools, and general hardware. (342)
22. Heating equipment, except electric and warm air, and plumbing fixtures. (343)
23. Fabricated structural metal products. (344)
24. Screw machine products, and bolts, nuts, screws, rivets, and washers. (345)
25. Metal forgings and stampings. (346)
26. Metalworking machinery and equipment. (354)

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27. Special industry machinery, **except metalworking machinery.** (355)
 28. Pumps and pumping equipment. (3561)
 29. Office, computing, and accounting machines. **(Computer and Office Equipment (357); Calculating and Accounting Machines, Except Electronic Computers (3578); Office Machines, Not Elsewhere Classified (3579))**
 30. Electrical and electronic machinery, equipment, and supplies. **(Electronic and other electrical equipment and components, except computer equipment (36))**
 31. Transportation Equipment. (37)
 32. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks. (38)
 33. Miscellaneous manufacturing industries. **(39)**
- B. Transportation, communications, electric, gas, and sanitary services;**
1. ~~Motor freight transportation and warehousing. (42)~~
 21. Communication. (48)
 32. Public Utility Structures and Buildings. (Electric, Gas, and Sanitary Services (49))
- C. Wholesale trade-nondurable goods (51) BUT EXCLUDING poultry and poultry products (5144), livestock (5154), farm-product raw materials, not elsewhere classified (5159), chemicals and allied products (516), tobacco and tobacco products (5194), and nondurable goods, not elsewhere classified. (5199)**
- D. Wholesale trade-durable goods (50) BUT EXCLUDING automobiles and other motor vehicles (5012), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082) and scrap and waste materials. (5093)**
- E. The uses listed in above A through D, excluding B(2) shall:**
1. Be within an enclosed building; and
 2. Permit retail sales of products manufactured on the site.
- F. Services**
1. Computer and data processing services. (737)
 2. Research and development laboratories.

ATTACHMENT A

3. Management, consulting, and public relations services. (Management and Public Relations Services (874)
4. Noncommercial educational, scientific, and research organizations.

G. Office Uses:

1. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in Section 2.108.02A, B, C, PP, and RR and parking lots U.
2. Finance, Insurance, and Real Estate:
 - a) Commercial and Stock Savings Banks. (602)
 - b) Mutual Savings Bank
 - c) Savings and Loan Associations. (603)
 - d) Personal Credit Institutions. (614)
3. Public Administration. (CC 09-03-02)
 - a) Fire Protection. (9224) (CC 09-03-02)
 - b) Medical Centers. (CC 09-03-02)

H. Retail trade:

1. Eating and drinking places.

I. Services:

1. Hotels, motels, and tourist courts.
2. Child daycare services.
3. Membership sports and recreation clubs.
4. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996).
5. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities.
6. Miscellaneous services.

J. Transit stop shelters.

K. Flexible Space Uses

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1. The following uses, when restricted, developed, and conducted as required in subsection 2 below, are permitted as industrial business park uses within the EG zone:

- a. Food Stores (54). (5/98)
- b. Apparel and Accessory Stores (56). (5/98)
- c. Furniture, Home Furnishings and Equipment Stores (57). (5/98)
- d. Miscellaneous Retail; BUT EXCLUDING used merchandise stores (59). (5/98)
- e. Business Services. (5/98)
- f. Miscellaneous Repair Services. (5/98)

2. In the Keizer Station where Flexible Space uses are to be developed as industrial business park uses within the EG zone, the following development limits apply:

- a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection (a)(i)-(iv)(K)(1)(a) - (d). (5/98)
- b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district-acreage identified for IBP uses within the EG zone. The acreage identified for IBP uses within the EG zone is defined as parcel or area of land used for IBP use land development including building site, parking, landscaping, drainage facilities and any other development on site to support the use on site. "IBP district" is defined as contiguous, IBP zoned property including any internal public streets. (5/98)
- c. The area developed in all flexible space uses shall in the aggregate not exceed 30 percent of the gross area of the IBP district-acreage identified for IBP uses within the EG zone. (5/98)
- d. Any outdoor storage area shall:
 - i. Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building;
 - ii. Be enclosed with a sight-obscuring fence or wall;
 - iii. Have at least one side conterminous with the building that it serves;
 - iv. Have no opening within fifty feet and visible from any property boundary; and
 - v. Meet the other applicable requirements of this ordinance.
- e. Loading doors shall have no opening within seventy five feet and visible from any street or property boundary.

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f. Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall. This standard applies to Keizer Station Flex Space uses only – Section 2.315.08.B.1 shall apply to other uses otherwise identified in that section.

g. All buildings shall be capable of development as flexible industrial space.

2.119.05 Special Permitted Industrial Park Uses

A. The following uses, when developed under the applicable development standards, are permitted in the EG zone with the ability to occupy up to a maximum of 10% of the area identified for industrial use within the EG zone: (CC 09-03-02)

1. ~~Public administration;~~ (CC 09-03-02)

a. ~~Fire protection.~~ (9224) (CC 09-03-02)

b. ~~Medical Centers.~~ (CC 09-03-02)

2. ~~Office Uses:~~

a. ~~Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in Section 2.108.02A, B, C, PP, and RR and parking lots U.~~

b. ~~Finance, Insurance, and Real Estate;~~

1) ~~Commercial and Stock Savings Banks.~~ (602)

2) ~~Mutual Savings Bank.~~

3) ~~Savings and Loan Associations.~~ (603)

4) ~~Personal Credit Institutions.~~ (614)

A. **Accessory structures and uses** prescribed in Section 2.203.

2.119.06 Permitted Commercial Uses

Commercial Development. The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the EG zone on a maximum 75% gross acreage of the Village Center:

A. **One or more buildings with one or more dwelling units** or guest rooms, and/or, one or more other uses allowed in this section on a lot.

B. **Residential homes** and facilities.

C. **Child day care service**, including family day care provider. (8351)

D. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses.

ATTACHMENT A

- E. **Landscape** counseling and planning (0781).
- F. **Offices** for any use listed in SIC Division C - Construction.
- G. **Commercial printing** (275).
- H. **Transportation, Communication and Utilities.**
 - 1. **Public utility structures and buildings.**
 - 2. **Post office** (43).
 - 3. **Travel agency** (4722).
 - 4. **Communications** (48).
- I. **Retail Trade.**
 - 1. **Building materials, hardware, retail nurseries, and garden supply** (52), BUT EXCLUDING mobile home dealers (527).
 - 2. **General merchandise stores** (53).
 - 3. **Food stores** (54).
 - 4. **Apparel and accessory stores** (56).
 - 5. **Home furniture, furnishings, and equipment stores** (57).
 - 6. **Eating and drinking places** (58).
 - 7. **Miscellaneous retail** (59), BUT EXCLUDING fuel and ice dealers (598).
 - 8. **Electrical and lighting shops and office machines and equipment stores.**
- J. **Business, Professional and Social Services.**
 - 1. **Finance, insurance and real estate** (60, 61, 62, 63, 64, 65, 67).
 - 2. **Hotels, motels and tourist courts** (701).
 - 3. **Organization hotels and lodging houses** on membership basis (704).
 - 4. **Personal services** (72) BUT EXCLUDING industrial launderers (7218).
 - 5. **Business services** (73) BUT EXCLUDING disinfecting and exterminating services (7342).
 - 6. **Parking lots** in accordance with Section 2.303.04 of this Ordinance. (7521)

ATTACHMENT A

7. **Miscellaneous repair services** (76).
 8. **Motion pictures** (78), BUT EXCLUDING drive-ins (7838).
 9. **Amusement and recreation** (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996).
 10. **Health services** (80), BUT EXCLUDING hospitals (806).
 11. **Legal services** (81).
 12. **Elementary and secondary schools** (8211).
 13. **Correspondence schools and vocational schools** (824).
 14. **Schools and educational services** not elsewhere classified (829).
 15. **Social services** (83).
 16. **Museums, art galleries, botanical and zoological gardens** (84).
 17. **Membership organizations** (86).
 18. **Miscellaneous services** (89).
- K. Public Administration** (91 - 97).
- 2.119.07 Special Permitted Commercial Uses**
The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the EG zone:
- A. Any commercial use, as identified in Sections 2.119.06 I. and 2.119.07 C(4) below, structures that exceed 60,000 square feet in floor area in accordance with Section 2.119.08 A below, (CC 09-03-02)**
- B A. Accessory structures and uses** prescribed in Section 2.203.
- B B. The following special uses** subject to the applicable standards in Section 2.4 and shall be considered commercial uses in the EG zone:
1. **House of Worship** (Section 2.423).
 2. **Veterinary services** (074) (Section 2.414).
 3. **Funeral service and crematories** (726) (Section 2.415).
 4. **Used Merchandise Store** (Section 2.417).
 5. **Service stations** (554) (Section 2.419) except as provided in Section 2.119.07 below.

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6. **Automobile services (75) (Section 2.420) BUT EXCLUDING** automotive rental and leasing, without drivers (751), automotive repair shops (753), automotive repair (754).

7. **Commuter Rail Station**

2.119.08 Use Restrictions

A. ~~In the EG zone, a maximum number of three (3) commercial use structures as permitted in 2.119.07 A, may be allowed a maximum of 120,000 square feet ground floor area each or a maximum total of 350,000 square feet ground floor area for all three buildings. (CC 09-03-02)~~

A. The following uses are **prohibited to be established in the EG zone:**

1. Farm Use.
2. The rendering, processing, or cleaning of animals, fish, seafood's, fowl, poultry, fruits, vegetables, or dairy products for wholesale use.
3. Vehicle sales and secondary repair.
4. General Storage, including boat and RV storage.
5. Recreational vehicle parks (7033).
6. Automotive Dealers (55), except as provided in Section 2.119.06 above.
7. Automotive rental and leasing, without drivers (751).
8. Automotive repair shops (753).
9. Automotive services, except repair (754).

2.119.09 Development Standards

- A. **Purpose.** The Keizer Station Plan requires the development of Master Plans for each of the five sub-areas. This process provides the City Council with an opportunity to review development proposals in conformance with the Keizer Development Code and the adopted Keizer Station Plan. Master Plans for each sub-area are required to meet the criteria identified in Section 3.113 of the Code.
- B. **Master Plan Required.** A master plan must be reviewed and approved by the City Council prior to subdivision platting or development. The Master Plan shall be reviewed through a Type II-B review process in accordance with this Section. It is recognized that the applicant of the master plan for the area may not own or control all the land within the master plan boundary. ~~At least 50% of the gross acres within the EG zone must be owned by the same person prior to application for master plan approval (Recommended by staff 10-21-02).~~ The master plan shall still cover the entire EG zone. For those portions not owned or controlled by the applicant, the Master Plan shall focus on a cohesive interconnected system of planned public facilities and shall set general guidelines to be used throughout the Master Plan area. Subdivision approval shall be based upon the zone and Section 3.108 as applicable.

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1. The Master Plan will be developed and considered in accordance with the requirements of the Activity Center Overlay provisions (Section 2.125 of the Keizer Development Code). Once a Master Plan is adopted, the proposed development of each use shall be reviewed through Development Review as required in Section 2.315 of the Keizer Development Code. In the case of conflicts between the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards will apply.
2. The Master Plan shall include a detailed transportation system design plan for the EG zone. The location of transit facilities shall conform to Section 2.305 of the Code.

2.119.10 Dimensional Standards

- A. Purpose. The lot size standards promote new lots with sizes and shapes that are practical to assemble and develop. The standards are intended to prevent the creation of small lots, which are difficult to develop or to aggregate with other lots. The standards also discourage narrow lots, which increase demand for curb cuts. The EG zone is specifically designed for the property described as follows: physically bound by Tepper Lane to the north, Interstate 5 to the east, Burlington railroad tracks to the west, and Chemawa Road to the south. Uses in the gross acreage described shall be developed as a maximum seventy-five percent (75%) commercial and a minimum twenty-five percent (25%) industrial park. Uses shall be established in conformance with this Section and all other applicable regulations within the Keizer Development Code. Therefore, the division of such ground shall be approved to the standards in subsection 2.119.09.B. below.
- B. Minimum Lot Dimension Requirements.
The term "lots" determined as lots approved in Master Plan process
1. Within the acreage identified for commercial uses, at least eighty percent (80%) of the lots must meet Standard A stated in the table within this subsection and the remainder lots must meet Standard B.
 2. Within the acreage identified for industrial uses, at least eighty percent (80%) of the lots must meet Standard C stated in the table within this subsection and the remainder of the lots must meet Standard D.
 3. Exempt Lots. Lots or tracts created for the purposes of providing a right-of-way or dedicated open space are exempt from the lot size and shape standards of this section.

Development Type	Lot Standard	Minimum Lot Area	Minimum Average Width	Minimum Average Depth
Commercial (2.119.06 & .07)	Standard A	20,000 sq. ft.	100 ft.	100 ft.
	Standard B	10,000 sq. ft.	75 ft.	75 ft.
Industrial Park (2.119.04)	Standard C	4 acres	350 ft.	350 ft.
	Standard D	1 acre	150 ft.	150 ft.

2.119.11 Development Standards

- A. Setback from Residential Areas. ~~Where the EG zone abuts a residential district, except another industrial type zone, directly or across an alley or railroad tract, there shall be a~~

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~~minimum required yard of forty (40) feet in depth adjacent to the lot line separating the EG zone from the abutting district. The 40-foot required yard shall not be varied and shall be landscaped in accordance with Section 2.309. (Alternative additional language: The 40 foot required buffer shall not be included in the minimum percentage for landscaping on a lot.)~~ (CC 09-03-02)

A. Height, Setback, Coverage, and Landscaping Requirements

Development Type	Building Standards		Building Setbacks				Minimum Landscaping
	Maximum Height	Maximum Lot Coverage	Street-side		Side/Rear Not Adjacent to Residential zone	Adjacent to Residential zone	Percentage of Lot Area
			Min	Max			
Commercial	50 100 ft. (1)	85% (2)	10 ft.	20 ft. (3) (4)	None	40 ft.	15% 10% (5) (6)
Industrial Park	80 ft. 100 ft. / 15 ft. within 50 of any residential zone (1)	80% (2)	25 ft. 20 ft.	None	None	40 ft. plus 2 ft. for each foot of bldg. height over 50 ft.	20% 10% 15% (5) (6)

(1) Height Exceptions. Exceptions to the maximum height standard are stated below.

- a. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
- b. Rooftop mechanical equipment. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.
- c. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.

(2) Structures that exceed 60,000 sq. ft. must comply with Sections 2.119.06.A and 2.119.07.A. (CC 09-03-02)

(2) Maximum lot coverage allowed for buildings, accessory structures and paved parking.

(3) Alternative maximum setback option for large commercial uses.

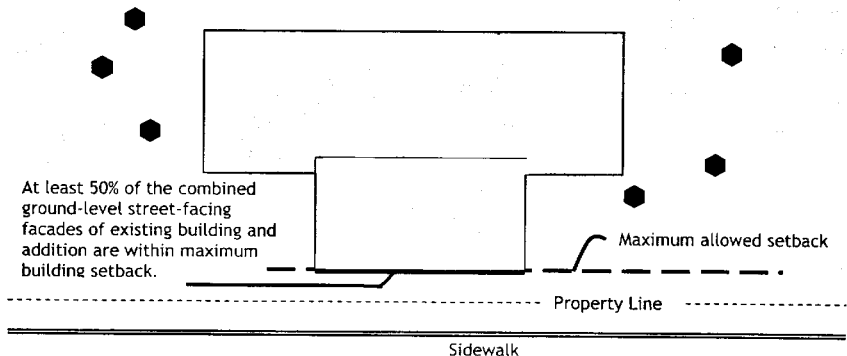
- a. Purpose. The intent of these regulations is to allow deeper street setbacks for very large retail stores locating along transit street or street in a pedestrian district in

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exchange for a pedestrian and transit-friendly main street type of development.

These large commercial sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks.

- b. Regulation. Commercial buildings that exceed 60,000 square feet of floor area (CC 09-03-02) are exempt from the maximum setback requirements identified in Section 2.119.10.B, if all of the following are met:
 - (i) Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a pedestrian district. For sites with frontage on more than one public transit street or in a pedestrian district, the following regulations below apply. These buildings must be constructed before or at the same time as the large commercial use. Frontage on more than one transit street. Where the site is adjacent to more than one transit street, the following standards apply:
 - (a) If two or more of the transit public streets intersect, at least 50% of the length of the ground level street facing façade of the building must be within the maximum setback along two of the intersecting transit streets, but does not need to be met along others; the applicant may choose which intersection; and
 - (b) If none of the transit streets intersect, at least 50% of the length of the ground level street facing façade of the building must be within the maximum setback; the applicant may choose which street.
 - (ii) Connections between sites. The system must connect the buildings on the site to all adjacent properties.
- (4) At least 50 percent of the length of the ground level street facing facade of a building must be within the maximum setback. (CC 09-0302)



- (5) Landscaping. All required yards, except driveways, are required to be landscaped; that portion within the required yard, which is landscaped, may be included in the calculation to meet minimum landscape area requirements. Landscaping shall meet all applicable standards identified in Section 2.309 of the Code. In addition to landscaping provisions identified in Section 2.309, landscaping for properties within the EG zone shall be defined as follows:

"Landscaped Area" must be native or non-native trees, vegetation, ponds, rocks, ground cover, bark chips, cinders, terraces, vegetable or flower gardens, trellises, pathways, or structural features including but not limited to fountains, reflecting pools, outdoor art work, screen walls, fences and benches, which reasonably required and continues to reasonably requires human management to distinguish the area from a natural area.

Within the EG zone, landscape area requirements may be determined by the City Council to have a portion of landscaped or streetscaped area within the right-of-way to be included within the minimum landscape area requirement. (CC 10-07-02)

- (6) Streetscaping. Streetscaping is defined as pedestrian oriented improvements to property outdoors. Streetscaping may include, but not limited to, walkways with varied materials (other than plain concrete or asphalt), art features, water features, planters, benches, hanging plant baskets, and plazas. (CC 09/03/02)

(a) In accordance with Section 3.113 Keizer Station Master Plan Review, at the time of master plan approval by the Council, the Council may determine if streetscaped areas may be included in the minimum landscape area for a proposed development.

- B. **Design Standards.** All development in the EG zone shall comply with applicable standards in Section 2.315 of the Code, in addition to the standards below:

1. Exterior Display, Storage, and Work Activities.

- a. Exterior display and storage is allowed. Exterior display and storage shall not be located within required setbacks nor required landscaped areas. Exterior display and exterior storage areas shall not be located within 100 feet of any property line within 60 feet of a residential zone.
- b. Exterior work activities are allowed in the areas identified for industrial development. Exterior work activities shall not be located within required setbacks nor required landscaped areas. Such exterior work activities shall not be located within 100 feet of any property line within 60 feet of a residential zone.

2. All development must comply with the applicable standards identified in the Code including, but not limited to, the following:

Section 2.125 Activity Overlay Zone
 Section 2.3 General Development Standards
 Section 2.301 General Provisions
 Section 2.302 Street Standards
 Section 2.303 Off-Street Parking and Loading
 Section 2.305 Transit Facilities
 Section 2.306 Storm Drainage
 Section 2.307 Utility Lines and Facilities
 Section 2.308 Signs

3.101 SUMMARY OF APPLICATION TYPES

There are four types of development permits and land use actions, each with its own procedures as found in Chapter 3.2. (5/98)

3.101.01 Type I Action - Summary

Type I actions are administrative reviews processed by the City staff according to the procedures found in Section 3.202.01. The review standards are generally clear and objective and allow little or no discretion. This process is further divided into two parts. (5/98)

- A. Type I-A: A ministerial action reviewed by staff based on clear and objective standards. No conditions may be placed on the decision and notice of the decision is sent only to the applicant. Appeal is to the Hearings Officer, except that the Site Plan Review is appealed to the Planning Commission. The following actions are processed under the Type I-A procedure: (5/98)
 - 1. Signs (excluding variances or conditional uses) (5/98)
 - 2. Floodplain Development Permit (excluding variances or conditional uses) (5/98)
 - 3. Greenway Development Permit (excluding variances or conditional uses) (5/98)
 - 4. Temporary Use Permit (5/98)
 - 5. Development Standards - Review (5/98)
- B. Type I-B: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Hearings Officer. The Zoning Administrator may refer any application to the Hearings Officer or the City Council for public hearing and decision. The following actions are processed under the Type I-B procedure: (5/98)
 - 1. Variance (Major and Minor) (5/98)
 - 2. Lot Line Adjustment (5/98)
 - 3. Conditional Use (5/98)
 - 4. Partitions (5/98)

3.101.02 Type II Actions - Summary

- A. **Type II-A:** A Type II action is a quasi-judicial review in which the Hearings Officer applies a mix of objective and subjective standards that allow considerable discretion. A Type II action follows the procedures found in Section 3.202.03. Staff has an advisory role. The Zoning Administrator may refer any application to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure: (5/98)
1. Subdivision (5/98)
 2. Planned Unit Development (5/98)
 3. Manufactured Home Parks (5/98)
- B. **Type II-B:** A quasi-judicial action in which the City Council applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The City Council shall hold a public hearing and make the decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure:
1. Keizer Station Master Plans, Subdivision and Partitioning

3.101.03 Type III Actions - Summary

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards. A Type III action follows the procedures found in Section 3.202.03. Staff and the Hearings Officer have advisory roles. Public notice is provided and public hearings are held before the Hearings Officer and City Council. Section 3.202 lists the notice requirements. In addition to applications by private parties, the City Council, by resolution, may initiate a Type III action. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure: (5/98)

- A. Comprehensive Plan Map Amendments (involving 5 or fewer adjacent land ownerships) (5/98)

- B. Zone Changes (involving 5 or fewer adjacent land ownerships) (5/98)
- C. Annexation (5/98)

3.101.04 Type IV Actions - Summary

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties cannot apply for a Type IV action; it must be initiated by City staff, Planning Commission, or City Council. Public notice and hearings are provided in a Type IV process. The following actions are processed under a Type IV procedure: (5/98)

- A. Text Amendments to the Comprehensive Plan (5/98)
- B. Text Amendments to the Development Code (5/98)
- C. Enactment of new Comprehensive Plan or Development Code text (5/98)
- D. Comprehensive Plan Map Amendments (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)
- E. Zone Changes (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)

LAND USE APPLICATION PROCESS

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COM-MISSION	CITY COUNCIL
Administrative: Sign, Floodplain, Greenway, Temporary Use	I-A	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Administrative: Development Standards Review	I-A	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Conditional Use (All)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Variance (All)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision

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LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COM-MISSION	CITY COUNCIL
Lot Line Adjustment	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Partition	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Keizer Station Master Plan Review	II-B	Recommend to City Council			Final Decision
Subdivision	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Planned Unit Development	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Manufactured Home Park	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Comprehensive Plan Map Amendment	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Zone Change	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Annexation	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Text Amendments; Legislative Zone and Plan Map Changes	IV	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
		Commission			

3.113 KEIZER STATION MASTER PLAN REVIEW

3.113.01 Area of Application

The Keizer Station Plan requires the development of Master Plans for each of the five sub-areas. This process provides the City Council with an opportunity to review development proposals in conformance with the Keizer Development Code and the adopted Keizer Station Plan. Each Master Plan shall be reviewed through a Type II-B review process.

3.113.02 Review Procedures

Potential alternative language recommended by staff:

The Keizer Station Plan identifies different areas for planned development. Each area has provisions to be approved through the Keizer Station Master Plan Review (Type II-B) application procedure.

Type II-B actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process.

Properties in Area C may develop as an individual parcel with a Conditional Use Permit (Type I-B) approved by the Zoning Administrator in accordance with the applicable criteria and subject to conditions of approval in Section 3.113.04. Areas A, B, D, and two or more parcels in Area C, may develop with Type II-B Keizer Station Master Plan Review approval by the City Council.

3.113.03 Submittal Requirements

A. Area A – Village Village Center. (CC 09-09-02)

1. Infrastructure engineering and architectural site plans showing all structures in relation to projected final topography of the project, all proposed connections to existing or proposed roads, transportation facilities (including proposed right-of-way and pedestrian connections), utilities, open space and parking areas, depicting the number and types of spaces. (CC 09-03-02)

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2. Landscape plans generally showing the common and botanical name of plant species, the number and size of plantings and demonstrating the location and type of irrigation.
3. ~~Plans,~~ Building elevations, typical cross-sections and typical wall sections of all building areas.
4. Typical elevations of the buildings to determine the specific configuration and relationship of design elements of the typical building exteriors, which describe the general aesthetic and technical aspects of the building exterior, including materials.
5. ~~Plans,~~ eElevations, typical cross sections of the interior space layout of the building areas, entrance canopies, interior public courts, specialty areas, and service area layouts.
6. Proposed layouts for exterior signage and graphics.
7. Preliminary outline specifications describing exterior construction materials and methods, including indications of colors, finishes, and patterns.
8. An outline of amenities, including, but not limited to, public art, furniture, handrails, seating areas and food areas, if any.
9. A description of servicing requirements, trash compactors and related areas, loading docks, etc.
10. Calculation of gross building, parking and open space.
- ~~11. Detailed cost estimate pertaining to the construction of the improvements as presented in the Design Development Drawings, for review and comment only. (CC 09-09-02)~~
- ~~12.~~ 11. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

A. Area A – Sports (CC 09-09-02)

1. Location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.
2. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

C. Retail Service Center. Area B (CC 09-09-02)

1. Location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.
2. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

D. Keizer Station Center. Area C (CC 09-09-02)

1. Location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.
2. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

E. Commerce Center. Area D (CC 09-09-02)

1. Location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.

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

3.113.04 Review Criteria

Approval of a Master Plan for an area of the Keizer Station Plan shall require compliance with the following:

- A. The master plan shall meet the purpose and objectives identified in the Keizer Station Design Plan.
- B. The master plan shall meet the following standards as identified in the Keizer Station Plan in addition to standards within applicable zones:
 1. Design standards
 2. Transportation system standards
 3. Utility standards
 4. Parking standards
 5. Landscape standards

If a conflict exists between standards within the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards shall be applied.

C. Development Strategies for Area A – Village Center

1. Pedestrian Access, Safety and Comfort
 - a. If in the EG zone, the building(s) shall have at least one primary entrance facing every abutting street, or is /are directly accessed by a sidewalk or plaza within 20 feet of the primary entrance.
 - b. Building entrances in the EG zone open directly to the outside; every building has at least one entrance that does not require passage

through a parking lot or garage to gain access; corner buildings have corner entrances whenever possible.

- c. Parking and vehicle drives are located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.
- d. Surface parking is oriented behind or to the side of a building when possible; parking shall be accessed from an alley when possible; and parking shall not be located on street corners if in the EG zone.
- e. For driveways that service uses that require service more than 100 parking spaces, such driveway intersections with Radiant Drive shall not have any parking within twenty-five feet of the driveway intersection. This area shall be landscaped in accordance with Section 2.309 of the Keizer Development Code.
- f. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines.

2. Vehicular Movement

- a. Encourage traffic to enter and exit the development at locations other than Tepper Lane. (CC 09-09-02)

3. Crime Prevention and Security

Crime prevention shall be considered in the site design through application of all of the following guidelines:

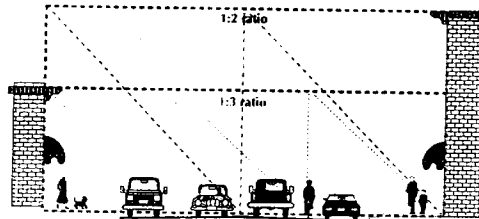
- a. Territoriality – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. (Generally, people protect and maintain territory that they feel is their own and have a certain respect for the territory of others.) (CC 09-09-02) For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b., and
- b. Natural Surveillance – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and

appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and

- c. **Activity Support** – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and
 - d. **Access Control** – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or
 - e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines.
4. **Reduced Parking**
- Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City.
5. **Creating and Protecting Public Spaces**
- a. ~~The development provides at least 20 square feet of public space, in addition to required sidewalk(s), for every 10 off-street surface parking spaces or 1,000 square feet of floor space, whichever is greater. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping.~~ (CC 09-09-02)
 - b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council.
6. **Human Scaled Building Design**

Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development.

- a. Height to width ratios of 1:2 and 1:3 shall be developed for structures built within 20 feet along right-of-way of Radiant Drive.



1:3 height-to-width ratio creates a human scale Main Street

- b. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking.
- c. The City Council may determine a minimum distance along Radiant Drive that may require development to be constructed to abut Radiant Drive to the above referenced standards.
- d. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines.
7. The Village within Area A shall contain a public improvement design to include a promenade and sidewalk design that may vary in width to meet a minimum width of 8 feet on both sides of Radiant Drive. The promenade/sidewalk shall be separated from the street with a landscape belt, to include decorative lighting and trees. (CC 10-07-02)

The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (CC 09-09-02)

3.113.04 Conditions of Approval

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

- A. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require:
1. Orienting building and facilities towards transit services.

2. Minimizing transit/auto conflicts.
 3. Encouraging transit supportive uses.
 4. Minimizing walking distance to transit stops.
 5. Avoiding excess parking areas.
 6. Encouraging shared parking and structures or under-structure parking.
- B. Pedestrian/Bicycle Circulation. The development shall facilitate pedestrian/bicycle circulation. This may require:
1. Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments with the Activity Center facilities, and surrounding development.
 2. Separating auto and truck circulation and activities from pedestrian areas.
 3. Pedestrian-oriented design.
 4. Pedestrian amenities.
 5. Bicycle parking.
 6. Outdoor lighting.
- C. Coordination. Coordination of development within an Activity Center area. This may require:
1. Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements.
 2. Siting and orientation of land uses.
 3. Frontage roads or shared access.
- D. Compatibility. Developments within the Activity Center should be compatible with, and complement the surrounding neighborhood. This may require:
1. Sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features.
 2. Buffering of adjacent residential uses.

2.315 DEVELOPMENT STANDARDS**2.315.01 Purpose**

The Development Standards are intended to implement the Keizer Comprehensive Plan and the purpose of each zoning district. They do this by promoting functional, safe, and attractive developments that maximize compatibility with surrounding uses and commercial corridors, and that are compatible with and enhance the transportation system. Development Standards mitigate potential conflicts and problems, and maximize harmonious relationships. Alternatives to the Design Standards on a case-by-case basis may be reviewed and approved as a land use action. In such cases, the purpose of this ordinance shall be met through factual findings and conclusions about the proposed design, and attachment of specific conditions if necessary, by the review body. Application of Development Standards does not evaluate the proposed use, nor the specific architectural style or design. Rather, the Development Standards focus on the structural elements of texture, color, and materials, and on the site elements of building placement. (5/98)

2.315.02 Application of the Development Standards

Development Standards are applied in one of three ways: (5/98)

- A. The Development Standards embodied in this ordinance are administratively reviewed at the time of a building permit. Compliance to the standards is a condition of building permit approval. These standards are intended to be objective and to serve as a guide to designers of developments. (5/98)
- B. The Development Standards embodied in this ordinance are to be perpetually maintained on all properties. This particularly applies to color and facade materials, which may possibly change without requiring a building permit. (5/98)
- C. In the event a development proposal or a change to an existing building does not conform to the standards contained in this ordinance due to an applicant wishing to propose alternatives, the applicant may choose to apply for approval of a Development Review application, which is a land use application processed in the same manner as a conditional use. (5/98)

2.315.03 Relationship to Other Regulations

The Development Review process does not supersede or is not superseded by other regulations. Approval of an application for Development Review does not relieve the applicant of responsibility for compliance with other applicable codes, ordinances, statutes, or regulations. (5/98)

2.315.04 Review Procedures

- A. No building permit will be issued for a use requiring Development Review until the application for Development Review is approved. (5/98)

- B. In instances where conformance to the standards is outside of the scope of a building permit, such as repainting a building, the owner shall be responsible for conformance with these standards. (5/98)
- C. When an applicant wishes to proposed an alternative to the Development Standards, they may apply for a Development Review. A Development Review application shall comply with the procedures for a Conditional Use Permit in Section 3.103, with the initial decision rendered by the Planning Commission (Section 3.103.06.C.). (5/98)

2.315.05 Applicability

Conformance with the Development Standards is required in these instances, except where modified in the specific standard: (5/98)

- A. The following buildings and uses are subject to these standards: (5/98)
 - 1. Any commercial or office use
 - 2. Any industrial use
 - 3. Any public buildings designed for regular human occupancy, other than schools. (5/98)
 - 4. Any residential development involving four or more attached dwelling units or apartments
- B. The Standards shall specifically apply only in the following circumstances: (5/98)
 - 1. Construction of new buildings
 - 2. Expansions of existing buildings by 500 square feet or more. (5/98)
 - 3. Any external remodeling of a structure that requires a building permit. (5/98)
 - 4. All buildings in matters relating to color or facade materials. (5/98)

2.315.06 Non-Applicability

Development Standards specifically do not apply to the following uses: (5/98)

- A. Agricultural uses
- B. Any residential building housing three or fewer dwelling units
- C. Accessory structures of less than 500 square feet. (5/98)

D. Any interior remodeling

E. A temporary business

2.315.07 Non-Conforming Buildings

Any building that does not conform to the development standards for color or facade materials on the date this ordinance is effective is considered non-conforming as defined and regulated within the zoning ordinance. (5/98)

2.315.08 Development Standards

All applicable development must meet the following standards: (5/98)

A. Internal Pedestrian Circulation

1. **Connection Required.** The internal pedestrian circulation system for the proposed development must connect to other areas of the site, to other building entrances, to adjacent streets and to nearby transit stops. (5/98)
2. **Location, Design.** Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the main entrance to a building(s). A raised walkway or a walkway that is separated from the auto travel lane and parking by a raised curb or other physical barrier, other than where it crosses a driveway, shall be provided. If a raised path is used the ends of the raised portions must be equipped with curb ramps. (5/98)
3. **Driveway Crossings.** Driveway crossings shall be minimized and in no case exceed 30 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material or other similar method. (5/98)
4. **Lighting.** Lighting shall be provided along all walkways. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. (5/98)

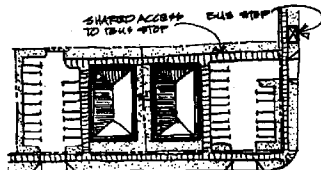


Figure 1 – Pedestrian Access Standards

5. **Walkway Coverage.** Walkways along building frontages shall be covered with awnings, or building overhangs. The minimum vertical clearance shall be 9 feet for awnings and 12 feet for building overhangs. (5/98)
6. **Dimensions.** Walkways shall be at least five feet in paved unobstructed width. Stairs or ramps shall be in place where necessary to provide a direct route between the transit street and the building entrance. Walkways without stairs shall have a maximum slope of 8% and a maximum cross slope of 2%. (5/98)
7. **Additional Street Access.** A walkway from a building entrance to a public street shall be provided for every 300 feet of street frontage or for every eight rows of vehicle parking, whichever is the greater distance. (5/98)
8. **Access to Adjacent Property.** If it can be reasonably expected that the proposed development has the potential of being a significant attractor or generator of pedestrian traffic, potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified. (5/98)
9. **The building permit or site plan review application shall designate walkways and pedestrian connections on the proposed site plan or findings shall be submitted demonstrating that the walkway or connection is infeasible. The findings will be evaluated during the building permit or site plan review process. (5/98)**

B. Building Design

1. **Ground floor windows – In the CM, CR, EG and MU zones, all street-facing elevations containing permitted uses as listed under Sections 2.110.02 F, G, H, I, J and K shall have no less than 50 percent of the ground floor wall area with windows, display areas or doorway openings. (5/98)**

2. Building facades - Facades that face a public street shall extend no more than 30 feet without providing a variation in building materials, a building off-set of at least 2 feet, or a wall area this is entirely separated from other wall areas by a projection, such as a porch or a roof over a porch. No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building. (5/98)

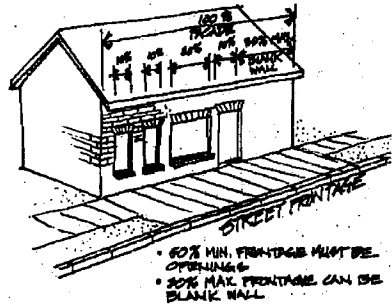


Figure 2 – Façade Standards

3. Awnings - Awnings, canopies, or arcades shall be tent shaped and shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall be constructed of canvass, vinyl, or similar standard awning material. Awnings and canopies shall not be back lit. (5/98)
4. Materials and Texture
- a. All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding. (5/98)
 - b. Building trim shall be wood, brick, stone, stucco, or metal. (5/98)
 - c. Any roofing material is allowed including metal roofs. (5/98)
 - d. Plain concrete block, plain concrete, corrugated metal, plywood and sheet press board may not be used as exterior finish materials. (5/98)
 - e. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 3 feet. (5/98)
5. Color
- a. Any portion of a building that is painted or stained may use as the main color, and roof color for all portions of the roof visible from the ground, the following colors found in the Sherwin Williams color chip book entitled "Exterior Color Answers" published 9/90 (or the equivalent color from another

manufacturer) with the following numbers: 2001 - 2004; 2008 - 2011; 2015 - 2020; 2022 - 2027; 2029 - 2034; 2036 - 2097; 2099 - 2104; 2106 - 2111; 2113 - 2118; 2120 - 2125; 2127 - 2131; 2134 - 2139; 2141 - 2237; 2239 - 2250; 2253 - 2258; 2260 - 2265; 2267 - 2272; 2274 - 2279; 2281 - 2384; 2386 - 2391; 2393 - 2398; 2400 - 2405; 2407 - 2412; and 2414 - 2419.

- b. For the purpose of this ordinance, "main color" is the principal color of the building which must be at least 75% of the surface of the building excluding windows; the trim colors of all buildings may be any color. (5/98)
 - c. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color. (5/98)
6. Roof Lines - Roof lines shall establish a distinctive "top" to a building. When flat roofs are proposed, a cornice a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided. (5/98)
 7. Roof-mounted equipment – In a CM, CR, CO, EG or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this standard. (5/98)

E. Accessory Structures

Accessory Structures including buildings, sheds, trash receptacles, mechanical devices, and other structures outside the main building, shall either be screened from view by the public by a hedge or fence, or painted the same color as the main color of the building. (5/98)

2.315.09 Determination of Conformance to Development Standards as Part of Building Permit Review

The Zoning Administrator, or designee, during the normal course of reviewing a building permit application shall include as part of that review determination of the proposal's conformance with the Development Standards. Corrections may be noted on the plans, or required to be submitted as amended plans, to assure conformance to the standards. Building plans shall not be approved unless there is conformance to the standards. (5/98)

2.315.10 Criteria for Development Review

The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions, if it finds the alternative design

2.110 COMMERCIAL MIXED USE (CM)**2.110.01 Purpose**

The Commercial Mixed Use (CM) zone is the primary commercial zone within the City. The zone is specifically designed to promote development that combines commercial and residential uses. This zone will support transit use, provide new housing opportunities while allowing a full range of commercial retail, service and office uses. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk. Parking may be shared between residential and commercial uses. Clusters of residential and commercial uses around landscaping features or parking areas can occur and are encouraged. The Commercial Mixed Use zone is suitable for the Commercial Plan designation. (5/98)

2.110.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the CM zone:

- A. **One or more buildings with one or more dwelling units or guest rooms, and/or, one or more other uses allowed in this section on a lot.** (5/98)
- B. **Residential homes and facilities.** (5/98)
- C. **Child day care service, including family day care provider.** (5/98)
- D. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- E. **Landscape counseling and planning (0781).** (5/98)
- F. **Offices** for any use listed in SIC Division C - Construction. (5/98)
- G. **Commercial printing (275).** (5/98)
- H. **Transportation, Communication and Utilities.** (5/98)
 - 1. **Public utility structures and buildings.** (5/98)
 - 2. **Post office (43).** (5/98)
 - 3. **Travel agency (4722).** (5/98)
 - 4. **Communications (48).** (5/98)
- I. **Retail Trade** (5/98)

1. **Building materials, hardware, retail nurseries, and garden supply** (52), BUT EXCLUDING mobile home dealers (527) (5/98)
2. **General merchandise stores** (53) (5/98)
3. **Food stores** (54) (5/98)
4. **Automobile, recreational vehicle or trailer sales** (55), BUT EXCLUDING gasoline service stations (554) (5/98)
5. **Apparel and accessory stores** (56) (5/98)
7. **Furniture, home furnishings, and equipment stores** (57) (5/98)
8. **Eating and drinking places** (58) except as provided in Section 2.108.04.C, below. (5/98)
9. **Miscellaneous retail** (59), BUT EXCLUDING fuel and ice dealers (598) (5/98)
10. **Electrical and lighting shops and office machines and equipment stores** (5/98)

J. Business, Professional and Social Services. (5/98)

1. **Finance, insurance and real estate** (60, 61, 62, 63, 64, 65, 67) (5/98)
2. **Hotels, motels and tourist courts** (701) (5/98)
3. **Organization hotels and lodging houses** on membership basis (704) (5/98)
4. **Personal services** (72) BUT EXCLUDING industrial launderers (7218) (5/98)
5. **Business services** (73) BUT EXCLUDING disinfecting and exterminating services (7342) (5/98)
6. **Parking lots** (7523) except as provided in Section 2.108.04.C, below (5/98)
7. **Miscellaneous repair services** (76) (5/98)
8. **Motion pictures** (78), BUT EXCLUDING drive-ins (7838) (5/98)

10. **Amusement and recreation** (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (5/98)
 11. **Health services** (80), BUT EXCLUDING hospitals (806). (5/98)
 12. **Legal services** (81). (5/98)
 13. **Elementary and secondary schools** (8211). (5/98)
 14. **Correspondence schools and vocational schools** (824). (5/98)
 15. **Schools and educational services** not elsewhere classified (829). (5/98)
 16. **Social services** (83). (5/98)
 17. **Museums, art galleries, botanical and zoological gardens** (84). (5/98)
 18. **Membership organizations** (86). (5/98)
 19. **Miscellaneous services** (89). (5/98)
- K. **Public Administration** (91 - 97). (5/98)
- L. **Child foster home for five or fewer children as a secondary use.** (6/99)

2.110.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the CM zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures and uses** prescribed in Section 2.203. (5/98)
- E. The following **special uses** subject to the applicable standards in Section 2.4:
 1. **Shared housing facilities** (Section 2.403). (5/98)
 2. **Zero side yard dwelling units** (Section 2.404). (5/98)

3. **Home occupations** (Section 2.407). (5/98)
4. **Bed and breakfast establishments** (Section 2.408). (5/98)
5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
7. **Boat and RV storage area** (Section 2.411) except as provided in Section 2.108.04.C, below. (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage space** (Section 2.413) except as provided in Section 2.108.04.C, below. (5/98)
10. **Veterinary services** (074) (Section 2.414). (5/98)
11. **Funeral service and crematories** (726) (Section 2.415). (5/98)
12. **Used Merchandise Store** (Section 2.417)
13. **Adult entertainment business** (Section 2.418). (5/98)
14. **Service stations** (554) (Section 2.419) except as provided in Section 2.110.04.C, below. (5/98)
15. **Recreational vehicle parks** (7033) (Section 2.412) except as provided in Section 2.108.04.C, below. (5/98)
16. **Automobile services** (75) (Section 2.420) except as provided in Section 2.110.04.C, below. (5/98)
17. **Manufacturing and Assembly Facilities** (Section 2.421). (5/98)
18. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)

2.110.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)

2.110.04 Use Restrictions

No permitted or special permitted use shall in any way involve any of the following:

- A. Farm Use. (5/98)
- B. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
- C. The following uses are prohibited at the following locations: (1) From any property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east; and (2) Any property contained within the Area B as described in the Keizer Station Plan. This prohibition does not apply to any business facility, legally established as of the date of the adoption of this Ordinance, which as of that date has drive-through window facilities. (5/98)
 - 1. Gasoline service stations (554). (5/98)
 - 2. Drive-Through windows or car service associated with eating and drinking places (58). (5/98)
 - 3. Vehicle sales and secondary repair. (5/98)
 - 4. Public utility structures and buildings. (5/98)
 - 5. Recreational vehicle parks (7033). (5/98)
 - 6. Automobile parking not associated with an allowed use (752). (5/98)
 - 7. Automotive Dealers (55). (5/98)
 - 8. Automotive rental and leasing, without drivers (751). (5/98)
 - 9. Automotive repair shops (753). (5/98)
 - 10. Automotive services, except repair (754). (5/98)
 - 11. Utilities - secondary truck parking and material storage yard. (5/98)
- D. A limitation to the total floor area, as defined in the Keizer Development Code, for retail uses is required within the Keizer Station Plan. Each sub-area is limited with a specific amount of floor area for retail uses. The CM zone is located within Area B – Retail Service Center of the Keizer Station

Plan. The following limitation on total floor area for retail uses within the CM zone for this area is 25,000 square feet for uses identified in Sections 2.110.02 (I) and 2.110.03 (E) (12) – (14).

2.110.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family	Duplex or Multi-Family	Commercial	Mixed Use
Lot Size	4,000 sq. ft. (1)	6,000 sq. ft. (2)	None (3)	None (3)
Average Width	40 feet	50 feet	None	None
Average Depth	70 feet	80 feet	None	None
Maximum Height	35 feet	50 feet	50 feet	50 feet

- (1) A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)
- (2) Multi-family development must comply with the density standard in Section 2.107.06. (5/98)
- (3) Parcel size shall be adequate to contain all structures within the required yard setbacks and, where applicable, comply with residential density standards in Section 2.107.06. (5/98)

B. Minimum Yard Setback Requirements

SETBACKS	Single Family or Duplex	Multi-Family	Commercial	Mixed Use
Front	10 feet	10 feet	10 feet	10 feet
Side	5 feet (1)	(3)	(3)	(3)
Rear	(2)	(3)	(3)	(3)
Street-side (4)	10 feet	10 feet	10 feet	10 feet
Garage entrance (5)	20 feet (5)	20 feet (5)	20 feet (5)	20 feet (5)

- (1) Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)
- (2) The rear yard setback shall be as follows: 14 feet for a 1-story home, 20 feet for a 2-story home. (5/98)
- (3) The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the CM zone, the rear yard setback is 0 feet. (5/98)
- (4) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the

edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)

- (5) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks.* (5/98)

2.110.06 Development Standards

All development in the CM Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements. If a conflict exists with a specific standard found in this section and a standard found elsewhere in this Ordinance, the standard in this section shall govern. (5/98)

A. Off-street parking:

1. Parking shall be as specified in Section 2.303. In the event that on-street parking is provided, on-street parking that abuts the property can be used to meet the standard. (5/98)
2. No off-street parking is required for uses above the ground floor. (5/98)
3. The off-street parking requirement for residential uses is one space per unit. (5/98)
4. If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 PM with a total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces.)

B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)

C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)

D. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)

- E. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- F. **Storage, Trash, and Service Functions:** Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)
- G. **Landscaping-General:** All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309.
1. The minimum landscaped area requirements shall be as follows:

Commercial development:	10%
Mixed commercial and residential development:	15%
Residential development:	20%
 2. Properties located within Area B as defined in the Keizer Station Plan shall have a 20-foot landscape buffer along all property lines adjacent to any residential zone. Landscape and buffer requirements shall be met as defined in the Keizer Station Plan.
- H. **Landscaping-Parking Lots:** One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)
- I. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)
- | | <u>Max.</u> | <u>Min</u> |
|---|-------------|------------|
| Commercial development: | 90% | 50% |
| Mixed commercial and residential development: | 85% | 50% |
| Residential development: | 80% | 50% |
- J. **Density:** The maximum residential density shall be 24 units per acre and minimum residential density shall be 8 units per acre. Developments limited exclusively to residential uses and containing less than 8 dwelling units per acre are allowed if they comply with the following: (5/98)
1. No more than 50% of the property shall be occupied. The occupied area shall include all buildings, accessory structures, driveways, parking and required landscaping. (5/98)

2. The remaining undeveloped portion of the property shall be in one contiguous piece. Access to a public street, in conformance with Ordinance requirements, shall be available. The undeveloped portion shall have sufficient width and depth to be developed for additional residential, or commercial, uses (5/98)

2.110.07 Design Standards

All development in the CM Zone shall comply with the applicable design standards described below:

- A. **Building Design Standards.** Primary buildings shall comply with the following design standards: (5/98)
 1. Design Standards - Unless specifically modified by provisions in this Section, buildings located within the CM zone shall comply with the following standards: (5/98)
 - a. Single family homes shall comply with the design standards in Section 2.314. (5/98)
 - b. Multi-family buildings and non-residential structures shall comply with the provisions in Section 2.315 - Design Standards. (5/98)
- B. **Circulation - Circulation standards apply for projects that are applicable and are developed within the River and Chemawa Specific Area boundaries. As stated in the Specific Plan: (5/98)**
 1. Streets - New streets shall conform to the street sections depicted in Figure 10 in the Specific Plan. In cases where the right-of-way varies, the sidewalk may need to be provided in an easement or private property. New Streets shall be provided in accordance with the Circulation Plan (Figure 9 in the Specific Plan). (5/98)
 2. Internal Driveway Connections - Where possible, internal parking lot driveways shall be designed to connect from parcel to parcel to allow travel through the site without the need to access a public street. (5/98)
 3. Pedestrian Ways - Where indicated on the Development Plan and Circulation Plan in the Specific Plan Specific Plan, 10 foot wide pedestrian pathways shall be provided across development parcels. The pathways shall be improved with distinctive paving material that differentiates the pathway from any adjoining parking area. Where crossing parking area, the pathways shall be raised and shall include a minimum two feet landscape planter between the pathway and the adjoining parking lot. (5/98)

2.107 MIXED USE (MU)

2.107.01 Purpose

The Mixed Use (MU) zone promotes development that combines commercial and residential uses in a single building or complex. This zone will allow increased development on busier streets without fostering a strip commercial appearance. The zone encourages the formation of neighborhood "nodes" of activity where residential and commercial uses mix in a harmonious manner. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. (5/98)

The emphasis of the nonresidential uses is primarily on locally-oriented retail, service, and office uses. Commercial development will consist primarily of businesses on the ground floor with housing on upper stories. Clusters of residential and commercial uses around landscaping features or parking areas will also occur. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk. Parking may be shared between residential and commercial uses. (5/98)

The Mixed Use zone is suitable for the Medium Density Residential, Medium-High Density Residential and Mixed Use Comprehensive Plan designations. (5/98)

2.107.02 Commercial & Residential Regulations for Keizer Station

Property located within the MU zone in the Keizer Station Plan must be developed as 75% residential and 25% commercial in use. Residential development shall meet minimum density requirements as identified in this section. A master plan shall be required for any development in this sub-area as defined by the Keizer Station Plan.

2.107.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the MU zone:

- A. **One or more buildings with one or more dwelling units** or guest rooms on a lot. (5/98)
- B. **One or more buildings with one or more dwelling units** or guest rooms and one or more other uses allowed in this section on a lot. (5/98)
- C. **Residential homes** and facilities. (5/98)
- D. **Child day care service**, including family day care provider. (5/98)

- E. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- F. **Public or private utility substation**, but excluding electrical substation. (5/98)
- G. **Landscape counseling and planning** (078). (5/98)
- H. **Transportation, Utilities and Communication**. (5/98)
 - 1. **Travel agency** (4722). (5/98)
 - 2. **Communication** (48) **BUT EXCLUDING** communication services, not elsewhere classified (489). (5/98)
 - 3. **Public utility** structures and buildings. (5/98)
- I. **Retail Trade**: The following retail commercial uses are allowed:
 - 1. **General merchandise stores** provided all display is within a building and further provided the gross floor area shall not exceed 10,000 square feet (53). (5/98)
 - 2. **Food stores** provided all display is within a building and further provided the gross floor area shall not exceed 10,000 square feet (54). (5/98)
 - 3. **Apparel and accessory stores** and further provided the gross floor area shall not exceed 10,000 square feet (56). (5/98)
 - 4. **Home furnishing, appliance and equipment stores** provided all display is within a building and further provided the gross floor area shall not exceed 10,000 square feet (57). (5/98)
 - 5. **Eating and drinking places** and further provided the gross floor area shall not exceed 10,000 square feet (58). (5/98)
 - 6. **Retail, miscellaneous** provided all display is within a building and further provided the gross floor area shall not exceed 10,000 square feet (59) **BUT EXCLUDING** non-store retailers (596) and fuel and ice dealers (598). (5/98)
- J. **Business, Professional and Social Services**: The following business and professional and service oriented uses are allowed:
 - 1. **Finance, insurance and real estate** (60, 61, 62, 63, 64, 65, 67). (5/98)
 - 2. **Hotels, motels and lodging facilities** (701). (5/98)

3. **Personal services (72) BUT EXCLUDING:** power laundries, family and commercial (7211), linen supply (7213), dry cleaning plants, except rug cleaning (7216), carpet and upholstery cleaning (7217); and industrial laundries (7218). (5/98)
 4. **Business services (73) BUT EXCLUDING** disinfecting and exterminating services (7342), building and cleaning services (7349), and equipment rental (735). (5/98)
 5. **Watch, clock and jewelry repair (763).** (5/98)
 6. **Recreational or athletic clubs.** (5/98)
 7. **Health services (80) BUT EXCLUDING** hospitals (806). (5/98)
 8. **Legal services (81).** (5/98)
 9. **Miscellaneous services (89).** (5/98)
 10. **Community or neighborhood clubs.** (5/98)
 11. **Parking lots.** (5/98)
- K. **Public administration (91 - 97).** (5/98)

2.107.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the MU zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
 1. **Shared housing facilities** (Section 2.403). (5/98)
 2. **Zero side yard dwelling** units (Section 2.404). (5/98)
 3. **Home occupations** (Section 2.407). (5/98)

4. **Bed and breakfast establishments** (Section 2.408). (5/98)
5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (SIC 7992) or membership recreation club having golf course (SIC 7997) (Section 2.410). (5/98)
7. **Boat and RV storage area** (Section 2.411). (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage space** (Section 2.413). (5/98)
10. **Electrical substations** (Section 2.426). (5/98)
11. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
12. **Transit Station (Section 2.429)** (CC 09-09-02)

2.107.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)

2.107.04 Use Restrictions

No permitted or special permitted use shall in any way involve any of the following:

- A. **Farm Use**. (5/98)
- B. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
- C. Any outdoor display or storage of merchandise or materials. (5/98)
- D. A limitation to the total floor area, as defined in the Keizer Development Code, for retail uses is required within the Keizer Station Plan. Each sub-area is limited with a specific amount of floor area for retail uses. Retail uses in the MU zone within Area C – Keizer Station Center of the Keizer Station Plan are restricted to the to a total floor area as defined in the Keizer Station Plan. The limitation on total floor area for retail uses within Area C – Keizer Station Center is 65,000 square feet for uses identified in Sections 2.107.02 (I).

2.107.05 Dimensional Standards**A. Minimum Lot Dimension and Height Requirements**

DIMENSION	Single Family	Duplex or Multi-Family	Commercial	Mixed Use
Lot Size	4,000 sq. ft. (1)	6,000 sq. ft. (2)	None (3)	None (3)
Average Width	40 feet	50 feet	None	None
Average Depth	70 feet	80 feet	None	None
Maximum Height	35 feet	50 feet	50 feet	50 feet

- (1) A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)
- (2) Multi-family development must comply with the density standard in Section 2.105.05. (5/98)
- (3) Parcel size shall be adequate to contain all structures within the required yard setbacks and, where applicable, comply with residential density standards in Section 2.106.06. (5/98)

B. Minimum Yard Setback Requirements

SETBACKS	Single Family or Duplex	Multi-Family	Commercial	Mixed Use
Front	10 feet	10 feet (1)	10 feet (1)	10 feet (1)
Side	5 feet (2)	(4)	(4)	(4)
Rear	(3)	(4)	(4)	(4)
Street-side (4)	10 feet	10 feet	10 feet	10 feet
Garage entrance (5)	20 feet	20 feet	20 feet	20 feet

- (1) For all MU zoned property fronting Cherry Avenue south of Mambrin Drive the minimum setback shall be 5 feet and the maximum shall be 10 feet for yards adjacent to Cherry Avenue. The maximum setback shall apply to the primary wall of the building. Indentations in the primary wall, such as alcoves, courtyards, etc. have no maximum setback. (5/98)
- (2) Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)
- (3) The rear yard setback shall be as follows: 14 feet for a 1-story home; 20 feet for a 2-story home. (5/98)
- (4) The rear and side yard setbacks adjacent to a residential zone shall be no less than the minimum rear yard setback of the zone on the adjacent

- property. In no case shall the setback be less than 10 feet, except there is no required setback adjacent to a non-residential zone. (5/98)*
- (5) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (6) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

2.107.06 Development Standards

All development in the MU Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B Design Standards -** Unless specifically modified by provisions in this Section, buildings located within the MU zone shall comply with the following standards: (5/98)
- 1 Single family homes shall comply with the design standards in Section 2.314. (5/98)
 - 2 Residential structures with four or more attached dwelling units and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
 - 3 For MU zoned property fronting Cherry Avenue south of Mambrin Drive; residential use shall occupy no less than 35% and no more than 65% of the building floor area on any property. (5/98)
- C Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)

- G Landscaping:** All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area requirements shall be as follows: (5/98)

Commercial development:	15%	
Mixed commercial and residential development:	20%	
Residential development:	25%	

- H Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

Commercial development:	85%	
Mixed commercial and residential development:	80%	
Residential development:	75%	

- I Density:**

1. For property zoned MU as identified in the Keizer Station Plan, the minimum density for subdivisions, partitions, multi-family or any residential development shall be a minimum 8 units per acre and a maximum 22 24 units per acre, except there shall be no minimum residential density requirement for multi-family development within a mixed use building.
2. The minimum density for multi-family development shall be 8 units per acre; the maximum density shall be 24 units per acre, except there shall be no minimum residential density requirement for multi-family development within a mixed use building. (5/98)

2.429 TRANSIT STATION

A Transit Station functions as a major transfer point for transit passengers between various transportation modes. The Transit Station site provides for the exclusive or priority operations of transit vehicles. A Transit Station is a significant element of the transportation system because it increases transit connections between a variety of destinations.

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

A. The applicant shall submit a plan that includes at a minimum:

1. Justification of the area required for the use;
2. The need for the facility at the proposed location;
3. If a park-and-ride facility is proposed, justification of the lot area, number of spaces and any accessory facilities; and
4. Traffic impact with proposed measure to mitigate the impact on surrounding properties and streets.

B. The applicant shall submit a plan that includes at a minimum:

1. Adequate auto parking areas;
2. Passenger waiting areas;
3. Separate drop-off and pick-up area;
4. Bicycle parking and connecting facilities; and
5. Access to transit vehicles.

C. A Transit Station shall have access to a major collector, arterial or limited access road.

2.113 INDUSTRIAL BUSINESS PARK (IBP)

2.113.01 Purpose and Uses

- A. Purpose. The IBP zone is intended to provide for high quality light industrial and office parks with related commercial uses. It sets high design standards focusing on visual aesthetics, while providing a framework for the marketplace to work within creating vibrant, economically viable commerce centers. (5/98)
- B. Classification of Uses: Most permitted, special, and conditional uses are classified with reference to the Standard Industrial Classification (SIC), Manual, Numbers in parenthesis following a use designation indicate that the use is listed and described under the number in the SIC. Where particular activities otherwise included under a SIC category are excluded from the permitted, a special, or conditional uses, those particular activities are listed, preceded by the words, "BUT EXCLUDING" following the more general category from which they are excluded. Particular activities thus excluded may or may not be listed in other sections of this chapter. The IBP zone may be utilized in conjunction with overlay zones, such as the AC (Activity Center) overlay zone used within the Chemawa Activity-Center Keizer Station Plan, which may include use and development standards which are more restrictive than those found in this chapter. (5/98)

2.113.02 Permitted Uses. (5/98)

The following uses, when developed under the general development standards in this zoning code applicable to the IBP district and to all such uses, generally, are permitted in the IBP district:

- A. **Agriculture forestry and fishing;**
 - 1. Agricultural production-crops (01). (5/98)
- B. **Manufacturing;**
 - 1. Grain mill products. (5/98)
 - 2. Bakery products. (5/98)
 - 3. Beverages. (5/98)
 - 4. Miscellaneous food preparations and kindred products. (5/98)

5. **The manufacture of meat products but excluding both meat packing plant and any on site abattoirs and slaughtering, rendering of fats, processing of hides and maintenance of live animals or fowl. (5/98)**
6. Textile mill products. (5/98)
7. Apparel and other finished products made from fabrics and similar products. (5/98)
8. Wood kitchen cabinets. (5/98)
9. Nailed and lock corner wood boxes and shook. (5/98)
10. **Wood products, not elsewhere classified. (5/98)**
11. Furniture and fixtures. (5/98)
12. Paperboard containers and boxes. (5/98)
13. Printing, publishing, and allied industries. (5/98)
14. Drugs. (5/98)
15. **Soaps detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations. (5/98)**
16. Miscellaneous plastic products. (5/98)
17. **Leather and leather products BUT EXCLUDING leather tanning and finishing. (5/98)**
18. Glass products, made of purchased glass. (5/98)
19. Pottery and related products. (5/98)
20. Metal cans and shipping containers. (5/98)
21. Cutlery, hand tools, and general hardware. (5/98)
22. Heating equipment, except electric and warm air, and plumbing fixtures. (5/98)
23. Fabricated structural metal products. (5/98)
24. Screw machine products, and bolts, nuts, screws, rivets, and washers. (5/98)

25. Metal forgings and stampings. (5/98)
 26. Metalworking machinery and equipment. (5/98)
 27. Special industry machinery, except metalworking machinery. (5/98)
 28. Pumps and pumping equipment. (5/98)
 29. Office, computing, and accounting machines. (5/98)
 30. Electrical and electronic machinery, equipment, and supplies. (5/98)
 31. Transportation Equipment. (5/98)
 32. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks. (5/98)
 33. Miscellaneous manufacturing industries. (5/98)
- C. Transportation, communications, electric, gas, and sanitary services;**
1. Motor freight transportation and warehousing. (5/98)
 2. Communication. (5/98)
 3. Public Utility Structures and Buildings. (5/98)
- D. Wholesale trade-nondurable goods BUT EXCLUDING poultry and poultry products, livestock, farm-product raw materials, not elsewhere classified, chemicals and allied products, tobacco and tobacco products, and nondurable goods, not elsewhere classified. (5/98)**
- E. Wholesale trade-durable goods BUT EXCLUDING automobiles and other motor vehicles, lumber and other construction materials, coal and other minerals and ores, construction and mining machinery and equipment and scrap and waste materials. (5/98)**
- F. The uses (b) through (e), excluding c) iii) shall:**
1. Be within an enclosed building; and
 2. Permit retail sales of products manufactured on the site. (5/98)

G. Services

1. Computer and data processing services. (5/98)
2. Research and development laboratories. (5/98)
3. Management, consulting, and public relations services. (5/98)
4. Noncommercial educational, scientific, and research organizations. (5/98)

H. Public administration;

1. Fire protection. (5/98)

I. Office Uses;

1. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in 2.108.02.A, B, C, PP, and RR. (5/98)

J. Retail trade;

1. Eating and drinking places. (5/98)

K. Finance, Insurance, and Real Estate;

1. Commercial and Stock Savings Banks. (5/98)
2. Mutual Savings Bank. (5/98)
3. Savings and Loan Associations. (5/98)
4. Personal Credit Institutions. (5/98)

L. Services

1. Hotels, motels, and tourist courts. (5/98)
2. Child daycare services. (5/98)
3. Membership sports and recreation clubs. (5/98)
4. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (5/98)

5. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities. (5/98)
6. Miscellaneous services. (5/98)

M. Transit stop shelters. (5/98)

N. Flexible Space Uses

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

- a. Food Stores (54). (5/98)
- b. Apparel and Accessory Stores (56). (5/98)
- c. Furniture, Home Furnishings and Equipment Stores (57). (5/98)
- d. Miscellaneous Retail; BUT EXCLUDING used merchandise stores (59). (5/98)
- e. Business Services. (5/98)
- f. Miscellaneous Repair Services. (5/98)

g. Within Area A "Sports" of the Keizer Station Plan boundary:

1) Recreational Vehicle Parks and Campsites (7033).

h. Within Area D of the Keizer Station Plan boundary:

1) General Merchandise Stores (5399).

2) Gasoline Service Stations (554) in accordance with Section 2.419.

2. In the Keizer Station Plan where Flexible Space uses are to be developed within the IBP district, the following development limits apply;
 - a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection (a)(i)-(iv). (5/98)

- b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district. "IBP district" is defined as contiguous, IBP zoned property including any internal public streets. (5/98)
- c. The area developed in all flexible space uses, not including Recreational Vehicle Parks and Campsites, shall in the aggregate not exceed 30 percent of the gross area of the IBP district. (5/98)
- d. Any outdoor storage area shall:
 - i. Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building;
 - ii. Be enclosed with a sight-obscuring fence or wall;
 - iii. Have at least one side conterminous with the building that it serves;
 - iv. Have no opening within fifty feet and visible from any property boundary; and
 - v. Meet the other applicable requirements of this ordinance. (5/98)
- e. Loading doors shall have no opening within seventy five feet and visible from any street or property boundary. (5/98)
- f. Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall. (5/98)
- g. All buildings shall be capable of development as flexible industrial space. (5/98)

N. Wireless Telecommunications Facilities (Section 2.427). (5/98)

2.113.03 Prohibited Uses. (5/98)

A. The following uses are prohibited on properties within the Keizer Station Plan boundary:

1. Manufacturing of grain mill products (204)

2. Manufacturing of biological products, except diagnostic substances (2836)
 3. Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (284)
 4. Miscellaneous plastic products (308)
 5. Motor freight transportation and warehousing (42)
- B. Within any IBP district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under this chapter. (5/98)

2.113.04 Retail Use Restrictions within Keizer Station Plan.

A limitation to the total floor area, as defined in the Keizer Development Code, for retail uses is required within the Keizer Station Plan. Each Area/sub-area is limited with a specific amount of floor area for retail uses. The IBP zone is located within two separate sub-areas within the Keizer Station Plan; Area A – Sports and Entertainment Center and Area D – Commerce Center. The following limitations on total floor area for retail uses within each sub-area for uses identified in Section 2.113.02 (J) and (N). The limitations on total floor area for retail uses for each sub-area are: (1) Area – A Sports and Entertainment Center is 15,000 square feet; and (2) Area – D Commerce Center is 70,000 square feet.

2.113.05 Industrial Performance Standards. (5/98)

In an IBP district no land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ), including the holding of all licenses and permits required by DEQ regulation, local ordinance, and state and federal law. (5/98)

2.113.06 Development Standards

- A. **Design Standards** – Unless specifically modified by provisions in this Section, buildings located within the IBP zone shall comply with the Development Standards in Section 2.315. (5/98)
- B. **Location Standards.** (5/98)
 1. Each IBP district shall have direct access onto an arterial or collector street. (5/98)

2. Access to a local street abutting the district shall not be permitted from any lot within the IBP district; except that, access may be permitted to a local street if 75 percent of the property is zoned industrial or designated industrial in the Keizer Comprehensive Plan along both sides of the street for a distance of 600 feet from the center line of a proposed access in both directions along the street, or for the distance from said centerline to the next intersecting arterial or collector street in both directions, whichever is less. (5/98)
 3. Calculation of the percent of industrial property shall be based upon the street frontage of properties having frontage on the local street within the described distance of the centerline of the proposed access. (5/98)
 4. The Zoning Administrator may require street right-of-way and improvements for streets abutting or within the IBP district in accordance with the Development Code, except that for local streets to which access is not allowed under 2. above, the Zoning Administrator may only require right-of-way dedication, and not improvements. (5/98)
- C. **Height.** Within the IBP district buildings and structures erected, altered or enlarged shall not exceed 100 feet in height, except for the area within 50 feet of any residential zone where the maximum height shall be 15 feet. (5/98)
- D. **Lot Area and Dimensions.** There are no minimum lot area requirements in an IBP district. (5/98)
- E. **Yards Adjacent to Streets.** Within an IBP district:
1. Along the full extent of each lot line adjacent to a street, there shall be a required yard 20 feet in depth. (5/98)
 2. Setbacks for accessory building and structures, except fences, shall be the same as for primary buildings. (5/98)
 3. No parking will be allowed in required yards. (5/98)
 4. No buildings or structures except transit shelters approved by the Salem Area Transit District shall be permitted in a required yard adjacent to a street. (5/98)
- F. **Yards Adjacent to Other Districts.** (5/98)

1. Where an IBP district within the ~~Chemawa Activity Center~~ Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there shall be a required yard 40 feet in depth adjacent to the lot line separating the IBP district from the abutting district. (5/98)
 2. Where an IBP district not within the ~~Chemawa Activity Center~~ Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there shall be a required yard 15 feet in depth plus 1 foot of depth for each foot of building height over 10 feet, adjacent to the lot line separating the IBP district from the abutting district. (5/98)
 3. Where an IBP district within the ~~Chemawa Activity Center~~ Keizer Station Plan abuts another "I" district, directly or across an alley, there shall be a required yard 20 feet in depth adjacent to the lot line separating the IBP district from the abutting district. (5/98)
 4. No buildings or structures shall be permitted in a required yard adjacent to an abutting district. (5/98)
 5. All parking shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district. (5/98)
 6. Driveways shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district, except where the driveway provides direct access to the abutting property or to a street. (5/98)
- G. **Side and Rear Yards.** Notwithstanding Section 2.113.05.F, There are no side or rear yard requirements in the IBP district except:
1. As may be required for a yard adjacent to another district as defined above. (5/98)
 2. Where a side or rear yard is not required but is provided it shall:
 - a. Be at least ten feet in depth;
 - b. Not include buildings, structure, parking or driveways; and
 - c. Be landscaped. (5/98)
 3. Driveways and accessways shall set back at least ten feet from the internal property lines, except where the driveway or accessway provides direct access to an adjacent street, or where a common

driveway is provided along a lot line between two separately owned properties. In case of the latter exception, at least ten feet of landscaped yard shall exist parallel and along each side of the common driveway. (5/98)

H. Lot Coverage.

1. Each lot within an IBP district not within the Keizer Station Plan shall have a least 20 percent of its gross area landscaped; that portion of the required yards, which are landscaped, may be included in the calculation to meet the 20 percent landscaped area. (5/98)
2. Each lot within an IBP district within the Keizer Station Plan shall have a least 10 percent of its gross area landscaped; that portion of the required yards, which are landscaped, may be included in the calculation to meet the 10 percent landscaped area.

I. Open Storage

1. Open storage of materials and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall or berm at least six feet in height, or a sight obscuring hedge no less than four feet in height and capable of obtaining a height of six feet within two years, any of which shall be located on the property at the required set back line in the same manner as if such berm, fence, wall, or hedge were a building. (5/98)
2. Materials and equipment stored as permitted in this section shall be no more than 14 feet in height above the elevation of the storage area. (5/98)

J. Landscaping

1. Landscaping shall meet the requirements of the Keizer Development Code as well as the following requirements. (5/98)
2. Required yards shall include the following plant materials:. (5/98)

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

Plant Type	Boundary of IBP District	Other Locations
Trees	2	1

Shrubs	5	3
Evergreens and Conifers	1	
Living Ground Cover	500 sq. ft.	500 sq. ft.

3. Plant units shall be distributed not less than two units per each 100 linear feet of boundary or lot line and each ten feet of depth. (5/98)
4. Plant units meeting the above standards shall also be planted and maintained in any planting strip or area within the public right of way adjacent to a use. Trees within the planting strip shall be in conformance with City standards for street trees. (5/98)

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

1. Parking

- a. All parking shall be set back at least ten feet from all interior property lines. (5/98)
- b. Transit stop(s) approved, as to location, design and construction, by the Keizer Area Transit District may satisfy five percent of the parking space requirements for building sites located within 400 feet of any such transit stop(s). (5/98)
- c. A ride sharing program approved by the Director of Public Works may satisfy five percent of the parking space requirements. (5/98)
- d. Bicycle parking at a ratio of one bicycle space for each twenty vehicle parking spaces may satisfy three percent of the parking space requirements. (5/98)

2. Loading

- a. All loading spaces shall be screened from adjacent property by a sight-obscuring fence, wall, hedge, or berm at least four feet in height. (5/98)

2.125 ACTIVITY CENTER OVERLAY ZONE (ACO)**2.125.01 Purpose**

The ACO (ACTIVITY CENTER OVERLAY) zone is adopted to implement the policies of the Comprehensive Plan for Activity Centers which include provisions for a mixture of intensive land uses emphasizing employment opportunities, transit and pedestrian facilities, and circulation. (5/98)

2.125.02 Application

The provisions of this Section apply to Activity Centers as identified in the Comprehensive Plan. (5/98)

2.125.03 Uses

Uses allowed in an Activity Center shall be as specified in the underlying district.

2.125.04 Development Standards

All development within an Activity Center is subject to a Type 1-A site design review, and shall also include the following factors:

- A. Activity Center Design Plan. All new developments and expansions of existing developments shall comply with the adopted activity center design plan for each Activity Center. (5/98)
- B. Site Master Plan. Developments in an activity center shall be required to submit a master plan for approval as part of the application process. The elements of such master plan shall include, but are not limited to, the following: (5/98)
 1. A master plan map showing the location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan. (5/98)
 2. For any project for which the projected average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated. (5/98)

2.125.05 Conditions of Approval

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

- A. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require: (5/98)
 - 1. Orienting building and facilities towards transit services. (5/98)
 - 2. Minimizing transit/auto conflicts. (5/98)
 - 3. Encouraging transit supportive uses. (5/98)
 - 4. Minimizing walking distance to transit stops. (5/98)
 - 5. Avoiding excess parking areas. (5/98)
 - 6. Encouraging shared parking and structures or understructure parking. (5/98)
- B. Pedestrian/Bicycle Circulation. The development shall facilitate pedestrian/bicycle circulation. This may require: (5/98)
 - 1. Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments with the Activity Center facilities, and surrounding development. (5/98)
 - 2. Separating auto and truck circulation and activities from pedestrian areas. (5/98)
 - 3. Pedestrian-oriented design. (5/98)
 - 4. Pedestrian amenities. (5/98)
 - 5. Bicycle parking. (5/98)
 - 6. Outdoor lighting. (5/98)
- C. Coordination. Coordination of development within an Activity Center area. This may require: (5/98)
 - 1. Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements. (5/98)

2. Siting and orientation of land uses. (5/98)
 3. Frontage roads or shared access. (5/98)
- D. Compatibility. Developments within the Activity Center should be compatible with, and complement the surrounding neighborhood. This may require: (5/98)
1. Sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features. (5/98)
 2. Buffering of adjacent residential uses. (5/98)

2.114 GENERAL INDUSTRIAL (IG)

2.114.01 Purpose

The purpose of the IG (General Industrial) zone is to provide appropriate areas suitable for warehousing primary and secondary processing, packaging, fabricating of finished goods and equipment with related outdoor storage and incidental sales. The General Industrial zone is appropriate in those areas designated General Industrial in the Comprehensive Plan where the location has access to an arterial street or highway for transport of bulk materials and where the noises, lights, odors, and traffic hazards associated with permitted uses will not conflict with local and collector streets. (5/98)

2.114.02 Permitted Uses

The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the IG zone:

- A. **Dwelling unit or guest room for a caretaker or watchman on the premises** being cared for or guarded. (5/98)
- B. **Recycling depots.** (5/98)
- C. **Agricultural services (07).** (5/98)
- D. **Construction contractor's offices** and related outdoor storage (15, 16, 17).
- E. **Manufacturing and Assembly (20-39); BUT EXCLUDING:** (5/98)
 - 1. Pulp, paper and paper board mills (261, 262, 263, 266). (5/98)
 - 2. Agricultural chemicals (287) and miscellaneous chemical products (289). (5/98)
 - 3. Leather tanning and finishing (311). (5/98)
 - 4. Cement (324); structural clay products (325), concrete, gypsum and plaster products (327) and abrasive, asbestos and miscellaneous non-metallic mineral products (329). (5/98)
 - 5. Metal forgings and stamping (346) and ordnance and accessories (348). (5/98)
 - 6. Storage batteries (3691) and primary batteries (3692). (5/98)
- F. **Transportation, utilities and communication (40 - 49), BUT EXCLUDING** travel agencies (4722). (5/98)

- G. **Wholesale trade** (50, 51), BUT EXCLUDING scrap and waste materials establishments (5093) livestock (5154). (5/98)
- H. **Food stores and eating and drinking places** (58). (5/98)
- I. **Business and Professional Services:** The following business and professional services are permitted provided the gross floor area shall not exceed 10,000 square feet. (5/98)
 - 1. **Cleaning services**, including power laundries, family and commercial (7211), dry cleaning plants (7216), carpet and upholstery cleaning (7217), industrial launderers (7218) and laundry and garment services, not elsewhere classified (7219). (5/98)
 - 2. **Business services** (73). (5/98)
 - 3. **Repair shops and related services**, not elsewhere classified (7699). (5/98)
 - 4. **Vocational schools**; except vocational high schools, not elsewhere classified (8249). (5/98)
 - 5. **Miscellaneous services** (89). (5/98)
- J. **Research, development and testing services** (873)
- K. **Fire protection** (9224). (5/98)
- L. **Public and Private Utilities.** (5/98)
- M. **Uses clearly accessory to and subordinate** to the above. (5/98)

2.114.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the IG zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203. (5/98)

E. The following special uses subject to the applicable standards in Section 2.4:

1. **Energy facility** (Section 2.425). (5/98)
2. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)

2.114.04 Conditional Uses

All uses in SIC categories 20 to 51 and not specifically identified as a permitted use in, or specifically excluded from, Section 2.114.03 may be established by a conditional use permit. The following shall also require a conditional use permit:

- A. **Wrecking yards**. (5/98)
- B. **Solid waste transfer facility**. (5/98)

2.114.05 Prohibited Uses

A. The following uses are prohibited on properties within the Keizer Station Plan boundary:

1. Manufacturing of grain mill products (204)
2. Manufacturing of biological products, except diagnostic substances (2836)
3. Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (284)
4. Miscellaneous plastic products (308)
5. Motor freight transportation and warehousing (42)

2.114.06 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

LOT SIZE	The parcel size shall be adequate to contain all structures within the required yard setbacks.
STRUCTURE HEIGHT	100 feet (1) (2)

- (1) *Required setbacks shall increase 1 foot for every foot the height exceeds 50 feet. (5/98)*
- (2) Within the Keizer Station Plan boundary, one additional foot in height is permitted for every five feet of additional setback within fifty feet from property lines adjacent to residential uses.

B. Minimum Yard Setback Requirements

ADJACENT PROPERTY USE

SETBACKS	Single Family or Duplex	Multi-Family	Commercial	Industrial
Front	5 feet	5 feet	5 feet	5 feet
Side	(1), (2)	(1), (2)	(1)	(1)
Rear	(1), (2)	(1), (2)	(1)	(1)
Street-side	5 feet	5 feet	5 feet	5 feet
Garage entrance (3)	20 feet	20 feet	20 feet	20 feet

- (1) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the IG zone, the rear yard setback is 0 feet. (5/98)*
- (2) *A sight-obscuring fence shall contain yards adjacent to residential zones, wall, or hedge a minimum of 8 feet in height. (5/98)*
- (3) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

2.114.06 Development Standards

All development in the IG Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking.** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the IG zone shall comply with the Development Standards in Section 2.315. A caretaker's dwelling shall comply with the design standards in Section 2.314. (5/98)
- C. **Subdivisions and Partitions.** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots.** Yards and lots shall conform to the standards of Section 2.312. (5/98)

- E. **Signs.** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 10% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The combined maximum building and parking area coverage shall not exceed 90%. (5/98)
- I. **Open Storage:** Open storage of materials used for the manufacture or assembly of goods, and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall, hedge, or berm a minimum of 8 feet in height. (5/98)

1.103 ESTABLISHMENT OF ZONING DISTRICTS

1.103.01 Districts

For the purposes of this Ordinance, the City of Keizer is divided into the following zoning districts:

<u>Classification</u>	<u>Abbreviation</u>
Single Family Residential	RS
Limited Density Residential	RL
Medium Density Residential	RM
High Density Residential	RH
Residential Commercial	RC
Mixed Use	MU
Commercial Office	CO
Commercial Mixed Use	CM
Commercial Retail	CR
Commercial General	CG
<u>Employment General</u>	<u>EG</u>
Industrial Business Park	IBP
General Industrial	IG
Agricultural Industrial	IA
Public	P
Exclusive Farm Use	EFU
Urban Transition	UT

For the purposes of this Ordinance, the following overlay zones are placed in certain areas of the City of Keizer:

Floodplain Overlay Zone	FPO
Greenway Management Overlay Zone	GMO
Limited Use Overlay Zone	LUO
Activity Center Overlay Zone	ACO
Resource Conservation Area Overlay Zone	RCO
Historical Landmark Overlay Zone	HLO

1.103.02 Comprehensive Plan Designation and Zoning Districts

Zone classifications implement the Comprehensive Plan map designations. The following are the zones allowed in each Comprehensive Plan designation:

Comprehensive Plan Designation

Zone Classification

Low Density Residential (LDR)	RS, RC, UT
Medium Density Residential (MDR)	RL, RM, RC, MU
Medium and High Density Residential (MHDR)	RL, RM, RH, RC, MU
Mixed Use (MU)	MU
Commercial (C)	CM, CR, CG, CO
<u>Special Planning District (SPD)</u>	<u>EG</u>
General Industrial (GI)	IG, IBP
Campus Light Industrial (CLI)	IBP
Special Policy Area (SPA)	IA, EFU
Civic (CI)	P
Schools (ES, MS, HS)	P
Park (P)	P

1.103.03 Boundaries

- A. Zoning Map. The zoning district boundaries are shown on the zoning map of the City of Keizer. This map is made a part of this Ordinance and shall be filed in the office of the Zoning Administrator. The Zoning Administrator shall amend the map as required. The map shall be available for public review with copies provided at reasonable cost. (5/98)
- B. Zoning Map Interpretation. The Zoning Administrator shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of the zoning boundaries, the Zoning Administrator shall rely on the Keizer Comprehensive Plan Map and the following guidelines:
1. Right-of-way. Boundaries indicated as approximately following the centerline or the right-of-way boundary of streets, highways, railways or alleys shall be construed to follow such centerline or boundary. (5/98)
 2. Lot Lines. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. (5/98)
 3. Water Courses. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerline. (5/98)
 4. Extensions. Boundaries indicated as parallel to or extensions of features indicated in subsections 1., through 3., above shall be so construed. (5/98)

5. Specific Description. Where a Plan map designation or zoning action referenced a specific property description, that description shall establish the boundary. Where 2 or more property descriptions establish conflicting boundaries, the most recent description shall govern. (5/98)

C. ~~Procedure for location of Plan Designations and Zones in Area A of the Chemawa Activity Center. The Design Plan for the Chemawa Activity Center, which was adopted in 1997, provides that there shall be 11 acres of commercial property at the southern portion of Area A though the exact location of such property is not determined in the Design Plan. Such land is designated Commercial (C) in the Comprehensive Plan Map and is zoned Commercial Mixed (CM). The remainder of the land in Area A is designated Campus Light Industrial (CLI), and zoned Industrial Business Park (IBP). Notwithstanding any other provisions of this ordinance, the exact location of CLI/IBP and C/CM land in Area A of the Chemawa Activity Center shall be determined by adoption of a master plan in compliance with the adopted Chemawa Activity Center Design Plan. The adoption of the master plan shall be conducted pursuant to the conditional use process and the provisions set forth in the Activity Center Overlay zone, and the provisions in this Chapter regarding zone changes and comprehensive plan changes shall not apply.~~ (5/98)

Keizer Comprehensive Plan Text Amendments*Recommended for Approval by City Council August 5, 2002*

III. Findings & Policies

D. Plan Diagram and Special Land Use Policies (Beginning on page 49)

(2) Goals and Policies

(h) Activity Centers

(Sections 1-8 not listed)*(9) Special Planning District Designation**

For properties located within the Keizer Station Plan which are identified for a mix of commercial and industrial development, the Comprehensive Plan map designation shall be Special Planning District (SPD). The SPD is designed to:

- (a) Provide for a mix of commercial and industrial development.
- (b) Identify Special Planning District in northeast sector of Keizer.
- (c) Provide opportunity for employment area service center to develop within the district.
- (d) Allowed uses are to be comparable to industrial business park uses and commercial uses to service employment area service center and the traveling public as described in III.D.2.d.(2) of this Plan.
- (e) Encourage commercial and industrial economic opportunities within Specific Policy Areas as depicted in III.C.3.a.(7).(b) and III.C.4.d.(2) of this Plan.

Other sections within the Keizer Comprehensive Plan referring to the "Chemawa Activity Center" shall be amended to title the "Keizer Station Plan". The following text should be amended as follows (strikethrough is deleted, underlined is added language):

Pg. 44, III.D.2.d.(2).(c). "An employment area service center will be located near the Chemawa Interchange in the ~~Chemawa Activity Center~~ Keizer Station."

Pg. 49, III.D.2.h.(1).(b). "~~Chemawa Activity Center~~ Keizer Station"

Pg. 51, III.D.2.h.(8). "Establish the following objectives for the ~~Chemawa Activity Center~~ Keizer Station."

Pg. 53, III.E.2.b.(7). "Establish as a medium priority the extension of public facilities to the ~~Chemawa Activity Center~~ Keizer Station."

Pg. 59, III.E.4.d.(2).(c). "Increase transit service to the ~~Chemawa Center~~ Keizer Station."

2.109 COMMERCIAL RETAIL (CR)**2.109.01 Purpose**

The purpose of the CR (Commercial Retail) zone is to provide areas suitable for professional and general commercial offices, retail sales within a building, eating and drinking places, commercial accommodations and commercial services. The Commercial Retail zone is appropriate in those areas designated Commercial in the Comprehensive Plan when the location has access to a collector or arterial street. (5/98)

2.109.02 Uses

The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the CR zone:

- A. **One dwelling unit in conjunction with the commercial uses(s) of the lot.** (5/98)
- B. **Offices for any use listed in SIC Division C - Construction.** (5/98)
- C. **Post offices (43).** (5/98)
- D. **Building materials, hardware, retail nurseries, and garden supply (52) except mobile home dealers (527).** (5/98)
- E. **General merchandise stores (53).** (5/98)
- F. **Food stores (54).** (5/98)
- G. **Auto and home supply stores (553).** (5/98)
- H. **Gasoline service stations (554) (SU 12.52) except as provided in Section 28.03, below.** (5/98)
- I. **Eating and drinking places (58) except as provided in Section 28.03, below.** (5/98)
- J. **Miscellaneous retail (59) except fuel and ice dealers (598) provided all display is within a building.** (5/98)
- K. **Used Merchandise Store (SU 12.48) provided all display is within a building.** (5/98)
- L. **Vehicle sales and secondary repair except as provided in Section 28.03, below.** (5/98)
- M. **Finance, insurance, and real estate (60, 61, 63, 64, 65, 66 and 67).** (5/98)

- N. **Hotels, motels, and tourist courts** (701). (5/98)
- O. **Religious organizations** (SU 12.60). (5/98)
- P. **Veterinary services** (074) (SU 12.42 in urban areas). (5/98)
- Q. **Membership organizations** (86). (5/98)
- R. **Public utility structures and buildings** except as provided in Section 28.03, below. (5/98)
- S. **Recreational vehicle parks** (7033) (SU 12.40) except as provided in Section 28.03, below. (5/98)
- T. Uses prescribed in Chapter 21. (5/98)
- U. **Unlimited number of guest rooms including rooming and boarding houses** (702), organization hotels and lodging homes on membership basis (704). (5/98)
- V. **Signs** (SU Chapter 15). (5/98)
- W. **Bed and breakfast establishments** (SU 12.26). (5/98)
- X. **Miscellaneous amusement and recreation services** (799) except golf courses (7992) and amusement parks (7996). (5/98)
- Y. **Landscape counseling and planning** (0781). (5/98)
- Z. **News dealers and newsstands** (5994). (5/98)
- AA. **Commercial printing** (275). (5/98)
- BB. **Communications** (48). (5/98)
- CC. **Apparel and accessory stores** (56). (5/98)
- DD. **Furniture, home furnishings, and equipment stores** (57). (5/98)
- EE. **Electrical and lighting shops and office machines and equipment stores**. (5/98)
- FF. **Personal services** (72) except carpet and upholstery cleaning (7217) and industrial launderers (7218). (5/98)

- GG. **Business services** (73) except disinfecting and exterminating services (7342) and research and development laboratories (7391). (5/98)
- HH. **Automobile parking** (752) except as provided in Section 28.03, below. (5/98)
- II. **Watch, clock, and jewelry repair** (763). (5/98)
- JJ. **Motion picture distribution** and allied services (782). (5/98)
- KK. **Motion picture theaters** (783) except drive-ins (7838). (5/98)
- LL. **Dance halls, studios, and schools** (791). (5/98)
- MM. **Theatrical producers** (except motion pictures), **bands, orchestras, and entertainers** (792). (5/98)
- NN. **Bowling alleys and billiard and pool establishments** (793). (5/98)
- OO. **Health services** (80) except hospitals (806). (5/98)
- PP. **Ambulance service**. (5/98)
- QQ. **Legal services** (81). (5/98)
- RR. **Educational services** (82). (5/98)
- SS. **Social services** (83). (5/98)
- TT. **Museums, art galleries, botanical and zoological gardens** (84). (5/98)
- UU. **Miscellaneous services** (89). (5/98)
- VV. **Executive offices** (911). (5/98)
- WW. **Executive and legislative combined** (913). (5/98)
- XX. **Finance, taxation, and monetary policy** (93). (5/98)
- YY. **Administration of human resources programs** (94). (5/98)
- ZZ. **Administration of environmental quality and housing programs** (95). (5/98)
- AAA. **Administration of economic programs** (96). (5/98)
- BBB. **National security and international affairs** (97). (5/98)

- CCC. **Automotive Dealers** (55) but excluding gasoline service stations (554) except as provided in Section 28.03, below. (5/98)
- DDD. **Adult entertainment business** (SU 12.50). (5/98)
- EEE. **Billboards** (non appurtenant signs) (SU Chapter 15). (5/98)
- FFF. **Mixed-use buildings** (SU 12.46). (5/98)
- GGG. **Residential home care and adult residential home care.**
- HHH. **Printing & Publishing** (Ord 87-078) (Ord 92-232) (Ord 96-357)
- III **Child foster home** for five or fewer children as a secondary use. (6/99)

2.109.03 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Water supply** (494). (5/98)
- B. **Carpet and upholstery cleaning** (7217). (5/98)
- C. **Automotive rental and leasing, without drivers** (751) except as provided in Section 28.03, below. (5/98)
- D. **Automotive repair shops** (753) except as provided in Section 28.03, below. (5/98)
- E. **Automotive services, except repair** (754) except as provided in Section 28.03, below. (5/98)
- F. **Electrical repair shops** (762). (5/98)
- G. **Reupholstery and furniture repair** (764). (5/98)
- H. **Professional sports clubs and promoters** (7941). (5/98)
- I. **Utilities - secondary truck parking and material storage yard** except as provided in Section 28.03, below. (5/98)
- J. **Manufacture of jewelry, silverware, and plated ware** (391). (5/98)
- K. **Manufacture of costume jewelry, novelties, buttons, etc.** (396). (5/98)
- L. **Local and suburban passenger transportation** (411). (5/98)

- M. **Intercity and rural highway passenger transportation** within 2,000 feet from the center point of an I-5 interchange and having direct access onto a major arterial (413). (Ord 87-078) (Ord 96-357) (5/98)

2.109.04 Prohibited Uses

The following uses are prohibited from the any property fronting on River Road or Chemawa Road in the following area; the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east. This prohibition does not apply to any business facility, legally established as of the date of the adoption of this Ordinance, which as of that date has drive-through window facilities. (5/98)

- A. **Gasoline service stations (554)** (SU 12.52). (5/98)
- B. **Drive-Through windows or car service associated with eating and drinking places (58)**. (5/98)
- C. **Vehicle sales and secondary repair**. (5/98)
- D. **Public utility structures and buildings**. (5/98)
- E. **Recreational vehicle parks (7033)** (SU 12.40). (5/98)
- F. **Automobile parking not associated with an allowed use (752)**. (5/98)
- G. **Automotive Dealers (55)**. (5/98)
- H. **Automotive rental and leasing, without drivers (751)**. (5/98)
- I. **Automotive repair shops (753)**. (5/98)
- J. **Automotive services, except repair (754)**. (5/98)
- K. **Utilities – secondary truck parking and material storage yard**. (Ord 96-357) (5/98)

2.107.05 Use Restrictions

A limitation to the total floor area, as defined in the Keizer Development Code, for retail uses is required within the Keizer Station Plan. Each sub-area is limited with a specific amount of floor area for retail uses. Retail uses in the CR zone within Area C – Keizer Station Center of the Keizer Station Plan are restricted to the to a total floor area as defined in the Keizer Station Plan. The limitation on

total floor area for retail uses within Area C – Keizer Station Center is 65,000 square feet for uses identified in Sections 2.109.02 (D) – (M), (Z), (CC) – (EE), (CCC) and (DDD).

2.109.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Commercial	Mixed Use
Lot Size	None (1)	None (1)
Average Width	None	None
Average Depth	None	None
Maximum Height	50 feet	50 feet

- (1) *Parcel size shall be adequate to contain all structures within the required yard setbacks and, where applicable, comply with residential density standards in Section 2.107.07. (5/98)*

B. Minimum Yard Setback Requirements

SETBACKS	Commercial	Mixed Use
Front	10 feet	10 feet
Side	(1)	(1)
Rear	(1)	(1)
Street-side (2)	10 feet	10 feet
Garage entrance (3)	20 feet (3)	20 feet (3)

- (1) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property (5/98)*
- (2) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (3) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property*

line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)

2.109.06 Development Standards

All development in the CR Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements. If a conflict exists with a specific standard found in this section and a standard found elsewhere in this Ordinance, the standard in this section shall govern. (5/98)

- A. Off-street parking:
1. Parking shall be as specified in Section 2.303. In the event that on-street parking is provided, on-street parking that abuts the property can be used to meet the standard. (5/98)
 2. No off-street parking is required for uses above the ground floor. (5/98)
 3. The off-street parking requirement for residential uses is one space per unit. (5/98)
 4. If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 PM with a total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces.)
- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)
- E. Accessory Structures: Accessory structures shall conform to requirements in Section 2.313. (5/98)
- F. Storage, Trash, and Service Functions: Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the

main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)

- G. Landscaping-General: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area is 10%. (5/98)
- H. Landscaping-Parking Lots: One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)
- I. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

	<u>Max.</u>	<u>Min</u>
Commercial development:	90%	50%

2.109.07 Design Standards

All development in the CR Zone shall comply with the applicable design standards described below:

- A. Building Design Standards. Primary buildings shall comply with the following design standards: (5/98)
 - 1. Design Standards - Unless specifically modified by provisions in this Section, buildings located within the CR zone shall comply with the following standards: (5/98)
 - a. Non-residential structures shall comply with the provisions in Section 2.314 - Design Standards. (5/98)
- B. Circulation - Circulation standards apply for projects that are applicable and are developed within the River and Chemawa Specific Area boundaries. As stated in the Specific Plan: (5/98)
 - 1. Streets - New streets shall conform to the street sections depicted in Figure 10 in the Specific Plan. In cases where the right-of-way varies, the sidewalk may need to be provided in an easement or private property. New Streets shall be provided in accordance with the Circulation Plan (Figure 9 in the Specific Plan). (5/98)
 - 2. Internal Driveway Connections - Where possible, internal parking lot driveways shall be designed to connect from parcel to parcel to allow travel through the site without the need to access a public street. (5/98)

3. **Pedestrian Ways** - Where indicated on the Development Plan and Circulation Plan in the Specific Plan Specific Plan, 10 foot wide pedestrian pathways shall be provided across development parcels. The pathways shall be improved with distinctive paving material that differentiates the pathway from any adjoining parking area. Where crossing parking area, the pathways shall be raised and shall include a minimum two feet landscape planter between the pathway and the adjoining parking lot. (5/98)
4. **Pedestrian Connections** - Pedestrian walkways shall be provided between buildings and the public right-of-way. Walkways shall be provided between adjoining commercial buildings when not connected by a public sidewalk. Walkways shall be not less than five feet in width and shall be constructed of concrete or similar material that is clearly distinguished from parking area pavement. (5/98)

difference in full-time equivalent employment of less than 200 jobs, indicating there will be less demand for housing in Keizer under the proposal than with the existing Chemawa Activity Center Plan.

Hobson Ferrarini Associates compared the number of full time employees forecasted to locate within the Keizer Station Planning area to the capacity of buildable residential land in the City of Keizer (Exhibit A-92). This analysis shows that the existing supply of residential land in the City of Keizer is more than adequate to support the number of employees expected to locate in the KSP. The residential land supply in Keizer can accommodate up to 6,738 new dwelling units, exceeding the 2,930 employees expected at the KSP by a wide margin.

As noted above, Goal 10 requires the city to have an “adequate number of needed housing units at price ranges and rent levels, which are commensurate with the financial capabilities of Oregon households.” The previously cited analysis completed by Hobson Ferrarini Associates (Exhibit A-92) shows there is enough land by zoning designation to accommodate the full range of housing types that might be demanded in the future, from single-family detached to high-density condominiums and apartments. With an acknowledged housing inventory and a variety of developable residentially zoned land, the staff recommended alternative is consistent with the requirements of Goal 10.

Other Housing-Related Issues

Salem argues the additional employment must be coordinated regionally because it is significantly different from current assumptions. Also, Salem states this additional employment will have an impact upon the local housing supply and should be addressed under Goal 10.

As addressed above, Salem’s assertions are wrong; the proposal is expected to have 200 fewer jobs than the existing Chemawa Activity Center Plan [theoretically would have anticipated. The CACP was the planning program upon which the assumptions about impacts on facilities and other areas are based. Therefore, where the proposal has fewer impacts than theoretically was possible under the CACP, there is no need for any adjustment to be considered to any other planning program. For purposes of planning, the CACP is more intense – although only fractionally. In reality, the



October 21, 2002

AGENDA ITEM 4C

WATER RATE AND ADMINISTRATIVE FEE ADJUSTMENTS

COUNCIL MEETING: October 21, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCILOR MEMBERS

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

**FROM: ROB KISSLER
PUBLIC WORKS DIRECTOR**

SUBJECT: WATER RATE TASK FORCE REPORT/PUBLIC HEARING

ISSUE:

In September, Karyn Johnson a representative of Black and Veatch Corporation and staff members presented the final study results and task force recommendations on water rates and SDC's. The presentation included a proposed change in policy by designing rates on a true cost of service analysis in three distinct customer classes; residential, multiple, and commercial. A public hearing was noticed for October 7, 2002 and continued until this evening for additional testimony.

RECOMMENDATION:

It is recommended the City Council reopen the public hearing, allow testimony to be heard and close the public hearing. It is further recommended the City Council provide direction to staff for the implementation of adjustments to the water rates and SDC's.

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

SUBJECT: WATER RATE TASK FORCE COMMITTEE REPORT

DATE: SEPTEMBER 13, 2002

BACKGROUND:

At the October 15, 2001 City Council meeting, a Resolution was passed establishing the Ad Hoc Water Rate Task Force Committee (Attachment A). The Committee's task was to identify necessary funding to implement the 20 year CIP as outlined in the Water Master Plan adopted in 2000 (Attachment B). Funds were made available in the 2001 water budget for financial consultanting services, to assist the committee and staff in completing a 10-year financial plan for water system improvements. The Task Force held four Public Meetings during the spring and summer of 2002, to address three separate areas of Water Department funding, which included rates, system development charges and administration fees. The most recent increase of water rates and administration fees was in 1990.

Black & Veatch Corporation representative Karyn Johnson will present the final study results on water rates and SDC's (Attachment C). The presentation will include a proposed change in policy by designing the rates on a true Cost of Service analysis in three distinct customer classes, residential, multiple and commercial. The Task Force discussed the current policy that all rates in the three classes be the same, or develop the cost of service per customer class. Staff developed a rate design comparison for all three-customer classes, which include different demographics (Attachment D). Staff has also included a proposed fee structure to recoup the City's cost on customer services incurred (Attachment E).

FISCAL IMPACT:

See Attachments

RECOMMENDATION:

Council set a Public Hearing for October 7, 2002 and direct staff to notice the hearing.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON
CREATING AN AD HOC TASK FORCE TO STUDY WATER RATES

Resolution R2001- 1300

WHEREAS the City Council of the City of Keizer has adopted a Water Master Plan to assist the City in providing adequate infrastructure to maintain drinking water supplies and storage capacity to meet the needs of the citizens.

WHEREAS, the Water Master Plan includes a Capital Improvement Program outlining the improvements necessary to meet drinking water demands. The final implementation of the plan relies upon the appropriate rate structure to build the Capital Improvement Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keizer hereby authorizes the creation of an Ad Hoc Water Rate Task Force to complete the following task:

1. Work with staff and consultants on a water rate analysis in relation to the 2000 Water Master Plan CIP and make recommendations to City Council on funding options for CIP long-term financial plan.

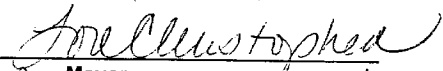
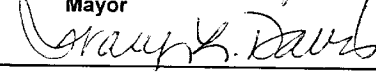
BE IT FURTHER RESOLVED that the task force shall consist of seven (7) members; a representative of the Keizer Chamber of Commerce Governmental Affairs Committee, a representative of the development community; two city of Keizer residents; two members of the Keizer City Council; and a representative from

1 the Keizer Neighborhood Association Group (KNAG). The Director of Public Works
2 will serve as the staff liaison to the Task Force.

3 BE IT FURTHER RESOLVED that the Mayor shall appoint the members of the
4 Task Force. At the first meeting of the Task Force, a chair shall be elected by the
5 members.

6 PASSED this 15th day of October, 2001.

7 SIGNED this 15th day of October, 2001.

8
9
10
11
14

Mayor

City Recorder

Capital Improvement Program:

Phase I improvements (2000-2005) include the improvements believed to be of the highest priority due to either growth or pending regulatory impact. Specific improvements include the drilling and development of the Bair Park well, the Northern Zone Pressure Upgrade, modifications possibly needed for compliance with the Groundwater Disinfection Rule, the Wiessner standpipe and intertie pipeline, and upgrade of the telemetry system. Projects within the Phase I group are subject to revision and/or modification based on the final determination of the impact from the Groundwater Disinfection Rule on specific well sites.

Phase I: 2000-2005

Project No.	Year	Description	Estimated Cost
1	2000-2001	Bair Park Project	
1A		A) Drill new well at Bair Park site	\$36,000.00
1B		B) Install well pump, elec. service and VFD	\$32,900.00
1C		C) Install piping and connect to system	\$18,600.00
		Total Project # 1	\$87,500.00
2	2000-2001	Northern Pressure Zone Improvement	
		(3) Pressure reducing/check valve assemblies in underground vaults	\$93,000.00
3	2000-2001	Modify Wiessner stand-by engine to provide automatic operation	\$16,000.00
4	2000-2001	Increase capacity of McNary well by approximately 350 GPM. Increase horsepower to 125.	\$41,000.00
Alternate 4A	2001-2002	Construct .25MG (minimum) elevated reservoir at City Hall	\$600,000.00
5	2002-2003	12" waterline extension from Wiessner Pump Station north to Keizer Road and Ridge Drive	\$225,000.00
6	2002-2003	Wiessner Standpipe Project	
6A		A) Construct 750,000 gallon reservoir	\$400,000.00
6B		B) Construct 1000 GPM Pump Station	\$100,000.00
6C	2003-2004	Complete Phase I, Project 7 from 1988 Master Plan Update-Reinforce pipeline capacities to new Bair Park pump station and Northern area of city	\$225,000.00
7	2003-2004	Replace Toni and Burnside wells with new Burnside well (For GWDR compliance)	\$88,000.00
8	2003-2004	Replace 13 th Ave and 17 th Ave wells with new 17 th Ave well (For GWDR compliance)	\$86,000.00
9	2003-2004	Delta well site, side-drill existing well and remove gravel pack, reseal well to 80'-100'	\$83,500.00
10	2003-2004	Upgrade Telemetry System to radio modem and modify control software	\$82,600.00
11	2005-2006	Develop new 700-800 GPM well at City Hall	\$193,000.00
12	2004-2005	Complete Fluoride installations at six additional sites	\$84,000.00

Sub-Total without Alternate 4A:	\$1,804,600.00
(+) 10% Engineering and Administration	\$180,500.00
(+) 10% Contingency	\$180,500.00
Total Phase I	\$2,165,600.00
Phase I with 4A	\$2,885,600.00

Phase II: 2005-2010

Project No.	Year	Description	Estimated Cost
13	2005-2006	Construct Bair Park 750,000 gallon standpipe and 1500 GPM pump station	\$560,000.00
14	2005-2010	Continue Replacement Program of Aging steel waterlines. Complete Phase I, Project 1 from 1988 Master Plan Update and Phase II, Project 16. -Approx. 46,000 feet of 6" to 12" (2)	\$2,113,200.00
15	2006-2007	Complete Phase I, Project 8&9 and 10-12" waterline extension and looping (2)	\$186,000.00

Sub-Total: \$2,859,200.00
 (+) 10% Engineering and Administration \$286,000.00
 (+) 10% Contingency \$286,000.00
Total Phase II: \$3,431,200.00

Phase III improvements (2010-2020) is based on completing well construction and development of the Windsor Island well.

Phase III: 2010-2020

Project No.	Year	Description	Estimated Cost
16	2010-2015	Develop Windsor Island well capacity: 450-500 GPM	\$162,000.00

Sub-Total: \$162,000.00
 (+) 10% Engineering and Administration \$16,200.00
 (+) 10% Contingency \$16,200.00
Total Phase III: \$194,400.00

Total Phases I-III: \$5,791,200.00 (2000 Dollars)

Phase IV: 2000-2030

Project No.	Year	Description	Estimated Cost
1	2000-2030	38,000' of 6"-12" steel WL throughout the city	\$1,760,900.00
2	2000-2030	35,000' of 6"-12" steel WL throughout the city	\$1,625,000.00
3	2000-2030	Complete remainder (10,000') of steel waterline	\$465,000.00

Sub-Total: \$3,850,900.00
 (+) 10% Engineering and Administration \$385,000.00
 (+) 10% Contingency \$385,000.00
Total Phase IV: \$4,620,900.00

Future Considerations

The city has adhered to the improvement schedules outlined in past master plans (1980, 1988) very well. Many of the proposed improvements have been fully or partially completed and city staff is to be commended for demonstrating the diligence necessary to perform the past improvements. As the city approaches build-out during the next 10-15 years, primary emphasis should be placed on continuing replacement of deteriorating steel waterlines as well as reinforcing the existing distribution system (especially in the northern and eastern regions of the city) and pumping facilities. Most of the wells are entering the third or fourth decade of operation and continued monitoring of static and pumping levels as well as flow rates should be performed on a routine basis. Significant deviations in well production and/or pumping levels should trigger consideration of well and/or pump rehabilitations. Wells in sand and gravel aquifers, with iron and manganese present, should undergo rehabilitation at least every 10-15 years, depending on the type of well construction and yearly use. The wells that are used most frequently will require more frequent rehabilitation than wells that are used only during summer months. In addition, wells that approach 50-60 years in age often fail due to well casing corrosion.

Two wells are currently in use that fall into this category: the Burnside and Toni wells, both drilled in 1943. These wells are slated to be replaced and abandoned during this master plan period. The Carlhaven West well also falls into this age bracket, but due to the fairly recent (1980) redrilling and sealing, will most likely not require replacement during this study period. Typical well rehabilitation should be planned and budgeted as a normal maintenance item and not included as a capital improvement investment.

Reserve Funds

Due to the high reliance on pumping and electrical equipment, the city should maintain an emergency fund adequate to replace one complete large pumping unit and electrical system that could conceivably be destroyed in a fire or other catastrophic event. The recommended emergency reserve fund consists of the following elements (2000 dollars):

1-150 HP vertical motor	\$8,600.00
1-Well Pump, including column, shaft, and base	\$22,000.00
1-Electrical Pump Panel	\$8,000.00
1-Electrical Installation	\$10,000.00
1-Estimated labor to repair facility	\$10,000.00
	\$58,600.00

Use \$60,000 as Emergency Fund.

While insurance generally covers against this type of loss, an emergency fund can accelerate needed repairs that may be critical in time. The fund can also be used for waterline emergencies, building repairs, and other unforeseen problems that can occur outside of normal budget allowances.

Conditions of Estimates

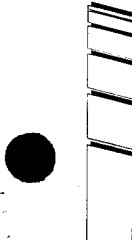
1. Construction costs are based on an average of similar local municipal projects completed between 1992-2000 and adjusted for 2000 cost using an ENR Construction Cost Index of 6283 (December, 2000). Unless otherwise indicated, estimates do not include the costs of land acquisition, right-of-way or easement purchase, or costs

associated with funding or financing. Service line replacement and new hydrants are included on applicable new mains and sub-mains. New pipeline costs are based on the use of ductile iron pipe with minimal asphalt removal and restoration. While substantial effort has been performed to prepare accurate estimates, the City is cautioned that additional factors such as: rock excavation, specific design criteria, inflation, and local work and economic conditions can have a substantial impact on actual construction costs. Caution should be employed when using these estimates. Estimates are subject to +30% to -15% variation in accordance with criteria established by the American Association of Cost Estimating Engineers.

2. Incomplete, completed, or existing pipeline projects from the 1988 Master Plan Update have been included within this report. The current scope of work for each specific project has been updated to reflect the actual work needed to complete the project. Construction costs have been updated from the 1987 Construction Cost Index (CCI) (ENR) of 4460 to a December, 2000 CCI of 6283. Engineering, administration, and contingency allowances have been removed and added separately. Much of the pipeline work has been included under Phase IV construction.

Table 10-1
1988 Master Plan Update Projects in 2000 Master Plan

2000 Project Number	1988 Project Number	1987 Master Plan Description	Percent Complete	Year 2000 Estimate	Comments
Phase II, Project 14	Phase I, Project 1	Replace 30,000 feet of 6"-12" steel WL throughout city	75%	\$352,200.00	Replacement of aging steel waterlines
N/A	Phase I, Project 3	700' of waterline along Windsor Island Road	100%	0	Project Complete
N/A	Phase I, Project 4	3900' of 14" (12" actual) WL looping Wheatland and River Road south to Delta well	100%	0	Project Complete
N/A	Phase I, Project 6	1550' of 12" WL along River Road	100%	0	Project Complete
Phase I, Project 6C	Phase I, Project 7	5300' of 14" (12" actual) WL through industrial area	50%	\$225,000.00	Possible developer participation
Phase II, Project 15	Phase I, Project 8	2650' of 14" (12" actual) WL through industrial area	50%	\$130,000.00	Possible participation from developer of area
Phase II, Project 15	Phase I, Project 9	1800' of 12" WL to loop Rock Ledge and Tepper Lane	75%	\$56,000.00	Possible participation from developer of area
N/A	Phase I, Project 10	7800' of 14" WL looping industrial-commercial area of northeast of city	0%	0	Project moved to developer funded portion of CAC
N/A	Phase I, Project 12	4000' of 12" WL along O'Neil Road and Clearlake Road	100%	0	Project Complete
N/A	Phase II, Project 15	6500' of 12" WL to loop area east of Windsor Island Road	0%	0	Project cancelled
Phase II, Project 14	Phase II, Project 16	38,000' of 6"-12" WL throughout the city	0%	\$1,760,900.00	Combined with remainder of Phase I, Project 1 from 1988 Plan
Phase IV, Project 1	Phase III, Project 17	38,000' of 6"-12" steel WL throughout the city	0%	\$1,760,900.00	Continued steel placement
Phase IV, Project 2	N/A	35,000' of 6"-12" steel WL throughout the city	0%	\$1,625,000.00	Continuation of steel pipeline replacement
Phase IV, Project 3	N/A	Complete remainder (28,000') of steel waterline	0%	\$1,300,000.00	Complete steel pipeline replacement project

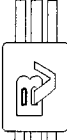


Final Study Results

Keizer, Oregon Water Rates and Charges Study

September 16, 2002

Black & Veatch





Presentation Objectives

- **Introduce water rate study team**
- **Present rate study findings and recommendations**
- **Obtain concurrence/policy direction on study assumptions, options, and proposed rates and charges**



Water Rate Study Project Team

<u>Water Task Force</u> •Mayor Lore Christopher •Councilor Jerry McGee •Mike Kurtz •Louise Kennell •Jim Nightengale •Jack Lowery •Garry Whalen	<u>Keizer Staff</u> •Rob Kissler •Bill Lawyer •Chris Eppley •Susan Gahlsdorf •Elsa Palacios •Karen Sergent
<u>Consultants</u> •Karyn Johnson, Black & Veatch/FCS Group •Jake Boomhouwer, BV •Tim Lynch, BV •Ed Butts, Stettler Supply Co	



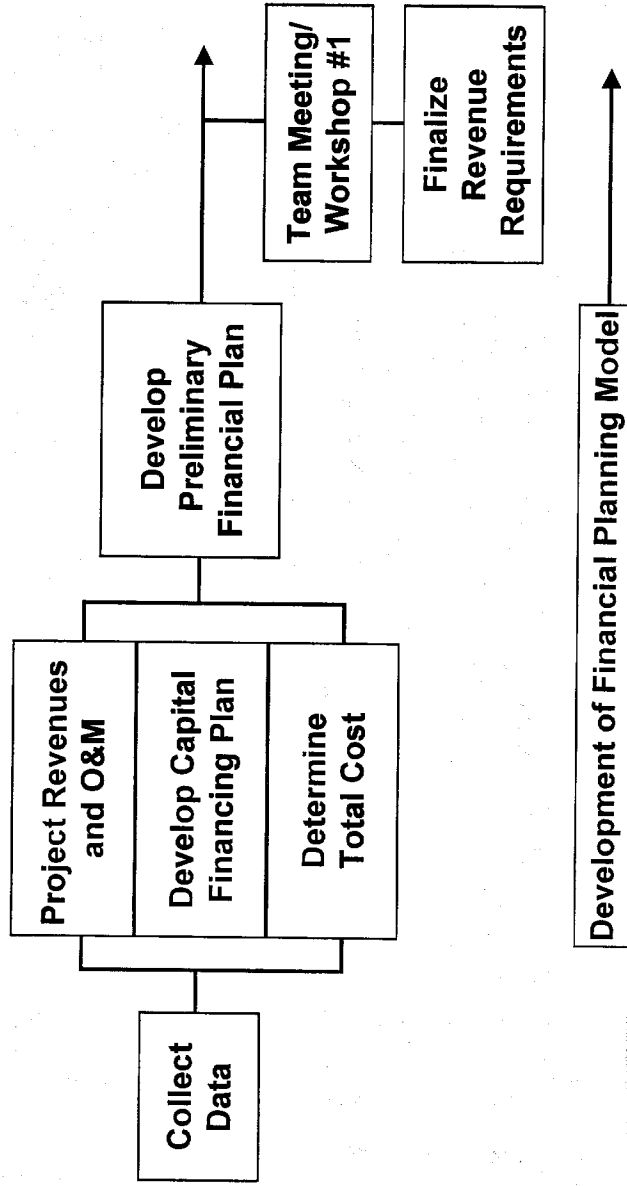


Water Rate Task Force Meetings

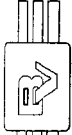
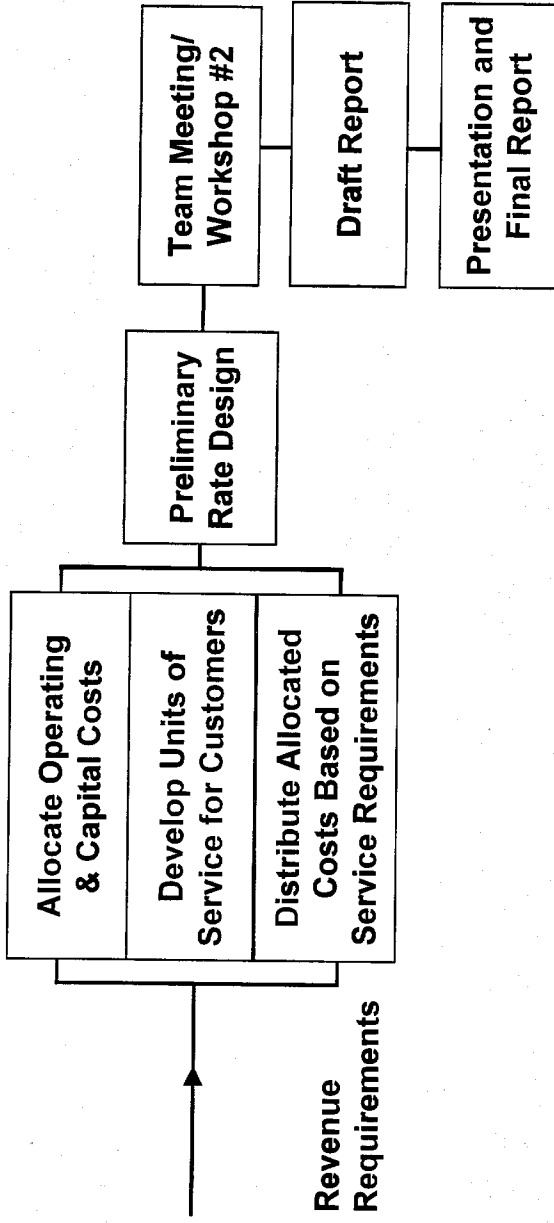
- Task force met to review interim findings and recommendations on the following dates:
 - March 6, 2002
 - April 29, 2002
 - June 24, 2002
 - July 22, 2002



Phase I - Financial Planning



Phase 2 - Cost of Service/Rate Design





What is Financial Planning?

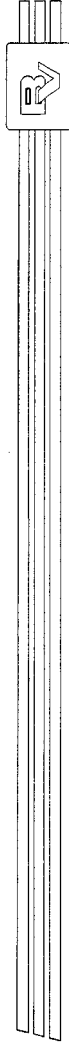
- Identification of annual rate revenue required to satisfy capital funding needs, operating costs, debt covenants, and fiscal policies.
- Ultimately identifies the total rate revenue to be collected from utility customers; serves as platform for generating equitable rate structures that recover cost.
- 10-year study period (FY 2002-2011)





Economic Assumptions

- **Customer growth: 0.75%/year**
- **Inflation**
 - O&M – 3.0 %/year
 - Capital – 4.0 %/year
- **Interest earnings**
 - 3.0 % 2002-2005
 - 5.0 % 2006 – 2011
- **Debt financing (typical bond terms)**
 - 20 year revenue bonds
 - 5.5% interest rate (Bond Buyers Index)
 - 1.5 % issuance cost
 - reserve requirement: 1 year equal annual debt service
 - debt coverage: at least 125 % of annual debt service





Fiscal Policies

- **Separate operating and capital funds within water utility**
- **Maintain minimum operating fund balance - 60 days of O&M**
- **Maintain minimum capital fund balance - \$100,000**





Capital Improvement Program (CIP) Financing Alternatives

- **Option 1 - cash-finance all CIP projects**
 - water user rates, cash reserves
 - system development charges (growth-related)
- **Option 2 - debt-finance all CIP projects**
 - revenue bonds, cash reserves
 - system development charges (growth-related)
- **Option 3 - combination cash and debt financing of CIP projects**
 - water user rates, revenue bonds, cash reserves
 - system development charges (growth-related)

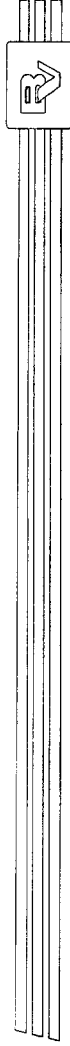




System-Wide Revenue Adjustment Options

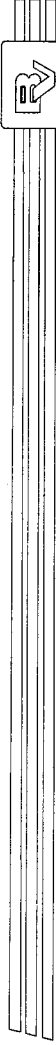
<u>Year</u>	<u>Opt.1</u>	<u>Opt.2</u>	<u>Opt.3</u>
2002	0.0 %	0.0 %	0.0 %
2003	50.0 %	3.0 %	18.0 %
2004	2.5 %	3.0 %	4.5 %
2005	1.5 %	3.0 %	4.0 %
2006	0.0 %	7.0 %	4.0 %
2007	0.0 %	7.0 %	5.0 %
2008	0.0 %	7.0 %	5.0 %
2009	0.0 %	7.0 %	3.5 %
2010	0.0 %	5.0 %	1.5 %
2011	0.0 %	1.5 %	1.0 %

Task Force Selected Option 3



Recommended Funding Strategy

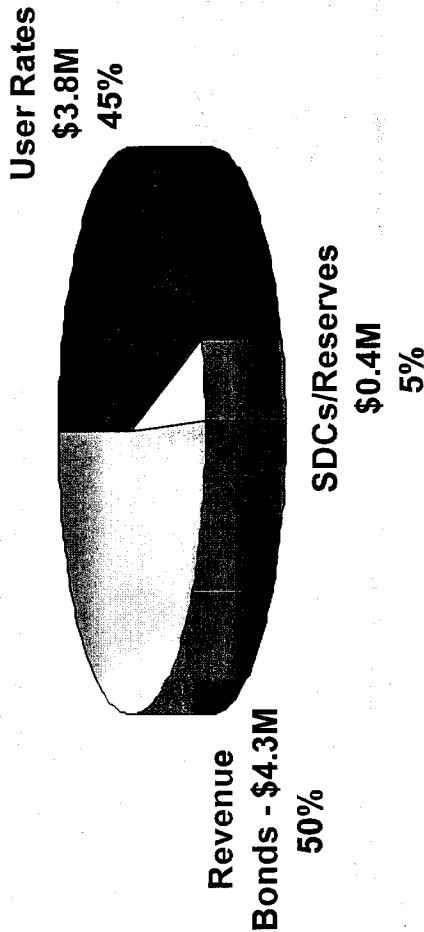
- **Combination cash and debt financing**
 - cash finance normal annual replacements, extensions, and improvements
 - » meters & services, vehicles, smaller equipment
 - » smaller mains
 - debt finance major capital improvements with longer useful lives
 - » wells
 - » pump stations/reservoirs
 - » larger mains
 - finance growth-related capital improvements with system development charges, to the extent available
 - provides balanced approach between existing and future customers





Capital Improvement Program Financing - Option 3 (Combination)

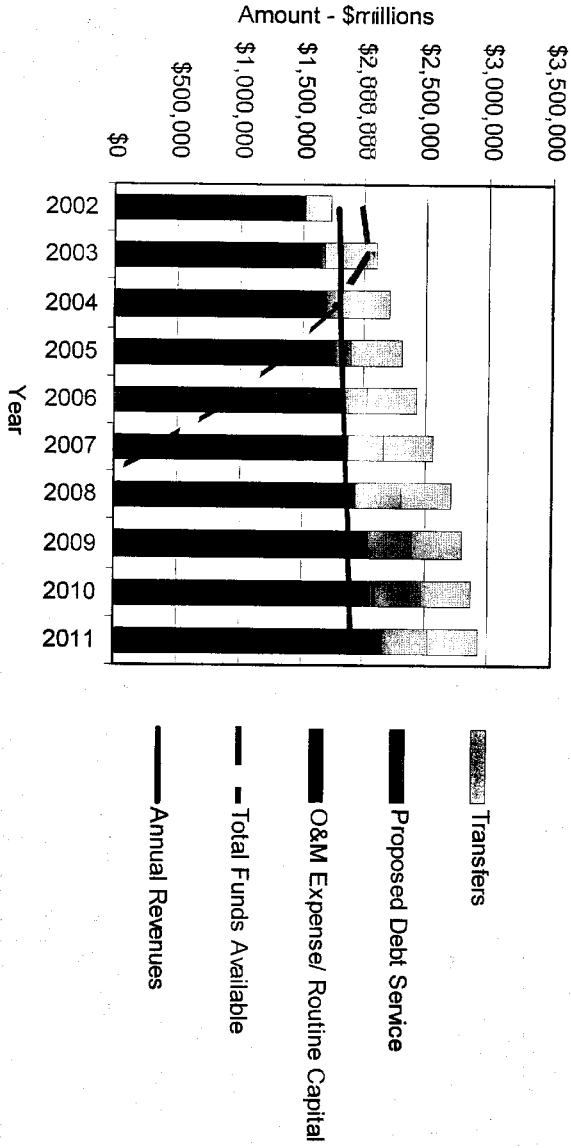
Total Cost = \$8.5 million (a)



(a) includes capital financing costs.



Comparison of Revenue and Revenue Requirements - Option 3 Under Existing Rates





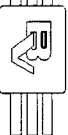
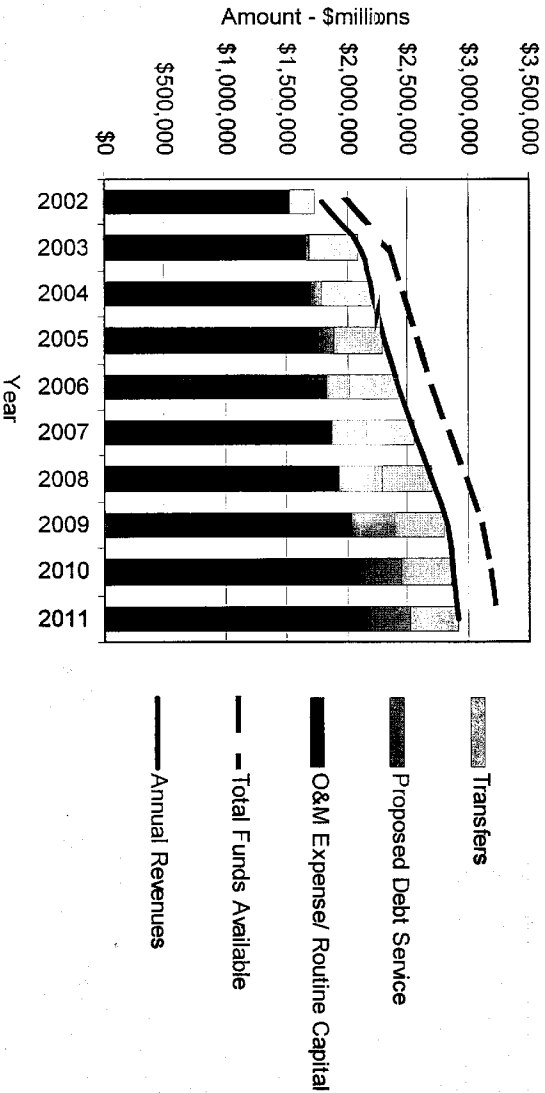
System-Wide Revenue Increases - Option 3

<u>Year</u>	<u>Increase</u>
2002	0.0 %
2003	18.0 %
2004	4.5 %
2005	4.0 %
2006	4.0 %
2007	5.0 %
2008	5.0 %
2009	3.5 %
2010	1.5 %
2011	1.0 %

(a) Increases Effective July 1



Comparison of Revenue and Revenue Requirements - Option 3 Under Proposed Rates





What is Cost of Service?

- **Total annual cost of providing water service to be recovered from water user rates**
 - operating costs
 - » salaries & benefits
 - » materials & supplies
 - capital costs
 - » debt financing of capital improvements
 - » cash-financing of capital improvements
 - » routine capital outlays
- **Recognizes differences in costs of providing service to different types of customers**
 - volume of water, peak rates of use, other factors





Cost of Service/ Rate Design Assumptions

- **Develop rates to incorporate proposed system wide revenue adjustments for opt. 3**
- **Design rates for FY 2002/2003**
- **No change to existing customer class designations**
- **Cost of service based on actual 2001 water usage/customer data by class**
 - adjusted for growth
- **Customer class peak capacity factors based on analysis of monthly water usage records and balanced to total water system**



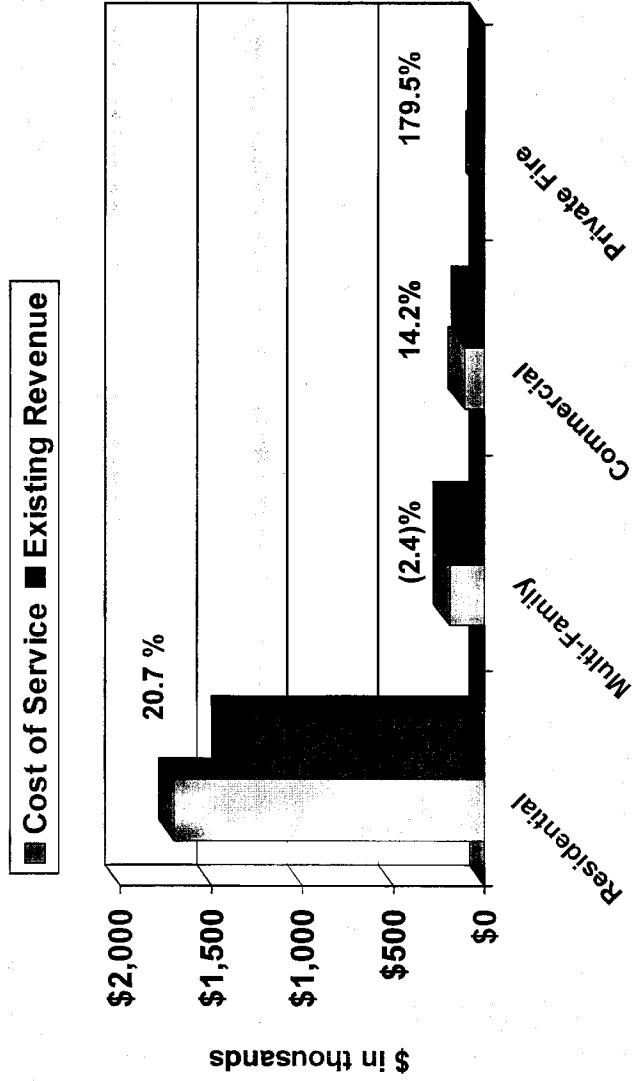


Re-Allocation of Public Fire Protection Cost of Service

- Based on weighted average of assumed potential fire water use and no. of accounts
 - residential
 - » 3,000 gpm for 2 hours (76%)
 - multiple family
 - » 6,000 gpm for 4 hours (16%)
 - commercial
 - » 6,000 gpm for 4 hours (8%)



Comparison of Cost of Service with Projected Revenue Under Existing Rates - Fiscal Year 2003



Alternative Rate Structures

- **Existing rate structure**
 - service charge by meter size, plus uniform volume charge (\$/ccf), same for all customer classes
- **Alternative rate structure**
 - service charge by meter size
 - » recovers customer-related cost of service and fire protection
 - uniform volume charge(\$/ccf), varying by customer class
 - » recognizes differentiation of customer class peaking demands



Comparison of Existing, Cost of Service, and Proposed Rates - Service Charge

Meter Size	Meter Charge - \$/Meter/Bi-Monthly		
	<u>Existing</u>	<u>Cost of Service</u>	<u>Proposed</u>
	\$	\$	\$
5/8-3/4"	16.86	7.51	7.51
1"	31.71	15.22	15.22
1-1/2"	56.42	29.44	29.44
2"	85.99	46.52	46.52
3"	165.04	86.39	86.39
4"	253.97	143.34	143.34
6"	500.95	285.67	285.67
8"	797.30	570.40	570.40



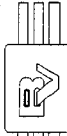
Comparison of Existing, Cost of Service, and Proposed Rates - Other Charges

	Cost of Service		
	Existing	Existing Structure	Alternative Structure (a)
Volume Rate - \$/ccf		\$	\$
Customer Class			
Single Family Residential	0.39	0.90	0.96
Multiple Family	0.39	0.90	0.58
Commercial	0.39	0.90	0.76

Private Fire Protection - \$/Hydrant/Bi-Month

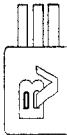
Hydrant Size			
4"	20.00	30.02	30.02
6"	30.00	83.39	83.39
8"	40.00	175.12	175.12
10"	70.00	300.20	300.20

Task Force Selected Alternative Structure



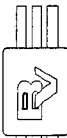
Comparison of Year 2003 Residential Typical Monthly Bills Under Existing Structure

Meter Size	Monthly Usage	Existing Monthly Bill	Existing Structure (a)	
			Estimated Monthly Bill	% incr(decr) from Existing
inches	(Ccf)	\$	\$	%
5/8-3/4	0	8.43	3.75	-55.5%
5/8-3/4	5	10.38	8.25	-20.5%
5/8-3/4	9	11.94	11.85	-0.7%
5/8-3/4	13	13.50	15.45	14.5%
5/8-3/4	20	16.23	21.75	34.0%
5/8-3/4	25	18.18	26.25	44.4%
1	9	19.37	15.71	-18.9%
1	13	20.93	19.31	-7.7%
1	20	23.66	25.61	8.3%
1	30	27.56	34.61	25.6%
1	40	31.46	43.61	38.6%



Comparison of Year 2003 Multi-Family Typical Monthly Bills Under Existing Structure

Meter Size	Monthly Usage	Existing Structure (a)		
		Existing	Estimated	% incr(decr)
		Monthly Bill	Monthly Bill	from Existing
inches	(Ccf)	\$	\$	%
5/8-3/4	0	8.43	3.75	-55.5%
5/8-3/4	10	12.33	12.75	3.4%
5/8-3/4	20	16.23	21.75	34.0%
5/8-3/4	30	20.13	30.75	52.8%
5/8-3/4	46	26.37	45.15	71.2%
5/8-3/4	50	27.93	48.75	74.6%
1 1/2	0	28.21	14.72	-47.8%
1 1/2	25	37.96	37.22	-2.0%
1 1/2	46	46.15	56.12	21.6%
1 1/2	75	57.46	82.22	43.1%
1 1/2	100	67.21	104.72	55.8%



Comparison of Year 2003 Commercial Typical Monthly Bills Under Existing Structure

Meter Size	Monthly Usage	Existing Structure (a)			Estimated Monthly Bill	Estimated Monthly Bill	% incr(decr) from Existing
		Existing Monthly Bill	Existing Monthly Bill	Existing Monthly Bill			
inches	(Ccf)	\$	\$	\$	\$	\$	%
5/8-3/4	10	12.33	12.75	12.75	12.75	12.75	3.4%
5/8-3/4	30	20.13	30.75	30.75	30.75	30.75	52.8%
5/8-3/4	43	25.20	42.45	42.45	42.45	42.45	68.5%
5/8-3/4	50	27.93	48.75	48.75	48.75	48.75	74.6%
1	43	32.63	46.31	46.31	46.31	46.31	41.9%
1	60	39.26	61.61	61.61	61.61	61.61	56.9%
1	80	47.06	79.61	79.61	79.61	79.61	69.2%
1 1/2	43	44.98	53.42	53.42	53.42	53.42	18.8%
1 1/2	75	57.46	82.22	82.22	82.22	82.22	43.1%
1 1/2	100	67.21	104.72	104.72	104.72	104.72	55.8%

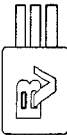
(a) 0.90/ccf



Comparison of Year 2003 Residential Typical Monthly Bills Under Alternative Structure

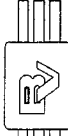
Meter Size	Monthly Usage	Existing Monthly Bill	Alternative Structure(a)	
			Estimated Monthly Bill	% incr(decr) from Existing
inches	(Ccf)	\$	\$	%
5/8-3/4	0	8.43	3.75	-55.5%
5/8-3/4	5	10.38	8.57	-17.5%
5/8-3/4	9	11.94	12.42	4.0%
5/8-3/4	13	13.50	16.27	20.5%
5/8-3/4	20	16.23	23.01	41.8%
5/8-3/4	25	18.18	27.83	53.1%
1	8	18.98	15.31	-19.3%
1	13	20.93	20.13	-3.8%
1	20	23.66	26.87	13.6%
1	30	27.56	36.50	32.5%
1	40	31.46	46.13	46.7%

(a) 0.96/ccf



Comparison of Year 2003 Multi-Family Typical Monthly Bills Under Alternative Structure

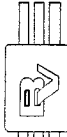
Meter Size	Monthly Usage	Existing Monthly Bill	Alternative Structure(a)	
			Estimated Monthly Bill	% incr(decr) from Existing
inches	(Ccf)	\$	\$	%
5/8-3/4	0	8.43	3.75	-55.5%
5/8-3/4	10	12.33	9.55	-22.5%
5/8-3/4	20	16.23	15.35	-5.4%
5/8-3/4	30	20.13	21.16	5.1%
5/8-3/4	46	26.37	30.44	15.4%
5/8-3/4	60	31.83	38.56	21.1%
1 1/2	0	28.21	14.72	-47.8%
1 1/2	25	37.96	29.22	-23.0%
1 1/2	46	46.15	41.40	-10.3%
1 1/2	75	57.46	58.23	1.3%
1 1/2	100	67.21	72.73	8.2%



Comparison of Year 2003 Commercial Typical Monthly Bills Under Alternative Structure

Meter Size	Monthly Usage	Existing Monthly Bill	Alternative Structure(a)	
			Estimated Monthly Bill	% incr(decr) from Existing
inches	(Ccf)	\$	\$	%
5/8-3/4	0	8.43	3.75	-55.5%
5/8-3/4	10	12.33	11.39	-7.6%
5/8-3/4	30	20.13	26.68	32.5%
5/8-3/4	43	25.20	36.61	45.3%
5/8-3/4	50	27.93	41.96	50.2%
1	43	32.63	40.47	24.0%
1	60	39.26	53.46	36.2%
1	80	47.06	68.74	46.1%
1 1/2	43	44.98	47.57	5.8%
1 1/2	75	57.46	72.03	25.3%
1 1/2	100	67.21	91.13	35.6%

(a) 0.76/ccf





System Development Charge (SDC)

- One time fee imposed on new development or expansion of existing development, and assessed at the time of development
- Intended to promote equity between new and existing customers by recovering a proportionate share of the cost of existing and planned capital facilities that serve or will serve developing property
- Authorized by Oregon Revised Statutes (ORS) 223.297 -314



System Development Charge (SDC)

- **“Reimbursement fee”**

- designed to recoup historical costs of plant investment in proportion to reserve capacity available for new growth
 - » proceeds can be used to fund any water utility capital improvement or repayment of debt

- **“Improvement fee”**

- designed to recover costs of future growth-related projects identified in adopted system planning documents
 - » proceeds can be used only to fund capacity increasing capital improvements or repayment of debt related to such improvement





System Development Charge (SDC)

Meter Size	Meter Capacity Ratio (a)	Existing SDC	Reimbursement		Improvement		Total	
			Fee	SDC	Fee	SDC	Calculated	SDC
5/8-3/4	1.00	\$300	\$729		\$1,255		\$1,984	
1	2.50	750	1,822		3,138		4,961	
1 1/2	5.00	1,500	3,645		6,277		9,922	
2	8.00	2,400	5,832		10,043		15,874	
3	16.00	4,800	11,663		20,086		31,749	
4	25.00	7,500	18,224		31,384		49,608	
6	50.00	15,000	36,448		62,767		99,215	
8	80.00	24,000	58,317		100,428		158,745	
10	115.00	34,500	83,830		144,365		228,195	

(a) AWWA Manual M6





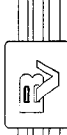
Comparison of System Development Charge Revenue (Years 2003 - 2020)

	<u>Average Annual</u>	<u>Total</u>
Existing Fee	\$ 18,000	\$ 321,400
Improvement Fee	\$ 75,000	\$1,344,700
Fully Calculated SDC	\$118,000	\$2,125,500



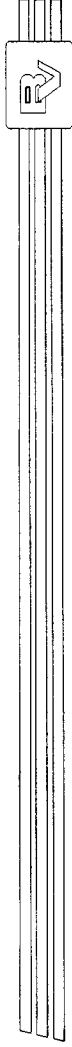
Task Force Recommendations

- **Concurrence with economic assumptions & fiscal policies**
 - growth, inflation, interest, debt financing terms
 - minimum O&M & capital fund balances
- **Option 3 CIP funding strategy**
 - combination cash & debt financing
 - 18% increase 2003
- **Alternative rate structure**
 - service charge by meter size; volume charge varies by customer class



Task Force Recommendations

- Categorize duplex customers as residential
 - currently categorized as multiple family
- Implement “improvement fee” component of SDC



City of Greizer

Cost of Service Rate Design Comparison (residential)

Prepared by Jared Grenya

SINGLE		Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
Read Date	Consumption	Base Rate @ 16.86	Cons in cf @ .39	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.90	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.96	TOTAL
3/15/2002	5	16.86	1.95	\$ 18.81	7.51	4.50	\$ 12.01	7.51	4.80	\$ 12.31
1/17/2002	7	16.86	2.73	\$ 19.59	7.51	6.30	\$ 13.81	7.51	6.72	\$ 14.23
1/14/2001	7	16.86	2.73	\$ 19.59	7.51	6.30	\$ 13.81	7.51	6.72	\$ 14.23
9/13/2001	23	16.86	8.97	\$ 25.83	7.51	20.70	\$ 28.21	7.51	22.08	\$ 29.59
7/13/2001	21	16.86	8.19	\$ 25.05	7.51	18.90	\$ 26.41	7.51	20.16	\$ 27.67
5/16/2001	11	16.86	4.29	\$ 21.15	7.51	9.90	\$ 17.41	7.51	10.56	\$ 18.07
3/13/2001	12	16.86	4.68	\$ 21.54	7.51	10.80	\$ 18.31	7.51	11.52	\$ 19.03
1/16/2001	13	16.86	5.07	\$ 21.93	7.51	11.70	\$ 19.21	7.51	12.48	\$ 19.99
11/14/2001	9	16.86	3.51	\$ 20.37	7.51	8.10	\$ 15.61	7.51	8.64	\$ 16.15
9/13/2000	17	16.86	6.63	\$ 23.49	7.51	15.30	\$ 22.81	7.51	16.32	\$ 23.83
7/19/2000	29	16.86	11.31	\$ 28.17	7.51	26.10	\$ 33.61	7.51	27.84	\$ 35.35
5/15/2000	16	16.86	6.24	\$ 23.10	7.51	14.40	\$ 21.91	7.51	15.36	\$ 22.87

MARRIED COUPLE WITH 1 TEENAGE SON		Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
Read Date	Consumption	Base Rate @ 16.86	Cons in cf @ .39	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.90	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.96	TOTAL
3/20/2002	17	16.86	6.63	\$ 23.49	7.51	15.30	\$ 22.81	7.51	16.32	\$ 23.83
1/22/2002	19	16.86	7.41	\$ 24.27	7.51	17.10	\$ 24.61	7.51	18.24	\$ 25.75
11/20/2001	19	16.86	7.41	\$ 24.27	7.51	17.10	\$ 24.61	7.51	18.24	\$ 25.75
9/18/2001	45	16.86	17.55	\$ 34.41	7.51	40.50	\$ 48.01	7.51	43.20	\$ 50.71
7/16/2001	42	16.86	16.38	\$ 33.24	7.51	37.80	\$ 45.31	7.51	40.32	\$ 47.83
5/15/2001	24	16.86	9.36	\$ 26.22	7.51	21.60	\$ 29.11	7.51	23.04	\$ 30.55
3/16/2001	21	16.86	8.19	\$ 25.05	7.51	18.90	\$ 26.41	7.51	20.16	\$ 27.67
1/16/2001	24	16.86	9.36	\$ 26.22	7.51	21.60	\$ 29.11	7.51	23.04	\$ 30.55
11/13/2000	21	16.86	8.19	\$ 25.05	7.51	18.90	\$ 26.41	7.51	20.16	\$ 27.67
9/19/2000	49	16.86	19.11	\$ 35.97	7.51	44.10	\$ 51.61	7.51	47.04	\$ 54.55
7/19/2000	45	16.86	17.55	\$ 34.41	7.51	40.50	\$ 48.01	7.51	43.20	\$ 50.71
5/16/2000	25	16.86	9.75	\$ 26.61	7.51	22.50	\$ 30.01	7.51	24.00	\$ 31.51

Cost of Service Rate Design Comparison (residential)

Prepared by Jared Grenya

MARRIED COUPLE WITHOUT CHILD(REN)		Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
Read Date	Consumption	Base Rate @ 16.86	Cons in cf @ .39	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.90	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.96	TOTAL
2/18/2002	13	16.86	5.07	\$ 21.93	7.51	11.70	\$ 19.21	7.51	12.48	\$ 19.99
12/27/2001	28	16.86	10.92	\$ 27.78	7.51	25.20	\$ 32.71	7.51	26.88	\$ 34.39
10/12/2001	37	16.86	14.43	\$ 31.29	7.51	33.30	\$ 40.81	7.51	35.52	\$ 43.03
8/15/2001	68	16.86	26.52	\$ 43.38	7.51	61.20	\$ 68.71	7.51	65.28	\$ 72.79
6/15/2001	52	16.86	20.28	\$ 37.14	7.51	46.80	\$ 54.31	7.51	49.92	\$ 57.43
4/18/2001	8	16.86	3.12	\$ 19.98	7.51	7.20	\$ 14.71	7.51	7.68	\$ 15.19
2/14/2001	6	16.86	2.34	\$ 19.20	7.51	5.40	\$ 12.91	7.51	5.76	\$ 13.27
12/18/2000	16	16.86	6.24	\$ 23.10	7.51	14.40	\$ 21.91	7.51	15.36	\$ 22.87
10/20/2000	46	16.86	17.94	\$ 34.80	7.51	41.40	\$ 48.91	7.51	44.16	\$ 51.67
8/15/2000	51	16.86	19.89	\$ 36.75	7.51	45.90	\$ 53.41	7.51	48.96	\$ 56.47
6/13/2000	13	16.86	5.07	\$ 21.93	7.51	11.70	\$ 19.21	7.51	12.48	\$ 19.99
5/22/2000	11	16.86	4.29	\$ 21.15	7.51	9.90	\$ 17.41	7.51	10.56	\$ 18.07

MARRIED COUPLE WITH 1 TEENAGE DAUGHTER		Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
Read Date	Consumption	Base Rate @ 16.86	Cons in cf @ .39	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.90	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.96	TOTAL
3/20/2002	8	16.86	3.12	\$ 19.98	7.51	7.20	\$ 14.71	7.51	7.68	\$ 15.19
1/23/2002	10	16.86	3.90	\$ 20.76	7.51	9.00	\$ 16.51	7.51	9.60	\$ 17.11
11/16/2001	28	16.86	10.92	\$ 27.78	7.51	25.20	\$ 32.71	7.51	26.88	\$ 34.39
9/13/2001	75	16.86	29.25	\$ 46.11	7.51	67.50	\$ 75.01	7.51	72.00	\$ 79.51
7/17/2001	65	16.86	25.35	\$ 42.21	7.51	58.50	\$ 66.01	7.51	62.40	\$ 69.91
5/16/2001	27	16.86	10.53	\$ 27.39	7.51	24.30	\$ 31.81	7.51	25.92	\$ 33.43
3/19/2001	10	16.86	3.90	\$ 20.76	7.51	9.00	\$ 16.51	7.51	9.60	\$ 17.11
1/11/2001	9	16.86	3.51	\$ 20.37	7.51	8.10	\$ 15.61	7.51	8.64	\$ 16.15
11/13/2000	20	16.86	7.80	\$ 24.66	7.51	18.00	\$ 25.51	7.51	19.20	\$ 26.71
9/26/2000	118	16.86	46.02	\$ 62.88	7.51	106.20	\$ 113.71	7.51	113.28	\$ 120.79
7/20/2000	5	16.86	1.95	\$ 18.81	7.51	4.50	\$ 12.01	7.51	4.80	\$ 12.31
5/17/2000	10	16.86	3.90	\$ 20.76	7.51	9.00	\$ 16.51	7.51	9.60	\$ 17.11

Cost of Service Rate Comparison (residential)

Prepared by Jared Grenya

FAMILY OF FOUR		Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
Read Date	Consumption	Base Rate @ 16.86	Cons in cf @ .39	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.90	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.96	TOTAL
2/12/2002	17	16.86	6.63	\$ 23.49	7.51	15.30	\$ 22.81	7.51	16.32	\$ 23.83
12/27/2001	24	16.86	9.36	\$ 26.22	7.51	21.60	\$ 29.11	7.51	23.04	\$ 30.55
10/11/2001	39	16.86	15.21	\$ 32.07	7.51	35.10	\$ 42.61	7.51	37.44	\$ 44.95
8/13/2001	55	16.86	21.45	\$ 38.31	7.51	49.50	\$ 57.01	7.51	52.80	\$ 60.31
6/28/2001	32	16.86	12.48	\$ 29.34	7.51	28.80	\$ 36.31	7.51	30.72	\$ 38.23
4/13/2001	7	16.86	2.73	\$ 19.59	7.51	6.30	\$ 13.81	7.51	6.72	\$ 14.23
2/9/2001	16	16.86	6.24	\$ 23.10	7.51	14.40	\$ 21.91	7.51	15.36	\$ 22.87
12/11/2000	16	16.86	6.24	\$ 23.10	7.51	14.40	\$ 21.91	7.51	15.36	\$ 22.87
10/13/2000	27	16.86	10.53	\$ 27.39	7.51	24.30	\$ 31.81	7.51	25.92	\$ 33.43
8/10/2000	49	16.86	19.11	\$ 35.97	7.51	44.10	\$ 51.61	7.51	47.04	\$ 54.55
6/29/2000	6	16.86	2.34	\$ 19.20	7.51	5.40	\$ 12.91	7.51	5.76	\$ 13.27
2/19/2002	12	16.86	4.68	\$ 21.54	7.51	10.80	\$ 18.31	7.51	11.52	\$ 19.03

RETIRED COUPLE		Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
Read Date	Consumption	Base Rate @ 16.86	Cons in cf @ .39	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.90	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.96	TOTAL
3/13/2002	7	16.86	2.73	\$ 19.59	7.51	6.30	\$ 13.81	7.51	6.72	\$ 14.23
1/16/2002	9	16.86	3.51	\$ 20.37	7.51	8.10	\$ 15.61	7.51	8.64	\$ 16.15
11/14/2001	14	16.86	5.46	\$ 22.32	7.51	12.60	\$ 20.11	7.51	13.44	\$ 20.95
9/12/2001	31	16.86	12.09	\$ 28.95	7.51	27.90	\$ 35.41	7.51	29.76	\$ 37.27
7/12/2001	43	16.86	16.77	\$ 33.63	7.51	38.70	\$ 46.21	7.51	41.28	\$ 48.79
5/14/2001	8	16.86	3.12	\$ 19.98	7.51	7.20	\$ 14.71	7.51	7.68	\$ 15.19
3/12/2001	8	16.86	3.12	\$ 19.98	7.51	7.20	\$ 14.71	7.51	7.68	\$ 15.19
1/12/2001	8	16.86	3.12	\$ 19.98	7.51	7.20	\$ 14.71	7.51	7.68	\$ 15.19
11/13/2000	9	16.86	3.51	\$ 20.37	7.51	8.10	\$ 15.61	7.51	8.64	\$ 16.15
9/19/2000	27	16.86	10.53	\$ 27.39	7.51	24.30	\$ 31.81	7.51	25.92	\$ 33.43
7/19/2000	38	16.86	14.82	\$ 31.68	7.51	34.20	\$ 41.71	7.51	36.48	\$ 43.99
5/12/2000	9	16.86	3.51	\$ 20.37	7.51	8.10	\$ 15.61	7.51	8.64	\$ 16.15

Cost of Service Rate Design Comparison (residential)

Prepared by Jared Grenya

FAMILY OF FOUR		Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
Read Date	Consumption	Base Rate @ 16.86	Cons in cf @ .39	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.90	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.96	TOTAL
2/19/2002	14	16.86	5.46	\$ 22.32	7.51	12.60	\$ 20.11	7.51	13.44	\$ 20.95
12/17/2001	14	16.86	5.46	\$ 22.32	7.51	12.60	\$ 20.11	7.51	13.44	\$ 20.95
10/11/2001	32	16.86	12.48	\$ 29.34	7.51	28.80	\$ 36.31	7.51	30.72	\$ 38.23
8/13/2001	40	16.86	15.6	\$ 32.46	7.51	36.00	\$ 43.51	7.51	38.40	\$ 45.91
6/13/2001	27	16.86	10.53	\$ 27.39	7.51	24.30	\$ 31.81	7.51	25.92	\$ 33.43
4/16/2001	16	16.86	6.24	\$ 23.10	7.51	14.40	\$ 21.91	7.51	15.36	\$ 22.87
2/15/2001	16	16.86	6.24	\$ 23.10	7.51	14.40	\$ 21.91	7.51	15.36	\$ 22.87
12/18/2000	17	16.86	6.63	\$ 23.49	7.51	15.30	\$ 22.81	7.51	16.32	\$ 23.83
10/18/2000	29	16.86	11.31	\$ 28.17	7.51	26.10	\$ 33.61	7.51	27.84	\$ 35.35
8/15/2000	56	16.86	21.84	\$ 38.70	7.51	50.40	\$ 57.91	7.51	53.76	\$ 61.27
6/16/2000	18	16.86	7.02	\$ 23.88	7.51	16.20	\$ 23.71	7.51	17.28	\$ 24.79
4/18/2000	16	16.86	6.24	\$ 23.10	7.51	14.40	\$ 21.91	7.51	15.36	\$ 22.87

MARRIED COUPLE WITH 1 TEENAGE SON		Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
Read Date	Consumption	Base Rate @ 16.86	Cons in cf @ .39	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.90	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.96	TOTAL
2/18/2002	17	16.86	6.63	\$ 23.49	7.51	15.30	\$ 22.81	7.51	16.32	\$ 23.83
12/13/2001	11	16.86	4.29	\$ 21.15	7.51	9.90	\$ 17.41	7.51	10.56	\$ 18.07
10/15/2001	14	16.86	5.46	\$ 22.32	7.51	12.60	\$ 20.11	7.51	13.44	\$ 20.95
8/16/2001	23	16.86	8.97	\$ 25.83	7.51	20.70	\$ 28.21	7.51	22.08	\$ 29.59
6/18/2001	18	16.86	7.02	\$ 23.88	7.51	16.20	\$ 23.71	7.51	17.28	\$ 24.79
4/16/2001	17	16.86	6.63	\$ 23.49	7.51	15.30	\$ 22.81	7.51	16.32	\$ 23.83
2/8/2001	11	16.86	4.29	\$ 21.15	7.51	9.90	\$ 17.41	7.51	10.56	\$ 18.07
12/21/2000	14	16.86	5.46	\$ 22.32	7.51	12.60	\$ 20.11	7.51	13.44	\$ 20.95
10/17/2000	14	16.86	5.46	\$ 22.32	7.51	12.60	\$ 20.11	7.51	13.44	\$ 20.95
8/16/2000	27	16.86	10.53	\$ 27.39	7.51	24.30	\$ 31.81	7.51	25.92	\$ 33.43
6/19/2000	15	16.86	5.85	\$ 22.71	7.51	13.50	\$ 21.01	7.51	14.40	\$ 21.91
4/17/2000	11	16.86	4.29	\$ 21.15	7.51	9.90	\$ 17.41	7.51	10.56	\$ 18.07

Cost of Service Rate Design Comparison (multiple)

Prepared by Jared Grenya

MULTI-FAMILY			Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
15 UNITS			Base Rate	Cons in cf	TOTAL	Base Rate	Cons in cf	TOTAL	Base Rate	Cons in cf	TOTAL
Read Date	Consumption		@ 85.99	@ .39		@ 46.52	@ 0.90		@ 46.52	@ 0.58	
2/19/2002	151		85.99	58.89	\$ 144.88	46.52	135.90	\$ 182.42	46.52	87.58	\$ 134.10
12/19/2001	164		85.99	63.96	\$ 149.95	46.52	147.60	\$ 194.12	46.52	95.12	\$ 141.64
10/17/2001	178		85.99	69.42	\$ 155.41	46.52	160.20	\$ 206.72	46.52	103.24	\$ 149.76
8/17/2001	207		85.99	80.73	\$ 166.72	46.52	186.30	\$ 232.82	46.52	120.06	\$ 166.58
6/13/2001	152		85.99	59.28	\$ 145.27	46.52	136.80	\$ 183.32	46.52	88.16	\$ 134.68
4/19/2001	186		85.99	72.54	\$ 158.53	46.52	167.40	\$ 213.92	46.52	107.88	\$ 154.40
2/8/2001	140		85.99	54.60	\$ 140.59	46.52	126.00	\$ 172.52	46.52	81.20	\$ 127.72
12/20/2000	157		85.99	61.23	\$ 147.22	46.52	141.30	\$ 187.82	46.52	91.06	\$ 137.58
10/13/2000	151		85.99	58.89	\$ 144.88	46.52	135.90	\$ 182.42	46.52	87.58	\$ 134.10
8/10/2000	169		85.99	65.91	\$ 151.90	46.52	152.10	\$ 198.62	46.52	98.02	\$ 144.54
6/8/2000	147		85.99	57.33	\$ 143.32	46.52	132.30	\$ 178.82	46.52	85.26	\$ 131.78
4/19/2000	178		85.99	69.42	\$ 155.41	46.52	160.20	\$ 206.72	46.52	103.24	\$ 149.76

MULTI-FAMILY			Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
56 UNITS			Base Rate	Cons in cf	TOTAL	Base Rate	Cons in cf	TOTAL	Base Rate	Cons in cf	TOTAL
Read Date	Consumption		@ 165.04	@ .39		@ 86.39	@ 0.90		@ 86.39	@ 0.58	
2/14/2002	792		165.04	308.88	\$ 473.92	86.39	712.80	\$ 799.19	86.39	459.36	\$ 545.75
12/17/2001	1,102		165.04	429.78	\$ 594.82	86.39	991.80	\$ 1,078.19	86.39	639.16	\$ 725.55
10/12/2001	1,514		165.04	590.46	\$ 755.50	86.39	1,362.60	\$ 1,448.99	86.39	878.12	\$ 964.51
8/15/2001	673		165.04	262.47	\$ 427.51	86.39	605.70	\$ 692.09	86.39	390.34	\$ 476.73
6/13/2001	1,013		165.04	395.07	\$ 560.11	86.39	911.70	\$ 998.09	86.39	587.54	\$ 673.93
4/13/2001	1,016		165.04	396.24	\$ 561.28	86.39	914.40	\$ 1,000.79	86.39	589.28	\$ 675.67
2/13/2001	1,225		165.04	477.75	\$ 642.79	86.39	1,102.50	\$ 1,188.89	86.39	710.50	\$ 796.89
12/13/2000	1,226		165.04	478.14	\$ 643.18	86.39	1,103.40	\$ 1,189.79	86.39	711.08	\$ 797.47
10/13/2000	1,159		165.04	452.01	\$ 617.05	86.39	1,043.10	\$ 1,129.49	86.39	672.22	\$ 758.61
8/15/2000	1,529		165.04	596.31	\$ 761.35	86.39	1,376.10	\$ 1,462.49	86.39	886.82	\$ 973.21
6/15/2000	1,224		165.04	477.36	\$ 642.40	86.39	1,101.60	\$ 1,187.99	86.39	709.92	\$ 796.31
4/20/2000	1,312		165.04	511.68	\$ 676.72	86.39	1,180.80	\$ 1,267.19	86.39	760.96	\$ 847.35

Cost of Service Rate Design Comparison (multiple)

Prepared by Jared Grenya

MULTI-FAMILY			Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
18 UNITS			Base Rate	Cons in cf	TOTAL	Base Rate	Cons in cf	TOTAL	Base Rate	Cons in cf	TOTAL
Read Date	Consumption		@ 56.42	@ .39		@ 29.44	@ 0.90		@ 29.44	@ 0.58	
2/19/2002	427		56.42	166.53	\$ 222.95	29.44	384.30	\$ 413.74	29.44	247.66	\$ 277.10
12/19/2001	329		56.42	128.31	\$ 184.73	29.44	296.10	\$ 325.54	29.44	190.82	\$ 220.26
10/17/2001	327		56.42	127.53	\$ 183.95	29.44	294.30	\$ 323.74	29.44	189.66	\$ 219.10
8/17/2001	402		56.42	156.78	\$ 213.20	29.44	361.80	\$ 391.24	29.44	233.16	\$ 262.60
6/13/2001	412		56.42	160.68	\$ 217.10	29.44	370.80	\$ 400.24	29.44	238.96	\$ 268.40
4/18/2001	426		56.42	166.14	\$ 222.56	29.44	383.40	\$ 412.84	29.44	247.08	\$ 276.52
2/8/2001	329		56.42	128.31	\$ 184.73	29.44	296.10	\$ 325.54	29.44	190.82	\$ 220.26
12/20/2000	502		56.42	195.78	\$ 252.20	29.44	451.80	\$ 481.24	29.44	291.16	\$ 320.60
10/13/2000	417		56.42	162.63	\$ 219.05	29.44	375.30	\$ 404.74	29.44	241.86	\$ 271.30
8/14/2000	536		56.42	209.04	\$ 265.46	29.44	482.40	\$ 511.84	29.44	310.88	\$ 340.32
6/12/2000	331		56.42	129.09	\$ 185.51	29.44	297.90	\$ 327.34	29.44	191.98	\$ 221.42
4/19/2000	372		56.42	145.08	\$ 201.50	29.44	334.80	\$ 364.24	29.44	215.76	\$ 245.20

MULTI-FAMILY			Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
36 UNITS			Base Rate	Cons in cf	TOTAL	Base Rate	Cons in cf	TOTAL	Base Rate	Cons in cf	TOTAL
Read Date	Consumption		@ 85.99	@ .39		@ 46.52	@ 0.90		@ 46.52	@ 0.58	
2/18/2002	848		85.99	330.72	\$ 416.71	46.52	763.20	\$ 809.72	46.52	491.84	\$ 538.36
12/17/2001	899		85.99	350.61	\$ 436.60	46.52	809.10	\$ 855.62	46.52	521.42	\$ 567.94
10/12/2001	1,217		85.99	474.63	\$ 560.62	46.52	1095.30	\$ 1,141.82	46.52	705.86	\$ 752.38
8/15/2001	1,570		85.99	612.30	\$ 698.29	46.52	1413.00	\$ 1,459.52	46.52	910.60	\$ 957.12
6/15/2001	848		85.99	330.72	\$ 416.71	46.52	763.20	\$ 809.72	46.52	491.84	\$ 538.36
4/18/2001	777		85.99	303.03	\$ 389.02	46.52	699.30	\$ 745.82	46.52	450.66	\$ 497.18
2/14/2001	730		85.99	284.70	\$ 370.69	46.52	657.00	\$ 703.52	46.52	423.40	\$ 489.92
10/18/2000	775		85.99	302.25	\$ 388.24	46.52	697.50	\$ 744.02	46.52	449.50	\$ 496.02
10/20/2000	1,259		85.99	491.01	\$ 577.00	46.52	1133.10	\$ 1,179.62	46.52	730.22	\$ 776.74
8/15/2000	2,150		85.99	838.50	\$ 924.49	46.52	1935.00	\$ 1,981.52	46.52	1247.00	\$ 1,293.52
6/13/2000	917		85.99	357.63	\$ 443.62	46.52	825.30	\$ 871.82	46.52	531.86	\$ 578.38
4/18/2000	752		85.99	293.28	\$ 379.27	46.52	676.80	\$ 723.32	46.52	436.16	\$ 482.68

Cost of Service Rate Design Comparison (commercial)

Prepared by Jared Grenya

SERVICE STATION		Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
Read Date	Consumption	Base Rate @ 31.71	Cons in cf @ .39	TOTAL	Base Rate @ 15.22	Cons in cf @ 0.90	TOTAL	Base Rate @ 15.22	Cons in cf @ 0.76	TOTAL
3/18/2002	2	31.71	0.78	\$ 32.49	15.22	1.80	\$ 17.02	15.22	1.52	\$ 16.74
1/23/2002	3	31.71	1.17	\$ 32.88	15.22	2.70	\$ 17.92	15.22	2.28	\$ 17.50
11/16/2001	4	31.71	1.56	\$ 33.27	15.22	3.60	\$ 18.82	15.22	3.04	\$ 18.26
9/14/2001	2	31.71	0.78	\$ 32.49	15.22	1.80	\$ 17.02	15.22	1.52	\$ 16.74
7/18/2001	6	31.71	2.34	\$ 34.05	15.22	5.40	\$ 20.62	15.22	4.56	\$ 19.78
5/18/2001	3	31.71	1.17	\$ 32.88	15.22	2.70	\$ 17.92	15.22	2.28	\$ 17.50
3/14/2001	2	31.71	0.78	\$ 32.49	15.22	1.80	\$ 17.02	15.22	1.52	\$ 16.74
1/18/2001	3	31.71	1.17	\$ 32.88	15.22	2.70	\$ 17.92	15.22	2.28	\$ 17.50
11/17/2000	4	31.71	1.56	\$ 33.27	15.22	3.60	\$ 18.82	15.22	3.04	\$ 18.26
9/19/2000	5	31.71	1.95	\$ 33.66	15.22	4.50	\$ 19.72	15.22	3.80	\$ 19.02
7/20/2000	4	31.71	1.56	\$ 33.27	15.22	3.60	\$ 18.82	15.22	3.04	\$ 18.26
5/18/2000	4	31.71	1.56	\$ 33.27	15.22	3.60	\$ 18.82	15.22	3.04	\$ 18.26

FAST FOOD		Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
Read Date	Consumption	Base Rate @ 56.42	Cons in cf @ .39	TOTAL	Base Rate @ 29.44	Cons in cf @ 0.90	TOTAL	Base Rate @ 29.44	Cons in cf @ 0.76	TOTAL
3/20/2002	79	56.42	30.81	\$ 87.23	29.44	71.10	\$ 100.54	29.44	60.04	\$ 89.48
1/17/2002	81	56.42	31.59	\$ 88.01	29.44	72.90	\$ 102.34	29.44	61.56	\$ 91.00
11/15/2001	115	56.42	44.85	\$ 101.27	29.44	103.50	\$ 132.94	29.44	87.40	\$ 116.84
9/18/2001	204	56.42	79.56	\$ 135.98	29.44	183.60	\$ 213.04	29.44	155.04	\$ 184.48
7/12/2001	179	56.42	69.81	\$ 126.23	29.44	161.10	\$ 190.54	29.44	136.04	\$ 165.48
5/14/2001	94	56.42	36.66	\$ 93.08	29.44	84.60	\$ 114.04	29.44	71.44	\$ 100.88
3/20/2001	110	56.42	42.90	\$ 99.32	29.44	99.00	\$ 128.44	29.44	83.60	\$ 113.04
1/18/2001	127	56.42	49.53	\$ 105.95	29.44	114.30	\$ 143.74	29.44	96.52	\$ 125.96
11/19/2000	176	56.42	68.64	\$ 125.06	29.44	158.40	\$ 187.84	29.44	133.76	\$ 163.20
9/14/2000	386	56.42	150.54	\$ 206.96	29.44	347.40	\$ 376.84	29.44	293.36	\$ 322.80
7/26/2000	44	56.42	17.16	\$ 73.58	29.44	39.60	\$ 69.04	29.44	33.44	\$ 62.88
7/14/2000	213	56.42	83.07	\$ 139.49	29.44	191.70	\$ 221.14	29.44	161.88	\$ 191.32

Cost of Service Rate Design Comparison (commercial)

Prepared by Jared Grenya

GROCERY STORE			Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
Read Date	Consumption		Base Rate @ 85.99	Cons in cf @ .39	TOTAL	Base Rate @ 46.52	Cons in cf @ 0.90	TOTAL	Base Rate @ 46.52	Cons in cf @ 0.76	TOTAL
3/15/2002	165		85.99	64.35	\$ 150.34	46.52	148.50	\$ 195.02	46.52	125.40	\$ 171.92
1/15/2002	282		85.99	102.18	\$ 188.17	46.52	235.80	\$ 282.32	46.52	199.12	\$ 245.64
11/13/2001	369		85.99	143.91	\$ 229.90	46.52	332.10	\$ 378.62	46.52	280.44	\$ 326.96
9/12/2001	142		85.99	55.38	\$ 141.37	46.52	127.80	\$ 174.32	46.52	107.92	\$ 154.44
7/14/2001	218		85.99	85.02	\$ 171.01	46.52	196.20	\$ 242.72	46.52	165.68	\$ 212.20
5/15/2001	173		85.99	67.47	\$ 153.46	46.52	155.70	\$ 202.22	46.52	131.48	\$ 178.00
3/12/2001	294		85.99	114.66	\$ 200.65	46.52	284.60	\$ 311.12	46.52	223.44	\$ 269.96
1/16/2001	440		85.99	171.60	\$ 257.59	46.52	396.00	\$ 442.52	46.52	334.40	\$ 380.92
11/9/2000	301		85.99	117.39	\$ 203.38	46.52	270.90	\$ 317.42	46.52	228.76	\$ 275.28
9/11/2000	246		85.99	95.94	\$ 181.93	46.52	221.40	\$ 267.92	46.52	186.96	\$ 233.48
7/21/2000	278		85.99	108.42	\$ 194.41	46.52	250.20	\$ 296.72	46.52	211.28	\$ 257.80
5/18/2000	151		85.99	58.89	\$ 144.88	46.52	135.90	\$ 182.42	46.52	114.76	\$ 161.28

AUTO REPAIR			Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
Read Date	Consumption		Base Rate @ 16.86	Cons in cf @ .39	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.90	TOTAL	Base Rate @ 7.51	Cons in cf @ 0.76	TOTAL
3/19/2002	2		16.86	0.78	\$ 17.64	7.51	1.80	\$ 9.31	7.51	1.52	\$ 9.03
1/23/2002	1		16.86	0.39	\$ 17.25	7.51	0.90	\$ 8.41	7.51	0.76	\$ 8.27
11/16/2001	2		16.86	0.78	\$ 17.64	7.51	1.80	\$ 9.31	7.51	1.52	\$ 9.03
9/17/2001	1		16.86	0.39	\$ 17.25	7.51	0.90	\$ 8.41	7.51	0.76	\$ 8.27
7/18/2001	2		16.86	0.78	\$ 17.64	7.51	1.80	\$ 9.31	7.51	1.52	\$ 9.03
5/21/2001	2		16.86	0.78	\$ 17.64	7.51	1.80	\$ 9.31	7.51	1.52	\$ 9.03
3/14/2001	1		16.86	0.39	\$ 17.25	7.51	0.90	\$ 8.41	7.51	0.76	\$ 8.27
1/19/2001	2		16.86	0.78	\$ 17.64	7.51	1.80	\$ 9.31	7.51	1.52	\$ 9.03
11/17/2000	2		16.86	0.78	\$ 17.64	7.51	1.80	\$ 9.31	7.51	1.52	\$ 9.03
9/19/2000	2		16.86	0.78	\$ 17.64	7.51	1.80	\$ 9.31	7.51	1.52	\$ 9.03
7/21/2000	0		16.86	-	\$ 16.86	7.51	0.00	\$ 7.51	7.51	0.00	\$ 7.51
5/19/2000	10		16.86	3.90	\$ 20.76	7.51	9.00	\$ 16.51	7.51	7.60	\$ 15.11

Cost of Service Rate Design Comparison (commercial)

Prepared by Jared Grenya

CHURCH		Existing Rate Structure			Proposed Rate Structure #1			Proposed Rate Structure #2		
Read Date	Consumption	Base Rate @ 56.42	Cons in cf @ 39	TOTAL	Base Rate @ 29.44	Cons in cf @ 0.90	TOTAL	Base Rate @ 29.44	Cons in cf @ 0.76	TOTAL
3/18/2002	27	56.42	10.53	\$ 66.95	29.44	24.30	\$ 53.74	29.44	20.52	\$ 49.96
1/23/2002	32	56.42	12.48	\$ 68.90	29.44	28.80	\$ 58.24	29.44	24.32	\$ 53.76
11/16/2001	97	56.42	37.83	\$ 94.25	29.44	87.30	\$ 116.74	29.44	73.72	\$ 103.16
9/14/2001	340	56.42	132.60	\$ 189.02	29.44	306.00	\$ 335.44	29.44	258.40	\$ 287.84
7/18/2001	284	56.42	110.76	\$ 167.18	29.44	255.60	\$ 285.04	29.44	215.84	\$ 245.28
5/18/2001	35	56.42	13.65	\$ 70.07	29.44	31.50	\$ 60.94	29.44	26.60	\$ 56.04
3/14/2001	29	56.42	11.31	\$ 67.73	29.44	26.10	\$ 55.54	29.44	22.04	\$ 51.48
1/18/2001	27	56.42	10.53	\$ 66.95	29.44	24.30	\$ 53.74	29.44	20.52	\$ 49.96
11/17/2000	77	56.42	30.03	\$ 86.45	29.44	69.30	\$ 98.74	29.44	58.52	\$ 87.96
9/19/2000	325	56.42	126.75	\$ 183.17	29.44	292.50	\$ 321.94	29.44	247.00	\$ 276.44
7/20/2000	215	56.42	83.85	\$ 140.27	29.44	193.50	\$ 222.94	29.44	163.40	\$ 192.84
5/18/2000	34	56.42	13.26	\$ 69.68	29.44	30.60	\$ 60.04	29.44	25.84	\$ 55.28

SERVICE FEE (FORMERLY KNOW AS SET-UP FEE):

The current charge is \$10.00.

The City currently process over 300 Service Requests a month. The number of requests each month (based on October 2001) is:

81	Set-Up Fees on brand new accounts
24	Account Transfers
16	Vacation Accounts
35	Landlords
41	Residents who have previously lived in Keizer
<u>120</u>	Move Outs
<u>317</u>	Total Service Requests

To recover costs, the task force and staff recommends the following fees:

\$5.00 Vehicle Cost
 \$5.00 Field Staff Cost*
\$5.00 Office Staff Cost*
\$15.00 Total Fee

*Costs are based on an average of 15 minutes of time

Currently, this fee applies only to brand new accounts. It is recommended that this fee be assessed to all accounts: **brand new, account transfers, landlord/rentals and vacation accounts.**

SHUT-OFF FEE:

The City shuts off approximately 200 customers per month for nonpayment.

Staff recommends changing the verbiage from "Shut-Off Fee" to "Shut-Off Processing Fee". We hope this will eliminate the argument that some customers make when they pay the past due amount on shut-off day just before they are physically shut off. The task force and staff believe that the fee should still apply since staff has already done much of the work to prepare the account for shut off.

The current shut-off fee is \$10.00.

To recover our costs and provide a deterrent to nonpayment, the task force and staff recommends the following fees:

\$17.00 Actual costs (includes office staff and field staff time and vehicle costs)
\$13.00 Deterrent fee
\$30.00 Total Fee

The task force consensus was increase the fee, from \$10.00 to \$30.00, with the stipulation that the fee would be revisited if the \$30.00 charge does not decrease the number of shut-offs processed. If the trend does not decline, the task force and staff recommend increasing the fee to \$50.00.

AFTER HOURS FEE:

The task force and staff are in favor of the City continuing to offer this service. This fee does not apply to emergency calls, only to calls requesting water turn-on after hours.

The current charge is \$15.00.

To cover costs, the task force and staff recommends the following fees:

\$60.00 Field Staff Fee (based on 2 hour of overtime, the minimum)

\$15.00 Vehicle Fee

\$75.00 Total Fee

TAMPERING FEE:

The City charges a tampering fee to all customers that have had their water shut-off for nonpayment who then turn their water back on themselves.

The current charge is \$10.00 for the first offense. Field staff places a padlock on the meter after the first offense.

The current charge is \$15.00 if the customer cuts the lock. Note: there is no additional tampering fee charged for cutting the lock.

The current charge is "cost plus 15%" if the City has to pull the meter. The meter is pulled if the customer continues to tamper with the meter without having paid the past due balance. Again, there is no additional tampering fee charge at this point.

The task force and staff recommend that the City increase the charge from \$10.00 to \$30.00, which is consistent with the recommended shut-off processing fee increase. In addition, the task force and staff recommend that the City charge a \$30.00 tampering fee for each offense.

Recommendation was made that these fees be reviewed every three years.

TRIP FEE:

1. Turn-On: Customer has never been a Keizer customer before.
2. Turn-On: Customer has been a Keizer customer in the past.
3. Turn-Off: Customer is moving out of Keizer.
4. Transfer: Customer is transferring from one Keizer residence to another.

5. Vacation: Customer has their water turned off while they are on vacation and turned back on when they return.
6. Landlord: Landlord puts the water in their name until their property is rented to a new tenant.

To recover costs, the task force and staff suggest the following fees:

Service	Current Charge	Proposed Charge
Turn-On: Brand new to Keizer	\$10.00	\$15.00
Turn-On: Past Keizer resident	\$0.00	\$15.00
Turn-Off: Customer is moving out of Keizer	\$0.00	\$15.00*
Transfer: Customer is transferring within Keizer	\$0.00	\$30.00 – \$15.00 Turn-Off Fee* plus \$15.00 Turn-On Fee
Vacation: i.e.: extended winter absences	\$0.00 – in addition, all “basic charges” are suspended during this time	\$30.00 – \$15.00 fee to turn water off plus \$15.00 fee to turn water back on
Landlord	\$0.00	\$15.00 – turn water on for interim billing

*Staff recommends the Council consider the following factors as they relate to the “Turn Off” fees:

1. Customers who call to turn off service provide a benefit to the City because the call prompts the City to prepare for the next customer.
2. Customers who move within Keizer will be charged \$30 total. Customers who move into Keizer will only be charged \$15.
3. The Turn-Off fee will be cumbersome to administer and inequitable. For example, if an outgoing customer calls the same day as the incoming customer there will only be one trip into the field to read the meter. Which customer should be charged the trip fee?
4. Other utilities (PGE, Salem Electric, NW Natural) do not charge Turn Off fees.

Staff recommends the City not charge ~~trip fee for~~ Shut-off fees.

Staff recommends the Council review all fees identified above every three years, if adopted.

City	Water Set Up/Turn On	Water After Hours Turn On	Shut Off for Non-Payment
Albany	\$15.00	\$50.00	\$20.00 To Restore
Lake Oswego	Information not provided	\$80.00	\$30.00 To Shut-off \$30.00 To Restore
McMinnville	N/A	N/A	N/A
Milwaukie Newberg	Information not provided \$15.00	\$50.00 Don't do after hours service	\$25.00 \$10.00 Late Notice \$10.00 Shut-off
Oregon City	No Charge	No Charge	\$25.00 To Restore \$50.00 for Meter Pull \$6.00 to Cut Padlock
Salem	No Charge	No Charge	\$5.00 to deliver shut-off notice \$5.00 to go back and actually shut off
Tigard	Information not provided	\$100.00	\$50.00
Woodburn	Information not provided	\$50.00	\$20.00 To Shut-Off \$20.00 To Restore
Keizer	\$10.00	\$15.00	\$10.00



October 21, 2002

AGENDA ITEM 4d

JOHN'S CHINESE RESTAURANT LIQUOR LICENSE APPLICATION

CITY COUNCIL MEETING: October 21, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

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

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

**SUBJECT: JOHN'S CHINESE RESTAURANT LIQUOR LICENSE
APPLICATION
LIMITED ON- PREMISES SALES LICENSE**

BACKGROUND:

On September 11, 2002 Jian Zhuang Ma and Xi Mei Huang submitted an application for a Limited On-Premises Sales liquor license for the John's Chinese Restaurant located at 4842 River Road North, Keizer, Oregon.

As required by Keizer Ordinance 95-318, a public hearing was scheduled; notice was published in the Keizertimes and mailed to all property owners within 200 feet of the proposed establishment. As of this date, no letters of opposition have been received. The applicants have been supplied with a copy of the City's ordinance.

On October 1, 2002 a request was sent to the Keizer Police Department to conduct a background check on the applicants. The response is attached to this report. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council approve the application for a Limited On-Premises liquor license for John's Chinese Restaurant under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall then be forwarded to the Oregon Liquor Control Commission.

City Council Meeting of _____

Agenda Item No. _____

To: Mayor and City Council
Thru: Chris Eppley, City Manager
From: Marc Adams, Chief of Police
Rita Powers, Police Support Supervisor
Subject: John's Chinese Restaurant

Issue

Shall the City Council approve the liquor license application of John's Chinese Restaurant, 4842 River Rd. N., Keizer, OR?

Background

There were 2 calls for service from October 1, 2001 through September 30, 2002 at the address of 4842 River Rd. N., formerly known as Golden Dragon Restaurant. Neither call for service was in conflict with the ordinance.

The applicants, Jian Zhuang Ma and XiMei Huang have no criminal history.

Thus, the background review did not reveal any history or events that would be in conflict with the City of Keizer City Ordinance 95-318.

Recommendation

The Keizer Police Department recommends approval of the liquor license for John's Chinese Restaurant, 4842 River Rd. N. Keizer, Oregon.

ced 9/11/02



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:		FOR CITY AND COUNTY USE ONLY The city council or county commission:	
LICENSE TYPES ☐ Full On-Premises Sales (\$402.60/yr) ☒ Commercial Establishment ☐ Caterer ☐ Passenger Carrier ☐ Other Public Location ☐ Private Club ☒ Limited On-Premises Sales (\$202.60/yr) ☐ Off-Premises Sales (\$100/yr) ☐ Brewery Public House (\$252.60) ☐ Winery (\$250/yr) ☐ Other: _____		ACTIONS ☐ Change Ownership ☒ New Outlet ☐ Greater Privilege ☐ Additional Privilege ☐ Other _____	
Applying as: ☒ Individuals ☐ Limited Partnership ☐ Corporation ☐ Limited Liability Company		The city council or county commission: (name of city or county) recommends that this license be: Granted ☐ Denied ☐ By: _____ (signature) _____ (date) Name: _____ Title: _____	
		OLCC USE ONLY Application Rec'd by: <u>SE Mitchell</u> Date: <u>9/11/02</u> 90-day authority: ☐ Yes ☒ No	

Please Print or Type

- Applicant(s): [See SECTION 1 of the Guide]
① Jian Zhuang Ma ③ _____
② Xi Mei Huang ④ _____
- Trade Name (dba): John's Chinese Restaurant
- Business Location: 4842 River Road North Keizer OR 97303
(number, street, rural route) (city) (county) (state) (ZIP code)
- Business Mailing Address: 4842 River Road North Keizer OR 97303
(PO box, number, street, rural route) (city) (state) (ZIP code)
- Business Numbers: (503) 3931190
(phone) (fax)
- Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No
- If yes to whom: _____ Type of License: _____
- Former Business Name: Golden Dragon Restaurant
- Will you have a manager? ☒ Yes ☐ No Name: Jian Zhuang Ma
(manager must fill out an individual history form)
- What is the local governing body where your business is located? KEIZER
(name of city or county)
- Contact person for this application: Jian Zhuang Ma (503) 7881818
(name) (phone number(s))
5029 SE Boise St
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.
Applicant(s) Signature(s) and Date:

① [Signature] Date 9/2/02 ③ _____ Date _____
② [Signature] Date 9/11/02 ④ _____ Date _____

OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION



Please Print or Type

Applicant Name: Jian Zhuang Ma Phone: (503) 393 1190

Trade Name (dba): John's Chinese Restaurant

Business Location Address: 4842 River Road North

City: Keizer Oregon ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 12 pm to 9 pm
Monday 11 am to 9 pm
Tuesday 11 am to 9 pm
Wednesday 11 am to 9 pm
Thursday 11 am to 9 pm
Friday 11 am to 10 pm
Saturday 12 pm to 9 pm

Outdoor Area Hours:

Sunday 12 pm to 9 pm
Monday 11 am to 9 pm
Tuesday 11 am to 9 pm
Wednesday 11 am to 9 pm
Thursday 11 am to 9 pm
Friday 11 am to 10 pm
Saturday 12 pm to 9 pm

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

ENTERTAINMENT

- ☐ Live Music
☒ Recorded Music
☐ DJ Music
☐ Dancing
☐ Nude Entertainers

Check all that apply:

- ☐ Karaoke
☐ Coin-operated Games
☐ Video Lottery Machines
☐ Social Gaming
☐ Pool Tables
☐ Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

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

SEATING COUNT

Restaurant: 248

Outdoor: _____

Lounge: _____

Other (explain): _____

Banquet: _____

Total Seating: 48

OLCC USE ONLY

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

Investigator Initials: _____

Date: _____

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

Applicant Signature: Jian Zhuang Ma Date: 8/28/02

OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY



Please Print or Type

NOTE: YOU MUST ANSWER ALL QUESTIONS ON BOTH SIDES OF THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE.

Business Name: John's Chinese Restaurant

Business Location Address: 4842 River Road North City: Keizer ZIP Code: 97303

PART A - PERSONAL INFORMATION

1. Name: Ma Jian Zhuang
(last) (first) (middle)
2. Other Names Used: _____
3. Residence Address: 5029 SE Boise St Portland OR 97206
(number and street) (city) (state) (ZIP code)
4. Home Phone: (503) 738 1818 Business Phone: (503) 393 1190
5. *SSN: 546-47-6224 Place of Birth: China Date of Birth: 8/25/68
(state/country) (mm) (dd) (yyyy)
6. Sex: male Height: _____ Weight: _____ Hair Color: black Eye Color: brown
7. Driver License #: 8823619 State: OR Spouse's name: Xi Mei Huang

PART B - EMPLOYMENT/RESIDENCE INFORMATION Attach additional sheets if necessary.

8. Do you currently hold or have you ever held a liquor license in this state? ☐ Yes ☒ No (If yes, when and where? _____)

9. List former and current employers or occupations during the past 10 years:

Date by Month/Year	Employer or Business	Occupation	City & State
From: <u>5/02</u> To: <u>7/02</u>	<u>Yan's Chinese Restaurant</u>	<u>Cook</u>	<u>Tigard</u>
From: <u>4/01</u> To: <u>4/02</u>	<u>Chopstick Express</u>	<u>Cook</u>	<u>Milwaukie</u>
From: <u>2/95</u> To: <u>8/99</u>	<u>Yan's Chinese Restaurant</u>	<u>Cook</u>	<u>Tigard</u>

10. List other cities and states where you have lived in the past 10 years other than that noted above:

From:	To:	City	State
<u>N/A</u>			
<u>N/A</u>			
<u>N/A</u>			

PART C - ARREST AND CONVICTION INFORMATION

If you answer YES to any of the following questions, you must complete PART D on reverse of this form.

11. Have you **EVER** been convicted of **ANY** violation, misdemeanor or felony?
Include **traffic violations** if the fine was more than \$50.00 ☐ Yes ☒ No
12. Do you have **any** arrests or citations pending? ☐ Yes ☒ No
13. Have you **ever** entered into a diversion agreement? ☐ Yes ☒ No
14. Have you **ever** been treated, or been in a treatment program for alcohol or other drug use or abuse? ☐ Yes ☒ No
15. Have you **ever** had a warning, violation, suspension, fine, cancellation, or refusal as a licensee or service permittee, in Oregon or any other state? ☐ Yes ☒ No

INDIVIDUAL HISTORY - CONTINUED

PART D - ARREST AND CONVICTION HISTORY

If you answered yes to any of questions 11-15, you must complete this section of the application.
Attach additional sheets if necessary.

Have you ever been convicted of any offense?

Convicted of: N/A Conviction Date: _____ City/State/County: _____

Convicted of: N/A Conviction Date: _____ City/State/County: _____

Convicted of: N/A Conviction Date: _____ City/State/County: _____

Do you have any arrests or citations that have not been resolved?

Arrested/Cited for: N/A Date: _____ City/State/Country: _____

Arrested/Cited for: N/A Date: _____ City/State/Country: _____

Arrested/Cited for: N/A Date: _____ City/State/Country: _____

Have you ever entered into a diversion agreement?

When: N/A Where: _____

When: N/A Where: _____

Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse?

When: N/A Where: _____

When: N/A Where: _____

Have you ever had a warning, violation, suspension, fine or cancellation as a licensee or service permittee?

When: N/A Where: _____

When: N/A Where: _____

PART E - APPLICANT SIGNATURE

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

Applicant Signature: X Jian Zhang Ma Date: 8/28/02

*SOCIAL SECURITY NUMBER DISCLOSURE

As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her Social Security Number. Your Social Security Number will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your Social Security Number for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your Social Security Number for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: Jian Zhang Ma Date: 8/29/02

OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY



Please Print or Type

NOTE: YOU MUST ANSWER ALL QUESTIONS ON BOTH SIDES OF THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE.

Business Name: John's Chinese Restaurant

Business Location Address: 4842 River Road North City: Keizer ZIP Code: 97303

PART A - PERSONAL INFORMATION

1. Name: Huang Xi Mei
(last) (first) (middle)

2. Other Names Used: _____

3. Residence Address: 5029 SE Boice St Portland OR 97206
(number and street) (city) (state) (ZIP code)

4. Home Phone: (503) 788 1818 Business Phone: (503) 393 1190

5. *SSN: _____ Place of Birth: Panton China Date of Birth: 01 / 27 / 79
(state/country) (mm) (dd) (yyyy)

6. Sex: Female Height: 1:56 Weight: 110 Hair Color: black Eye Color: brown

7. Driver License #: 8186275 State: OR Spouse's name: Jian Zhuang Ma

PART B - EMPLOYMENT/RESIDENCE INFORMATION Attach additional sheets if necessary.

8. Do you currently hold or have you ever held a liquor license in this state? ☐ Yes ☐ No (If yes, when and where?) _____

9. List former and current employers or occupations during the past 10 years:

Date by Month/Year	Employer or Business	Occupation	City & State
From: <u>01/01/98</u> To: <u>11/15/2000</u>	<u>Yang Sing</u>	<u>Waitress</u>	<u>Beira Risoradad</u>
From: _____ To: _____	_____	_____	_____
From: _____ To: _____	_____	_____	_____

10. List other cities and states where you have lived in the past 10 years other than that noted above:

From:	To:	City	State
From: _____ To: _____	_____	_____	_____
From: _____ To: _____	_____	_____	_____
From: _____ To: _____	_____	_____	_____

PART C - ARREST AND CONVICTION INFORMATION

If you answer YES to any of the following questions, you must complete PART D on reverse of this form.

11. Have you EVER been convicted of ANY violation, misdemeanor or felony?
Include traffic violations if the fine was more than \$50.00 ☐ Yes ☒ No
12. Do you have any arrests or citations pending? ☐ Yes ☒ No
13. Have you ever entered into a diversion agreement? ☐ Yes ☒ No
14. Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse? ☐ Yes ☒ No
15. Have you ever had a warning, violation, suspension, fine, cancellation, or refusal as a licensee or service permittee, in Oregon or any other state? ☐ Yes ☒ No

INDIVIDUAL HISTORY - CONTINUED

PART D - ARREST AND CONVICTION HISTORY

If you answered yes to any of questions 11-15, you must complete this section of the application. Attach additional sheets if necessary.

Have you ever been convicted of any offense?

Convicted of: N/A Conviction Date: _____ City/State/Country: _____

Convicted of: N/A Conviction Date: _____ City/State/Country: _____

Convicted of: N/A Conviction Date: _____ City/State/Country: _____

Do you have any arrests or citations that have not been resolved?

Arrested/Cited for: N/A Date: _____ City/State/Country: _____

Arrested/Cited for: N/A Date: _____ City/State/Country: _____

Arrested/Cited for: N/A Date: _____ City/State/Country: _____

Have you ever entered into a diversion agreement?

When: N/A Where: _____

When: N/A Where: _____

Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse?

When: N/A Where: _____

When: N/A Where: _____

Have you ever had a warning, violation, suspension, fine or cancellation as a licensee or service permittee?

When: N/A Where: _____

When: N/A Where: _____

PART E - APPLICANT SIGNATURE

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

Applicant Signature: Xi Mei Huang Date: 8/29/02

*SOCIAL SECURITY NUMBER DISCLOSURE

As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her Social Security Number. Your Social Security Number will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your Social Security Number for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your Social Security Number for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: Xi Mei Huang Date: 8/29/02

(rev. 12/01)

October 8, 2002

Jian Zhuang Ma
Xi Mei Huang
John's Chinese Restaurant
4842 River Road N
Keizer, Oregon 97303

Re: Liquor License Application

Dear Owners:

On September 11, 2002 you filed an application for a liquor license for John's Chinese Restaurant located at 4842 River Road N, Keizer. The application has been reviewed by the Keizer Police and also a copy was provided to the City Planning Department for any comment they may have. In 1995, the City of Keizer adopted an Ordinance establishing liquor license review procedures. Part of the guidelines specifies all property owners within 200 feet of the proposed liquor licensed establishment will have an opportunity to comment on the application. Notification to these property owners has been sent out.

The Ordinance also requires a public hearing be held. I have scheduled this hearing for **Monday, October 21, 2002 at 7:00 p.m.** at the City Council meeting. The City Manager will be recommending **approval** of the application to the City Council. Upon closure of the hearing and deliberation, the City Council will make a final recommendation on the application which will be forwarded to the Oregon Liquor Control Commission.

If you have any questions regarding this process, please give me a call at 390-3700, extension 108.

Sincerely,

Tracy L. Davis, CMC
City Recorder

October 1, 2002

Dear Keizer Property Owner:

In February, 1995 the Keizer City Council adopted a Liquor License Review Ordinance which provides an opportunity for the owners of property within 200 feet of a liquor outlet or proposed liquor outlet to be contacted during the application, renewal or change of ownership of an establishment selling alcoholic beverages. Your property has been identified as being within 200 feet of the proposed location.

On September 11, 2002 the City received an application for a Limited On-Premises Sale Liquor License from Jian Zhuang Ma and Xi Mei Huang for John's Chinese Restaurant, located at 4842 River Road N, Keizer, Oregon.

A public hearing has been scheduled for **Monday, October 21, 2002 at 7:00 p.m.** to review this application. You are invited to provide written comments or appear at the hearing to provide testimony. If you wish to provide written comments, please submit to Chris Eppley, City Manager, P.O. Box 21000, Keizer, Oregon 97307 by **Tuesday, October 15, 2002.**

If you have any questions regarding this process or application, please do not hesitate to call the City Manager or myself at 390-3700.

Sincerely,

Tracy L. Davis, CMC
City Recorder



October 21, 2002

AGENDA ITEM 7a

**ORDINANCE – TEXT AMENDMENT CASE NO. 02-21 (RESTRICTING
PRIVATE STREETS)**

CITY COUNCIL MEETING: October 7, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

SUBJECT: *ORDINANCE RESTRICTING PRIVATE STREETS*

The Council at its last meeting directed our office to prepare an ordinance adopting the new regulations and restrictions of private streets. Such ordinance is attached for your review.

RECOMMENDATION:

Adopt the attached Ordinance.

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

ESJ/tmh
attachment

1 BILL NO. _____

A BILL

ORDINANCE NO.
2002-_____

2
3 FOR

4 AN ORDINANCE

5 **RESTRICTING PRIVATE STREETS; AMENDING THE KEIZER**
6 **DEVELOPMENT CODE (ORDINANCE NO. 98-389)**

7 The City of Keizer ordains as follows:

8 Section 1. FINDINGS. The City of Keizer makes the findings set forth in
9 Exhibit "A" attached hereto and by this reference incorporated herein.

10 Section 2. AMENDMENT OF KEIZER DEVELOPMENT CODE. The City of
11 Keizer hereby adopts the amendments set forth in Exhibit "B" attached hereto and by
12 this reference incorporated herein.

13 Section 3. OFFICIAL RECORD. One copy of the amendments referenced
14 above shall be marked "Official Text" and kept on file in the office of the City Recorder.

15 Section 4. SEVERABILITY. If any section, subsection, sentence, clause,
16 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by
17 any court or board of competent jurisdiction, such portion shall be deemed a separate,
18 distinct, and independent provision and such holding shall not affect the validity of the
19 remaining portions hereof.

EXHIBIT "A"

DEVELOPMENT CODE TEXT AMENDMENT RESTRICTING PRIVATE STREETS

FINDINGS

KDC Section 3.111.03

The decision criteria for legislative text amendments are found in Section 3.111.03 of the Keizer Development Code. The specific criteria, and related findings, are noted below:

A. Impact of the proposed amendment on land use and development patterns within the city, as measured by:

1. Traffic generation and circulation patterns.

FINDINGS: Though private streets are restricted by these amendments, there is no change in the traffic generation or circulation patterns.

2. Population concentrations.

FINDINGS: The amendments do not affect population concentrations.

3. Demand for public facilities and services.

FINDINGS: The amendments will not increase demand significantly for public services and facilities beyond what is already planned for.

4. Maintenance and public health and safety.

FINDINGS: The amendments will enhance pedestrian and vehicular safety by way of required street improvements.

5. Level of park and recreation facilities.

FINDINGS: This criteria is not impacted by these amendments.

6. Economic activities.

FINDINGS: These amendments shall have no impact on economic activities.

7. Protection and use of natural resources.

FINDINGS: These amendments maintain the protection and use of natural resources in the city.

8. Natural hazards and constraints.

FINDINGS: These amendments do not affect or impact natural hazards and constraints.

9. Compliance with the proposal with existing adopted special purpose plans and programs, such as public facilities and improvement programs.

FINDINGS: The amendments are in compliance with any special purpose plans, including the Keizer Transportation System Plan.

B. A demonstrated need exists for the product of the proposed amendment.

FINDINGS: The amendments are needed to allow development such that it is efficient, compatible with existing neighborhoods and administratively efficient. The City Council of the City of Keizer finds that a demonstrated need exists for these amendments.

C. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.

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 and state requirements, the amendments were developed with citizen participation. The amendments were considered at public hearings with the final decision resting with the City Council. Citizens had an opportunity to comment and testify.

Goal 2 - Planning: The amendments were reviewed consistent with the procedures in the acknowledged Comprehensive Plan and Keizer Development Code.

Goal 3 - Farm Land: The proposal does not impact properties utilized for farm land.

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

Goal 5 - Natural Resources: The proposed amendments maintain the protection and use of natural resources of waterways in the city.

Goal 6 - Air, Water and Land Quality: The proposed amendments do not impact uses or activities which could have an adverse impact on the city's water and land quality.

Goal 7 - Natural Hazards: The amendments do not affect natural hazards.

Goal 8 - Recreation: The proposed text amendments do not have an impact on recreational activities or uses within the city.

Goal 9 - Economic Development: The amendments may improve economic activities in the city in that the regulations proposed in the amendments regarding private streets will allow clearer development options for property owners.

Goal 10 - Housing: The amendments do not impact housing.

Goal 11 - Public Facilities: The amendments will not increase demand significantly for public services and facilities.

Goal 12 - Transportation: The amendments will not impact the transportation goal because private street or public streets will still accommodate any future transportation demand.

Goal 13 - Energy Conservation: The amendments are generally neutral as to energy conservation.

Goal 14 - Urbanization: The amendments do not affect this Goal.

Goal 15 - Willamette Greenway: The proposal does not impact this Goal.

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.

D. The amendments are appropriate as measured by at least one of the following criteria:

1. They correct identified error(s) in the provisions of the Plan.
2. They represent a logical implementation of the Plan.
3. They are mandated by changes in federal, state, or local law.
4. They are otherwise deemed by the Council to be desirable, appropriate, and proper.

FINDINGS: The amendments regarding private streets is a logical implementation of the Keizer Comprehensive Plan (KCP). The regulations will allow for infill development in a logical manner without causing congestion due to lack of parking that can occur on private street developments.

In addition, it corrects an identified error in the Plan by clarifying previous Council action regarding private streets.

It is desirable and proper to adopt the amendments to clarify the restrictions and allowance for private streets in the City.

Based on the above findings, the proposal complies with Statewide Goals, administrative rules, and the decision criteria for the proposed text amendment in the Keizer Development Code.

2.201 GENERAL STANDARDS

2.201.01 Minimum Requirements

In interpreting and applying this Ordinance, these provisions shall be considered the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. (5/98)

2.201.02 Building Permits

- A. **Building Permits Required.** No building shall be constructed or structure erected without receiving the appropriate building permit. Building permit shall include electrical, mechanical, structural, foundation and similar types of permits issued by the appropriate building codes agency. (5/98)
- B. **Completion of a Structure.** Public, commercial or industrial structures shall receive a Certificate of Occupancy within two years of beginning construction. A structure not completed within the required time period of beginning construction shall constitute a violation of this Ordinance and is subject to the violation provisions in Section 1.102.05. (5/98)

2.201.03 Lots of Record

- A. **Legal Lot.** A parcel is a legal lot of record for purposes of this Ordinance when the lot conforms to all zoning requirements, subdivision requirements, and Comprehensive Plan provisions in effect on the date when a recorded deed or contract creating the separate lot or parcel was signed by the parties to the deed or contract. (5/98)
- B. **Separate Legal Lot.** A lot or parcel which is a separate legal lot or parcel prior to the adoption of this Ordinance shall remain a separate legal lot regardless of ownership. (5/98)
- C. **Development of a Lot of Record.** The use or development of any legal lot of record shall be subject to the regulations applied to the property when such development or use begins, irrespective of the lot width, street frontage, depth or area, but subject to all other regulations. (5/98)

2.201.04 Access to a Public Street

- A. **Access Required.** All uses shall be located on property having access to a public street. Access to a public street is defined as a minimum of 20 feet of frontage on one of the following: (5/98)
 - 1. **Public Street.** A public street with a right-of-way not less than 20 feet wide that is unobstructed, has been graveled or paved, and is open for public use to the property. (5/98)

2. **Private Street.** A private street not less than 20 feet of unobstructed width designed and maintained to support the imposed loads of fire apparatus and providing all-weather driving capabilities and open for use to the property prior to the date this ordinance is adopted and connecting with a public street qualifying under 1, above. (5/98)

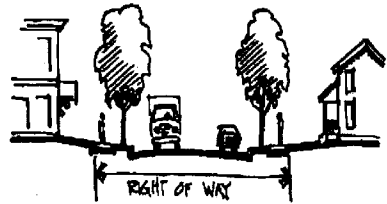


Figure 1 - Public Street Right of Way

3. **Planned Unit Development Street.** A private street in a planned development owned by the homeowner's association where the roadway connects the property to a public street, and the street is improved to the minimum standards of this Ordinance. (5/98)

2. **Private Street.** A private street may be used to access a public street when compliance with Section 2.302.02.F is demonstrated.

20' FOR TWO OR MORE HOUSES
14' FOR TWO OR MORE HOUSES
SERVING OF THE ENTIRE TRACT

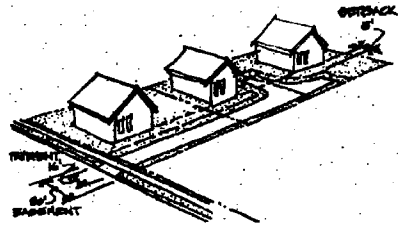


Figure 2 - Access Easement

3. **Private Access Easement.** A private access easement of not less than 14 feet where the access easement connects the property to a public street and the easement is improved to the minimum standards of Section 2.302.08. (5/98)

2.201.05 Solar Devices

- A. **Solar Devices Permitted.** The use of solar energy systems including solar collectors, storage facilities, and distribution components for space heating and cooling and domestic water heating is permitted within all zones. (5/98)
- B. **Height Exceptions.** Solar collectors and the equipment used for the mounting and operation of such collectors, where necessary, may be elevated above the height limitation in residential zones. (5/98)

2.302 STREET STANDARDS

2.302.01 Purpose

- A. **Safety.** To provide for safe, efficient, and convenient vehicular movement in the City of Keizer. (5/98)
- B. **Access.** To provide adequate access to all proposed developments in the City of Keizer. (5/98)
- C. **Public Facility Access.** To provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-way. (5/98)

2.302.02 Scope

The provisions of this Section shall be applicable for the following: (5/98)

- A. **Land Divisions.** The creation, dedication or construction of all new public or private streets in all subdivisions, partitions or other developments in the City. (5/98)
- B. **Street Expansion.** The extension or widening of existing public or private streets or rights-of-way, easements, or street improvements including those which may be proposed by an individual or the City, or which may be required by the City in association with other development approvals. (5/98)
- C. **Utility Improvements.** The construction or modification of any utilities or sidewalks in public rights-of-way, existing private street, or private access easements. (5/98)
- D. **Street Trees.** The planting of any street trees or other landscape materials in public rights-of-way. (5/98)
- E. **Exceptions.** Provisions of this Section do not apply in existing developed areas of the City. Improvements in these areas shall be based on standards adopted by the Department of Public Works. (5/98)
- F. **Private Streets.** *Private streets and improvements on private streets are allowed only in the following situations:*
 - 1. *Improvements and/or widening of existing and allowed private streets.*
 - 2. *Creation of new private streets within an existing subdivision or PUD already containing approved private streets.*
 - 3. *Creation of new private streets in a new proposed subdivision, or PUD, or partition only if the only access to the proposed subdivision, or PUD, or partition is via existing and approved private streets.*

2.302.03 General Provisions

The following provisions shall apply to the dedication, construction, improvement or other development of all public streets in the City of Keizer: (5/98)

- 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. (5/98)

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: (5/98)

- A. Modification Permitted. The modification is necessary to provide design flexibility where: (5/98)
 - 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. (5/98)
- 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. (5/98)

2.302.06 Construction Specifications

Construction specifications for all public and private streets shall comply with the standards of the most recently adopted public works/street standards of the City of Keizer. Construction permits are required by the Public Works Department. (5/98)

2.302.07 Improvement Width for Private Streets (if allowed in Sec. 2.302.02F)

Private streets may be constructed to the same or greater width of the existing connecting private street.

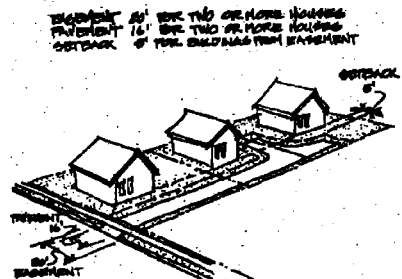


Figure 3 - Easement Standards

2.310 DEVELOPMENT STANDARDS FOR LAND DIVISIONS

2.310.01 Purpose

To provide for the orderly, safe, efficient and livable development of land within the City of Keizer. (5/98)

2.310.02 Scope

- A. Application. The provisions of this Section shall apply to all subdivisions and partitions within the City of Keizer. (5/98)
- B. Modification. The design standards in this Section may be modified, provided, findings are established which indicate compliance with these standards is infeasible due to parcel shape, terrain, or location of existing structures. (5/98)

2.310.03 Standards for Lots or Parcels, Lot Line Adjustment Required

- A. Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. (5/98)
- B. Lot Line Adjustment. Any adjustment of a lot line between two adjacent parcels in a RS, RH, RM, RH, or RC zone shall require approval of a Lot Line Adjustment in accordance with the standards of Chapter 3.1 and the procedures of Chapter 3.2. (5/98)
- C. Lot width and depth. The depth of a lot or parcel shall not be more than 3 times the width of the parcel, with the following exceptions: (5/98)
 - 1. Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet with no dimension less than 6 feet of semi-private outdoor living space for each unit. (5/98)
 - 2. Individual lots for single-family attached dwelling units shall be designed so that lot depth is not greater than 3 1/2 times lot width. (5/98)
 - 3. Parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions. (5/98)

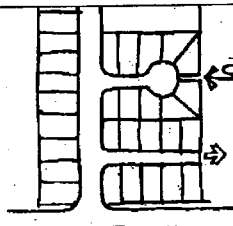
- D. Access.** All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. The following exceptions shall apply: (5/98)

1. Residential lots or parcels, ~~excluding including~~ townhouse developments and Planned Unit Developments, may be accessed via an private street or access easement developed in accordance with the provisions of Section 2.302.07 and 2.302.08, ~~when the City finds that public street is not necessary to provide for the future development of adjoining property.~~ (5/98)
2. Lots or parcels in townhouse developments or Planned Unit Developments may be accessed via public or private streets, in accordance with the following standards: (5/98)
 - a. Internal local streets or drives may be private if allowed in Section 2.302.02F and shall be subject to the provisions of Section 2.302. (5/98)
 - b. Collector and arterial streets shall be public and shall comply with the applicable provisions of Section 2.302. Collector or arterial streets may be determined either by design or anticipated traffic volumes. (5/98)
 - c. Local streets that are needed to provide access to adjoining properties shall be public and shall comply with the applicable provisions of Section 2.202. (5/98)
3. ~~Commercial or Industrial uses located in a campus or park-like development may be accessed via private streets when developed in accordance with Subsection 2.302.08.~~ (5/98)
4. Cul-de-sac lots shall have a minimum frontage of 25 feet. (5/98)
5. Flag lots, as permitted in Subsection 2.310.03, E. (5/98)

- E. Flag Lots.** Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed and when in compliance with Section 2.302.03.B. If a flag-lot is permitted, the following standards shall be met: (5/98)

- C. **Connectivity.** To achieve the objective in B., above, the Director may require the following: (5/98)

1. **Stub Streets:** Where the potential exists for additional residential development on adjacent property. (5/98)



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. (5/98)

Figure 4 – Connectivity Standard Examples

- D. **Design Standards.** Pedestrian/bicycle accessways shall meet the following design standards: (5/98)

1. **Minimum dedicated width:** 10 feet
2. **Minimum improved width:** 10 feet
3. **Maximum length:** 250 feet. A clear line of vision for the entire length of the accessway shall be required. (5/98)
4. **Lighting** shall be provided illuminating any walkway exceeding 150 feet in length to a level where the system can be used at night. Lighting shall be included in the lighting district(s) established for the subdivision. (5/98)
5. The accessway shall be designed to prohibit vehicle traffic. (5/98)

2.310.05 Improvement Requirements - Partitions

During the review of partition proposals, the City shall require, as a condition of approval, the following improvements: (5/98)

- A. **Private Access.** Private driveways serving flag lots, or **private streets and access easements**, shall be surfaced per the requirements of this Code. (5/98)

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

B.C. Street Frontage Improvements. The following improvements shall be required: (5/98)

1. If the street frontage of the subject property is less than or equal to 250 feet, the applicant shall sign a non-remonstrance agreement with the City of Keizer. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. (5/98)
2. If the street frontage of the subject property exceeds 250 feet, or extends and existing dedicated right-of-way, the applicant shall improve the following: (5/98)
 - a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities. (5/98)
 - b. Sidewalks, meeting City standards, along public street frontage. (5/98)
 - c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve lots accessing off of the new street. (5/98)

G.D. Completion Requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section shall be completed or assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat of the partition. At the discretion of the Public Works Director, certain improvements may be further postponed through a non-remonstrance agreement, or other performance agreement. (5/98)

2.310.06 Improvement Requirements - Subdivisions

The following improvements shall be required for all subdivisions in the City of Keizer: (5/98)

- 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 2.302 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. (5/98)
- B. Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 and 2.316 only if sidewalks currently exist along the connecting street.**
- B.C** Project Streets. All public or private-streets within the subdivision shall be constructed as required by the provisions of Section 2.302. (5/98)
- C.D** Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines. (5/98)
- D.E** Bench Marks. Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure. (5/98)
- E.F** Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas. Drainage shall be designed to avoid impacts on adjacent property. (5/98)
- F.G** Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided. (5/98)

If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the City may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is equitable to assure financing his share of the construction and to provide for appropriate reimbursements of costs above those directly attributable to the subdivision. (5/98)

The City may require that the subdivider construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the subdivider as is desirable to assure his share of the construction. (5/98)

G.H **Water System.** Water lines with valves and Fire District approved fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed and operating prior to start of combustible construction. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the developer will be responsible for water main sizes necessary to meet minimum fire flow requirements per Uniform Fire Code. The City will not expect the developer to pay for the extra pipe material cost of mains exceeding 8 inches in size. (5/98)

H.I **Sidewalks.** Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks (e.g. pedestrian walkways) or sidewalks fronting public property shall not be deferred. (5/98)

I.J **Street Lights.** The installation of street lights is required at locations and of a type required by City standards. (5/98)

J.K **Street Signs.** The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type required by City standards. Each street sign shall display the one hundred block range. Street signs shall be installed prior to obtaining building permits. (5/98)

- K.L** Public Works Requirements. All facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works. (5/98)
- L.M** Curb Cuts. Curb cuts and driveway installations, excluding common drives, are not required of the subdivider, but if installed, shall be according to the City standards. (5/98)
- M.N** Street Trees. Street tree planting is mandatory where a planting strip is part of the street design. Plantings shall conform to Section 2.302.03(M). (5/98)
- N.O** Grading & Fills. All grading which results in fills in excess of 3 feet located within the identified building envelope on a subdivision lot or parcel must be engineered. (5/98)
- O.P** Financial Requirements. All improvements required under this Section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision. (5/98)

faces onto a public street. Otherwise the minimum setbacks of the underlying zone do not apply. (5/98)

- E. Attached Dwellings. Buildings sharing common walls are permitted within a planned unit development. (5/98)
- F. Height. The maximum building height shall in no event exceed those building heights prescribed in the zone in which the planned unit development is proposed, except that a greater height may be approved if surrounding open space within the planned unit development, building setbacks, and other design features are used to avoid adverse impact of the greater height. (5/98)
- G. Street Dedication. Designated arterial or collector streets or streets designed as collector or arterial streets shall be dedicated to the public and shall be constructed to their normal width with the normal right-of-way. (5/98)
- H. Private Streets. Local streets may be dedicated to the public or remain in the ownership of the owners association. All streets shall conform to the City's street construction standards except as noted below. (5/98)

STREET TYPE	CURB-TO-CURB WIDTH
1-way, less than 200'	12 feet
2-way, less than 200'	16 feet
2-way, greater than 200'	20 feet

~~Parking need not be provided on street; however when parallel parking is provided, six feet shall be added to the above for each side of the street on which parking will be allowed. Additional curb-to-curb width is not required for on-street parking when the parking space angle exceeds 45 degrees.~~
(5/98)

Streets. All streets must meet provisions in Section 2.302. Private streets must meet service area, improvement width, and curb height standards in Section 2.302.04 as well.

- I. Parking. Parking will be required in accordance with the provisions of Section 2.303; however, ~~if no parking is to be allowed on street, the overall parking requirements for the planned unit development will be increased 50 percent.~~ (5/98)
- J. Walkways. Sidewalks along private streets will not be required adjacent to private streets; however, shall may be required only if sidewalks currently exist to the connecting private street. Sidewalks shall be developed in accordance with applicable provisions in Sections 2.302 and 2.316. The overall plan for the planned unit development shall include an acceptable pedestrian circulation system. (5/98)

- r. All areas to be offered for public dedication. (5/98)
- s. Future Street Plan. Applicants for a subdivision, planned unit development, or manufactured home park shall submit as a part of their application, a future street plan. The future street plan shall show the pattern of existing and future streets from the boundaries of the proposed land division and shall include other parcels within 500 feet of the proposed land division property line. The City may determine future neighborhood street connections. A future street proposal may be modified when subsequent development proposals are submitted. (01/02)

C. Supplemental Information. The following supplemental information shall be required for all PUD Preliminary Plan applications: (2/01)

- 1. Calculations justifying the proposed density of development. (5/98)
- 2. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses. Clearly indicate the purpose, conditions and limitations of such reservations. (2/01)
- 3. The approximate location and dimensions of all commercial or multi-family structures proposed to be located on the site. (5/98)
- 4. Written statement identifying improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed. (2/01)
- 5. Written statement outlining proposals for ownership and maintenance of all open space areas, **private** streets and any commonly owned facilities. (5/98)

3.108.05 Review Procedures

- A. Hearings Officer. All Preliminary Plans for subdivisions, PUDs, and manufactured home parks shall be heard by the Hearings Officer pursuant to the procedures set forth in Section 3.202.04. (2/01)
- B. Time Limit. Approvals of any preliminary plans for a subdivision, PUD, or manufactured home park shall be valid for one year after the date of the written decision. A Final Plat for a subdivision shall be recorded within this time period or the approvals shall lapse. PUDs or manufactured home parks, which do not involve the subdivision of property, shall show substantial progress toward the construction of the project within the one year period or the approval shall lapse. (2/01)

3. The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties. (5/98)

3.110.05 Zone Change Conditions

- A. Imposition of Conditions. Approval of a zone change application may be conditioned to require provisions for buffering or provision of off-site public facilities. In order to impose conditions on a zone change, findings must be adopted showing that: (5/98)
 1. The zone change will allow uses more intensive than allowed in the current zone; and (5/98)
 2. The conditions are reasonably related to impacts caused by development allowed in the proposed zone or to impacts caused by the specific development proposed on the subject property; and (5/98)
 3. Conditions will serve a public purpose such as mitigating the negative impacts of allowed uses on adjacent properties; and (5/98)
 4. The conditions are based upon policies or standards in the Comprehensive Plan or other standards adopted by the City of Keizer. (5/98)
- B. Conditions. Conditions that could meet the criteria in A., include, but are not limited to: (5/98)
 1. Dedication of right-of-way for public streets, utility easements, etc. (5/98)
 2. Improvement of private roadways or public streets, including bike paths, curbs, and sidewalks. (5/98)
 3. Provision of storm drainage facilities. (5/98)
 4. Extension of public sewer, storm drain, and water service including over-sizing to permit development on other lands. (5/98)
 5. Provision of fire suppression facilities and equipment. (5/98)
 6. Provision of transit and traffic control facilities. (5/98)
 7. Special building setbacks, orientation, landscaping, fencing, berming, and retention of natural vegetation. (5/98)
 8. Special locations for truck loading, parking, access routes, or any outdoor activity that could impact adjacent property. (5/98)



October 21, 2002

AGENDA ITEM 7b

GUBSER NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN

COUNCIL MEETING: October 21, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCILOR MEMBERS

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

SUBJECT: GUBSER NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN

ISSUE:

On October 7, 2002 the City Council requested this matter be placed on the agenda for this meeting to discuss and determine traffic calming and cut through design for the Gubser Neighborhood area.

RECOMMENDATION:

It is recommended the City Council direct staff how to proceed with traffic calming and cut through designs for this area.

Attachments: Staff Reports – September 3, 2002 and October 7, 2002

CITY COUNCIL MEETING: October 7, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: ROB KISSLER
DIRECTOR OF PUBLIC WORKS

SUBJECT: GUBSER NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN

DATE: OCTOBER 3, 2002

BACKGROUND:

Council made a motion at the September 3rd Council meeting directing staff to investigate three items regarding Trail Ave (Attachment A). Staff has made contact with the affected property owner on two occasions. The property owner reviewed staff's proposed alignment ideas and feels it may jeopardize his future plans for development. At this time the property owner has no plans for development, but may in the not too distant future. Staff has ended dialog with the property owner. The current right of way on Trail Ave will accommodate the identical improvements as on McLeod Lane. Staff is proceeding with additional stop signs on Trial and Manzanita, which will include the TSC's recommendation of lane delineation as identified in Gubser Neighborhood Association Traffic Management Plan.

FISCAL IMPACT:

Funds have been allocated in the 2002/2003 Street Fund budget to accomplish the Signage changes.

RECCOMENDATION:

Staff recommends Council place the Gubser Traffic Management Plan on the October 21, 2002 agenda to discuss and determine the final Traffic Calming and Cut through design.

meet the collector standards of at least 1,600 cars per day.

Councilor Smith noted in discussions with COG that she was informed that the Council does have the authority to close Trail Avenue.

Councilor Lee urged seeking alternatives to closing Trail.

Councilor Lee moved to accept the Traffic Safety Commission's report and direct staff to meet with the Commission to explore other options prior to a closure of Trail Avenue.

Due to the lack of a second the motion died.

Council President Moir moved a motion to direct staff to come back with the following information: (1) Is there adequate right-of-way for the suggested improvements on Trail Avenue. (2) Explore opportunity to negotiate with the property owner to align Trail Avenue to allow for a signal at Lockhaven and Trail, (3) add four stops signs at Manzanita and Trail Avenue. Councilor McGee seconded the motion.

Councilor Smith spoke against the suggested improvements for Trail she indicated that these improvements would not reduce the cut-through traffic problems.

Responding to questions Mr. Kissler indicated that there were several driveways on Lockhaven that would be improved if traffic signalization were placed on a realigned Trail and Lockhaven.

Councilor McGee indicated that both proposals by the Commission and staff were assumptions, both with the intent of lessening the traffic issues. He went on to state that denoting one proposal over the other, as a cure-all would be premature.

After additional debate the vote on the motion was called for.

CITY COUNCIL MEETING: September 3, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR AND CITY COUNCIL

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

SUBJECT: GUBSER NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN

BACKGROUND

In January of 2002, Rob Kissler, City Manager and Rob Kissler, Public Works Director asked the Keizer Traffic Safety Commission (TSC) to develop a strategy to address traffic concerns in the Gubser Neighborhood. The TSC accepted the request, conducted a number of public hearings and formed a series of recommendations to address cut-through traffic from River Road heading toward I-5 Interchange Exit 260 through the residential areas adjacent to Trail Avenue along Manzanita Street, Harmony Drive and Mandarin Drive. A copy of the TSC Recommendations has been provided for your review as Attachment A.

City Staff had an opportunity to review the recommendations from the TSC and provide feedback for their review. Staff believes the work of the TSC to be thorough and comprehensive and is in general agreement with a majority of the TSC recommendations with a few exceptions that are outlined in the comments. A copy of the Staff comments to the TSC has been provided for your review as Attachment B.

Some of the items in the TSC recommendations are simple to accomplish administratively and have either been accomplished or were scheduled for completion this year during the FY 2002-03 Budget process. These items include 1-A, 1-B, 3-B and 4-B.

Staff agrees with the TSC on items 2-A, 2-B, and 2-C but needs Council authority to site the traffic control devices identified in the report.

Staff disagrees with the TSC on item 4-A but has suggested an alternative that would need to be authorized through a supplemental budget or listed as an item for next year's budget process.

Staff disagrees with the TSC on Item 3-A.

Staff wishes to thank Chair Jackson and the TSC members for their dedicated efforts to promote the public process in forming a recommended traffic calming strategy for the Gubser Neighborhood. We look forward to working closely with the TSC on other important projects in the near future.

RECOMMENDATION

Staff recommends that Council review the TSC recommendations and the Staff comments on the Gubser Neighborhood Traffic Management Plan (GNTMP). Staff recommends that the Council open the public hearing, take testimony and then close the public hearing. Staff recommends that Council then deliberate the points outlined in the TSC GNTMP and the Staff comments and give guidance to Staff on the unresolved items and those items listed above that require Council or additional budgetary authority (2-A, 2-B, 2-C, 3-A, and 4-A).

If Council determines that item 3-A is appropriate, Staff recommends that it be put into effect only after the other items recommended in the GNTMP have been put into place and tested for effect. Staff notes that item 3-A would require a modification of the Keizer Transportation System Plan (TSP), which was adopted in 2000 and is scheduled for review in 2005 unless Council initiates an earlier review. Staff recommends that item 3-A be put into effect only after an alternative North-South Collector has been identified and recognized in the TSP during the next review.

City Of Keizer

Traffic Safety Commission

Gubser Neighborhood Traffic Management Plan

July 26,2002

Summary: This Gubser Neighborhood Traffic Management Plan was developed after several months of meetings and a great deal of input from residents living within the Gubser neighborhood in order to arrive at a solution to reduce the high volume of cut-through traffic experienced within this area. The Traffic Safety Commission is now forwarding this plan to the Keizer City Council as our recommended solution to address this issue. We encourage any questions or comments you might have and that you move forward with implementing our recommendations.

Background: Over the last decade, the City of Keizer has experienced a considerable amount of growth in both population and the volume of vehicle traffic. One area of specific concern has been due to the addition of several new residential subdivisions in north Keizer and their impact on the Gubser Neighborhood. Vehicles from these areas are utilizing local residential streets in the Gubser neighborhood as "cut-through" routes to access Interstate 5 and the Salem Parkway in order to avoid using River Road.

The traffic volume on these local residential streets has continually increased to over 4,200 vehicle trips per day. Area residents have for some time been expressing concern over this increasingly unsafe situation.

In January 2002 the Keizer City Manager, Chris Eppley and Public Works Director, Rob Kissler approached the Traffic Safety Commission (TSC) requesting that we develop a plan to address the volume of traffic using the Gubser Neighborhood as a cut-through, rather than using River Road and Lockhaven Drive. The TSC accepted the request and went to work developing a process to draft such a plan.

Plan Goal: To reduce the volume of cut-through traffic and its effect on the Gubser Neighborhood without shifting the problem from one street to another. It was acknowledged that this project would present a variety of challenges in order to accomplish this goal. Specifically in changing the behavior and established patterns of drivers currently using the streets in this area as a routine part of their daily commute. Developing solutions that address the volume of cut-through traffic without having a significantly negative impact on the local neighborhood is also a concern.

Plan Process: The TSC identified groups of area residents and businesses with common interests and concerns regarding the cut-through traffic on the affected streets and established "stakeholder" groups.

The stakeholder groups consisted of residents and businesses on Harmony Drive, Trail Avenue, Mandarin Drive, and Manzanita Street between River Road and 14th Avenue. Stakeholder meetings with each group were held during February and March where the project concepts were discussed and input from residents obtained.

Overall, those participating were very supportive of the project and the approach the TSC was using to draft the plan. It should be noted that we inadvertently failed to include a small number of residents on connecting side streets that included 11th, 12th, 13th Avenues, Manzanita Way, and Park lawn Court. These residents and businesses were however provided with a copy of the plan draft and invited to participate in the public hearing process, which many of them did.

A draft "Gubser Neighborhood Traffic Management Plan" was also provided to the City's Traffic Engineer, local emergency response agencies, Salem/Keizer School District, and Cherriots with a request for comments.

Copies of a final draft were mailed to all area residents, businesses and the Gubser Neighborhood Association requesting their input at a public hearing held on May 23, 2002. An announcement of the public hearing was also published in local newspapers.

Plan Recommendations:

The TSC is recommending the following plan components be implemented in order to accomplish the established plan goals. Each component will be carefully monitored to ensure that the desired results are achieved and to prevent measures from being implemented that might have an adverse impact. In order for this or any plan to be effective, corrective measures must improve traffic flow and efficiency in order to change the behavior of drivers in our community. The TSC is hopeful that the City Council will concur with our plan recommendations and begin implementation as soon as possible.

It should be noted that the following recommendations are not listed in any specific order and represent a "package" of necessary items. They are only numbered for purpose of referencing and discussion.

1 - River Road and Lockhaven Drive Intersection

The City has already taken one step to improve the morning southbound River Road traffic flow at this intersection for vehicles making left turns (east) onto Lockhaven Drive by increasing the protected left turn time. The TSC feels that in order to prevent the current cut-through traffic volume from simply using Manzanita Street as their new travel route, that additional improvements are necessary. This consists of two improvements at this location.

1-A: The TSC recommends that additional time be added to the protected left turn signal southbound on River Road to Lockhaven Drive eastbound during the morning A.M. commute hours.

The TSC initially recommended the installation of a five-head (protected/permissive) traffic signal at this location to assist with improving this intersection's efficiency. However, due to concerns raised by the Keizer Police Department that this might lead to an increase in accidents and input from the City's Traffic Engineer, it was determined that such a signal should only be considered after adding additional time to the protected left turn signal have been implemented and monitored for effectiveness. Efficiently moving nearly twice as many vehicles through this intersection during the morning commute is a major key to successfully resolving the issue of cut-through traffic in the Gubser Neighborhood.

1-B: The TSC recommends that the right turn lane on the northeast corner of the River Road and Lockhaven Drive intersection be improved to provide for a protected pedestrian crossing and replace the current stop sign with a signalized right turn.

This will accomplish two important objectives, improving the west to northbound efficiency of the intersection and greatly improve pedestrian safety. Currently many drivers do not yield to the stop sign or pedestrians at this location, resulting in several accidents and many more near misses.

Having these improvements completed early on in the plan implementation is key to helping convince drivers that taking this route will be more efficient than cutting through the Gubser neighborhood.

2 – Manzanita Street

2-A: The TSC recommends that stop signs be installed on Manzanita Street 11th Avenue and 13th Avenue, creating 4-way stops at both intersections. The utilization of stop signs was overwhelmingly favored over other engineering methods considered on Manzanita.

Residents expressed concern for livability, emergency service delays and cost issues when the original draft plan proposed traffic circles. Stop signs were also preferred over traffic circles by the Keizer Public Works, Keizer Fire District, Salem/Keizer School District and Cherriots in their submitted written comments. It was discussed that compliance at these stop signs could become an issue in the future.

2-B: The TSC recommends that the right-hand eastbound lane of Manzanita Street at Trail Avenue be designated as the through travel lane and the center lane be designated for left turns. This will help reduce confusion at this intersection and improve the safety of this intersection.

2-C: The TSC recommends the installation of signage on Manzanita Street near River Road informing drivers eastbound on Manzanita Street that it is open to “local traffic only”.

3 – Trail Avenue

3-A: The TSC recommends that Trail Avenue be closed at Manzanita Street. A variety of options and possibilities were considered in order to reduce the volume of cut-through traffic using Harmony Drive and Mandarin Street via Trail Avenue. While closing Harmony Drive at Trail Avenue or installing “pork chops” (right in/right out medians) at both ends of their street would be acceptable to Harmony residents, the same would be required on Mandarin Street as well and would significantly restrict their travel options.

This type of engineering method significantly reduces the residents’ ability to access their homes and was strongly opposed by the majority of citizens providing testimony. Therefore the TSC feels that closing Trail Avenue at Manzanita Street offers the best solution with the least impact to local residents. This recommendation would require changing Trail Avenue from a collector street to a local street in the Keizer Transportation System Plan.

The Keizer Fire District expressed concern that closing of Trail Avenue would have an adverse effect on the fire protection requirements of Long Lumber. Therefore, we recommend the closure of Trail Avenue be accomplished by installing a decorative gate. This would allow for emergency vehicle access and provide a visually pleasing alternative to a block wall or barricade. The closure design should also provide for bicycle and pedestrian access to Manzanita Street from Trail Avenue.

It was discussed that **only closing the southbound lane of Trail Avenue** from Manzanita Street would not be effective and result in vehicles driving around the barrier, creating an unsafe condition. Consideration was given to the fact that Trail Avenue serves three Keizer businesses, Long Lumber, France School of Dance, and Art Impressions. All three businesses were mailed copies of the plan draft with none providing testimony or written comments in opposition to this recommendation.

3-B: The TSC recommends that consideration be given to providing a bicycle and pedestrian pathway on Trail Avenue from Harmony Drive to Manzanita Street. Currently no safe space for bicycles or pedestrians is provided on this section of Trail Avenue.

4 – McNary Estates Drive and River Road

4-A: The TSC recommends that the travel lanes eastbound from McNary Estates Drive be changed so the right-hand lane exiting McNary Estates Drive is a right turn only lane and the left-hand lane provides for through and left turn traffic.

Currently vehicles wishing to turn right onto River Road (southbound) have to wait behind vehicles traveling straight across the intersection into the Gubser neighborhood. This situation encourages vehicles to go straight rather than use River Road and increases the volume of cut-through traffic.

4-B: The TSC recommends that the protected left turn signal time at River Road southbound to Manzanita Street be reduced. This will allow fewer vehicles to enter the Gubser neighborhood per signal cycle and encourage the use of River Road.



CITY OF KEIZER

MEMORANDUM

DATE: August 15, 2002

TO: Chair Jackson and Traffic Safety Commissioners

THROUGH: Chris Eppley
City Manager

FROM: Rob Kissler
Director of Public Works

SUBJECT: Gubser Neighborhood Traffic Management Plan

BACKGROUND:

Staff has prepared a preliminary recommendation to City Council based on the Traffic Safety Commission's (TSC) final draft of the Gubser Neighborhood Traffic Management Plan Recommendations dated July 26, 2002. The following is a series of bullet points outlining the areas where City staff agrees or does not agree with the recommendations of the TSC. The comments listed below are the framework that will ultimately make up the staff recommendation to City Council on September 3rd. Ideally, it would be advantageous if the TSC and City staff were in agreement on all points and could issue a joint recommendation.

- Item 1-A has been completed and will be monitored for possible additional time provided Lockhaven east and westbound traffic is not affected.
- Staff agrees with the TSC on item 1-B. The City Council has approved budget allocations in the 2002/2003 street fund to accomplish this task.
- Staff agrees with The TSC on items 2-A, B and C. However staff recommends placing stop signs at the intersection of Manzanita and Trail to complete a four way stop and not place stop signs at 11th and Manzanita until needed. Staff also recommends designating a "no parking zone" using a yellow curb for the first 50' on the south side of Manzanita east of Trail, when lane delineation in item 2-B is changed.

- Staff disagrees with the TSC on item 3-A the closing of Trail Ave at Manzanita for the following reasons:

- ✓ Trail Avenue is designated as a Collector in the City's Transportation System Plan.
- ✓ Potentially 30 acres of undeveloped high-density residential and mixed use property is adjacent to Trail Ave. Trail is needed to connect these properties in some alignment to the City's Arterial street system.
- ✓ Closing Trail will reduce the State's requirement of connectivity in neighborhoods.
- ✓ Turnarounds would need to be constructed the driving public if dead end streets are created.

Perhaps the TSC's suggestion of pork chops or center medians could be an alternative to discourage cut through traffic. Placing a cul-de-sac at the west end of Harmony and Mandarin may be a solution to cut through traffic in the area. Staff is planning on meeting with the TSC to further explore options.

- Staff agrees with the TSC on item 3-B. The City Council approved funding in the street fund to accomplish this task.
- Staff disagrees with the TSC on item 4-A. This change will create a two-lane offset east bound onto Manzanita. This is an extremely dangerous vehicle movement because of grade elevations and on coming traffic. **As an alternative, Staff suggests the construction of a dedicated right turn lane on McNary Estates drive. This improvement is not currently funded.**
- Staff has fielded many complaints over the years on the short protected left turn time at River and Manzanita as described in item 4-B. Citizens have been requesting longer left turn green time. Staff has resisted this request. Staff will monitor and adjust less green time to the left turn if appropriate for vehicle movements in this intersection.

Staff appreciates the long and tireless work of the TSC. The Public process conducted by this committee has been thorough and has created a forum that has allowed significant involvement by the community on a series of decisions that will impact many citizens in the Gubser neighborhood. Staff looks forward to working with the TSC on developing a final recommendation to the City Council on this issue to serve the entire community and on other similar projects in the future.

DATE: August 28, 2002
TO: Keizer City Council
FROM: Traffic Safety Commission
SUBJECT: Gubser Neighborhood Traffic Management Plan

BACKGROUND:

The Traffic Safety Commission's recommended *Gubser Neighborhood Traffic Management Plan* was completed on July 26, 2002.

Keizer City staff reviewed the TSC *Plan*, item-by-item, and set forth their comments and recommendations in a memorandum dated August 15, 2002. City Manager Chris Eppley presented these recommendations to the TSC at its meeting on August 22nd. It was noted that Staff was in agreement with all items of the TSC *Plan*, except for Items 3-A and 4-A.

RECOMMENDATIONS:

Following a lengthy discussion with Mr. Eppley and considerable discussion between TSC members—including additional testimony from Gubser area residents—the TSC unanimously makes the following recommendations to the City Council:

That the City Council adopt the recommendations of the TSC *Gubser Neighborhood Traffic Management Plan* dated July 26, 2002, with the following changes regarding Items 3-A and 4-A:

Item 3-A. Close Trail Avenue with a gate at Manzanita Street as outlined in the *Plan*.

Staff cited four reasons against this recommendation. They are each listed below, followed by the TSC's comments.

1. Trail Avenue is designated as a Collector in the City's Transportation System Plan.

TSC: *Trail was designated as a Collector at the time when Trail was connected to River Road at its intersection with Wheatland Road. Traffic often went from Wheatland or from River Road directly onto Trail and then cut through the Gubser Neighborhood to reach I-5 and points east. While the route is slightly more difficult now, the cut-through problem persists.*

The bottom line is that Trail only operates at the level of a Collector when it is handling cut-through traffic. Without this traffic Trail is only a local street.

2. Potentially 30 acres of undeveloped high-density residential and mixed use property is adjacent to Trail. Trail is needed to connect these properties in some alignment to the City's Arterial street system.

TSC: *The TSC's charge is to find a solution to the cut-through problem that exists NOW. They took into consideration that traffic demands will change in the future by proposing a solution which will solve the problem now, but that can be easily altered as future needs arise. The gated closure of Trail that has been proposed solves the problem, as it now exists. This closure could easily be removed as future population and traffic trends change.*

3. Closing Trail will reduce the State's requirement of connectivity in neighborhoods.

TSC: *On the contrary, the TSC feels that the closure of Trail will preserve the connectivity within the Gubser Neighborhood. All of the other alternatives that were considered imposed major travel restrictions on nearly all of the residents. At the public hearings held by the TSC the majority of the participants agreed that the closure of Trail might make some of their trips somewhat more difficult, but that it was a small price to pay to reduce the cut-through problem.*

4. Turnarounds would need to be constructed {for} the driving public if dead-end streets are created.

TSC: *Closing Trail would require the creation of a single turning space on the south side of the gate. There should be sufficient space for this.*

While the Staff did not suggest any specific solutions to the problem that the TSC was attempting to solve they did suggest revisiting ideas such as "pork chops," center medians, or cul de-sacs at the west ends of Harmony and Mandarin.

TSC: *The TSC had considered these alternatives earlier, and found that in every case the hardship created for the local residents was far greater than by the simple closure of Trail. Discussions after Mr. Eppley's presentation did not result in a change of the TSC's view.*

Item 4-A. Modify the Plan in accordance with Staff recommendations: Construct a dedicated right turn lane from eastbound McNary Estates Drive onto southbound River Road.

Staff suggested an alternative that would construct a dedicated right turn lane from eastbound McNary Estates Drive onto southbound River Road. The TSC had considered this alternative early in its deliberations, but were under the impression that it would not be allowed. The TSC feels that this alternative would certainly help clear the congestion at that intersection, and by encouraging the use of southbound River Road, would somewhat help decrease the cut-through traffic in the Gubser Neighborhood.

During the discussion of Item 4-A Mr. Eppley also suggested that it might be possible to further modify the McNary Estates Drive / River Road intersection so that traffic exiting McNary Estates Drive would be prevented from continuing eastward onto Manzanita Drive. This would mean that such traffic would be forced to turn either left (north) or right (south) onto River Road. Although the TSC had not researched this alternative, they felt that because this would prevent any cut-through traffic from McNary Estates Drive it was a good idea

In summary, the TSC's proposal:

- Presents a solution that can be implemented now.
- Can be modified as population and traffic conditions change.
- Offers the least disruption for the local residents' travel needs.
- Involves alteration of only one intersection.

It is important to note that the TSC is most appreciative of the effort and input by Keizer City Staff, together with Staff's desire to work cooperative and collectively with the TSC for the common good of Keizer citizens in an effort to resolve these traffic issues. We look forward to a close working relationship on future projects.



October 21, 2002

AGENDA ITEM 8a

RESOLUTION – APPOINTING MUNICIPAL COURT JUDGE PRO TEMS

CITY COUNCIL MEETING: October 21, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRISTOPHER EPPLEY
CITY MANAGER**

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

SUBJECT: APPOINTMENT MUNICIPAL COURT JUDGE PRO TEMS

BACKGROUND:

In March of 1989, the City Council adopted an Ordinance establishing a Municipal Court for the City of Keizer. The Ordinance outlines the qualifications for appointment of Municipal Court Judge and Municipal Court Judge Pro tems. Presently, A. Carl Myers, Attorney at Law, serves as the presiding Municipal Court Judge for the City. The Ordinance indicates the presiding Judge may make recommendations to the Council for the appointment of Judge Pro tem. A Pro tem is authorized to take the place of the presiding Judge when he is out of town or unavailable for arraignments or hearings.

Attached to this report is a letter from Municipal Court Judge A. Carl Myers recommending the appointment of John Case, John H. Beckfield, and Sharon C. Stevens to serve as Municipal Court Judge Pro tems.

RECOMMENDATION:

It is recommended the City Council adopt a Resolution appointing John Case, John H. Beckfield, and Sharon C. Stevens as Keizer Municipal Court Judge Pro tems .

1
2 **CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON**
3

4 **Resolution R2002- _____**
5

6 **APPOINTING MUNICIPAL COURT JUDGE PRO TEMS**
7
8

9 **WHEREAS, the City Charter and the Ordinance of the City of Keizer allow the**
10 **Presiding Municipal Court Judge to make recommendations to the Council on the**
11 **appointment of Municipal Court Judge Pro tems:**

12 **WHEREAS, based upon the recommendation of Municipal Court Judge A. Carl**
13 **Myers, the Keizer City Council has determined that John Case, John H. Beckfield,**
14 **and Sharon C. Stevens are qualified to be Municipal Court Judge Pro tems and are**
15 **willing to serve in that position; NOW, THEREFORE;**

16 **BE IT RESOLVED by the City Council of the City of Keizer that that John Case,**
17 **John H. Beckfield, and Sharon C. Stevens are appointed as Keizer Municipal Judge**
18 **Court Judge Pro tems pursuant to the first Keizer Charter of 1983 and Ordinance**
19 **89-144.**

20 **PASSED this _____ day of _____, 2002.**

21 **SIGNED this _____ day of _____, 2002.**

22
23 _____
24 **Mayor**

25
26 _____
27 **City Recorder**

.....

Law Offices of A. Carl Myers

October 2, 2002

Tracy L. Davis, City Recorder
City of Keizer
930 Chemawa Rd. NE
PO Box 2100
Keizer, OR 97307-1000

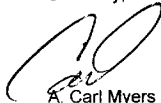
RE: Municipal Court Pro Tem Judge Positions

Dear Ms. Davis,

I hereby propose using John H. Case, John H. Beckfield, and Sharon C. Stevens as Judges Pro-Tem in Keizer Municipal Court. Judge Case has served as a pro tem Judge in our court previously and I propose to have him continue in that capacity. I have personal knowledge and respect for the abilities of Mr. Beckfield and Ms. Stevens. They will both be great additions to our court. I have not requested, but could easily obtain resumes of these selections. Let me know if the Council would want that information for your files.

If you have any questions, please contact me.

Sincerely,



A. Carl Myers
Keizer Municipal Judge

ACM/prm

Attorney and Counselor at Law

1815 Commercial Street S.
Salem, OR 97302-5203
Telephone: (503) 399-9219
Fax: (503) 315-1409

.....



October 21, 2002

AGENDA ITEM 8b

APPROVAL OF SEPTEMBER 3, 2002 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Tuesday, September 3, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:03 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Michel Gaynor, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, 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 None

**COMMITTEE
REPORTS**

a. Planning Commission Appointment

City Manager Eppley reported that the Volunteer Coordinating Committee met on August 6, 2002 to review applications to fill the position vacated by John Preston. The Committee reviewed applications and listened to brief oral presentations by those in attendance.

It was the Committee's recommendation to appoint Mike Hart to fill the vacancy on the Planning Commission.

Staff recommended that the City Council follow the Volunteer Coordinating Committee's recommendation to appoint Mike Hart to fill the vacancy.

Councilor McGee moved to accept the recommendation of the Volunteer Coordinating Committee and appoint Mike Hart to fill the vacancy on the Planning Commission. Councilor Gaynor seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher welcomed Mr. Hart and read a proclamation regarding his appointment to the Planning Commission.

b. Keizer Police Cadet Academy Graduation Certificates

Chief Adams summarized the Cadet Program and introduced the Cadets who participated and graduated, from the 90-hour academy. Those Cadets included: Crystal Biffle, Ben Jolliff, Ethan Postrel, Patrick Sieng, James Woodside, Amanda White and Ryan Saltalamachia. Chief Adams supplied a brief background for each of the Cadets. He commended the group for their work.

OTHER BUSINESS

Salem Future's Project

Councilor Walsh provided a brief outline of the Salem Future's draft implementation strategy and his wish to respond via a letter to the intergovernmental portion of the draft.

Councilor Walsh moved to suspend the rules. Council President Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Walsh moved a motion to direct the City

Manager to respond to the intergovernmental portion of the implementation strategy draft. Councilor Gaynor seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Tree Laws

Council President Moir provided a copy of an article from the Statesman Journal pertaining to Salem strengthening their tree laws. She requested that staff review the law to see if implementing this type of law for Keizer would be appropriate.

It was the consensus of the Council to direct staff to look into this issue.

PGE/Portland City Council

City Manager Eppley addressed the Portland City Council's interest in making PGE a public utility. He requested input from the Council.

Mayor Christopher noted that Councilor Walsh would be attending the Governmental Affairs meeting to hear Portland's lobbyist regarding this issue. Councilor Walsh indicated he would report his findings during the next Council meeting.

Police Uniforms

Chief Adams reported that the Uniform Committee had designed a new badge, which was paid for with the trading card project.

PUBLIC HEARINGS

a. Gubser Neighborhood Traffic Management Plan (cont. from 8/19/02)

City Manager Eppley reported that staff had requested that the Traffic Safety Commission address traffic concerns in the Gubser Neighborhood. A copy of the recommendation was provided to the Council with staff's respond to some of the recommendations.

Staff recommended that the Council review the Commission's recommendations, as well as staff's comments, taking public testimony and determine the appropriateness of the recommendations.

Councilor's Lee and Smith provided a background of the Commission's work and dedication on the project.

Mayor Christopher opened the public hearing.

Public Testimony

Dennis Chocalas, 1196 Harmony Drive NE, Keizer-urged the Council to divert the volume of traffic traveling along Harmony Drive.

Anne O'Rourke, 1266 Harmony Drive NE, Keizer-addressed the traffic problems along Harmony and the Commission's review of the issues. She expressed support of the Commission's recommendation to close Trail at Manzanita, adding stop signs on Manzanita at 11th and 13th Streets.

Rick Weddle, 1245 Harmony Drive NE, Keizer-spoke in favor of the Commission's recommendation to lessen the traffic and speeds along Harmony Drive.

Alan Bennett, 1226 Manzanita Way NE, Keizer-spoke in support of city staff's recommendations pertaining to the Commission's final plan.

Responding to questions Mr. Bennett indicated that altering the traffic signal at McNary Estates Drive and Manzanita could reduce the amount of traffic going through the neighborhood. He believed closing Trail would only push the problem from Harmony to other streets in the neighborhood.

Jerry Watson, 1237 Manzanita Way NE, Keizer-spoke in opposition to the Commission's plan. Mr. Watson supplied copies of his comments to the Council for their review. He urged the Council to hold additional public hearings to possibly obtain alternatives to the plan, which would not significantly, impact the neighborhood.

Hank Kimble, 6326 13th Avenue, Keizer-spoke in support of staff's recommendation, mirroring comments made by the last two individuals. He requested that the Council consider other options before closing Trail.

Responding to questions from Council Mr. Kimble indicated that volume and speed were both significant problems along Manzanita.

Karen Trucke, 6330 14th Avenue, Keizer-spoke in opposition to the Commission's proposal to close Trail Avenue. She suggested closing Manzanita at River Road. Ms. Trucke urged the Council to approve the Commission's proposal as the most viable means to alleviate some of the traffic problems in the Gubser Neighborhood.

Susan Lett, 1355 Harmony Drive NE, Keizer-urged the Council to correct the traffic problems along Harmony.

Gary Horowitz, 1266 Harmony Drive NE, Keizer-agreed with the Commission's recommendation to close Trail Avenue. He urged the Council to consider and implement this plan.

Garry Whalen, 4095 Rivercrest Drive North, Keizer-spoke in favor of staff's recommendation. He expressed concern that implementing closure of the area would set precedence for the future.

Kimberly Garlock, 1025 Harmony Drive, Keizer-outlined the traffic problems along Harmony Drive expressing concern for her family's safety. She implored the Council to take action.

Victor Garlock, 1025 Harmony Drive, Keizer-expressed sympathy for other streets within the Gubser neighborhood, but stressed his agreement with the Commission's recommendation to close Trail Avenue.

Teresa Amen, 5625 Trail Avenue, Keizer-urged the Council to accept the Commission's recommendation of closing Trail to protect families along Harmony Drive.

Larry Thies, 1286 Harmony Drive, Keizer-agreed with closing Trail, but noted as an option for residents on

Manzanita that center medians on 14th and Trail had been suggested to reduce cut-through traffic.

With no further testimony Mayor Christopher closed the public hearing.

Councilor Smith moved a motion that the Council accepts the recommendation of the Traffic Safety Commission as submitted.

Due to the lack of a second the motion died.

Responding to questions Public Works Director Rob Kissler noted during the last budget process that funds had been allocated to widen Trail north of Harmony and to add bicycle lanes. Funding for traffic signal improvements had also been earmarked at the intersection of River Road and Lockhaven Drive.

Mr. Kissler addressed further questions regarding the possibility of realigning Trail and signaling this intersection. He noted that portions of Trail and Lockhaven were within the Urban Renewal District, which may heighten the funding possibilities for this possible development.

Councilor Smith announced a potential conflict of interest since she resided in the area being discussed.

Council discussed whether to offer the Commission the additional opportunity to speak after the public hearing was closed. Council agreed to allow Councilor Smith to provide a synopsis of what the Commission had analyzed.

Councilor Smith summarized the Commissions' review of the area and the concerns of the neighborhood for the benefit of the audience.

The Council and staff discussed the history of Trail Avenue and Harmony Drive their functions prior to the construction of Lockhaven and their uses today.

Responding to questions Mr. Kissler indicated that it would be difficult to determine whether Trail would

meet the collector standards of at least 1,600 cars per day.

Councilor Smith noted in discussions with COG that she was informed that the Council does have the authority to close Trail Avenue.

Councilor Lee urged seeking alternatives to closing Trail.

Councilor Lee moved to accept the Traffic Safety Commission's report and direct staff to meet with the Commission to explore other options prior to a closure of Trail Avenue.

Due to the lack of a second the motion died.

Council President Moir moved a motion to direct staff to come back with the following information: (1) Is there adequate right-of-way for the suggested improvements on Trail Avenue. (2) Explore opportunity to negotiate with the property owner to align Trail Avenue to allow for a signal at Lockhaven and Trail, (3) add four stop signs at Manzanita and Trail Avenue. Councilor McGee seconded the motion.

Councilor Smith spoke against the suggested improvements for Trail she indicated that these improvements would not reduce the cut-through traffic problems.

Responding to questions Mr. Kissler indicated that there were several driveways on Lockhaven that would be improved if traffic signalization were placed on a realigned Trail and Lockhaven.

Councilor McGee indicated that both proposals by the Commission and staff were assumptions, both with the intent of lessening the traffic issues. He went on to state that denoting one proposal over the other, as a cure-all would be premature.

After additional debate the vote on the motion was called for.

The motion passed as follows:

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

NAYS: Lee and Smith (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. Text Amendment Case
No. 02-21 (Private Streets)**

Planning Director Maria Meier reported that on March 18, 2002 the City Council initiated a text amendment to review Section 2.311.03H and other references that allow the development of private streets.

The Planning Commission was charged with reviewing language in the Development Code pertaining to private streets under the assistance of staff. The Commission recommended to disallow private streets for standard developments, however to allow existing private streets to be extended at the same width as existing on any connecting private street.

Staff provided copies of the recommended changes and advocated conducting a public hearing to assist the Council in making their final recommendation.

Mayor Christopher opened the public hearing. She suggested due to the time that deliberations pertaining to this issue take place at the next Council meeting.

With no one wishing to testify Mayor Christopher closed the public hearing.

Deliberations were continued until September 16, 2002.

Mayor Christopher recessed the meeting at 8:55 p.m. and reconvened at 9:05 p.m.

**ADMINISTRATIVE
ACTION**

**a. Chemawa Activity
Center/Keizer Station
Plan-Text
Amendment/Comprehensive
Plan Change/Zone
Change Case No. 01-50**

Planning Director Maria Meier reported that copies of the Planning Commission recommended Keizer Station Plan and amendments to the Keizer Development Codes were part of the packet provided to Council. Mrs. Meier indicated that documents noted that the Council must formally acknowledge Exhibit 107 for

(cont. from 8/19/02)

adoption if the Council decides to adopt the Keizer Station Plan in place of the Chemawa Activity Center Plan.

Mrs. Meier reviewed the sub-area materials, which were analyzed by the Council at the last meeting.

Staff recommended review and discussion of the remaining attachments.

Councilor Moir indicated she had viewed tapes of the last Council meeting and would be participating in the discussion and the vote.

Mayor Christopher noted for the record that the Council was working with information that was part of the current record.

Mrs. Meier went through the changes as submitted in attachment "A" on pages one through page six. The Council agreed with the changes noted on these pages.

Councilor Walsh addressed page five, Section 2.119.05(A). He believed as part of the last meeting that this section would be removed. After a brief discussion the Council agreed that this was the intent and directed staff to remove this Section A from the Code, moving subsections (a) and (b) pertaining to fire and medical under the section for Permitted Uses.

Planning Director Meier addressed the Special Permitted Commercial Uses on page eight of attachment "A". Responding to questions she indicated that the only building size limitation was in the EG Zone as recommended by the Planning Commission.

Council President Moir moved a motion to cap Commercial Retail uses up to 975,000 square feet and to direct staff to come back with a recommendation regarding the methodology to accomplish this.
Councilor McGee seconded the motion.

Staff requested clarification of total retail space versus the footprint of retail space.

City Attorney Johnson believed it was important to review the total retail area due to the intent is to limit the retail impact.

Adding further clarification to the issue City Manager Eppley indicated Council would need to make the distinction of whether they would want the language to relate to retail to building size versus retail space.

City Attorney Shannon Johnson noted the definition of floor area as written in the Development Code. He did not feel this difference would be major when comparing it to gross leasable space.

Mayor Christopher believed that the issues of the footprint and capping the amount of retail space were two separate issues to be addressed in separate motions.

Councilor McGee withdrew his second to the motion, as he would not vote for the net restriction of retail space.

Mayor Christopher seconded the motion.

Councilor Walsh spoke in favor of Councilor McGee's comments and suggested that the motion be withdrawn.

Council President Moir withdrew her motion. Mayor Christopher withdrew her second.

Council President Moir moved a motion to cap retail uses up to 975,000 square feet. Councilor Gaynor seconded the motion.

Responding to questions City Attorney Johnson indicated the motion pertained to net floor area and not footprint.

Councilor Walsh indicated he would vote against the motion, due to the limiting characteristic it would cause.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee and Moir (4)

NAYS: McGee, Smith and Walsh (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Moir moved to direct staff to come back with a methodology of the allocation of 975,000 for all areas of the Chemawa Activity Center. Councilor Gaynor seconded the motion.

Responding to questions City Manager Eppley indicated that this process would take place during the master planning level.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Moir moved a motion to eliminate 2.119.08(A) Use Restrictions in the EG Zone on Maximum Building Size Restrictions. Councilor McGee seconded the motion.

Councilor Walsh spoke in favor of the motion to assist in the development of a pedestrian friendly development.

City Manager Eppley cautioned the Council that by eliminating this section that they could potentially eliminate the potential of having any uses other than big box stores in that area. He urged objective criteria be included in the Development Code that would set expectations prior to the master planning process.

Councilor Smith agreed with City Manager Eppley's comments. She questioned if staff could draft language that would eliminate the possibility of this happening.

Planning Director Maria Meier outlined the purpose of this section and Council's ability to suggest changes to the section as comfortable.

Councilor Moir expressed uneasiness that including this section would reduce the abilities of a development, which might have met the Council's intent.

Councilor McGee urged passage of the motion. He expressed concern that the section contained a false standard and should be removed.

With further debate City Manager Eppley cautioned the Council if their belief regarding big box stores had changed that this was different than what the Planning Commission had forwarded to the Council and should be discussed.

Mayor Christopher believed aesthetics of the building was more of a concern rather than retail use.

Councilor Lee concurred that aesthetics was important but he stressed that the potential development should not be limited due to size.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

To keep the document consistent is was the consensus of the Council to remove Section 2.119.07(A) from the document.

Planning Director Maria Meier referred to page nine, Development Standards. She noted that the change in this section allowed standards to be reviewed by Council.

It was the consensus of the Council to agree with this section.

Council discussed Page ten, Section 2.119.10 Development Standards.

Planning Director Maria Meier answered questions pertaining to landscaping requirements, buffering options and storm water retention.

Council President Moir expressed concern that any buffering solutions added between the neighborhood and the development is sound absorbing as to not reflect the noise from the trains into the neighborhood.

Councilor McGee proposed that the wording for this section not include the suggested alternative additional language. He urged consistency between the Development Code and the Chemawa Activity Center Plan.

Planning Director Maria Meier went through the setback and buffering requirements as currently written in the Development Code. She answered questions regarding the definitions for buffers and setbacks.

Councilor McGee moved a motion to eliminate Section 2.119.10(A). Councilor Walsh seconded the motion.

Councilor Walsh agreed with the intent of consistency between the Development Code and the Chemawa Activity Center Plan.

Responding to questions Planning Director Meier explained the minimum requirements in the Development Code for buffering and requested that the Council identify what the setback for the structure should be and intent for the area landscaped.

The motion passed as follows:

AYES: Christopher, Gaynor, McGee, Moir, Smith and Walsh (6)

NAYS: Lee (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Pertaining to the chart on Page 11 Councilor McGee requested that staff come back with options for Council to review pertaining to setbacks.

Councilor Walsh suggested as an option the consistency of the IBP adjacent to Residential.

Planning Director Meier addressed the Maximum Height and Maximum Building size requirements on the Building Standards Chart on Page eleven. She answered questions from the Council and the following motion was made.

Councilor Walsh moved a motion to use the same standard for IBP in the EG Zone as the IBP in the Development Code. Councilor McGee seconded the motion.

Responding to questions regarding his motion Councilor Walsh indicated that it pertained to Maximum Height.

Councilor Smith expressed concern that the height limits would include buildings along the highway where building height may be more desirable.

Councilor Walsh explained his motion pertained to the industrial uses in the IBP.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Walsh addressed the Maximum Height requirements for Commercial Buildings.

Councilor Smith moved a motion that Commercial is increased from 50-feet to 100-feet under Building Standards for Maximum Height. Councilor Walsh seconded the motion.

The motion passed as follows:

AYES: Gaynor, Lee, McGee, Moir, Smith and Walsh (6)

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

Council addressed further the chart on Page eleven pertaining to Maximum Lot Coverage, Minimum Landscaping Area and green space.

Councilor Walsh moved a motion to made Commercial and Industrial Minimum Landscaping consistent at 20-percent. Councilor Smith seconded the motion.

Councilor Gaynor disagreed with having both of these areas consistent with each other. He urged remaining with the percentages as currently written in the Code.

Mayor Christopher believed an arbitrary percentage for this was not as important as the overall look.

Councilor Smith argued that the 20-percent requirement would increase the green space reducing the amount of asphalt in those areas.

Councilor Walsh agreed with Mayor Christopher's comments and suggested language requiring 20-percent landscaping or the equivalent to that aesthetic value.

Planning Director Meier indicated that what was being described was street scaping and that language could be formed to meet this intent.

After further debate regarding this issue Councilor McGee suggested that staff be directed to bring back definitions of street scaping alternatives.

Councilor Walsh withdrew his motion. Councilor Smith withdrew her second.

Councilor Walsh moved a motion to refer the matter to staff to come back to the Council with street scaping standard alternatives. Councilor McGee seconded the motion.

For the purpose of clarifying the Council's wishes Planning Director Meier referred to the Orenco Station.

She asked if this type of street scaping was what the Council was interested in.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Planning Director Meier noted the Alternative (4) language on Page 12 of Attachment "A".

Responding to questions Planning Director Meier indicated that this language does not address separate leasable space.

The Council was in agreement with the alternative language on Page 12 and the remaining language on Page 13.

Mayor Christopher noted that the Council would continue discussions on the Chemawa Activity Center on September 9th at 6:00 p.m.

b. Final Report on Air Quality/Facility Cleanup

Human Resources Director Dianne Hunt reported that the final report was before the Council for their review.

City Manager Eppley expressed appreciation for the work conducted to improve the quality of the air in the City Hall and Police Department facilities.

Council President Moir moved a motion to accept the Final Report on the Air Quality /Facility Cleanup.
Councilor Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

c. Municipal Court Judge

Human Resource Director Dianne Hunt reported that in

Evaluation Report

December 2001 the Council approved an extension of the contractual agreement between the City of Keizer and A. Carl Myers for Judicial Services for the Keizer Municipal Court. An hourly rate increase from \$60 to \$70 per hour was granted for the remainder of the 01-02 fiscal year.

A salary comparison study was conducted resulting in an average hourly rate of \$73.00 per hour. The City Council also adopted R2002-1351, which outlined the evaluation criteria and process evaluation performance evaluation.

Staff recommended based upon a satisfactory performance evaluation that the Municipal Court Judge hourly pay be increased to \$73.00 per hour for the remainder of the contractual agreement.

Councilor McGee indicated that the Municipal Court Judge's evaluation was reported as satisfactory.

Councilor McGee moved a motion to direct the City Manager to initiate a contract with A. Carl Myers at a rate of \$73.00 per hour for the services of Municipal Court Judge. Mayor Christopher seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

- a. RESOLUTION-Authorizing Expenditure for Specific Purpose/Police Vests
- b. Approval of August 5, 2002 Regular Session Minutes
- c. Approval of August 12, 2002 Work Session Minutes

Councilor Smith pulled item "c" from the Consent Calendar.

Council President Moir moved for approval of items "a"

and "b" on the Consent Calendar. Councilor Lee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Smith noted she would be abstaining from the vote on item "c" due to her absence at this meeting.

Councilor Gaynor indicated he would also be abstaining from the vote on item "c".

Council President Moir moved for approval of the August 12, 2002 Work Session Minutes. Councilor Lee seconded the motion.

The motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: Gaynor and Smith (2)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

Mayor Christopher noted a letter from Wayne Trucke requesting the Public Hearings be moved on the Council Agenda from item six to item four.

Councilor Smith moved a motion to reorder the agenda as follows:

1. Call to Order
2. Roll Call
3. Public Testimony
4. Public Hearings
5. Committee Reports
6. Other Business
7. Administrative Action
8. Consent Calendar
9. Written Communications
10. Agenda Input

The motion passed unanimously as follows:

AGENDA INPUT

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

September 9, 2002

6:00 p.m. City Council Special Session

- Chemawa Activity Center/Keizer Station Plan-Text Amendment/Com Plan Change/Zone Change Case No. 01-50

September 16, 2002

7:00 p.m. City Council Meeting

- Water Task Force Final Report and Recommendation
- Private Streets Deliberation

September 23, 2002

6:00 p.m. City Council Special Session

- Chemawa Activity Center/Keizer Station Plan-Text Amendment/Comp Plan Change/Zone Change Case No. 01-50

October 1, 2002

7:00 p.m. City Council Meeting

Councilor Gaynor noted he would not be in attendance at the September 9th meeting.

Councilor McGee noted he would not be in attendance during the September 16th meeting.

City Manager Eppley noted he would be attending the National City Manager's Conference the first week of October.

Mayor Christopher noted the remainder of the agenda items.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:14 p.m.



AGENDA ITEM 8C

October 21, 2002

APPROVAL OF SEPTEMBER 16, 2002 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, September 16, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:04 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Michel Gaynor, Councilor
Charles E. Lee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Absent:

Jerry McGee, Councilor

Staff:

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

PUBLIC TESTIMONY

Susan Lett, 1355 Harmony Drive, Keizer-spoke in opposition to the Council's suggested changes to the Gubser Traffic Management Plan. She believed the suggestion of aligning Trail with Verda would cause greater traffic along Harmony Drive. Ms. Lett urged the Council to take into consideration the well being and safety of all residents in the area and noted some comments allegedly made by Council President Moir to another resident.

Council President Moir rebutted Ms. Lett's comments noting for the record that she made no comment regarding the condemnation of property or the concern of her neighbors pertaining to the plan.

Debbie Kennedy, 5253 Verda Lane, Keizer-expressed concern regarding information she received pertaining to Verda Lane.

For the benefit of the audience Council President Moir read the motion that was made during the last Council meeting. *"Council President Moir moved a motion to direct staff to come back with the following information*

- 1. Is there adequate right of way for the suggested improvements on Trail Avenue?*
- 2. Explore opportunity to negotiate with property owners along Trail Avenue to allow for a signal at Lockhaven and Trail Avenue.*
- 3. Add four stop signs at Manzanita and Trail Avenue*

Council McGee seconded the motion."

Mayor Christopher explained that no decision had been made at this point and that the motion was for staff to bring back this information to the Council for further review.

To help alleviate citizens concerns City Manager Eppley noted that issues that may effect Verda would go through a public process which the residents would be notified about.

Dave Worthington, 5253 Verda Lane, Keizer-spoke against any future suggestion of Trail and Verda being aligned. He expressed concern regarding the speeding that currently takes place on Verda.

Anne O'Rourke, 1266 Harmony Drive, Keizer-spoke against the suggestion of widening Trail. She urged the Council to reconsider the closure of Trail Avenue, adding stop signs at Manzanita. Ms. O'Rourke also suggested that a three-way stop be placed at Harmony and Trail along with speed bumps on Harmony, and a stop sign at Mandarin and 13th Avenue.

Donna Bosler, 5950 Trail Avenue NE, Keizer-asked the Council for a plat map illustrating the proposed connection of Trail and Verda.

Mayor Christopher reiterated the earlier quoted motion. She stated that no decisions had been made other than

the placement of stop signs at Trail and Manzanita.

Ms. Bosler questioned why Trail Avenue could not be closed. She also expressed an interest in the name of the City Engineer.

Mayor Christopher noted that there were a number of options, which needed to be review prior to the closure of a public street.

City Manager Eppley offered to address Ms. Bosler's questions outside of the Council meeting at her convenience.

Councilor Smith offered to supply copies of the draft Gubser Traffic Management Plan to interested citizens.

Victor Garlock, 1025 Harmony Drive NE, Keizer- expressed thanks to the members of Council that recommended that the draft plan is left open for additional consideration. He questioned the residence of the city's traffic engineer.

City Manager Eppley responded by noting that the traffic engineer's service was a contracted service and that this individual lives in Keizer and Arizona on a rotating basis. Responding to additional questions Mr. Eppley indicated that the traffic engineer had not attended any of the Traffic Safety Commission meetings pertaining to the Gubser Traffic Management Plan.

Public Works Director Rob Kissler answered questions regarding the Transportation System Plan and the designations of Verda and Harmony as currently written in the plan.

Mr. Garlock went on to implore for the use of a temporary barrier on Trail to see if this would alleviate the traffic problems in the area.

City Manager Eppley indicated the proposal which staff accepted incorporated all aspects of the Traffic Safety Commission's recommendations with the exception of the closure of Trail Avenue.

Councilor Smith rebutted City Manager Eppley's comments. She believed that the only portion of the plan, which was accepted, was stated in the earlier motion as read by Council President Moir.

Public Works Director Rob Kissler noted some of the improvements that would take place to assist with alleviating some of the problems with traffic in the neighborhoods.

Councilor's Gaynor, Walsh, and Mayor Christopher expressed appreciation to the citizens for their comments and the overall decision that would need to be made for the benefit of the community.

Councilor Lee clarified his "no" vote pertaining to the motion. He indicated he was not necessarily in favor of closing Trail Avenue, but believed it was important to review all the options available.

For the benefit of the audience Councilor Smith provided a background of the Commissioner's on the Traffic Safety Commission and the work conducted on the proposed plan.

Kimberly Garlock, 1025 Harmony Drive, Keizer-requested that the radar reader board be placed along Harmony.

Chief Adams indicated there was a waiting list for the use of radar reader board and that he would contact the Garlock's regarding when this could be placed on their street.

Rick Weddle, 1245 Harmony Drive, Keizer-questioned why the Traffic Safety Commission was not allowed to speak to the Council at the last meeting outside of the public hearing.

Mayor Christopher responded that the Commission was given the opportunity, but chose not to address the Council during the public hearing.

Mr. Weddle expressed dismay with the Council's decision regarding the plan.

PUBLIC HEARING

COMMITTEE REPORTS

Lowell Gunselman, 911 Chemawa Road, Keizer- suggested using a physical barrier to urge citizens not to use Trail/Harmony as a cut-through.

Mayor Christopher thanked everyone for his or her testimony.

None

a. Volunteer of the Quarter Award-Paul Pfnister
City Manager Eppley reported that Paul Pfnister was selected by the Volunteer Coordinating Committee as the Volunteer of the Second Quarter for 2002. He noted Mr. Pfnister's accomplishments, including the development of a "sand bag training video" and the organization and development of the Transportation Assistance Project for use during a disaster.

Mr. Pfnister summarized some of the additional accomplishments made by EVAK and the importance of volunteers.

Mayor Christopher presented Mr. Pfnister with the volunteer award and thanked him for his volunteer efforts.

Mayor Christopher briefly recessed the meeting while the Task Force organized their presentation.

b. Water Rate Task Force Final Report and Recommendation

Public Works Director Rob Kissler summarized the staff report and the attachments provided. He introduced Karyn Johnson and Jim Seagraves with Black and Veatch Corporation.

Staff recommended that a public hearing be conducted on October 7, 2002.

Responding to questions Mr. Kissler summarized the proposed Capital Improvement Program.

Karyn Johnson provided a Power Point presentation pertaining to the organization options and proposed

rate structures within the Water Rates and Charges Study.

Ms. Johnson and the Public Works Director answered questions from the Council.

It was the consensus of the Council to direct staff to notice a public hearing on the issue for October 7, 2002.

c. Keizer Chamber of Commerce Governmental Affairs Report-Councilor Walsh

➤ Karen Lee-Portland General Electric

Ms. Lee was unable to attend the meeting. Councilor Walsh provided a summary of the meeting regarding Portland possibly taking over PGE. His understanding was that if PGE were run by a governmental agency they would not fall under the limitations set by the PUC. There was still a question about how this would effect Keizer.

Staff and Council agreed to continue to monitor the situation.

d. Keizer Budget Committee Appointments

City Manager Eppley reported that on August 30, 2002 the terms of Mark Caillier, Roy Duncan and Pat Sparks-Tewell expired. Mr. Caillier and Ms. Sparks-Tewell expressed an interest in an additional term. Mr. Duncan requested he not be reconsidered for reappointment.

On September 12, 2002 the Volunteer coordinating Committee reviewed five applications and recommended the appointment of Sheila Martinak to fill the vacancy on the Budget Committee. In addition the Committee recommended the reappointment of Mark Caillier and Pat Sparks-Tewell to the Budget Committee.

It was recommended that the Council accept the recommendation of the Volunteer Coordinating Committee and appoint Sheila Martinak to fill the vacancy and the reappointment of Mark Caillier and Pat Sparks-Tewell.

Council President Moir moved to accept the recommendation of the Volunteer Coordinating

Committee and appoint Sheila Martinak to fill the vacancy on the Budget Committee and to reappoint Mark Caillier and Pat Sparks-Tewell for an additional three-year term. Councilor Gaynor seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee (1)

OTHER BUSINESS

a. New Business

Bicycle Safety Rodeo

Councilor Smith supplied a report on the upcoming Bicycle Safety Rodeo and provided a flyer with pertinent information.

Willamette River Run

Councilor Walsh reported that this effort was successful and would be repeated again next year.

Country Glen Park

Mayor Christopher noted a letter of thanks from the neighborhood association regarding the development of the park in their area.

McNary Golf Tournament

Mayor Christopher noted the purpose of the tournament was to raise funds for the golf team to participate in high school tournaments.

Mid-Willamette Area on Transportation

Mayor Christopher reported that MWACT would be holding a forum to discuss transportation issues on Thursday, October 3, 2002 of which Councilor Smith would be attending.

City Manager's Conference

City Manager Eppley reported he would be in attendance at this conference the first week in October.

Recruitment

Human Resources Director Dianne Hunt reported that recruitment was taking place to fill the vacancy, which opened for the front desk receptionist.

Ad Hoc Committee

Public Works Director Rob Kissler requested that the Council appoint an Ad Hoc committee to deal with the regulations mandated under the Clean Water Act.

Mayor Christopher recommended suggested that the format for the appointments to this committee be the same as before.

City Manager Eppley suggested that an additional Council be part of this committee.

Councilor's Moir, Gaynor and Smith agreed to participate on this committee.

b. Old Business

Gubser Neighborhood Traffic Management Plan-Status Report

Public Works Director Rob Kissler reported that during the last Council meeting staff was directed to investigate the possibility of widening Trail Avenue with full improvements similar to McLeod Lane. Staff had been unable to meet with the affected property owner and had not finalized cost estimates. Mr. Kissler indicated a meeting had been scheduled with the property owner on September 16, 2002. Additional information would be provided during the October 7, 2002 City Council meeting.

Qwest

City Attorney Shannon Johnson supplied a brief update in the Qwest case and offered to supply a copy of the submitted report to the Council.

ADMINISTRATIVE ACTION

a. Text Amendment Case No. 02-21 (Private Streets)

Planning Director Maria Meier reported on March 18, 2002 that Council initiated a text amendment review to repeal Section 2.311.03H and any other references that

allow the development of private streets. Staff further identified proposed deletions and language recommendation for the Planning Commission to consider as part of an endorsement to the Council.

Mrs. Meier indicated that staff described to the Commission the Council's intent to eliminate private streets in future construction. The Commission's recommendation included to disallow private streets for standard developments, however to allow existing private streets to be extended at the same width as existing on any connecting private street.

Staff recommended that the Council consider the Planning Commission's recommendation and to deliberate the issue.

Planning Director Meier responded to questions from the Council pertaining to Development Code Standards regarding private streets.

Councilor Walsh spoke in favor of the recommendation made by the Planning Commission.

Councilor Smith spoke in opposition to the recommendation expressing concern that extending the use of private streets would not eliminate the problems seen with this type of development.

City Attorney Johnson interjected that the Planning Commission's reason behind allowing the extension of a PUD would allow for contiguous development without altering a street standard within a small development that had no additional access to a public street.

Planning Director Meier further clarified the Commission's intention.

Councilor Walsh moved a motion to accept the Planning Commission's recommendation for Text Amendment Case No. 02-21; Private Streets. Councilor Gaynor seconded the motion.

The motion passed as follows:

CONSENT CALENDAR

AYES: Christopher, Gaynor, Lee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee (1)

- a. RESOLUTION-Initiating Rickman Crossing Street Lighting District
- b. RESOLUTION-Amending Council Procedures to Change City Council Meeting Agenda
- c. RESOLUTION-Ratifying Referred Charter Amendment and Explanatory Statement Language
- d. Approval of August 19, 2002 Regular Session Minutes

Council President Moir pulled item "d" from the Consent Calendar.

Council President Moir moved for approval of items "a", "b" and "c" on the Consent Calendar. Councilor Walsh seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee (1)

Council President Moir chose to abstain from voting on item "d" inasmuch as she was not in attendance at the meeting.

Councilor Walsh moved for approval of item "d" on the Consent Calendar. Councilor Gaynor seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Smith and Walsh (5)

NAYS: None (0)
ABSTENTIONS: Moir (1)
ABSENT: McGee (1)

WRITTEN COMMUNICATIONS

None

AGENDA INPUT

October 7, 2002

7:00 p.m. City Council Meeting

- False Alarm Ordinance Amendments
- River Road Shell Liquor License Application Public Hearing
- Chemawa Activity Center/Keizer Station Plan-Text Amendment/Comprehensive Plan Change/zone Change Case No. 01-50
- Staff recommendation regarding Gubser Traffic Plan

October 14, 2002

5:30 p.m. Budget Committee Work Session

October 21, 2002

7:00 p.m. City Council Meeting

Mayor Christopher noted the agenda items.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 10:14 p.m.

Cindy Perry
Recording Secretary

APPROVED:
MAYOR:

Lore Christopher



October 21, 2002

AGENDA ITEM 8d

APPROVAL OF OCTOBER 7, 2002 REGULAR SESSION MINUTES

MINUTES

KEIZER CITY COUNCIL

Monday, October 7, 2002

Keizer City Hall

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

CALL TO ORDER

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

Present:

Lore Christopher, Mayor
Michel Gaynor, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

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
John Lien, City Attorney
Keith Liden, Consultant
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Larry Brown, 1607 Keystone Loop NE, Keizer-spoke regarding the Trail/Manzanita area. He expressed his opposition to the idea of closing streets or adding speed bumps. Mr. Brown believed it was important to add additional Clearlake freeway access and suggested the area of Perkins or Clearlake/Quinaby as a good place to consider this type of improvement. He urged the Council to seek another alternative besides the "Band-Aid" option.

Councilor's Walsh, Smith and Gaynor expressed their appreciation of Mr. Brown's comments.

Anne O'Rourke, 1266 Harmony Drive, Keizer- spoke in favor of Mr. Brown's comments, but indicated that

this type of development was years away and would not solve the problems that were taking place now. She expressed hope that the other options for Trail and Harmony would still be considered (i.e.: stop signs, pork chops, etc). Ms. O'Rourke also suggested a three-way stop sign at Trail and Harmony as an additional option.

Responding to questions Public Works Director Rob Kissler indicated that included in the current budget were funds to include five-foot bike lanes north of Harmony on Trail Avenue.

Ms. O'Rourke further suggested that bike lanes also be included on Harmony Drive.

Mayor Lore Christopher explained that a work session with the City Council and the Traffic Safety Commission would be taking place on Monday, October 14th at 5:30 p.m. She invited those interested to attend.

PUBLIC HEARINGS

a. Water Rate and Administrative Fee Adjustments

Public Works Director Rob Kissler reported after the September 16th City Council meeting and the presentation from Black and Veatch Corporation. Staff was directed to notice a public hearing on the issue.

Staff recommended that the public hearing be conducted to allow testimony, continuing the hearing until October 21, 2002 to accept additional testimony.

Mayor Christopher opened the public hearing.

Councilor McGee moved to continue the public hearing until October 21, 2002. Councilor Walsh seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. River road Shell Liquor
License Application**

City Manager Eppley reported on August 29, 2002 that Jim Trenary submitted an application for an Off-Premises Sales liquor license for the River Road Shell located at 3510 River Road North, Keizer, Oregon.

As required by City Ordinance the public hearing was scheduled and all the required notices was met. Background checks were conducted by the Keizer Police Department, as well as, zoning being reviewed by the Planning Department.

It was recommended that that the public hearing be conducted with a recommendation from the City Council being forwarded to the Oregon Liquor Control Commission for the recommendation of the Off-Premises liquor license.

Public Testimony:

Patricia Trenary, 4811 Dakota Road SE, Keizer- provided a brief summary of the training which they supply their employees regarding the sale of alcohol and tobacco. Ms. Trenary offered to answer questions from the Council.

Mayor Christopher thanked Ms. Trenary for her testimony.

Mayor Christopher closed the public hearing.

Council President Moir moved to Approve the Application for an Off-Premises Liquor License For the River Road Shell, Under the Guidelines Established by ORS 471.178 and the Ordinances of the City of Keizer and Forward this Recommendation to the Oregon Liquor Control Commission. Councilor Walsh seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

COMMITTEE REPORTS

a. Volunteer of the Quarter Award-Judy Shaffer
Council President Moir reported that the Volunteer Coordinating Committee had selected Judy Shaffer as the Volunteer of the Quarter. She summarized Ms. Shaffer's accomplishment of organizing an animal assistance group called KARE, which would provide help and care for pets displaced during a disaster.

Mayor Lore Christopher presented Ms. Shaffer with her award.

Ms. Shaffer introduced Carol Doerfler and Pat (?) who had assisted in making the KARE program a success.

**b. Keizer Planning Commission Appointments
Stan Compton and Bruce Anderson**

City Manager Eppley reported that on September 30, 2002 the terms of Stan Compton and Bruce Anderson were scheduled to expire. Both individuals expressed interest in being re-appointed for another term.

On September 12th the Volunteer Coordinating Committee unanimously recommended to re-appoint Mr. Compton and Mr. Anderson to an additional three-year term on the Planning Commission.

It was recommended the Council accept the recommendation of the Volunteer Coordinating Committee.

Councilor McGee moved a motion to re-appoint Stan Compton and Bruce Anderson for an additional three-year term on the Keizer Planning Commission. Councilor Walsh seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

c. Community Policing Report-False Alarm Ordinance Recommendation

City Manager Eppley reported that in July 2001 the City Council adopted Ordinance 2001-459 Regulating False Alarm Systems.

In June 2002 the City Council voted unanimously voted to refer an amended Ordinance to the Community Policing Committee for their consideration.

Chair of the Community Policing Committee Ken Gierloff will be presenting the Committee's recommendation.

City Manager Eppley reported that approximately 500 alarm permits were on file. The grace period which allowed alarm owners the opportunity to obtained a free permit had expired, and since this time \$1,520 had been collected. (76 permits at \$20 each)

Staff recommended that the Council review the recommendation of the Community Oriented Policing Committee and to direct staff on how to proceed.

Ken Gierloff, 4035 Arnold Street NE, Keizer- supplied a few brief announcements regarding additional issues the Committee would be reviewing and expressed thanks to Dr. Jim Warner for his service on the Committee.

Mr. Gierloff reviewed the system and ordinance. He expressed the Committee's belief that the system was more burdensome than effective and the Main Community Policing Committee recommended that the ordinance be replaced. It was recommended that a third party policy be developed and implemented to replace the existing ordinance similar to that being done in Salt Lake City.

Responding to questions from Council Captain Kent Barker indicated that the Police Department favored the direction of the verified police response for alarms. He believed it would be important to bring the stakeholders together to assist in the compilation of an ordinance.

Council President Moir expressed enthusiasm in reviewing this type of model. She suggested a moratorium of the current ordinance to allow the model to be reviewed further.

City Attorney Johnson indicated a moratorium would not be necessary. If Council expressed an interest in analyzing the model further a public hearing and resolution process was recommended.

Councilor's McGee and Walsh spoke in support of the Committee's recommendation.

Mr. Gierloff further summarized the problems with the current ordinance including a non-viable tracking software program and the lack of cost effectiveness for the manpower needed to oversee a substandard ordinance. He welcomed the issue being reviewed in a public hearing process.

Captain Barker reported for the first eight months of 2002 that the police department responded to 659 alarms versus 670 during the same time in 2001.

City Manager Eppley praised the Community Policing Committee for their work on this project. He also asked the Council to review the possibility of refunding the alarm ordinance fee if the ordinance is repealed.

Responding to questions Mr. Gierloff attested that Community Policing would be willing to take the charge of the public process regarding this issue.

Council President Moir moved a motion to direct the Community Oriented Policing Committee and staff to conduct public hearings and stakeholders meetings to review issue processes. Also to develop a new ordinance or resolution and to address any additional issues such as the refunding of fees and possible repeal of the current ordinance. Mayor Lore Christopher seconded the motion.

Councilor Walsh suggested a friendly amendment to

delete the portion pertaining to refunds, as this should be addressed if the ordinance was repealed.

Council President Moir and Mayor Christopher accepted the friendly amendment.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS

a. New Business

- Council Residency Requirements

Councilor McGee moved to suspend the rules to allow the Council to discuss this issue. Councilor Smith seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh (6)

NAYS: Gaynor (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor McGee provided a background of the issue, which includes the question of the residency of Council candidate, Patrick Sieng. His residency was being questioned because he is a student at Willamette University required to live on campus. He addressed the pros and cons of action and non-action pertaining to this issue and urged the Council to discuss the issue. Also addressed were the City Charter and the City Attorney's recommendation regarding this matter.

Councilor Lee believed it was premature to make a decision at this point without the input from both sides of the issue. He felt after the election had taken place if Mr. Sieng was elected that it would be an issue for the Council to discuss.

Councilor Moir noted a copy of the *Willamette*

Residents Newsletter that allows for housing exceptions in extreme circumstances. She questioned whether Mr. Sieng had sought this option.

Councilor Walsh felt it was important to have all the facts and to receive input from Mr. Sieng.

Mayor Christopher stated the unfortunate nature of the issue and expressed her belief that the next step would be up to Mr. Sieng to determine if it were possible to seek a Willamette Residency Housing Waiver. If this is not possible the issue she felt the issue would be addressed after the election.

Councilor Gaynor expressed his uneasiness with making a decision regarding this issue. He agreed that waiting until the completion of the election would be a more appropriate step for the Council to take.

Councilor McGee reiterated that the topic was not the candidate, but the issue of residency, which he urged could be further discussed after the election.

Councilor Smith agreed with the complexity of the situation and did not offer an opinion.

Councilor Walsh noted that Mr. Sieng had not brought the issue to the Council to discuss. He believed it would be up to Mr. Sieng to ask the Council address this.

Councilor McGee moved a motion to accept and follow the recommendation of the City Attorney to not take action at this time. Council President Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

➤ **Mid-Willamette River's Connections
Group Open House**

Councilor Walsh extended an invitation to the open house taking place on October 16th. He summarized the group's exploration of ongoing development along the Willamette River.

➤ **Black-White Gala Art Show**

Mayor Christopher noted the show taking place November 1st-29th. She encouraged those interested to contact the Art Association for more information.

➤ **Concert Noise Complaints**

City Manager Eppley noted that due to noise complaints that future open air events by this group would not be granted. He apologized for the noise caused by this concert.

➤ **Budget Committee Meeting**

Finance Director Susan Gahlsdorf requested that the meeting scheduled for October 14th is postponed until after the election. She believed this would allow the Committee to address budget issues with a greater knowledge after the election process.

The Council was in agreement with this. Mrs. Gahlsdorf agreed to contact the Budget Committee regarding this change.

➤ **Recruitment**

Human Resources Director Dianne Hunt noted that 150 applications had been received regarding the receptionist position. Selection for this position would take place by the end of October.

b. Old Business

➤ **Commuter Rail Task Force**

Councilor Smith reported that the first meeting of this group took place last week. She explained discussions with the different rail lines regarding the use of track and ODOT rails willingness to seek funding to begin a feasibility study. Councilor Smith outlined the funding requirement for a 20% "soft match" which could include surveys and modeling and all related costs pertaining to staff. This would include an area from Wilsonville to Salem.

Councilor McGee moved to suspend the rules to further review the issue. Mayor Christopher seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Smith moved a motion to direct staff to review what Keizer can contribute toward the \$15,000 soft match to go towards a feasibility study for commuter rail. Councilor Lee seconded the motion.

Responding to questions, Councilor Smith indicated that this was phase one of three of the feasibility study. Phase one included a ridership study to see if there would be adequate ridership to justify commuter rail.

Councilor McGee indicated he would not oppose the exploration of in-kinds funds, but cautioned staff and the Council that a debate of the desirability of commuter rail had not taken place with the Council.

City Manager Eppley believed the project would be worth exploring.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

➤ **Claggett Creek Watershed Council**

Council President Moir reported that the Claggett Creek Watershed Council would be holding their annual potluck meeting on October 22nd at 6:00 p.m. at City Hall. She invited all those interested to attend.

➤ **Gubser Neighborhood Traffic Management Plan**

Public Works Director Rob Kissler reported that staff had made contact with the affected property owner who believed the proposed alignment would jeopardize his future plans for development.

Mr. Kissler indicated that the current right-of-way on Trail Avenue would accommodate improvements similar to that of McLeod Lane. Stop signs on Trail and Manzanita, in addition to lane delineation as recommended by the Traffic Safety Commission.

Staff recommended that the Gubser Traffic Management Plan be placed on the October 21, 2002 agenda for discussion.

Mr. Kissler summarized the delineation of lanes on Manzanita at Trail.

Councilor Smith moved a motion to set this issue on the Council agenda for October 21, 2002. Councilor Gaynor seconded the motion.

The work session scheduled for October 14th was addressed. Councilor Walsh believed it would be premature to set this issue for the October 21st agenda until after discussions were complete at the work session.

The motion failed as follows:

AYES: Gaynor and Smith (2)

NAYS: Christopher, Lee, McGee, Moir and Walsh (5)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher recessed the meeting at 9:07 p.m. reconvening the meeting at 9:25 p.m.

ADMINISTRATIVE ACTION

a.

ORDINANCE- Establishing

Finance Director Susan Gahlsdorf reported at the direction of the Budget Committee staff provided a

**Specific Tax on Dwelling
and Commercial Units to
Maintain, Operate, and
Acquire Parks**

**RESOLUTION-Setting the
Effective Date and the
Amount of the Specific Tax
on Dwelling and
commercial Units to
Maintain, Operate, Improve
and Acquire Parks**

revised park's budget. The motion set forth by the Committee did not include a contingency line item. Staff recommended that \$10,000 be included for contingency.

Ms. Gahlsdorf also addressed transitioning the park's program from the General Fund to a Special Revenue Fund. Options to cover this transition included a one-time \$20,000 transfer from the General Fund or imposing the fee in April 2003 to generate adequate funds for operations beginning in July 2003.

Council President Moir moved to Adopt a Bill for an Ordinance Establishing Specific Tax on Dwelling and Commercial Units to Maintain, Operate, Improve and Acquire Parks. Mayor Lore Christopher seconded the motion.

City Attorney John Lien responded to questions regarding Administrative Review within the ordinance.

Responding to questions, Mrs. Gahlsdorf believed that it would be more administratively difficult to track and collect this fee from businesses. It was noted that the difficulty with businesses is that there may be multiple units per meter and vacancies would also be difficult to track.

Councilor Walsh believed this issue was covered with the language written in the ordinance.

Public Works Director Rob Kissler answered questions regarding customers who are not on city water. He indicated that they retain sewer services and the appropriate tax would be attached to their sewer bill.

Council and staff further discussed and debated the issue of business dwelling units and how this could be tracked and whether the tracking of this would be more costly than efficient.

Mayor Christopher noted that the motion included businesses on a simplified parcel only.

Staff noted that this issue could be further debated during the budget process.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Moir moved to Adopt a Resolution Setting the Effective Date and Amount of the Specific Tax on Dwelling and Commercial Units to Maintain, Operate, Improve and Acquire Parks. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b.
Chemawa Activity
Center/Keizer Station Plan-
Text Amendment
/Comprehensive Plan
Change/Zone Change Case
No. 01-50**

Planning Director Maria Meier submitted copies of the following to the Council:

- Memorandum from Keizer Public Works regarding the proposal of a 12-foot promenade along Radiant Drive
- An updated list of exhibits
- The draft Keizer Station Plan as amended by Council
- Draft text amendments to the Keizer Development Code as amended by the Council
- Preliminary findings to the applicable Development Code criteria, Comprehensive Plan goals and policies and Statewide Planning Goals.

Staff recommended that the Council review the provided information and advise staff of any necessary changes.

Responding to questions Planning Director Meier summarized how staff made their determination of retail distribution as noted on page nine of the document.

Councilor Smith noted on page five of the document that the Change/ Acres under IBP should be -72.6.

Planning Director Meier addressed *Land Use Review Procedures* for Area C as written on page ten. She indicated that current uses would be considered legal nonconforming uses.

Staff noted for the benefit of Council that the term "Radiant Loop" as referenced throughout the document would be removed.

Page 24, III(C) The change in this sentence will read; "No automobile access shall be allowed to Dennis Ray Avenue from Area B."

Other minor typographical errors were noted which staff agreed to change.

Public Works Director Rob Kissler addressed his memo dated October 2, 2002. Staff expressed concern with the suggestion that bicycles and pedestrians would share this promenade. Safety issues with the cross traffic were addressed with this sort of design.

After further discussion Mr. Kissler indicated that five feet was the minimum for sidewalks if they were placed on both sides of the road. He indicated that staff could revisit these standards at the Council's direction.

It was the consensus of Council to direct staff to locate ODOT's sidewalk standards and to encourage a width greater than the minimum that would accommodate the pedestrian traffic in the area. Eight feet was agreed on by the Council as the minimum to be reviewed.

On page 19(B) of the document Councilor McGee requested that the third sentence in the paragraph read, "The City recognizes that factors such as disease and

safety concerns or other practical considerations, may require the approval to remove such trees".

Councilor McGee addressed page 17 of the document and questioned whether the use of the wording "landscaping" and "streetscaping" were being used synonymously.

Planning Director Meier explained that streetscaping was reviewed only in the General Employment Zone. She noted the definition of streetscaping as an amendment to the code. She answered questions from the Council pertaining the to language.

Council President Moir provided and read a copy of the City of Salem's Proposed Revised Code definition for Landscaping.

It was noted that the definition did not address walkways, vegetation or varied materials.

Mayor Lore Christopher moved a motion for the Keizer Station Plan in Attachment A, page 13 to combine the elements of Streetscaping (6) to Landscaping (5) and add additional language from Salem's Proposed Change Definition for Landscaping. Councilor Smith seconded the motion.

Public Works Director Rob Kissler questioned the Council's intent for the location of streetscaping whether it was to be in or out of the right-of-way.

Council discussed maintenance issues for landscaping and streetscaping.

Councilor Walsh suggested a friendly amendment that the wording, "which reasonably required and continues to reasonably require, human management to distinguish the area from a natural area," is deleted from the text.

Mayor Christopher did not accept the friendly amendment.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir and Smith (6)

NAYS: Walsh (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council discussed whether to include the landscaping definition for just Area A or throughout the entire Keizer Station Plan.

Due to the size and shapes of the other areas in the plan staff did not recommend adding the above landscape requirements to the remainder of the development. Staff believed green space requirements for the other areas would be more appropriate.

Mayor Lore Christopher moved a motion to apply the streetscaping concept to only Area A. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Addressing earlier concerns it was the consensus of the Council to direct staff to compile language to address the maximum flexibility for streetscaping.

Responding to questions Planning Director Meier summarized the reason for *Use Restrictions* in Area B as noted in Attachment E(C).

Councilor McGee urged future reconsideration of the spot zoning listed in this section under 2.110.01(C1).

Councilor Walsh believed in Attachment A, page 2 that Council had removed the use of *Textile mill products*. Staff agreed to review this list with the

minutes to verify Council's wishes.

In Attachment C, page seven (d) the sentence should read, "The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines."

Councilor Moir addressed Attachment H, H (2). She indicated she believed the intent of the Council was to have the landscape requirement remain at 20% in the IBP Zone.

Consistency of Development Standards was discussed and whether this was the intent of the Council.

Mayor Christopher moved a motion to change the landscaping requirement for IBP to twenty-percent. Council President Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Staff answered questions from the Council pertaining to pedestrian circulation.

Public Works Director Rob Kissler discouraged the idea of using stores as part of a pedestrian connection.

Planning Director Meier indicated that this would be a building design issue that would be addressed during the master plan process.

Staff also addressed questions regarding the Tree Ordinance and it's intent to keep clear-cutting from taking place.

Councilor McGee proposed the concept of LID's to assist with the support of various facilities.

Mayor Christopher moved a motion to direct staff to work with the developers to address language for a LID to support future potential uses. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Moir moved a motion to reopen the record and set the amended plan for public hearing on October 21, 2002. Mayor Christopher seconded the motion.

Councilor Walsh felt it was important to revisit the issue of twenty-percent landscaping in the EG Zone prior to reopening the record.

Council President Moir withdrew her motion.

Councilor Walsh moved a motion to increase the landscape requirement, including the new definition, in the EG Zone to twenty-percent. Councilor Smith seconded the motion.

Councilor McGee expressed his uneasiness with increasing this requirement for the EG Zone.

Responding to questions Planning Director Meier indicated that the storm water retention green space could be used to meet a portion of the landscaping requirement.

Councilor Walsh argued if the landscaping requirement for the EG Zone was less than twenty-percent this would be less than the landscape percent along River Road.

Mayor Christopher disputed Councilor Walsh's comments. She indicated that ten-percent landscaping would be similar to that done at Skyline Ford. She

appealed the need to enable the development to be a viable option.

After further debate Council Lee suggested a friendly amendment to the motion to make the landscaping requirement for the EG Zone fifteen-percent.

Councilor's Walsh and Smith accepted the friendly amendment.

The motion with the friendly amendment passed as follows:

AYES: Lee, Moir, Smith and Walsh (4)

NAYS: Christopher, Gaynor and McGee (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Moir moved a motion to reopen the record and set the amended plan for public hearing on October 21, 2002. Mayor Christopher seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher recessed the meeting at 11:25 p.m. and called the meeting back to order at 11:30 p.m.

**c. ORDINANCE-Text
Amendment Case No. 02-21
(Restricting Private Streets)**

This item will be reviewed at the October 21, 2002 City Council meeting.

**d. Compensation Study-
Request for Proposals**

This item will be reviewed at the October 21, 2002 City Council meeting.

**e. RESOLUTION-Adopting
Senior Planner
Classification**

Planning Director Maria Meier reported due to the increase awareness of impacts of the growth on public infrastructure, the environment and the quality of life for residents in the City the need for additional resources in the Community Development

Department to address these impacts.

The Senior Planner position would assist in the following areas and others as identified by the City Council. Salem-Keizer Area Transportation System, Land Use and Transportation Forum, Regional Planning, Long Range Planning, Review of Comprehensive Plan and Development Code and Natural Resource Management.

The fiscal impact was addressed in the 2002-2003 budget, along with a salary survey conducted by the Human Resources Department.

Staff recommended that the City Council approve the resolution to create the classification of Senior Planner to be placed on the City Salary Matrix at Range 24, with a salary range from \$3,770 to \$4,920.

Council President Moir moved to Adopt Resolution to Create the Classification of Senior Planner. Councilor Lee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

- a) RESOLUTION-Setting Hearing for Richard Lewis (Cade Street) Development Review Case No. 2002-59
- b) Keizer Heritage Foundation Audit Procedures
- c) Approval of September 3, 2002 Regular Session Minutes
- d) Approval of September 9, 2002 special Session Minutes
- e) Approval of September 16, 2002 Regular Session Minutes

Councilor Smith pulled items "C" and "E".

Councilor Gaynor pulled item "D".

Council President Moir moved for approval of items "A" and "B" on the Consent Calendar. Councilor Lee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher moved for approval of item "D" on the Consent Calendar. Council President Moir seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: Gaynor (1)

ABSENT: None (0)

Items "C" and "E" will be reviewed and brought back for approval at the next City Council meeting.

Mayor Christopher addressed a letter from Lorna Moore requesting that benches be placed in the area of the focal point.

Councilor McGee and Lee agreed to speak further about this request.

WRITTEN COMMUNICATIONS

AGENDA INPUT

October 14, 2002

5:30 p.m. Joint Work Session-Traffic Safety
Commission

October 21, 2002

7:00 p.m. City Council Meeting

November 4, 2002

7:00 p.m. City Council Meeting

Mayor Christopher noted the agenda items.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:43 p.m.

Cindy Perry
Recording Secretary

APPROVED:
MAYOR:

Lore Christopher

COUNCIL MEMBERS:

Councilor #1 - Judy K. Smith

Councilor #4 - Jacqte Moir

Councilor #2 - Michel Gaynor

Councilor #5 - Richard Walsh

Councilor #3 - Charles E. Lee

Councilor #6 - Jerry McGee

Minutes approved:

10/18/2002 01:35 4238671337 FCS GROUP

BLACK & VEATCH CORPORATION

MEMORANDUM

City of Keizer, Oregon
Water Rate Study

October 18, 2002

Impact on "Base Case" Water Rates of Proposed System Development Charge
(Revised Improvement Fee Component)

To: Mr. Rob Kissler
Public Works Director

From: Karyn Johnson, FCS Group
Jake Boomhouwer, Black & Veatch

Per your request, we have evaluated the impact of proposed system development charges (SDCs) on the "Base Case" water rates as presented in the draft water rate study report, dated May 2002. Base Case water rates reflect projected SDC revenue under existing SDC levels (\$300 per equivalent residential unit).

This side analysis involved running an alternative scenario assuming implementation of the "improvement fee" portion of the revised proposed SDCs. The proposed improvement fee portion of the SDC as originally presented in the draft report was \$1,255/ERU. Based on City-requested changes to assumptions for SDC-eligible projects, the revised improvement fee is \$712/ERU. Revisions to the original SDC analysis include the following:

- McNary Well Capacity Expansion changed from 100% SDC eligible to 100% non-SDC eligible
- Bair Park Standpipe & Pumpstation changed from 100% SDC eligible to 20% SDC eligible and 80% non-SDC eligible
- Project 8 & 9, 10-12" Extension-Looping changed from 50% SDC eligible to 100% non-SDC eligible

The Base Case analysis assumed funding of the capital improvement program through a combination of SDC revenues, cash-financing from rates, and revenue bonds. The alternative scenario analysis assumes the same level of cash-financing as the Base Case (\$400,000/year) and using the additional SDC revenues to offset the proposed bond issues.

Revenue bonds under the Base Case were proposed at \$1 million in 2003, \$1.3 million in 2005, and \$2 million in 2007.

Under the alternative scenario, SDCs are projected to generate an additional \$245,000 (or \$24,500/year) in revenue over the 10-year study period. This results in a reduction of proposed bond sales to \$1.2 million in 2005 and \$1.85 million in 2007. The proposed 2003 \$1 million revenue bond remains the same.

The following table summarizes the comparison of indicated annual system-wide rate adjustments for the Base Case and the alternative scenario.

Fiscal Year Ending June 30	Base Case (Existing SDCs) \$300/ERU	Alternative (Proposed Improvement Fee) \$712/ERU
	%	%
2003	18.0	18.0
2004	4.5	4.5
2005	4.0	3.5
2006	4.0	4.5
2007	5.0	4.5
2008	5.0	4.5
2009	3.5	3.5
2010	1.5	1.5
2011	1.0	1.5
Cumulative	56.0	55.0

The small impact on indicated rate adjustments (1% savings over 10 years) is a result of the nominal projected customer growth over the study period (0.75%/year).

For informational purposes, the original proposed improvement fee of \$1,255/ERU would have resulted in a 3% savings over the 10-year period.

If you have any questions or comments, please call me directly at (425) 867-1802 or email me at kayni@fcsgroup.com. You may also reach Jake Boomhouwer at (206) 224-4678.

**KITTELSON & ASSOCIATES, INC.****TRANSPORTATION PLANNING/TRAFFIC ENGINEERING**

610 SW ALDER, SUITE 700 • PORTLAND, OR 97205 • (503) 228-6230 • FAX (503) 273-8169

MEMORANDUM

Date: October 21, 2002**Project #:** 4539**To:** Keizer City Council
City of Keizer
930 Chemawa Rd NE
Keizer, Oregon 97307**From:** Christopher Stanley, P.E. **Project:** Keizer Station Plan**Subject:** The Transportation Impact of the City Council's Modifications to the Keizer Station Plan

The purpose of this memorandum is to review the changes the Keizer City Council has included as part of the Keizer Station Plan and determine the impact of these changes on the surrounding transportation system.

Two significant changes have been identified and are listed below.

- The General Employment (EG) zone previously required a portion of the 25% industrial type uses to be exclusively industrial. This is not the requirement anymore and all of the 25% can be developed as office land uses.
- There is a 975,000 square-foot limit on retail commercial uses in the Keizer Station Plan.

These changes were applied to the trip generation estimates for the proposed Keizer Station Plan. The previous plan was expected to generate approximately 100 less weekday p.m. peak hour trips than the current zoning. The City Council's recommendations will increase the site's trip generating potential by approximately 100 net new trips. Therefore, the City Council's modifications to the plan will generate approximately the same number of trips as the existing zoning.

As historically noted, it is unlikely that the site will develop at these densities. The purpose of this comparison is a worst-case review of the trip generating potential of the site associated with the proposed zone change. In addition, the site is required to provide sufficient transportation improvements to maintain acceptable operations. In summary, the City Council's recommendations to the plan will not result in additional site-generated trips when compared to the current zoning.

RPS DEVELOPMENT COMPANY, INC.

Retail Property Solutions

October 7, 2002

EXHIBIT "A-112"

City Council, City of Keizer
City Hall
930 Chemawa Road, NE
Keizer, Oregon 97307

RE: Keizer Station Plan, Keizer, Oregon

Dear Madam Mayor and Council Members:

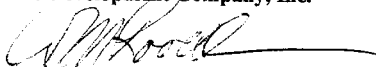
On behalf of Northwest National, LLC, the undersigned hereby submits for the Council's review, in connection with its deliberations on the final documentation relating to the Keizer Station Plan, the following:

1. Attachment A (modified in green to show recommended changes)
2. Attachment C (modified in green to show recommended changes)
3. Attachment D (modified in green to show recommended changes)
4. Earlier version of Village Center Site Plan
5. Current Draft of Village master Site Plan (marked in yellow to show pedestrian circulation as provided in subsection 3.113.04.C, Review Criteria [Attachment C, proposed language]).

Item 4 demonstrates the kind of building layout along Radiant Drive that the staff recommended provisions would mandate. Item 5 shows how the recommended modifications will allow a more integrated plan where separate elements of the project will have their own identity and sense of "place" while still meeting the pedestrian friendly intent of the design criteria. The major retailers will condition their participation on taking the latter approach to layout and design.

Please be assured that, in recommending these changes, Northwest National LLC fully intends to meet the spirit of the various design requirements. Except for a few technical corrections, we are recommending only substantive changes which we know are necessary to allow us the flexibility to produce a quality project which will succeed in attracting the finest retailers to a successful operating environment.

Sincerely,
RPS Development Company, Inc.



Alan M. Roodhouse
President

2.119 GENERAL EMPLOYMENT (EG)**2.119.01 Purpose**

The General Employment (EG) zone is located in an area of the City reserved for a mix of commercial and industrial development. The zone promotes a mix of allowed uses, the allowed intensity of development, and the development standards. The zone allows a wide range of employment opportunities. The regulations promote areas, which consist of uses and developments, which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. The intent is to promote viable and attractive industrial/commercial areas. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The General Employment zone is suitable for the Special Planning District (SPD) Plan designation.

2.119.02 Other Zoning Regulations

The regulations in this section state the allowed uses and development standards for the EG zone. Specific uses or development types may be subject to other applicable regulations in this Ordinance.

2.119.03 Commercial and Industrial Use Limitations

The EG zone is designed to promote a mixed development pattern with industrial and commercial uses to serve as an employment center within the City. This area is a subset of Area A of the Special Planning District (SPD) Comprehensive Plan designation. The EG zone is specifically designed for the property identified as Area A – Village Center in the Keizer Station Plan, physically bound by Tepper Lane to the north, Interstate 5 to the east, Burlington railroad tracks to the west, and Chemawa Road to the south. Uses in the gross acreage described shall be developed as a maximum seventy-five percent (75%) commercial and a minimum twenty-five percent (25%) industrial park. Uses shall be established in conformance with this Section and all other applicable regulations within the Keizer Development Code.

A limitation to the total floor area, as defined in the Keizer Development Code, for retail uses is required within the Keizer Station Plan. Each sub-area is limited with a specific amount of floor area for retail uses. The EG zone is located within Area A – Village Center of the Keizer Station Plan. The following limitation on total floor area for retail uses within the EG zone is 800,000 square feet for uses identified in Sections 2.119.04 (H), (K), and 2.119.06 (I).

2.119.04 Permitted Industrial Park Uses

Industrial Development. The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the EG zone on a minimum 25% gross acreage of the Village Center:

A. Manufacturing;

1. ~~Grain mill products. (204)~~
2. Bakery products. (205)

ATTACHMENT A

3. Beverages. (208)
4. Miscellaneous food preparations and kindred products. (209)
5. The manufacture of meat products (201) but excluding both meat packing plant (2011) and any on site abattoirs and slaughtering, rendering of fats, processing of hides and maintenance of live animals or fowl. (Poultry slaughtering and processing (2015))
6. Textile mill products. (22)
7. Apparel and other finished products made from fabrics and similar products. (23)
8. Wood kitchen cabinets. (2434)
9. Nailed and lock corner wood boxes and shoo. (2441)
10. Wood products, not elsewhere classified. (2499)
11. Furniture and fixtures. (25)
12. Paperboard containers and boxes. (265)
13. Printing, publishing, and allied industries. (27)
14. Drugs (283). BUT EXCLUDING biological products, except diagnostic substances (2836)
15. ~~Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations.~~ (284)
16. ~~Miscellaneous plastic products.~~ (308)
17. Leather and leather products (31) BUT EXCLUDING leather tanning and finishing. (311)
18. Glass products, made of purchased glass. (323)
19. Pottery and related products. (326)
20. Metal cans and shipping containers. (341)
21. Cutlery, hand tools, and general hardware. (342)
22. Heating equipment, except electric and warm air, and plumbing fixtures. (343)
23. Fabricated structural metal products. (344)
24. Screw machine products, and bolts, nuts, screws, rivets, and washers. (345)
25. Metal forgings and stampings. (346)
26. Metalworking machinery and equipment. (354)

ATTACHMENT A

27. Special industry machinery, except metalworking machinery. (355)
 28. Pumps and pumping equipment. (3561)
 29. Office, computing, and accounting machines. (Computer and Office Equipment (357); Calculating and Accounting Machines, Except Electronic Computers (3578); Office Machines, Not Elsewhere Classified (3579))
 30. Electrical and electronic machinery, equipment, and supplies. (Electronic and other electrical equipment and components, except computer equipment (36))
 31. Transportation Equipment. (37)
 32. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks. (38)
 33. Miscellaneous manufacturing industries. (39)
- B. Transportation, communications, electric, gas, and sanitary services;**
1. Motor freight transportation and warehousing. (42)
 21. Communication. (48)
 32. Public Utility Structures and Buildings. (Electric, Gas, and Sanitary Services (49))
- C. Wholesale trade-nondurable goods (51) BUT EXCLUDING poultry and poultry products (5144), livestock (5154), farm-product raw materials, not elsewhere classified (5159), chemicals and allied products (516), tobacco and tobacco products (5194), and nondurable goods, not elsewhere classified. (5199)**
- D. Wholesale trade-durable goods (50) BUT EXCLUDING automobiles and other motor vehicles (5012), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082) and scrap and waste materials. (5093)**
- E. The uses listed in above A through D, excluding B(2) shall:**
1. Be within an enclosed building; and
 2. Permit retail sales of products manufactured on the site.
- F. Services**
1. Computer and data processing services. (737)
 2. Research and development laboratories.

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3. Management, consulting, and public relations services. (Management and Public Relations Services (874))
4. Noncommercial educational, scientific, and research organizations.

G. Office Uses:

1. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in Section 2.108.02A, B, C, PP, and RR and parking lots U.
2. Finance, Insurance, and Real Estate:
 - a) Commercial and Stock Savings Banks. (602)
 - b) Mutual Savings Bank.
 - c) Savings and Loan Associations. (603)
 - d) Personal Credit Institutions. (614)
3. Public Administration: (CC 09-03-02)
 - a) Fire Protection. (9224) (CC 09-03-02)
 - b) Medical Centers. (CC 09-03-02)

H. Retail trade:

1. Eating and drinking places.

I. Services:

1. Hotels, motels, and tourist courts.
2. Child daycare services.
3. Membership sports and recreation clubs.
4. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996).
5. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities.
6. Miscellaneous services.

J. Transit stop shelters.

K. Flexible Space Uses

ATTACHMENT A

1. The following uses, when restricted, developed, and conducted as required in subsection 2 below, are permitted as industrial business park uses within the EG zone:

- a. Food Stores (54). (598)
- b. Apparel and Accessory Stores (56). (598)
- c. Furniture, Home Furnishings and Equipment Stores (57). (598)
- d. Miscellaneous Retail, BUT EXCLUDING used merchandise stores (59). (598)
- e. Business Services. (598)
- f. Miscellaneous Repair Services. (598)

2. In the Keizer Station where Flexible Space uses are to be developed as industrial business park uses within the EG zone, the following development limits apply:

- a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection (a)(i)-(iv)(K)(1)(a) - (d). (598)
- b. ~~As required by the "IBP district" is defined as contiguous, IBP-zoned property including any internal public streets. (598)~~
- c. The area developed in all flexible space uses shall in the aggregate not exceed 30 percent of the gross area of the IBP district acreage identified for IBP uses within the EG zone. (598)
- d. Any outdoor storage area shall:
 - i. Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building;
 - ii. Be enclosed with a sight-obscuring fence or wall;
 - iii. Have at least one side continuous with the building that it serves;
 - iv. Have no opening within fifty feet and visible from any property boundary; and
 - v. Meet the other applicable requirements of this ordinance.
- e. Loading doors shall have no opening within seventy five feet and visible from any street or property boundary.
- f. Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall.
- g. All buildings shall be capable of development as flexible industrial space.

Deleted: The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district acreage identified for IBP uses within the EG zone. The acreage identified for IBP uses within the EG zone is defined as parcel or area of land used for IBP use land development including building site, parking, landscaping, drainage facilities and any other development on site to support the use on site.

2.119.05 Special Permitted Industrial Park Uses

ATTACHMENT A

A. ~~The following uses, when developed under the applicable development standards, are permitted in the EG zone with the ability to occupy up to a maximum of 10% of the area identified for industrial use within the EG zone. (CC 09-03-02)~~

~~1. Public administration; (CC 09-03-02)~~

~~a. Fire protection. (9224); (CC 09-03-02)~~

~~b. Medical Centers. (CC 09-03-02)~~

~~2. Office Uses:~~

~~a. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in Section 2.108.02A, B, C, PP, and RR and parking lots. U.~~

~~b. Finance, Insurance, and Real Estate;~~

~~1) Commercial and Stock Savings Banks. (602)~~

~~2) Mutual Savings Bank.~~

~~3) Savings and Loan Associations. (603)~~

~~4) Personal Credit Institutions. (614)~~

~~A. Accessory structures and uses prescribed in Section 2.203.~~

2.119.06 Permitted Commercial Uses

Commercial Development. The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the EG zone on a maximum 75% gross acreage of the Village Center:

A. One or more buildings with one or more dwelling units or guest rooms, and/or, one or more other uses allowed in this section on a lot.

B. Residential homes and facilities.

C. Child day care service, including family day care provider. (8351)

D. Public parks, playgrounds, community clubs including swimming, tennis and similar recreational facilities, and other public and semi-public uses.

E. Landscape counseling and planning (0781).

F. Offices for any use listed in SIC Division C - Construction.

G. Commercial printing (275).

H. Transportation, Communication and Utilities.

ATTACHMENT A

1. **Public utility structures and buildings.**
2. **Post office (43).**
3. **Travel agency (4722).**
4. **Communications (48).**
- I. **Retail Trade.**
 1. **Building materials, hardware, retail nurseries, and garden supply (52), BUT EXCLUDING mobile home dealers (527).**
 2. **General merchandise stores (53).**
 3. **Food stores (54).**
 4. **Apparel and accessory stores (56).**
 5. **Home furniture, furnishings, and equipment stores (57).**
 6. **Eating and drinking places (58).**
 7. **Miscellaneous retail (59), BUT EXCLUDING fuel and ice dealers (598).**
 8. **Electrical and lighting shops and office machines and equipment stores.**
- J. **Business, Professional and Social Services.**
 1. **Finance, insurance and real estate (60, 61, 62, 63, 64, 65, 67).**
 2. **Hotels, motels and tourist courts (701).**
 3. **Organization hotels and lodging houses on membership basis (704).**
 4. **Personal services (72) BUT EXCLUDING industrial laundries (7218).**
 5. **Business services (73) BUT EXCLUDING disinfecting and exterminating services (7342).**
 6. **Parking lots in accordance with Section 2.303.04 of this Ordinance. (7521)**
 7. **Miscellaneous repair services (76).**
 8. **Motion pictures (78), BUT EXCLUDING drive-ins (7838).**
 9. **Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996).**
 10. **Health services (80), BUT EXCLUDING hospitals (806).**

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11. Legal services (81).
 12. Elementary and secondary schools (821).
 13. Correspondence schools and vocational schools (824).
 14. Schools and educational services not elsewhere classified (829).
 15. Social services (83).
 16. Museums, art galleries, botanical and zoological gardens (84).
 17. Membership organizations (86).
 18. Miscellaneous services (89).
- K. Public Administration (91 - 97).

2.119.07 Special Permitted Commercial Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the EG zone:

A. Any commercial use, as identified in Sections 2.119.06 I. and 2.119.07 C(4) below, structures that exceed 60,000 square feet in floor area in accordance with Section 2.119.08 A below. (CC 09-03-02)

- B A. Accessory structures and uses prescribed in Section 2.203.
- C B. The following special uses subject to the applicable standards in Section 2.4 and shall be considered commercial uses in the EG zone:
1. House of Worship (Section 2.423).
 2. Veterinary services (074) (Section 2.414).
 3. Funeral service and crematories (726) (Section 2.415).
 4. Used Merchandise Store (Section 2.417).
 5. Service stations (554) (Section 2.419) except as provided in Section 2.119.08 below.
 6. Automobile services (75) (Section 2.420) BUT EXCLUDING automotive rental and leasing, without drivers (751), automotive repair shops (753), automotive repair (754).
 7. Commuter Rail Station

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2.119.08 Use Restrictions

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A. ~~In the EG zone, a maximum number of three (3) commercial use structures as permitted in 2.119.07 A, may be allowed a maximum of 120,000 square feet ground floor area each or a maximum total of 350,000 square feet ground floor area for all three buildings. (CC 09-03-02)~~

B. The following uses are prohibited to be established in the EG zone:

1. Farm Use.
2. The rendering, processing, or cleaning of animals, fish, seafood's, fowl, poultry, fruits, vegetables, or dairy products for wholesale use.
3. Vehicle sales and secondary repair.
4. General Storage, including boat and RV storage.
5. Recreational vehicle parks (7033).
6. Automotive Dealers (55), except as provided in Section 2.119.06 above.
7. Automotive rental and leasing, without drivers (751).
8. Automotive repair shops (753).
9. Automotive services, except repair (754).

2.119.09 Development Standards

A. Purpose. The Keizer Station Plan requires the development of Master Plans for each of the five sub-areas. This process provides the City Council with an opportunity to review development proposals in conformance with the Keizer Development Code and the adopted Keizer Station Plan. Master Plans for each sub-area are required to meet the criteria identified in Section 3.113 of the Code.

B. Master Plan Required. A master plan must be reviewed and approved by the City Council prior to subdivision platting. The Master Plan shall be reviewed through a Type II-B review process in accordance with this Section. It is recognized that the applicant of the master plan for the area may not own or control all the land within the master plan boundary. At least 50% of the gross acres within the EG zone must be owned by the same person prior to application for master plan approval. The master plan shall still cover the entire EG zone. For those portions not owned or controlled by the applicant, the Master Plan shall focus on a cohesive interconnected system of planned public facilities and shall set general guidelines to be used throughout the Master Plan area. Subdivision approval shall be based upon the zone and Section 3.108 as applicable.

1. The Master Plan will be developed and considered in accordance with the requirements of the Activity Center Overlay provisions (Section 2.125 of the Keizer Development Code). Once a Master Plan is adopted, the proposed development of each use shall be reviewed through Development Review as required in Section 2.315 of the Keizer Development Code. In the case of conflicts between the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards will apply.

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2. The Master Plan shall include a detailed transportation system design plan for the EG zone. The location of transit facilities shall conform to Section 2.305 of the Code.

2.119.10 Dimensional Standards

- A. Purpose. The lot size standards promote new lots with sizes and shapes that are practical to assemble and develop. The standards are intended to prevent the creation of small lots, which are difficult to develop or to aggregate with other lots. The standards also discourage narrow lots, which increase demand for curb cuts. The EG zone is specifically designed for the property described as follows: physically bound by Tepper Lane to the north, Interstate 5 to the east, Burlington railroad tracks to the west, and Chemawa Road to the south. Uses in the gross acreage described shall be developed as a maximum seventy-five percent (75%) commercial and a minimum twenty-five percent (25%) industrial park. Uses shall be established in conformance with this Section and all other applicable regulations within the Keizer Development Code. Therefore, the division of such ground shall be approved to the standards in subsection 2.119.09.B. below.

B. Minimum Lot Dimension Requirements.

1. Within the acreage identified for commercial uses, at least eighty percent (80%) of the lots must meet Standard A stated in the table within this subsection and the remainder lots must meet Standard B.
2. Within the acreage identified for industrial uses, at least eighty percent (80%) of the lots must meet Standard C stated in the table within this subsection and the remainder of the lots must meet Standard D.
3. Exempt Lots. Lots or tracts created for the purposes of providing a right-of-way or dedicated open space are exempt from the lot size and shape standards of this section.

Development Type	Lot Standard	Minimum Lot Area	Minimum Average Width	Minimum Average Depth
Commercial (2.119.06 & .07)	Standard A	20,000 sq. ft.	100 ft.	100 ft.
	Standard B	10,000 sq. ft.	75 ft.	75 ft.
Industrial Park (2.119.04)	Standard C	acres	350 ft.	350 ft.
	Standard D	1 acre	150 ft.	150 ft.

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2.119.11 Development Standards

- A. Setback from Residential Areas. Where the EG zone abuts a residential district, except another industrial type zone, directly or across an alley or railroad tract, there shall be a minimum required yard of forty (40) feet in depth adjacent to the lot line separating the EG zone from the abutting district. The 40 foot required yard shall not be varied and shall be landscaped in accordance with Section 2.300. (Alternative additional language: The 40 foot required buffer shall not be included in the minimum percentage for landscaping on a lot.) (CC 09-03-02)

Height, Setback, Coverage, and Landscaping Requirements

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Development Type	Building Standards			Building Setbacks			Minimum Landscaping
	Maximum Height	Maximum Building Size	Maximum Lot Coverage	Street-side		Side/Rear Not Adjacent to Residential zone	Percentage of Lot Area
				Min	Max		
Commercial	50-100 ft. (1)	60,000 sq. ft. (2) (6)	85% (2)	10 ft.	(3)	None	40 ft. 15% 10% (5)
Industrial Park	80 ft. 100 ft. / 15 ft. within 50 of any residential zone (1)	None (6)	80% (2)	25 ft. 20 ft.	None	None	40 ft. plus 2 ft. for each foot of bldg. height over 50 ft. 20% 10% (5)

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(1) Height Exceptions. Exceptions to the maximum height standard are stated below.

- Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
- Rooftop mechanical equipment. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.
- Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.

(2) Structures that exceed 60,000 sq. ft. must comply with Sections 2.119.06.A and 2.119.07.A. (CC 09-03-02)

(2) Maximum lot coverage allowed for buildings, accessory structures and paved parking.

(3) Alternative maximum setback option for large commercial uses.

- Purpose. The intent of these regulations is to allow alternative street setbacks for very large retail stores locating along transit street or street in a pedestrian district in exchange for a pedestrian and transit-friendly main street type of development. These large commercial sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks.

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- b. **Regulation.** Commercial buildings that exceed 60,000 square feet of floor area (CC 09-03-02) are exempt from the maximum setback requirements identified in Section 2.119.

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has been met.

- (5) **Landscaping.** All required yards, except driveways, are required to be landscaped; that portion within the required yard, which is landscaped, may be included in the calculation to meet minimum landscaping requirements. Landscaping shall meet all applicable standards identified in Section 2.309 of the Code.
- (6) **Streetscaping.** Streetscaping is defined as pedestrian oriented improvements to property outdoors. Streetscaping may include, but not limited to, walkways with varied materials (other than plain concrete or asphalt), art features, water features, planters, benches, hanging plant baskets, and plazas. (CC 09/03/02)

(a) In accordance with Section 3.113 Keizer Station Master Plan Review, at the time of master plan approval by the Council, the Council may determine if streetscaped areas may be included in the minimum landscape area for a proposed development.

- B. Design Standards.** All development in the EG zone shall comply with applicable standards in Section 2.315 of the Code, in addition to the standards below:

- ### 1. Exterior Display, Storage, and Work Activities.

- a. Exterior display and storage is allowed. **Exterior display and storage shall not be located within required setbacks nor required landscaped areas.** Exterior display and exterior storage areas shall not be located within 100 feet of any property line within 60 feet of a residential zone.
- b. Exterior work activities are allowed in the areas identified for industrial development. Exterior work activities shall not be located within required setbacks nor required landscaped areas. Such exterior work activities shall not be located within 100 feet of any property line within 60 feet of a residential zone.

2. All development must comply with the applicable standards identified in the Code including, but not limited to, the following:

- Section 2.125 Activity Overlay Zone
- Section 2.3 General Development Standards
- Section 2.301 General Provisions
- Section 2.302 Street Standards
- Section 2.303 Off-Street Parking and Loading
- Section 2.305 Transit Facilities
- Section 2.306 Storm Drainage
- Section 2.307 Utility Lines and Facilities
- Section 2.308 Signs
- Section 2.309 Site and Landscaping Design
- Section 2.310 Development Standards for Land Divisions
- Section 2.312 Yard and Lots Standards
- Section 2.315 Development Standards
- Section 2.4 Special Uses

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(f) - Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a pedestrian district. For sites with frontage on more than one transit street or in a pedestrian district, the following regulations below apply. These buildings must be constructed before or at the same time as the large commercial use.

(a) - Frontage on more than one transit street. Where the site is adjacent to more than one transit street, the following standards apply:†

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(b) If two or more of the transit streets intersect, at least 50% of the length of the ground level street facing façade of the building must be within the maximum setback along two of the intersecting transit streets, but does not need to be met along others; the applicant may choose which intersection; and

(c) - If none of the transit streets intersect, at least 50% of the length of the ground level street facing façade of the building must be within the maximum setback; the applicant may choose which street. ¶

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(ii) - **Connections between sites.** The system must connect the buildings on the site to all adjacent properties.

Deleted: (4) - At least 50 percent of the length of the ground level street facing facade of a building must be within the maximum setback. (CC 09-0302)¶

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3.113 KEIZER STATION MASTER PLAN REVIEW**3.113.01 Area of Application**

The Keizer Station Plan requires the development of general concept Master Plans for each of the five sub-areas. This process provides the City Council with an opportunity to review development proposals in conformance with the Keizer Development Code and the adopted Keizer Station Plan. Each general Master Plan shall be reviewed through a Type II-B review process.

3.113.02 Review Procedures

Potential alternative language recommended by staff:

The Keizer Station Plan identifies different subareas for planned development.

Each subarea ~~in~~ area C, is required to be approved through the Keizer Station Master Plan Review (Type II-B) application procedure.

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Type II-B actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process.

Properties in Area C may develop as an individual parcel with a Conditional Use Permit (Type I-B) approved by the Zoning Administrator in accordance with the applicable criteria and subject to conditions of approval in Section 3.113.04. Two or more parcels in Area C may develop with Type II-B Keizer Station Master Plan Review approval by the City Council.

3.113.03 Submittal Requirements

A. Area A – Village Village-Center. (CC 09-09-02)

1. Infrastructure engineering and architectural site plans showing all structures in relation to projected final topography of the project, all proposed connections to existing or proposed roads, transportation facilities (including proposed right-of-way), utilities, open space and parking areas, depicting the number and types of spaces. (CC 09-03-02)

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2. Landscape plans generally showing the common and botanical name of plant species, the number and size of plantings and demonstrating the location and type of irrigation.
3. Plans, Building elevations, typical cross-sections and typical wall sections of all building areas.
4. Typical elevations of the buildings to determine the specific configuration and relationship of design elements of the typical building exteriors, which describe the general aesthetic and technical aspects of the building exterior, including materials.
5. Typical elevations and cross sections of entrance canopies, interior public courts, specialty areas, and service area layouts.
6. Typical layouts for exterior signage and graphics.
7. Preliminary outline specifications describing exterior construction materials and methods, including indications of colors, finishes, and patterns.
8. An general outline of amenities, including, but not limited to, public art, furniture, handrails, seating areas and food areas, if any.
9. A description of servicing requirements, trash compactors and related areas, loading docks, etc.
10. Calculation of gross building, parking and open space.
11. ~~Detailed cost estimate pertaining to the construction of the improvements as presented in the Design Development Drawings, for review and comment only.~~ (CC 09-09-02)
- 12.11. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

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1. General location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.
2. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

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C. **Retail Service Center. Area B (CC 09-09-02)**

1. General location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.
2. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

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D. **Keizer Station Center. Area C (CC 09-09-02)**

1. General location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.
2. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated.

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E. **Commerce Center. Area D (CC 09-09-02)**

1. General location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan.

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

3.113.04 Review Criteria

Approval of a ~~concept~~ Master Plan for a subarea of the Keizer Station Plan shall require compliance with the following:

A. The ~~concept~~ master plan shall meet the purpose and objectives identified in the Keizer Station Design Plan.

B. The ~~concept~~ master plan shall ~~establish how~~ the following standards as identified in the Keizer Station Plan ~~are to be met~~:

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

C. Development Strategies for Area A – Village

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1. Pedestrian Access, Safety and Comfort

- a. To ensure safe, direct and convenient pedestrian circulation, development in the EG zone shall provide a continuous pedestrian and/or multi-use pathway system.
- b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible.
- c. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas.

d. For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian-scale.

d. f. The proposal contains an equally good or superior way to achieve the above criterion and guidance.

2. Vehicular Movement

- a. Encourage traffic to enter and exit the development at locations other than Tepper Lane. (CC 09-09-02)

3. Crime Prevention and Security

Crime prevention shall be considered in the site design through application of all of the following guidelines:

- a. **Territoriality** – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. (Generally, people protect and maintain territory that they feel is their own and have a certain respect for the territory of others.) (CC 09-09-02) For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and
- b. **Natural Surveillance** – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and
- c. **Activity Support** – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and
- d. **Access Control** – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of

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Deleted: 1. Pedestrian Access, Safety and Comfort¶

a. If in the EG zone, the building(s) shall have at least one primary entrance facing every abutting street or is (are) directly accessed by a sidewalk or plaza within 20 feet of the primary entrance.¶

b. Building entrances in the EG zone open directly to the outside; every building has at least one entrance that does not require passage through a parking lot or garage to gain access; corner buildings have corner entrances whenever possible.¶

c. Parking and vehicle drives are located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.¶

¶ Surface parking is oriented behind or to the side of a building when possible; parking shall be accessed from an alley when possible; and parking shall not be located on street corners if in the EG zone.¶

¶ For driveways that service uses that require more than 100 parking spaces, such driveway intersections with Radiant Drive shall not have any parking within twenty-five feet of the driveway intersection. This area shall be landscaped in accordance with Section 2.309 of the Keizer Development Code.¶

¶ The proposal contains an equally good or superior way to achieve the above criterion and guidelines.

lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or

- e. The proposal contains an equally good or superior way to achieve the above criterion and guidelines.

4. Reduced Parking

Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City.

5. Creating and Protecting Public Spaces

- a. ~~The development provides at least 20 square feet of public space, in addition to required sidewalk(s), for every 10 off street surface parking spaces or 1,000 square feet of floor space, whichever is greater. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping. (CC 09-09-02)~~

- b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council.

6. Human Scaled Building Design

Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development.

- a. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking.

- b. The City Council may determine a minimum distance along Radiant Drive that may require development to be constructed to abut Radiant Drive to the above referenced standards.

- c. The proposal contains an equally good or superior way to achieve the above criterion and guidelines.

7. The Village within Area A shall contain a public improvement design to include a 12 foot dual direction promenade on both sides of Radiant Drive.

Deleted: Height to width ratios of 1:2 and 1:3 shall be developed for structures built within 20 feet along Radiant Drive. 1

Amend Picture 1

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The promenade shall be separated from the street with a landscape belt, including decorative lighting and trees. (CC 09-09-03)

The proposal contains an equally good or superior way to achieve the above criterion and guidelines. (CC 09-09-03)

3.113.04 Conditions of Approval

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

- A. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require:
 - 1. Orienting building and facilities towards transit services.
 - 2. Minimizing transit/auto conflicts.
 - 3. Encouraging transit supportive uses.
 - 4. Minimizing walking distance to transit stops.
 - 5. Avoiding excess parking areas.
 - 6. Encouraging shared parking and structures or under-structure parking.
- B. Pedestrian/Bicycle Circulation. The development shall facilitate pedestrian/bicycle circulation. This may require:
 - 1. Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments with the Activity Center facilities, and surrounding development.
 - 2. Separating auto and truck circulation and activities from pedestrian areas.
 - 3. Pedestrian-oriented design.
 - 4. Pedestrian amenities.
 - 5. Bicycle parking.
 - 6. Outdoor lighting.
- C. Coordination. Coordination of development within an Activity Center area. This may require:

ATTACHMENT C

1. Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements.
 2. Siting and orientation of land uses.
 3. Frontage roads or shared access.
- D. Compatibility. Developments within the Activity Center should be compatible with, and complement the surrounding neighborhood. This may require:
1. Sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features.
 2. Buffering of adjacent residential uses.

2.315 DEVELOPMENT STANDARDS**2.315.01 Purpose**

The Development Standards are intended to implement the Keizer Comprehensive Plan and the purpose of each zoning district. They do this by promoting functional, safe, and attractive developments that maximize compatibility with surrounding uses and commercial corridors, and that are compatible with and enhance the transportation system. Development Standards mitigate potential conflicts and problems, and maximize harmonious relationships. Alternatives to the Design Standards on a case-by-case basis may be reviewed and approved as a land use action. In such cases, the purpose of this ordinance shall be met through factual findings and conclusions about the proposed design, and attachment of specific conditions if necessary, by the review body. Application of Development Standards does not evaluate the proposed use, nor the specific architectural style or design. Rather, the Development Standards focus on the structural elements of texture, color, and materials, and on the site elements of building placement. (5/98)

2.315.02 Application of the Development Standards

Development Standards are applied in one of three ways: (5/98)

- A. The Development Standards embodied in this ordinance are administratively reviewed at the time of a building permit. Compliance to the standards is a condition of building permit approval. These standards are intended to be objective and to serve as a guide to designers of developments. (5/98)
- B. The Development Standards embodied in this ordinance are to be perpetually maintained on all properties. This particularly applies to color and facade materials, which may possibly change without requiring a building permit. (5/98)
- C. In the event a development proposal or a change to an existing building does not conform to the standards contained in this ordinance due to an applicant wishing to propose alternatives, the applicant may choose to apply for approval of a Development Review application, which is a land use application processed in the same manner as a conditional use. (5/98)

2.315.03 Relationship to Other Regulations

The Development Review process does not supersede or is not superseded by other regulations. Approval of an application for Development Review does not relieve the applicant of responsibility for compliance with other applicable codes, ordinances, statutes, or regulations. (5/98)

2.315.04 Review Procedures

- A. No building permit will be issued for a use requiring Development Review until the application for Development Review is approved. (5/98)
- B. In instances where conformance to the standards is outside of the scope of a building permit, such as repainting a building, the owner shall be responsible for conformance with these standards. (5/98)
- C. When an applicant wishes to propose an alternative to the Development Standards, they may apply for a Development Review. A Development Review application shall comply with the procedures for a Conditional Use Permit in Section 3.103, with the initial decision rendered by the Planning Commission (Section 3.103.06.C.). (5/98)

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2.315.05 Applicability

Conformance with the Development Standards is required in these instances, except where modified in the specific standard: (5/98)

- A. The following buildings and uses are subject to these standards: (5/98)
 - 1. Any commercial or office use
 - 2. Any industrial use
 - 3. Any public buildings designed for regular human occupancy, other than schools. (5/98)
 - 4. Any residential development involving four or more attached dwelling units or apartments
- B. The Standards shall specifically apply only in the following circumstances: (5/98)
 - 1. Construction of new buildings
 - 2. Expansions of existing buildings by 500 square feet or more. (5/98)
 - 3. Any external remodeling of a structure that requires a building permit. (5/98)
 - 4. All buildings in matters relating to color or facade materials. (5/98)

2.315.06 Non-Applicability

Development Standards specifically do not apply to the following uses: (5/98)

- A. Agricultural uses
- B. Any residential building housing three or fewer dwelling units
- C. Accessory structures of less than 500 square feet. (5/98)
- D. Any interior remodeling
- E. A temporary business

2.315.07 Non-Conforming Buildings

Any building that does not conform to the development standards for color or facade materials on the date this ordinance is effective is considered non-conforming as defined and regulated within the zoning ordinance. (5/98)

2.315.08 Development Standards

All applicable development must meet the following standards: (5/98)

- A. Internal Pedestrian Circulation
 - 1. Connection Required. The internal pedestrian circulation system for the proposed development must connect to other areas of the site, to other building entrances, to adjacent streets and to nearby transit stops. (5/98)
 - 2. Location, Design. Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the main entrance to a building(s). A raised walkway or a walkway that is separated from the auto travel lane and parking by a raised curb or other physical barrier, other than where it crosses a driveway, shall be provided. If a raised path is used the ends of the raised portions must be equipped with curb ramps. (5/98)
 - 3. Driveway Crossings. Driveway crossings shall be minimized and in no case exceed 30 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material or other similar method. (5/98)

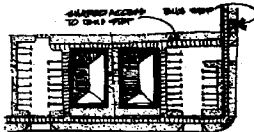


Figure 1 – Pedestrian Access Standards

4. **Lighting.** Lighting shall be provided along all walkways. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. (5/98)
5. **Walkway Coverage.** Walkways along building frontages shall be covered with awnings, or building overhangs. except for single businesses greater than 20,000 square feet of area in which case this requirement shall be limited to 33% of the building frontage. The minimum vertical clearance shall be 9 feet for awnings and 12 feet for building overhangs. (5/98)
6. **Dimensions.** Walkways shall be at least five feet in paved unobstructed width. Stairs or ramps shall be in place where necessary to provide a direct route between the transit street and the building entrance. Walkways without stairs shall have a maximum slope of 8% and a maximum cross slope of 2%. (5/98)
7. **Additional Street Access.** A walkway from a building entrance to a public street shall be provided for every 300 feet of street frontage or for every eight rows of vehicle parking, whichever is the greater distance. (5/98)
8. **Access to Adjacent Property.** If it can be reasonably expected that the proposed development has the potential of being a significant attractor or generator of pedestrian traffic, potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified. (5/98)
9. **The building permit or site plan review application shall designate walkways and pedestrian connections on the proposed site plan or findings shall be submitted demonstrating that the walkway or connection is infeasible. The findings will be evaluated during the building permit or site plan review process.** (5/98)

B. Building Design

1. **Ground floor windows – In the CM, CR, EG and MU zones, all street-facing elevations containing permitted uses as listed under Sections 2.110.02 F, G, H, I, J and K shall have no less than 50 percent of the ground floor wall area with windows, display areas or doorway**

openings. This requirement shall not apply to buildings in an integrated shopping center element or to single users greater than 20,000 square feet. (5/98)

2. Building facades - Facades that face a public street shall extend no more than 30 feet ~~for buildings smaller than 20,000 square feet~~ or 60 feet ~~for buildings greater than 20,000 square feet~~ without providing a variation in building materials, a building off-set of at least 2 feet, or a wall area this is entirely separated from other wall areas by a projection, such as a porch or a roof over a porch. No building facade shall extend for more than 30 feet without a pedestrian connection between or through the building ~~provided there is a pedestrian purpose served by including such a projection.~~ (5/98)

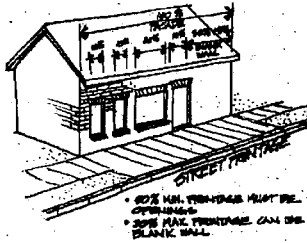


Figure 2 -- Façade Standards

3. Awnings - Awnings, canopies, or arcades shall be tent shaped and shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall be constructed of canvass, vinyl, or similar standard awning material. Awnings and canopies shall not be back lit. (5/98)
4. Materials and Texture
 - a. All buildings shall have wood, brick, stone, ~~architectural block or stump stone, architectural concrete~~ or stucco siding, or vinyl siding made to look like wood siding. (5/98)
 - b. Building trim shall be wood, brick, stone, stucco, or metal. (5/98)
 - c. Any roofing material is allowed including metal roofs. (5/98)
 - d. Plain concrete block, plain concrete, corrugated metal, plywood and sheet press board may not be used as exterior finish materials. (5/98)

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ATTACHMENT D

- e. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 3 feet. (5/98)

5. Color

- a. Any portion of a building that is painted or stained may use as the main color, and roof color for all portions of the roof visible from the ground, the following colors found in the Sherwin Williams color chip book entitled "Exterior Color Answers" published 9/90 (or the equivalent color from another manufacturer) with the following numbers: 2001 - 2004; 2008 - 2011; 2015 - 2020; 2022 - 2027; 2029 - 2034; 2036 - 2097; 2099 - 2104; 2106 - 2111; 2113 - 2118; 2120 - 2125; 2127 - 2131; 2134 - 2139; 2141 - 2237; 2239 - 2250; 2253 - 2258; 2260 - 2265; 2267 - 2272; 2274 - 2279; 2281 - 2384; 2386 - 2391; 2393 - 2398; 2400 - 2405; 2407 - 2412; and 2414 - 2419.
 - b. For the purpose of this ordinance, "main color" is the principal color of the building which must be at least 75% of the surface of the building excluding windows; the trim colors of all buildings may be any color. (5/98)
 - c. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color. (5/98)
6. Roof Lines - Roof lines shall establish a distinctive "top" to a building. When flat roofs are proposed, a cornice a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided. (5/98)
7. Roof-mounted equipment - In a CM, CR, CO, EG or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this standard. (5/98)

E. Accessory Structures

Accessory Structures including buildings, sheds, trash receptacles, mechanical devices, and other structures outside the main building, shall either be screened from view by the public by a hedge or fence, or painted the same color as the main color of the building. (5/98)

2.315.09 Determination of Conformance to Development Standards as Part of Building Permit Review

The Zoning Administrator, or designee, during the normal course of reviewing a building permit application shall include as part of that review determination of the proposal's conformance with the Development Standards. Corrections may be noted on the plans, or required to be submitted as amended plans, to assure conformance to the standards. Building plans shall not be approved unless there is conformance to the standards. (5/98)

2.315.10 Criteria for Development Review

The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (5/98)



Public Works Department

MEMORANDUM

DATE: October 2, 2002
TO: Maria Meier
Planning Director
FROM: Rob Kissler
Director of Public Works
SUBJECT: Keizer Station Draft Plan

BACKGROUND:

Council suggested in the recent deliberations on the Keizer Station Plan in Attachment C section 3.111.04 C, 7, that 12' pedestrian and bicycle promenades be constructed on both sides of Radiant Drive. Staff has concerns with this type of design if this is the only bicycle lanes provided in the development. Bicycles traveling on combined sidewalks or promenades with storefront accesses and cross streets create significant safety hazards. I have contacted the ODOT Bicycle and Pedestrian Manager regarding this design. He is willing to give comments in writing on specific designs when submitted. The timeline for developing a design and receiving comments is four weeks.

Staff recommends Council deliberate the suggested change in the Keizer Station Plan Area A in detail, so a final proposed design can be obtained and submitted to ODOT and the City Engineer for comments.

July 24, 2002

VIA OVERNIGHT COURIER

EXHIBIT "A-114"

Chuck Sides, President
Management Group Oregon, Inc.
245 - 13th Street N.E.
Salem, OR 97301

Re: Treatment of Recreational Facilities as Local Improvements
Northwest National LLC

Dear Chuck:

As promised, attached to this letter is a research memorandum prepared by Heather Tourville of our office. That memorandum addresses the general issue of whether recreational facilities may qualify as local improvements under Oregon law, thereby qualifying for tax-exempt financing.

Our preliminary view is that, under certain circumstances, recreational facilities may qualify as local improvements. As applied to the specific example of the arena and aquatic center proposed as part of the Keizer Station project, this conclusion would indicate that those improvements may qualify if:

1. There was a reasonable basis for the factual conclusion that a special benefit to the assessed properties will exist; and
2. The Keizer City Council, in their discretion, is willing to designate those recreational facilities as local improvements.

Please contact either Doug or me if you wish to discuss these matters further.

Sincerely,

ATER WYNNE LLP


Michael A. Lewis

MAL:ddp
Attachment
cc: Doug Goe
Heather Tourville

MEMORANDUM

TO: Douglas E. Goe, Public Finance Department Chair
Michael A. Lewis, Of Counsel

FROM: Heather Tourville, Associate

DATE: July 24, 2002

RE: Ability to Finance Recreational Facilities Through Special Assessments Under Oregon's Local Improvement Statute

Our client, Northwest National LLC (the "Company"), has submitted a plan (the "Keizer Station-Village Center" plan) to the City of Keizer (the "City") to construct a multi-use development consisting primarily of commercial, industrial, transportation and recreational facilities, including an aquatic center and a sports arena. The Company has asked us to determine whether recreational facilities of this type may be considered "local improvements" conferring a special benefit to property owners within a local improvement district. If so, the construction of the improvements may be financed through the issuance of tax-exempt debt, the debt service on which is paid by assessments on the benefited property.

What Constitutes a "Local Improvement"?

Governmental entities have authority to levy taxes or special assessments to finance the construction of public improvements. Providing recreational facilities for the public is an authorized public improvement. McQuillin, *Municipal Corporations*, § 37.02; *Capen v. City of Portland*, 112 Or. 14, 228 P. 105 (1924) ("Municipal corporations are not limited to providing for the material necessities of their citizens. . . . The power of cities and towns to maintain institutions which educate and instruct as well as please and amuse their inhabitants . . . is unquestioned"). This is so even if a fee is charged for use of the facilities. McQuillin, *supra*, § 37.01. Recreational facilities that have been upheld as proper public improvements in various states include auditoriums, opera houses, stadiums, parks, playgrounds, swimming pools and golf courses. *Id.* § 37.02; see also *Capen*, 228 P. at 105-06 (holding that a golf course constitutes a "public utility" and upholding the City of Portland's issuance of bonds payable from the proceeds of the fees collected by players).

The key distinction for purposes of this memorandum is that public improvements may be either local or general in nature. McQuillin, *supra*, § 37.01. In order to charge the expense of a public improvement against property through the levy of a special assessment, the improvement must confer a "special benefit" on the property that is local in nature, as opposed to a purely general benefit conferred on the public as a whole. ORS 310.140(7)(a)(A) (defining "local improvement" as "a capital construction project . . . undertaken by a governmental unit . . . that provides a special benefit only to specific properties. . . ."). This means that "the improvement must bring to it a benefit substantially more intense than that which is realized by

the rest of the municipality." *Sisters of St. Mary, Inc. v. City of Beaverton*, 4 Or. App. 297, 478 P.2d 412 (1970); accord *Fisher v. City of Astoria*, 126 Or. 268, 269 P. 853 (1928) (requiring that an improvement confer a "substantial benefit" upon the property to be assessed within the district).

Yet the fact that a general benefit as well as a special benefit is conferred will not preclude the use of special assessments. ORS 310.140(7)(b) ("[T]he status of a capital construction project as a local improvement is not affected by the accrual of a general benefit to property other than the property receiving the special benefit."); accord *Ester v. City of Monmouth*, 322 Or. 1, 903 P.2d 344 (1995) (rejecting a property owner's argument that street improvements did not provide a "special benefit" to her property because the improvements provided a general benefit to the community). In *Ester*, the Oregon Supreme Court stated:

When a local improvement produces a special benefit, other than the benefit received by the general public, to certain land in the vicinity of the improvement, the mere fact that it also results in benefit to the general public, or even the fact that its immediate occasion or purpose was the creation of the general improvement project of which it is a part, does not deprive it of its character as a local improvement nor prevent the imposition of at least a portion of its cost as a special assessment against such land.

Id. at 16, 903 P.2d at 349 (quoting *Stanley v. City of Salem*, 247 Or. 60, 427 P.2d 406 (1967)). In *Fisher v. Astoria*, a much earlier case, a property owner challenged a local assessment levied for the installation of ornamental light poles in a commercial area on the basis that the assessed properties had not been specially benefited. The Oregon Supreme Court focused on the value the improvements added to the surrounding businesses in upholding the assessment as valid:

It is common knowledge that many business men and property owners believe that such a lighting system renders the street more attractive to the retail trade and thus enhances values. Before the expense of installing an improvement can be assessed against the property in a district, it is essential that the improvement should confer a substantial benefit upon the property within the district. It may incidentally benefit the entire city; that wholesome effect will not destroy its use as the foundation for a local assessment, provided it brings to the proposed district a benefit substantially more intense than it yields to the rest of the municipality. . . .

Fisher v. City of Astoria, 126 Or. 268, 277, 269 P. 853, 856 (1928).

Do Aquatic Centers and Sports Arenas Qualify Under this Analysis?

A search of applicable law has not revealed any Oregon cases dealing with recreational facilities and special assessments. Public improvements for which special assessments have *not* been allowed in other jurisdictions because the special benefit to abutting properties was inadequate include: the construction of public school buildings, courthouses, public convention halls, libraries, and memorials. McQuillin, *supra*, § 38.29. On the other hand, wharfs, parking

lots, landscaping, pedestrian walkways and other amenities in central business districts have all been permitted to be constructed through special assessments. *Id.*

Aquatic centers and sports arenas are similar improvements to public parks, and according to McQuillin, Municipal Corporations, "[w]hile a public park is, to some extent, a general benefit to the whole city, it is also, as a general rule, a special benefit to the locality or part of the city in which it is established, and to the extent of such special benefits property may be assessed." *Id.* § 38.28.¹

The best authority for financing an aquatic center and sports arena through special assessments would be an authorizing provision in the City's charter or code. At least one municipality in Oregon has enacted an ordinance providing for special assessments to be levied "to construct, reconstruct, repair or equip a park, playground or other recreational facility." See Sandy City Code § 12.04.010. However, the City has no similar provision in its charter or code.²

Due to the lack of case law, statutory authority and local law on point, it is possible but not certain that an aquatic park or sports arena could be considered a "local improvement" conferring a special benefit to abutting property owners within the Keizer Station - Village Center development. Clearly such recreational facilities qualify as public improvements and would confer a general benefit on the City as a whole. But whether such improvements would confer a local benefit "substantially more intense" on the Keizer Station - Village Center properties than that which would be realized by the City generally is a factual inquiry that cannot be answered with absolute certainty. It is at least arguable that the improvements would add special value to the abutting commercial properties within the Keizer Station - Village Center development due to the increased publicity and exposure. To the extent the aquatic center and the sports arena did confer a special benefit on the abutting properties, such properties could be specially assessed.

A governing body's determination of the special benefit accruing to property within a local improvement district is given great deference and is rarely overturned by a court. As a policy matter, courts are reluctant to interfere with a city's assessment determinations because (1) levying special assessments is analytically similar to the exercise of a legislative function, which is nonjusticiable, (2) courts lack expertise in making such determinations, unlike city councils which are "aided by staffs with at least some expertise," and (3) special assessments are so frequently used to finance local improvements that subjecting the assessment process to unrestrained judicial review would have a tendency to flood the court system. *Kerr v. Hallett*, 67 Or. App. 324, 677 P.2d 1098, 1102 (1983) (upholding an assessment in spite of the property owner's claim that his property was not benefited by the improvement). The view Oregon courts

¹ The Oregon Supreme Court has cited McQuillin, Municipal Corporations, as an authoritative legal source on the subject of local improvement districts and special assessments. See, e.g., *Wing v. City of Eugene*, 249 Or. 367, 437 P.2d 836 (1968) (citing § 38); *Bennet v. City of Oceanlake*, 247 Or. 539, 430 P.2d 1004 (1967) (also citing § 38).

² The City's charter provides that the procedure for making public improvements "shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state." Keizer City Charter § 35. According to the City Recorder, no general ordinance has been enacted due to the City's rare use of the local improvement process. The few times special assessments have been levied, the City has followed the statutory requirements set out in ORS Chapter 223.

have taken is that the city council's determination of the amount of benefit a property receives from an improvement is "conclusive" unless the property owner can prove the assessment is "palpably arbitrary and abusive." *Id.* This is a heavy burden and "virtually no special assessment legislation in Oregon has ever failed it." *Dames v. City of Forest Grove*, 60 Or. App. 19, 652 P.2d 839 (1982) (rejecting a property owner's claim that the assessment levied against his property was "palpably arbitrary"). Due to this judicial deference, it is likely, though not definitive, that if the City's determination of special benefits were ever challenged, the assessment would be upheld.

However, a review of case law has uncovered at least one Oregon case that has invalidated assessments based on a finding that the assessed properties were not specially benefited. In *Sisters of St. Mary, Inc. v. City of Beaverton*, the Oregon Court of Appeals held, without analyzing the issue in depth, that the cost of installing a railroad gate crossing signal could not be assessed to property owners as part of the cost of street improvements because the signal "was of no more benefit to [the] plaintiffs' property than it was to the balance of the city." 4 Or. App. 297, 298, 478 P.2d 412, 413 (1970). But the *Beaverton* case did not involve recreational facilities and provided little analysis to support its conclusion, so its applicability to the Keizer Station - Village Center improvements is questionable.

This analysis is based on a preliminary understanding of the Keizer Station - Village Center plan and may need to be amended after further research is conducted and additional information is obtained from the Corporation.

Financing Improvements Through the Issuance of Tax-Exempt Debt

If the City formed a local improvement district to finance construction of the recreational facilities as part of the Keizer Station - Village Center development, owners of the assessed properties would be given the option to pay the final assessment in installments over a period of years. ORS 223.210. The City could then pass an authorizing resolution and issue tax-exempt debt secured by and payable from the installment payments to be made by owners of the assessed properties. *Id.* § 223.235(1), (5)(a).

August 16, 2002

Mr. Chris Eppley
to Ms. Maria Meier
City of Keizer
930 Chemawa Rd
Keizer OR 97307

SUBJECT: Response to DLCD Letter dated August 12, 2002

Dear Chris and Maria:

I was disappointed to read DLCD's response to analyses my firm has completed for Keizer's City Council, specifically Appendices 89 through 99. None of the assertions made with respect to our work are correct. Apparently the author misunderstood these analyses. Moreover, he incorrectly uses statistics to try and discredit our work. Several examples include:

- The assertion that a sales tax is factored into our analysis. At no time are sales taxes used to quantify the benefits of the KSP. Sales taxes are mentioned along with property taxes in a general discussion, not in specific connection to the KSP, Keizer or Oregon; a fact that the author should have recognized.
- The assertion that our Goal 10 analysis did not consider age and income. Our analysis did. In fact, it is impossible to run the State's Housing Model without these inputs.
- The assertion that most, if not all, retail categories can be located within the City's existing inventory of vacant and underutilized land. Our analysis clearly shows that the existing inventory is not adequate.
- The assertion that a 0.25 FAR is too low. A 0.25 FAR is the industry standard that assumes greater development densities than the lower FARs which are often used to develop retail in locations like Keizer.

Be assured that the analyses completed by our firm are technically correct, as verified by the firm the City of Keizer hired to audit our work. Unfortunately, the information submitted by DLCD in the July 31 letter will not help the City Council make an informed decision because it is incorrect and misleading.

Please call me if you have any questions.

Sincerely,


Steve Ferrarini
Principal

Hobson Ferrarini Associates, Inc.

610 SW Alder St., Suite 515 Portland, OR 97205 (503) 226-6616 Fax (503) 223-3522

WENDIE L. KELLINGTON
ATTORNEY AT LAW P.C.

PO BOX 1930
LAKE OSWEGO, OR
97035

PHONE (503) 624-7790
MOBILE (503) 804-0535
FACSIMILE (503) 620-5562
EMAIL: W.KELLINGTON@VERIZON.NET

October 4, 2002

Maria Meier
City of Keizer
Planning Director
PO Box 21000
Keizer, Or 97307-1000

RE: Hobson Ferrarini Confirmation/Scope of Changes

Dear Maria:

The attached is from Hobson Ferrarini regarding (1) the continuing viability of their work (which they confirm), and (2) the differences between the SRA/Planning Commission decision and the Council decision that could cause concern that there may be some affect on the analysis. While there is a difference, the square footage limitation ensures that the fundamental assumptions for key analyses remain the same. These attachments are not in final form for the record, but they do supply the assurance that we are on the right track. I felt they would be helpful for you in your work, so I wanted to pass them along right away.

If you require anything more, please feel free to call. Thank you.

Very truly yours,


Wendie L. Kellington

WLK:wlk

CC: Shannon Johnson (all w/ enclosures)
Bob Thompson
Alan Roodhouse
Steve Ferrarini
Frank Angelo
Chris Stanley
Charlie Matschek

**HOBSON
FERRARINI**
ASSOCIATES
LAND USE ECONOMICS

Date October 4, 2002

Job Number: _____

Time: 10:07 AM

Client: _____

To: Wendie Kellington

Fax 503-620-5562

From: Steve Ferrarini

Number of Pages: 2
(including transmittal form)

Additional Messages

Wendie,

In response to your questions regarding the changes in the EG zone. In summary:

- The Industrial Park portion (25% of EG at a minimum) permitted uses have been changed to allow office and retail. Previously, no retail was allowed in the Industrial Park portion and only 10% Office could occupy the Industrial Area in the EG zone.
- The permitted uses in the EG zone on a maximum of 75% of the area have always included office and retail. This has not changed.
- The 800,000 square feet floor area limitation is for retail uses only. (In other words, they could build as much office as they want.)
- Therefore, with the scenario in the memo, assuming they build all the retail they could with a .25 floor-area-ratio, it would occupy 73.5 acres.
- Our previous analysis assumed that on the 95 acre site, only 75% (or 71.25 acres) could be built with commercial uses (i.e. retail or office).

Fundamentally, the only big change is that retail is now allowed in the Industrial Park portion of the EG zone, but is still limited through the 800,000 SF total floor area of retail limitation.

If a problem in transmission occurs, please call 503/226-6616
Our FAX number is 503/223-3522

HOBSON FERRARINI ASSOCIATES

DATE: October 3, 2002
TO: Wendie Kellington
FROM: Steve Ferrarini
HOBSON FERRARINI ASSOCIATES
SUBJECT: Keizer Text Amendments

The suggested zoning changes to the new Employment General (EG) zoning district will have no effect on the fundamentals of the land supply analysis performed by Hobson Ferrarini Associates in the Goal 9 Economic Opportunities Analysis.

- The EG zone still mandates that uses shall be developed as a maximum 75% commercial and a minimum 25% industrial park.
- Our analysis assumed that of the 95-acres zoned EG, 23.75-acres (25%) were inventoried as Industrial Land, and 71.25-acres (75%) were Commercial Land. This has not changed.
- The changes to the text affect the uses allowed in the EG zone.
- Permitted Industrial Park uses now include: Office and Retail
 - Previously, retail was not permitted in the industrial park area and office uses could occupy only up to 10% of the industrial park area.
- Permitted Commercial uses still include Office and Retail. This has not changed.
- There is an 800,000 square foot floor area limitation on retail uses in the EG zoned area. A scenario with full retail build out in the EG zone would result in:
 - 800,000 SF floor area retail
 - + 25 FAR
 - = 3,200,000 SF
 - + 43,560 SF
 - = 73.5 acres of maximum retail in EG, which is only 2.25 acres more than the 71.25 acres of maximum commercial in the EG zone assumed in the analysis.
- Our Goal 9 analysis showed a 7.8 acre deficit of Commercial land in the 20-year land forecast. Under the scenario above, that deficit would be 5.55 acres.
- Conversely, the entire site could develop as 100% industrial park.
- The Goal 9 EOA analysis categorized Industrial and Commercial Land Supply by Zone, not by allowed use in the zone. It is not possible, nor is it customary within the industry to forecast by use because of the inherent flexibility in most zones. (i.e. commercial developments exist in industrial zones and vice versa)



City of Keizer

EXHIBIT "A-117"

Phone: (503) 390-3700 • Fax: (503) 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

September 9, 2002

Vickie Hardin Woods
Community Development Director
City of Salem
City Hall
555 Liberty Street, SE
Salem, OR 97301

Dear Vickie:

I have been directed by the Keizer City Council to respond in writing to the Section titled *Intergovernmental Agreements* in the Salem Futures Draft Implementation Strategy as presented to the Salem Futures CAC on August 26th, 2002. The specific wording that is of concern to Keizer is on Page-30 of that document and reads as follows:

Review existing agreements between the Marion and Polk counties, Keizer and MWVCOG to ensure consistency with Salem Futures.

Keizer is an autonomous community with an independent comprehensive plan and no outstanding periodic review orders. Keizer is not required to enter into periodic review again with the State until 2005, at which time, we will likely engage in a significant planning project to address the VMT requirements within the TPR along with other issues.

Keizer acknowledges the benefits of coordinating with our regional partners on various projects and therefore has participated in the Salem Futures project. Additionally, Keizer will continue to participate to the best of our ability in Salem Futures and other regional projects as they arise. Keizer's participation in Salem Futures has, however, been advisory only to Salem. This participation is in no way intended to suggest that Salem has any veto power over Keizer's ability to plan within Keizer's jurisdictional boundaries, in the Chemawa Activity Center planning area or any other area in any document or planning process. The only Keizer planning actions that require Salem's concurrence are outlined in the Keizer Comprehensive Plan. Keizer's participation in Salem Futures does not alter that grouping of specific circumstances and is not listed as one of them.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2001-1267

INITIATING LEGISLATIVE AMENDMENTS TO THE
KEIZER COMPREHENSIVE PLAN, KEIZER
DEVELOPMENT CODE REGARDING THE CHEMAWA
ACTIVITY CENTER (1997) - **FULL REVIEW 2001**

WHEREAS, the Chemawa Activity Center Design Plan was adopted in 1997 to
guide development in the Activity Center Area designated in the Keizer Comprehensive
Plan;

WHEREAS, the City of Keizer and the Urban Renewal Agency of Keizer has
entered into a non-exclusive predevelopment agreement with Northwest National LLC
with regard to development in and around the Chemawa Activity Center;

WHEREAS, among the terms of such Agreement is the obligation on behalf of
the City to consider amendments to the Chemawa Activity Center Plan including
consideration of an expansion of the commercially zoned area within such Activity
Center;

WHEREAS, the Keizer Development Code allows the City Council to initiate
legislative amendments to the Keizer Comprehensive Plan and Keizer Development
Code;

NOW, THEREFORE,

FMAGIC

1 BE IT RESOLVED that the City Council of the City of Keizer hereby initiates
2 a legislative review and amendment process for the Chemawa Activity Center Design
3 Plan (1997), and appropriate or necessary amendments to the Keizer Comprehensive
4 Plan and the Keizer Development Code;

5 BE IT FURTHER RESOLVED that the following amendments shall be
6 considered:

7 1) Revision of the amount of commercially-zoned acreage and other zones
8 for Activity Centers to reflect current commercial and industrial inventories.

9 2) Addition of a new land use review process to review master plan adoption
10 with staff recommendation and direct City Council hearing.

11 3) Review and adoption of a possible new zoning chapter "Special Planning
12 District" or such similar district to implement the Chemawa Activity Center Plan.

13 4) Adoption of new concept/design plan to amend or replace the 1997
14 Chemawa Activity Center Plan.

15 5) Various Comprehensive Plan text amendments and map redesignations and
16 rezones for areas in the Chemawa Activity Center.

17 Review, revision and possible amendments or adoptions of new Comprehensive Plan and
18 Development Code provisions are not limited to the above referenced items.

19 ///

20 ///

21 ///

D L C D NOTICE OF PROPOSED AMENDMENT

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing
per ORS 197.610, OAR Chapter 660 - Division 18
and Senate Bill 543 and effective on June 30, 1999.
(See reverse side for submittal requirements)

Jurisdiction: City of KeizerLocal File No.: 01-50

(If no number, use none)

Date of First Evidentiary Hearing: 12/12/01
(Must be filled in)Date of Final Hearing: 02/04/02
(Must be filled in)Date this proposal was sent or mailed: 10/01/01
(Date mailed or sent to DLCD)Has this proposal previously been submitted to DLCD? Yes: No: X Date: X Comprehensive Plan Text AmendmentX Comprehensive Plan Map AmendmentX Land Use Regulation AmendmentX Zoning Map AmendmentX New Land Use RegulationOther:

(Please Specify Type of Action)

Briefly summarize the proposal. Do not use technical terms. Do not write "See Attached."

Legislative Amendment to amend both text and map of the Keizer Comprehensive Plan
and Keizer Land Development Code. Current Chemawa Activity Center Plan proposed
to be amended to "Keizer Station Plan".

Campus Light Industrial to Commercial (100 ac); Civic to Campus Light
Plan Map Changed from Industrial (41 ac); Mixed Use to Commercial (1.5 ac); Commercial and
Civic to Campus Light Industrial (15 ac); Campus Light Industrial to
General Industrial (30 ac).
Zone Map Changed from: IBP to CM (76 ac); IBP to CR (24 ac); CO to CM (11 ac); CO to CR (1.5
IBP to IG (30 ac); MU to CR (1.5 ac); P & CM to IBP (15 ac); P to IBP (41 ac).
Location: Intersection of Chemawa Road & I-5 Acres Involved: Apprx. 240 ac

Specified Change in Density: Current: No ChangeProposed: Applicable Statewide Planning Goals: 1,2,6,8,9,10,11,12Is an Exception Proposed? Yes: No: XAffected State or Federal Agencies, Local Governments or Special Districts: City of Salem,County of Marion, County of Polk, DLCD, ODOT, Salem Area TransitLocal Contact: Maria Meier, Planning Director Area Code + Phone Number: (503) 390-3700 ext. 159Address: P.O. Box 21000City: KeizerZip Code + 4: 97307-1000DLCD No:

Reference for above: IBP - Industrial Business Park; CM - commercial
Mixed; CR - Commercial Retail; CO - Commercial Office; IG - Industrial
General; MU - Mixed Use; P - Public
*Each Zone is further described in the Keizer Development Code.



City of Keizer

EXHIBIT "A-120"

Phone: (503) 390-3700 • Fax: (503) 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

October 1, 2001

Oregon Department of Land Conservation & Development
Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

Re: Proposed Text and Map Amendments to Keizer Development Code & Comprehensive Plan –
Proposed "Keizer Station Plan" (Amendment to Chemawa Activity Center)

Dear Plan Amendment Specialist:

On May 21, 2001, the Keizer City Council passed Resolution R2001-1267 initiating legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code regarding the Chemawa Activity Center Plan (1997) – Full Review. Please find attached a copy of the proposed Keizer Station Plan. The document includes the following chapters: Background, Keizer Station Plan, Transportation System Analysis, Economic Analysis, Public Facilities Analysis, Plan Amendment/Zone Change Findings, Figures & Appendices. Also please find a copy of the DLCD Notice of Proposed Amendment form. This form and letter is to notify the Department of Land Conservation and Development has 45 days from the date of this letter to submit comments to the City of Keizer Community Development Department for consideration in preparation of the recommendation to the City of Keizer Planning Commission. The first public hearing on this matter will be conducted on December 12, 2001 at 7 p.m. in the Keizer City Council Chambers.

Mark Radabaugh, Willamette Valley Urban Representative, has been working directly with City staff on this application. Please forward copies of all materials enclosed in this notice to Mark for further attention. The materials have specifically been sent to the Plan Amendment Specialist due to procedure requirements as stated on the form. Thank you.

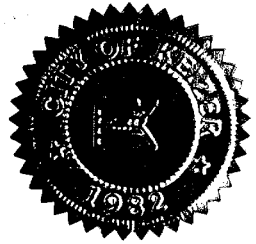
Sincerely,

Maria Meier
Planning Director

Enc.

CERTIFICATE OF HAND DELIVERY

State of Oregon)
County of Marion) ss.
City of Keizer)



I, Shane Witham, hereby certify that I hand delivered a true and correct copy of the attached Notice of Proposed Amendment, In the matter of the public notice for **Comprehensive Plan Map & Text Amendment/Zone Change to Map and Text Amendment to the Keizer Development Code** to those persons at the addresses shown below. Said notices were hand delivered and stamped received this 1st day of October, 2001.


Shane Witham

Code Enforcement Officer/Zoning Technician

EXHIBIT "A-121"

Salem Community Development Dept.
Bill Healy, Community Dev. Director
555 Liberty Street SE Room 305
Salem, Oregon 97301

County of Marion
Community Development Dept.
Craig Luedeman, Com. Dev. Director
555 Court St. NE/P.O. Box 14500
Salem, Oregon 97309

County of Polk
Community Development Dept.
Gene Clemens, Com. Dev. Director
850 Main Street
Dallas, Oregon 97338

Oregon Dept. of Transportation
Dave Bishop, Region 2 Area Mgr.
455 Airport Road SE, Bldg. A
Salem, OR 97301-5397

Salem Area Transit
Attn: John Whittington
Transit Development Director
555 Court Street NE, Suite 5230
Salem, Oregon 97301

City of Woodburn
Community Development Dept.
Jim Mulder, C.D. Director
270 Montgomery St.
Woodburn, Oregon 97071

Oregon Department of Land Conservation & Development
Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

RECEIPT OF HAND DELIVERY

Salem Community Development Dept. *SS 10-1-01*
Bill Healy, Community Dev. Director
555 Liberty Street SE Room 305
Salem, Oregon 97301

Salem Area Transit *SW 10-1-01*
Attn: John Whittington
Transit Development Director
555 Court Street NE, Suite 5230
Salem, Oregon 97301

County of Marion
Community Development Dept.
Craig Luedeman, Com. Dev. Director
555 Court St. NE/P.O. Box 14500 *DL 10-1-01*
Salem, Oregon 97309

Oregon Department of Land Conservation & Development
Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

Oregon Dept. of Transportation
Dave Bishop, Region 2 Area Mgr.
455 Airport Road SE, Bldg. A
Salem, OR 97301-5397 *mm*

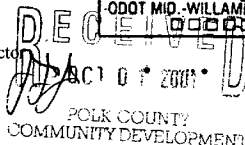
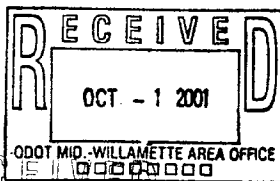
County of Polk
Community Development Dept.
Gene Clemens, Com. Dev. Director
850 Main Street
Dallas, Oregon 97338

City of Woodburn
Community Development Dept.
Jim Mulder, C.D. Director
270 Montgomery St.
Woodburn, Oregon 97071

DEPT OF

ms
OCT 01 2001

LAND CONSERVATION
AND DEVELOPMENT



☆ REC'D ☆

OCT 01 2001

WOODBURN COMMUNITY
DEVELOPMENT DEPT. *ED*

I, Shane Witham, hereby certify that I hand delivered a true and correct copy of the attached Notice of Proposed Amendment, **In the matter of the public notice for Comprehensive Plan Map & Text Amendment/Zone Change to Map and Text Amendment to the Keizer Development Code** to those persons at the addresses shown above. Said notices were hand delivered and stamped received this 1st day of October, 2001.

Shane Witham
Shane Witham
Code Enforcement Officer/Zoning Technician



City of Keizer

EXHIBIT "A-122"

Phone: (503) 390-3700 • Fax: (503) 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

October 1, 2001

County of Polk
Community Development Department
Gene Clemens, Community Development Director
850 Main Street
Dallas, Oregon 97338

Re: Proposed Text and Map Amendments to Keizer Development Code & Comprehensive Plan –
Proposed "Keizer Station Plan" (Amendment to Chemawa Activity Center)

Dear Gene:

On May 21, 2001, the Keizer City Council passed Resolution R2001-1267 initiating legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code regarding the Chemawa Activity Center Plan (1997) – Full Review. Please find attached a copy of the proposed Keizer Station Plan. The document includes the following chapters: Background, Keizer Station Plan, Transportation System Analysis, Economic Analysis, Public Facilities Analysis, Plan Amendment/Zone Change Findings, Figures & Appendices. Also please find a copy of the DLCD Notice of Proposed Amendment form. This form and letter is to notify the County of Polk has 45 days from the date of this letter to submit comments to the City of Keizer Community Development Department for consideration in preparation of the recommendation to the City of Keizer Planning Commission. The first public hearing on this matter will be conducted on December 12, 2001 at 7 p.m. in the Keizer City Council Chambers.

In an effort to coordinate and to comply with Statewide Planning Goal 2: Land Use Planning, the City of Keizer invites your full participation in this planning process. If you have any questions or comments for the City of Keizer regarding this proposal, please contact me at (503) 390-3700. You may mail comments for the record to the City of Keizer, Community Development Department, P.O. Box 21000, Keizer, Oregon, 97307-1000. Thank you.

Sincerely,

Maria Meier
Planning Director

Enc.

Cc: Mark Radabaugh, Willamette Valley Urban Representative



City of Keizer

EXHIBIT "A-123"

Phone: (503) 390-3700 • Fax: (503) 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

October 1, 2001

County of Marion
Community Development Dept.
Craig Luedeman, Community Development Director
555 Court St. NE/P.O. Box 14500
Salem, Oregon 97309

Re: Proposed Text and Map Amendments to Keizer Development Code & Comprehensive Plan –
Proposed "Keizer Station Plan" (Amendment to Chemawa Activity Center)

Dear Craig:

On May 21, 2001, the Keizer City Council passed Resolution R2001-1267 initiating legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code regarding the Chemawa Activity Center Plan (1997) – Full Review. Please find attached a copy of the proposed Keizer Station Plan. The document includes the following chapters: Background, Keizer Station Plan, Transportation System Analysis, Economic Analysis, Public Facilities Analysis, Plan Amendment/Zone Change Findings, Figures & Appendices. Also please find a copy of the DLCD Notice of Proposed Amendment form. This form and letter is to notify the County of Marion has 45 days from the date of this letter to submit comments to the City of Keizer Community Development Department for consideration in preparation of the recommendation to the City of Keizer Planning Commission. The first public hearing on this matter will be conducted on December 12, 2001 at 7 p.m. in the Keizer City Council Chambers.

In an effort to coordinate and to comply with Statewide Planning Goal 2: Land Use Planning, the City of Keizer invites your full participation in this planning process. Our City planning team would like to meet with you to discuss the proposal and answer any questions you may have about the materials sent to you. Others that will likely attend this meeting will be Keith Liden, Planning Consultant for Keizer; Frank Angelo, Planner representing Developer; and Charles Matschek, Project Manager. If possible, we would appreciate an opportunity to meet with you during the week of October 15th. I will call you this week to coordinate a time to meet.

Sincerely,

Maria Meier
Planning Director

Enc.

Cc: Mark Radabaugh, Willamette Valley Urban Representative



City of Keizer

EXHIBIT "A-124"

Phone: (503) 390-3700 • Fax: (503) 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

October 1, 2001

Oregon Dept. of Transportation
Dave Bishop, Region 2 Area Mgr.
455 Airport Road SE, Bldg. A
Salem, OR 97301-5397

Re: Proposed Text and Map Amendments to Keizer Development Code & Comprehensive Plan –
Proposed "Keizer Station Plan" (Amendment to Chemawa Activity Center)

Dear Dave:

On May 21, 2001, the Keizer City Council passed Resolution R2001-1267 initiating legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code regarding the Chemawa Activity Center Plan (1997) – Full Review. Please find attached a copy of the proposed Keizer Station Plan. The document includes the following chapters: Background, Keizer Station Plan, Transportation System Analysis, Economic Analysis, Public Facilities Analysis, Plan Amendment/Zone Change Findings, Figures & Appendices. Also please find a copy of the DLCD Notice of Proposed Amendment form. This form and letter is to notify the Oregon Department of Transportation has 45 days from the date of this letter to submit comments to the City of Keizer Community Development Department for consideration in preparation of the recommendation to the City of Keizer Planning Commission. The first public hearing on this matter will be conducted on December 12, 2001 at 7 p.m. in the Keizer City Council Chambers.

In an effort to coordinate and to comply with Statewide Planning Goal 2: Land Use Planning, the City of Keizer invites your full participation in this planning process. If you have any questions or comments for the City of Keizer regarding this proposal, please contact me at (503) 390-3700. You may mail comments for the record to the City of Keizer, Community Development Department, P.O. Box 21000, Keizer, Oregon, 97307-1000. Thank you.

Sincerely,

Maria Meier
Planning Director

Enc.

Cc: Mark Radabaugh, Willamette Valley Urban Representative



City of Keizer

EXHIBIT "A-125"

Phone: (503) 390-3700 • Fax: (503) 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

October 1, 2001

Salem Area Transit
Attn: John Whittington
Transit Development Director
555 Court Street NE, Suite 5230
Salem, Oregon 97301

Re: Proposed Text and Map Amendments to Keizer Development Code & Comprehensive Plan –
Proposed "Keizer Station Plan" (Amendment to Chemawa Activity Center)

Dear John:

On May 21, 2001, the Keizer City Council passed Resolution R2001-1267 initiating legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code regarding the Chemawa Activity Center Plan (1997) – Full Review. Please find attached a copy of the proposed Keizer Station Plan. The document includes the following chapters: Background, Keizer Station Plan, Transportation System Analysis, Economic Analysis, Public Facilities Analysis, Plan Amendment/Zone Change Findings, Figures & Appendices. Also please find a copy of the DLCD Notice of Proposed Amendment form. This form and letter is to notify Salem Area Transit has 45 days from the date of this letter to submit comments to the City of Keizer Community Development Department for consideration in preparation of the recommendation to the City of Keizer Planning Commission. The first public hearing on this matter will be conducted on December 12, 2001 at 7 p.m. in the Keizer City Council Chambers.

In an effort to coordinate and to comply with Statewide Planning Goal 2: Land Use Planning, the City of Keizer invites your full participation in this planning process. If you have any questions or comments for the City of Keizer regarding this proposal, please contact me at (503) 390-3700. You may mail comments for the record to the City of Keizer, Community Development Department, P.O. Box 21000, Keizer, Oregon, 97307-1000. Thank you.

Sincerely,

Maria Meier
Planning Director

Enc.

Cc: Mark Radabaugh, Willamette Valley Urban Representative



City of Keizer

Phone: (503) 390-3700 • Fax: (503) 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

October 1, 2001

City of Woodburn
Community Development Dept.
Jim Mulder, Community Development Director
270 Montgomery St.
Woodburn, Oregon 97071

Re: Proposed Text and Map Amendments to Keizer Development Code & Comprehensive Plan --
Proposed "Keizer Station Plan" (Amendment to Chemawa Activity Center)

Dear Jim:

On May 21, 2001, the Keizer City Council passed Resolution R2001-1267 initiating legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code regarding the Chemawa Activity Center Plan (1997) - Full Review. Please find attached a copy of the proposed Keizer Station Plan. The document includes the following chapters: Background, Keizer Station Plan, Transportation System Analysis, Economic Analysis, Public Facilities Analysis, Plan Amendment/Zone Change Findings, Figures & Appendices. Also please find a copy of the DLCD Notice of Proposed Amendment form. This form and letter is to notify the City of Woodburn has 45 days from the date of this letter to submit comments to the City of Keizer Community Development Department for consideration in preparation of the recommendation to the City of Keizer Planning Commission. The first public hearing on this matter will be conducted on December 12, 2001 at 7 p.m. in the Keizer City Council Chambers.

In an effort to coordinate and to comply with Statewide Planning Goal 2: Land Use Planning, the City of Keizer invites your full participation in this planning process. If you have any questions or comments for the City of Keizer regarding this proposal, please contact me at (503) 390-3700. You may mail comments for the record to the City of Keizer, Community Development Department, P.O. Box 21000, Keizer, Oregon, 97307-1000. Thank you.

Sincerely,

Maria Meier
Planning Director

Enc.

Cc: Mark Radabaugh, Willamette Valley Urban Representative



City of Keizer

EXHIBIT "A-127"

Phone: (503) 390-3700 • Fax: (503) 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

October 1, 2001

Salem Community Development Department
Bill Healy, Community Development Director
555 Liberty Street SE Room 305
Salem, Oregon 97301

Re: Proposed Text and Map Amendments to Keizer Development Code & Comprehensive Plan –
Proposed "Keizer Station Plan" (Amendment to Chemawa Activity Center)

Dear Bill:

On May 21, 2001, the Keizer City Council passed Resolution R2001-1267 initiating legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code regarding the Chemawa Activity Center Plan (1997) – Full Review. Please find attached a copy of the proposed Keizer Station Plan. The document includes the following chapters: Background, Keizer Station Plan, Transportation System Analysis, Economic Analysis, Public Facilities Analysis, Plan Amendment/Zone Change Findings, Figures & Appendices. Also please find a copy of the DLCD Notice of Proposed Amendment form. This form and letter is to notify the City of Salem has 45 days from the date of this letter to submit comments to the City of Keizer Community Development Department for consideration in preparation of the recommendation to the City of Keizer Planning Commission. The first public hearing on this matter will be conducted on December 12, 2001 at 7 p.m. in the Keizer City Council Chambers.

In an effort to coordinate and to comply with Statewide Planning Goal 2: Land Use Planning, the City of Keizer invites your full participation in this planning process. Our City planning team would like to meet with you to discuss the proposal and answer any questions you may have about the materials sent to you. Others that will likely attend this meeting will be Keith Liden, Planning Consultant for Keizer; Frank Angelo, Planner representing Developer; and Charles Matschek, Project Manager. If possible, we would appreciate an opportunity to meet with you during the week of October 15th. I will call you this week to coordinate a time to meet.

Sincerely,

Maria Meier
Planning Director

Enc.

Cc: Mark Radabaugh, Willamette Valley Urban Representative

AFFIDAVIT OF PUBLICATION
STATE OF OREGON, COUNTY OF MARION, SS:

I, Scotta Callister, being first duly sworn, depose and say that I am a Publisher of the Keizertimes, a newspaper of general circulation as defined by Section 58, Oregon Laws, as amended by Chapter 445 General Laws of Oregon, 1929, printed and published in Keizer, in aforesaid county and state; that the Notice - Keizer Station Plan Hearing, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for One (1) successive and consecutive week(s) in the following issue(s): November 23, 2001.

EXHIBIT "A-128"

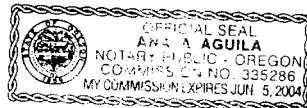
Subscribed and Sworn to before me this

23rd day of November, 2001

Scotta Callister
Scotta Callister

Aria C. Aguila
Notary Public for Oregon, Marion County

June 5, 2004
My Commission Expires



RECEIVED
NOV 28 2001
CITY OF KEIZER
OREGON 97303

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF PUBLIC HEARING
BEFORE THE KEIZER
PLANNING COMMISSION
AMENDMENT TO THE CHEMAWA
ACTIVITY CENTER PLAN
PROPOSED KEIZER STATION
PLAN
COMPREHENSIVE PLAN MAP &
TEXT AMENDMENT/ZONE
CHANGE AND DEVELOPMENT
CODE TEXT AMENDMENT CASE
NO. 01-50**

PURPOSE OF THE HEARING:
The Keizer Planning Commission is conducting a public hearing on amending the Chemawa Activity Center Plan, Keizer Comprehensive Plan map and text, zone change and appropriate amendments to the Keizer Development Code. The Keizer Station Plan is proposed to replace the Chemawa Activity Center Plan. Possible amendments are not limited to the above issues. Proposed amendments may affect the allowed uses by adding, subtracting or redistributing the uses in the Chemawa Activity Center Area. Additional acreage may be designated Commercial. Development or design standards may be required and the process for adopting area or sub-area master plans may be modified. Please refer to the draft Keizer Station Plan and the Keizer Planning Department for additional information. However, please note that any final amendments that may be adopted may differ substantially from the draft Keizer Station Plan.

DATE AND TIME OF HEARING:
Wednesday, December 11, 2001;
7:00pm.

LOCATION OF HEARING: Keizer

City Council Chambers, Keizer City Hall, 930 Chemawa Road N.E., Keizer.

HOW TO PARTICIPATE: Anyone desiring to speak for or against the proposal may do so in person, or by representative, at the public hearing; or may submit written comments with the Keizer Community Development Department prior to the public hearing.

LAND USE DECISION CRITERIA:
The criteria upon which the decision on this application will be based include the following:

- I. Comprehensive Plan Map Amendments - Keizer Development Code Section 3.109.3
- II. Zone Change - Keizer Development Code Section 3.110.03
- III. Text Amendments - Keizer Development Code Section 3.111.03
- IV. Statewide Goals and Administrative Rules

Questions regarding this proposed amendment can be directed to the following:

Keizer Community Development Department
930 Chemawa Road N.E.
Keizer, Oregon 97303
Phone: 390-3700.

DATED this November 16, 2001.
UPON REQUEST, AUXILIARY AIDS AND/OR SPECIAL SERVICES WILL BE PROVIDED TO PARTICIPANTS WITH DISABILITIES. TO REQUEST SERVICES, PLEASE CONTACT CITY HALL AT 390-3700, OR TDD ACCESS AT 1-800-735-2900, AT LEAST TWO WORKING DAYS (48 HOURS) IN ADVANCE OF THE HEARING.

11/23

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF PUBLIC HEARING
BEFORE THE KEIZER PLANNING COMMISSION**

**AMENDMENT TO CHEMAWA ACTIVITY CENTER PLAN
PROPOSED KEIZER STATION PLAN
COMPREHENSIVE PLAN MAP & TEXT AMENDMENT/ZONE CHANGE AND
DEVELOPMENT CODE TEXT AMENDMENT CASE NO. 01-50**

PURPOSE OF HEARING: The Keizer Planning Commission is conducting a public hearing on amending the Chemawa Activity Center Plan. Keizer Comprehensive Plan map and text, zone change and appropriate amendments to the Keizer Development Code. The Keizer Station Plan is proposed to replace the Chemawa Activity Center Plan. Possible amendments are not limited to the above issues. Proposed amendments may affect the allowed uses by adding, subtracting or redistributing the uses in the Chemawa Activity Center Area. Additional acreage may be designated Commercial. Development or design standards may be required and the process for adopting area or sub-area master plans may be modified. Please refer to the draft Keizer Station Plan and the Keizer Planning Department for additional information. However, please note that any final amendments that may be adopted may differ substantially from the draft Keizer Station Plan.

DATE AND TIME OF HEARING: Wednesday, December 12, 2001; 7:00pm.

LOCATION OF HEARING: Keizer City Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer.

HOW TO PARTICIPATE: Anyone desiring to speak for or against the proposal may do so in person, or by representative, at the public hearing; or, may submit written comments with the Keizer Community Development Department prior to the public hearing.

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930 Chemawa Road NE
Keizer, Oregon 97303
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COMPREHENSIVE PLAN MAP & TEXT AMENDMENT/ZONE CHANGE AND
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Such Ordinance is available for inspection at the Keizer City Hall, 930 Chemawa Road N.E., Keizer, Oregon 97303. A copy of the Ordinance is also available for purchase at a cost of \$.10 per page.

For additional information concerning this Ordinance, you may call the Keizer Community Development Department at (503) 390-3700.

The above bold faced language is required under Ballot Measure 56. However, the City of Keizer has not determined whether or not any proposed ordinance might affect the value of your particular property. In addition, any draft ordinance that may be available is not complete, because the public hearing process needs to move forward before the Planning Commission and City Council can draft such ordinance. The Language of Ballot Measure 56 requires notification regarding the ordinance as set forth above.

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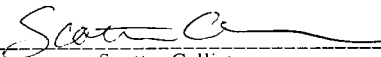
AFFIDAVIT OF PUBLICATION
STATE OF OREGON, COUNTY OF MARION, SS:

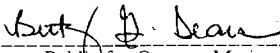
I, Scotta Callister, being first duly sworn, depose and say that I am Publisher of the Keizertimes, a newspaper of general circulation as defined by Section 58, Oregon Laws, as amended by Chapter 445 General Laws of Oregon, 1929, printed and published in Keizer, in aforesaid county and state; that the Notice – Keizer Station Plan hearing, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for One (1) successive and consecutive week(s) in the following issue(s):
April 12, 2002.

EXHIBIT "A-131"

Subscribed and Sworn to before me this

15th day of April, 2002


Scotta Callister


Notary Public for Oregon, Marion County

June 17, 2003
My Commission Expires



**KEIZER COMMUNITY
DEVELOPMENT DEPARTMENT
NOTICE OF PUBLIC HEARING
BEFORE THE
KEIZER CITY COUNCIL**

**AMENDMENT TO CHEMAWA
ACTIVITY CENTER PLAN
PROPOSED
KEIZER STATION PLAN
COMPREHENSIVE PLAN MAP &
TEXT AMENDMENT/ZONE
CHANGE AND DEVELOPMENT
CODE TEXT AMENDMENT
CASE NO. 01-50**

PURPOSE OF HEARING: The Keizer City Council is conducting a public hearing on amending the Chemawa Activity Center Plan, Keizer Comprehensive Plan map and text, zone change and appropriate amendments to the Keizer Development Code. The Keizer Station Plan is proposed to replace the Chemawa Activity Center Plan. Possible amendments are not limited to the above issues. Proposed amendments may affect the allowed uses by adding, subtracting or redistributing the uses in the Chemawa Activity Center Area. Additional acreage may be designated Commercial. Development or design standards may be required and the process for adopting area or sub-area master plans may be modified. Please refer to the draft Keizer Station Plan and the Keizer Planning Department for additional information. However, please note that any final amendments that may be adopted may differ substantially from the draft Keizer Station Plan.

DATE AND TIME OF HEARING:
Monday, May 6, 2002; 7:00 p.m.

LOCATION OF HEARING: Keizer City Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer.

HOT TO PARTICIPATE: Anyone desiring to speak for or against the proposal may do so in person, or by representative, at the public hearing; or, may submit written comments with the Keizer Community Development Department prior to the public hearing.

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- IV. Statewide Goals and Administrative Rules

Questions regarding this proposed amendment can be directed to the following:

Keizer Community
Development Department
930 Chemawa Road NE
Keizer, Oregon 97303
Phone: 390-3700
DATED: this April 5, 2002

UPON REQUEST, AUXILIARY AIDS/
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VICES, PLEASE CONTACT CITY
HALL AT 390-3700, OR TDD ACCESS
AT 1-800-735-2900, AT LEAST TWO
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**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF PUBLIC HEARING
BEFORE THE KEIZER CITY COUNCIL**

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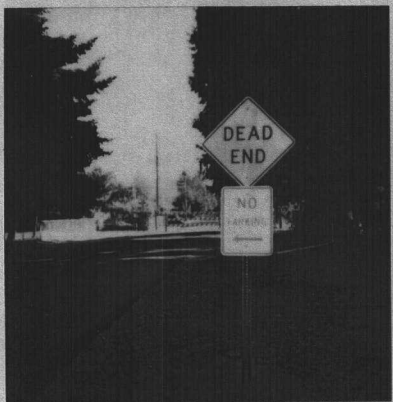
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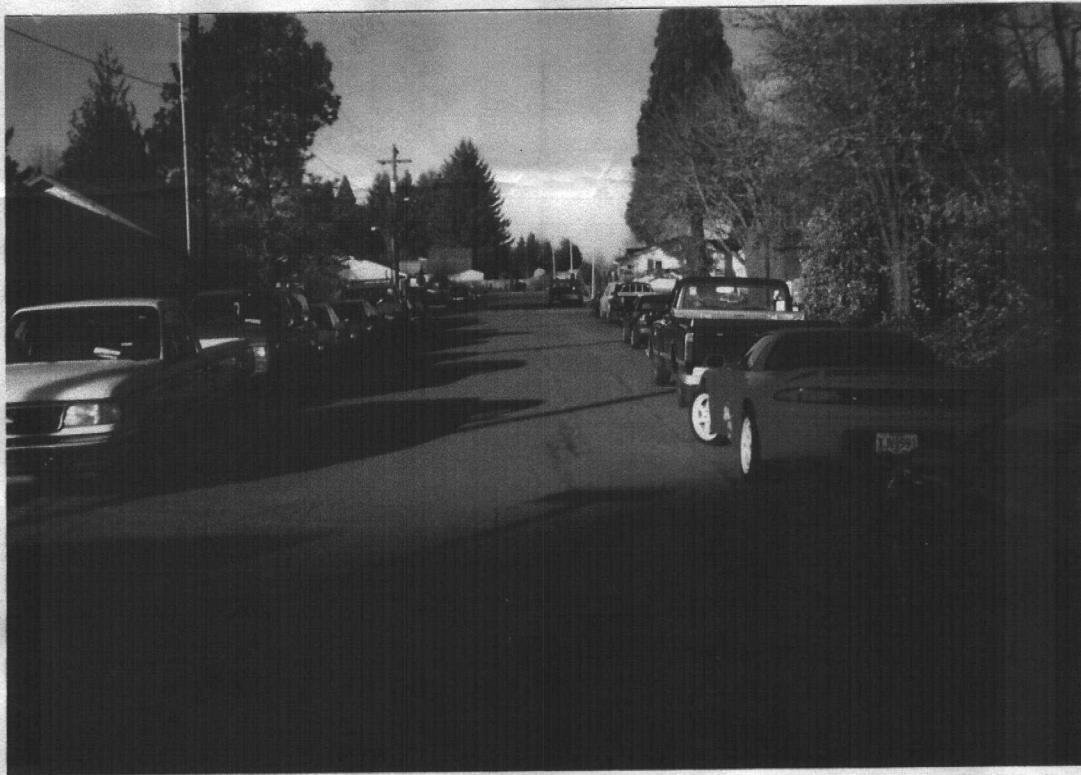
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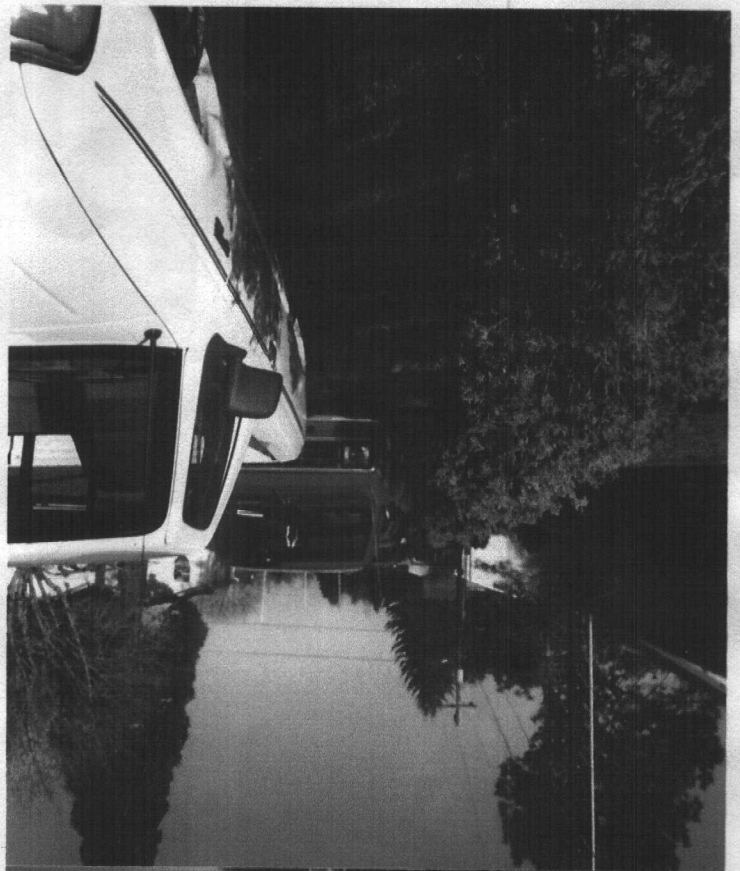
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**PUBLIC HEARING
SIGN UP SHEET**

PUBLIC HEARING RE: WATER RATE AND ADMINISTRATIVE FEE ADJUSTMENTS

DATE: October 21, 2002 TIME: 7:00 p.m. AGENDA ITEM # 4c

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

(PLEASE PRINT)

[illegible]



DATE: October 21, 2002 **TIME:** 7:00 p.m. **AGENDA ITEM #** 4d

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

[illegible]



DATE: October 21, 2002 TIME: 7:00 p.m. AGENDA ITEM # 4a

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

[illegible]



DATE: October 21, 2002 TIME: 7:00 p.m. AGENDA ITEM # 4b

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

[illegible]

PUBLIC TESTIMONY

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

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

Name: Rickie Carter

Address: 5293 Dice Ln N
Kenner OR

Subject or Agenda Item Number: No Parking Signs
McQuinn Dr.
Newberg (503) 304-8543

Your Comments:

Proponent _____ Opponent _____ General _____

Date 10/21/02

Tom Tacchini

(303) 463-5269

5292 Newberg DRN

PUBLIC TESTIMONY

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Name: _____

Rick Waddu

Address: _____

1245 Harmony Dr. NE

Perimeter

Subject or Agenda Item Number: _____

Observer

Your Comments:

Proponent _____ Opponent _____ General _____

Date _____

PUBLIC TESTIMONY

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Name:

ANNE O'Rourke

Address: _____

Subject or Agenda Item Number: _____

Supper

Your Comments:

Proponent _____ Opponent _____ General _____

Date _____

Webb, Martinis & Hill

Attorneys at Law
1114 - 12th Street S.E.
Salem, Oregon 97302

Norman F. Webb
Michael J. Martinis
Norman R. Hill

ORIGINAL

October 21, 2002

Mayor Lore Christopher and
Council Members
City of Keizer City Hall
930 Chemawa Road NE
Keizer OR 97303

Re: Development Review Case No. 2002-59 (Richard Lewis/Cade Street)

Dear Madam Mayor and City Council Members:

This office represents Richard Lewis. Mr. Lewis would like to complete his renovation project on River Road. Unfortunately, he has been denied a building permit because of a dispute over four parking places. Mr. Lewis respectfully requests that the Council approve his request and direct staff to issue an occupancy permit.

A. Facts

Mr. Lewis purchased his property in 1997. A copy of his deed is attached as Exhibit "A." He bought the property in order to renovate and improve the site.

Lewis began developing the land in 1999. He applied to the City for a lot line adjustment to combine the subject property with another parcel to the north. As a part of that process, City staff insisted that Lewis obtain a variance for his parking plan.

Lewis planned parking on the south end of the building. Cars would park perpendicular to Cade Street. A diagram describing the property has already been included in the record.

Staff objected to Lewis' plan because under the Code, parking areas must have sufficient aisle width. Under the original plan, Lewis would add an aisle width of zero because it was assumed that the edge of Cade Street was the edge of his property.

Lewis followed staff's direction and applied for a variance. Staff granted the variance but imposed a condition that Lewis give up four parking spaces closest to River Road. Lewis agreed with the decision and did not appeal.

However, in April of 2001, Lewis learned that he owned more property than he originally thought. The County Tax Assessor was cleaning up disputed areas and drafted a letter to property owners indicating that Marion County assessments now considered Cade a private easement and not a public street.¹

Lewis contacted the City directly and through counsel and requested approval of an amended parking plan. However, staff refused to even acknowledge Lewis' request. Staff actively tried to prevent Lewis from even getting a hearing on his request. Lewis submitted a formal request for a new site plan to the City staff. However, staff refused to grant or refuse the request. Staff took this position as a strategic ploy to prevent Lewis from ever getting a hearing with the City Council. Staff's refusal to address the merits of this issue resulted in a lawsuit. As a last resort, Lewis filed suit. He asked the Marion County Circuit Court to force the City to either grant the occupancy permit, or at least rule on the merits of his request. A copy of the Complaint is attached as Exhibit "C."

Keizer responded to the suit by claiming that Lewis had no right to demand Keizer respond to his request. Keizer filed a motion to dismiss the suit, claiming lack of jurisdiction. Keizer's Motion to Dismiss is attached as Exhibit "D." Keizer argued that the City simply did not have to respond to Mr. Lewis' request and could simply ignore one of its citizens.

The Marion County Circuit Court disagreed. Judge Barber held a hearing to consider the motion. At the conclusion of oral argument the Judge summarily denied Keizer's motion. In fact, Judge Barber ruled from the bench.

Lewis agreed to dismiss his suit and waive his right to claim that the City pay his attorney fees, in exchange for a decision by staff on his request. However, staff has still refused to even address the merits of his claim.

¹ The City Attorney's memorandum suggests that Lewis initiated the County's efforts. That suggestion is false. The County began its investigation of the issue of Cade Street being private on its own. Indeed, County records reveal that Ken Lehto, in the County Assessor's Office, was working on the project as early as 1996, almost a year before Mr. Lewis purchased his property. The County continued to work on the project. See Exhibit "B," packet of County documents. The County relied on the City's representation that it had no plans to pave Cade Street, and that Cade Street was not a public street. The suggestion that Mr. Lewis manufactured the County's involvement in this case is unsupported by the evidence. Indeed, all of the property owners on Cade Street received similar letters. *Id.*

Instead, staff has arranged for this hearing to comply with the settlement agreement. Staff has still never officially accepted or rejected the revised site plan.

B. Substance of the Request

Staff repeatedly contends that this request is simply an attempt to modify the conditions of a variance. Staff claims such modifications are not allowed and therefore refuses to acknowledge the request. Staff is wrong.

First, Lewis' request is not an attempt to modify the variance. Rather, Lewis' request is premised on the fact that a variance is not needed. A variance is a procedure by which a land owner receives permission to do something the zoning code otherwise prohibits. See Keizer Zoning Ordinance 3.105. Obviously, if the Code does not prohibit a particular activity, no variance is needed.

In this case, a variance is not needed. The additional land added to Mr. Lewis' property by Cade Street allows for sufficient aisle width. He does not need a variance for his parking plan to conform with the requirements of the zoning ordinance.

There is also no question that Cade Street is not a public street. Typically, public streets are created when a developer plats a subdivision. The developer will dedicate certain areas on the subdivision as public roads or streets. When the city or local government approves the plat, they also approve and accept the dedication. Oregon law is clear that there can be no creation of a public street without a dedication and an acceptance.

In this case, there is no dedication of land. The Oregon courts follow the rule that a dedication is never presumed. Security and Investment Co. of Oregon City vs. Oregon City, 161 Or 421, 90 P2d 467 (1939). The burden of proof of a common law dedication rests on the party claiming it. The proof must be clear and convincing. Lonsdale v. City of Portland, 1 Or 397 (1861). The court must find clear and unequivocal evidence of the property owner's intent to dedicate land. State Highway Commission v. Bauman, 16 Or App 275 517 P2d 1202 (1974).²

² It should be noted that courts will sometimes find that there is an implied dedication. However, those cases almost uniformly involve circumstances where the dedicator has exhibited a survey or a map to purchasers in which a street or road is delineated. These cases invariably contain elements of estoppel not present in this case. State ex rel Thorton v. Hay, 254 Or 584, 462 P2d 671 (1969).

The only evidence the City points to in this case is a cryptic reference in an old deed. A copy of the deed is attached as Exhibit "E." The deed merely states that the conveyance is subject to the rights of the public in a roadway. This language falls far short of creating an intent to dedicate a specific strip of land to the City of Keizer or to any governmental entity. Instead, the deed merely recognizes the fact that the public has probably acquired a right to traverse the southern portion of the property by way of a prescriptive easement. Mr. Lewis makes no contention that he has the right to close off the driveway or block off access to the remainder of Cade Street. Indeed, he has no intention of blocking the driveway. However, the existence of a public easement across a parking lot is substantially different than the dedication and acceptance of a public street.

It is also clear that the City has never accepted this property as a public street. Indeed, City staff does not even make the contention in this case that it is a public street. Generally, the City accepts a dedication with the passing of an ordinance or approval of a subdivision. See *Harris v. St. Helens*, 72 Or 377, 143 P. 941 (1914). However, in this case, the City has previously taken the position that Cade Street is not a public street. In fact, there is evidence that in the past the City of Keizer condemned another portion of Cade Street as part of the Cherry Avenue widening. Obviously, the City cannot contend that Cade Street is a public street, when it is acquiring an interest in Cade Street at the same time. See Exhibit "F," right-of-way and easement map prepared for the City of Keizer by Peterson Engineering dated November 10, 1997.

Even if Cade Street is a "public street," it is clear that it can be used to meet the aisle dimensions requirement of the Code. KZO 2.303.11C provides that varying aisle dimensions for parking lots. If there is no adjacent parking, one-way aisles must be 12 feet in width; two-way aisles must be 22 feet in width. In this case, Cade Street provides far more than 22 feet of aisle width to allow cars to pass. As a result, it meets the requirements of the aisle width section of the Code. It is also consistent with allowing for the parking, maneuvering, loading and unloading of vehicles as set in the purpose section of the ordinance.

Despite this fact, staff contends that it is somehow unsafe to allow this parking configuration. Staff relies on Section 2.303.11G which provides:

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

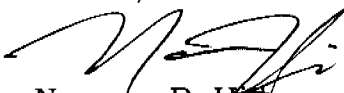
Staff's reliance on this section is misplaced. Subsection G referred to above relates to service drives to off-street parking areas. The issue in this case is the configuration of the parking space itself. Indeed, staff is making no recommendation that the driveway be changed, merely that parking spaces be removed. More importantly, staff's concern appears to be that cars will stack up and block the entrance to the parking lot. However, the provisions for entrances and exits for parking lots are contained in KZO 2.303.11H. That provision provides that "Service drive exits shall have a minimum vision clearance area of 15 feet from the intersection of the street and driveway." In this case, that vision clearance area is met. Ironically, Figure 10 from the Keizer Zoning Ordinance appears to depict precisely the type of parking that is at issue in this case.

The facts of this particular case demonstrate that staff's concerns about safety are overstated. Photographs attached as Exhibits "G1" and "G2" demonstrate that there is more than adequate room for cars to pull out. There is a large planter which separates the parking area from River Road. Indeed, there is over 25 feet of distance from the first parking space to River Road. Numerous examples of this parking design exist in similar locations, including the City Attorney's Office, the City Engineer's Office, the Fire Department and City Hall itself. See Exhibits "H1 - H21, photographs.

C. Conclusion

Mr. Lewis has waited for his occupancy permit for over a year. It should simply not take this long to resolve this dispute. If, in fact, City staff has legitimate concerns about safety, they would have simply ruled on the request and allowed Mr. Lewis to appeal the matter to the City Council. Mr. Lewis respectfully contends that staff's efforts to hinder his attempts to approach his local government, represent clear evidence that this is not a an issue of safety.

Respectfully submitted,
WEBB, MARTINIS & HILL



Norman R. Hill

NRH/nlh
Enclosures

c: Richard Lewis *w/encs.*
Shannon Johnson, City Attorney *w/encs.*

After recording turn to:

Until a check is requested, all tax statements should be sent to the following address:

Richard Lewis
2385 Niagara Street N
Keizer, OR 97303

Richard Lewis
2385 Niagara Street N
Keizer, OR 97303

REEL
1635
PAGE
639

Special Warranty Deed - Statutory Form

(C426)

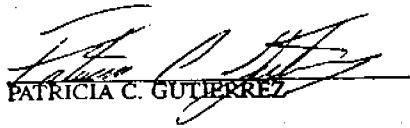
PATRICIA C. GUTIERREZ, Grantor, conveys and warrants to C. RICHARD LEWIS, Grantee, the following described real property free of encumbrances created or suffered by the Grantor except as specifically set forth herein, situated in Marion County, Oregon:

SEE ATTACHED EXHIBIT "A"

The said property is free from encumbrances created or suffered by the Grantor except: 1.1. Regulations, including levies, liens, assessments, rights of way and easements of the Keizer Sewer and Drainage District. (An inquiry has been directed to the District concerning the status of such liens and report will follow if such liens are found); 2. Regulations, including levies, liens, assessments, rights of way and easements of the Keizer Water District. (An inquiry has been directed to the District concerning the status of such liens and report will follow if such liens are found); 3. Regulations, including levies, liens, assessments, rights of way and easements of the Marion Soil and Water Conservation District; 4. The subject property was incorporated into the Urban Renewal Project by instrument (s), including the terms and provisions thereof, Recorded: October 2, 1990, Reel: 803, Page: 440, For: North River Road, Modified by an instrument, including the terms and provisions thereof, Recorded: April 20, 1993, Reel: 1052, Page: 262, Modified by an instrument, including the terms and provisions thereof, Recorded: October 25, 1993, Reel: 1115, Page: 117, Modified by an instrument, including the terms and provisions thereof, Recorded: December 30, 1996, Reel: 1362, Page: 729, 5. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways; 6. Covenants, easements and restrictions, but omitting restrictions, if any, based on race, color, religion, familial status, national origin and mental or physical handicap imposed by instrument, including the terms and provisions thereof, Recorded: May 22, 1994, Volume: 302, Page: 628, 7. An easement created by instrument, including the terms and provisions thereof, Dated: October 27, 1981, Recorded: November 10, 1981, Reel: 266, Page: 432, In Favor of: Marion County, For: Traffic control facility and slopes.

The true consideration for this conveyance is fulfillment of contract.

Dated this 28th day of October, 19 97.


PATRICIA C. GUTIERREZ

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

EXHIBIT A
Page 1 of 2

SEP 23 1999

AmeriTitle
675479/101302

Exhibit 'A'

Parcel I:
Beginning at a point in the middle of the River Road, said point being South 3954.93 feet and South 00°50' East 100.00 feet from the Northeast corner of the Donation Land Claim of T.D. Keizer and wife, Claim No. 38, in Township 7 South, Range 3 West of the Willamette Meridian, in Marion County, Oregon: thence South 00°50' East along the center line of said River Road 100.00 feet; thence South 89°56' East 230.00; thence North 00°50' West, parallel with the center line of the said River Road 100.00; thence North 89°56' West 230 feet to the place of beginning.

Also beginning in the middle of the Salem to Keizer County Road at a point 3954.93 feet South and 270.00 feet South 00°50' East from the Northeast corner of the Donation Land Claim of T.D. Keizer and wife, in Township 7 South, Range 3 West of the Willamette Meridian, in Marion County, Oregon, said point of beginning being 270.00 feet South 00°50' East from the intersection of the center line of said County Road with the North boundary of the South one-half of said claim; thence running South 89°56' East 260.00 feet; thence South 00°50' East 99.6 feet; thence North 89°56' West 260.00 feet to the middle of said road; thence North 00°50' West 99.6 feet to the place of beginning.

Parcel II:
Beginning in the middle of the Salem to Keizer County Road at a point 3954.93 feet South and 200.00 feet South 00°50' East from the Northeast corner of the Donation Land Claim of T.D. Keizer and wife, in Township 7 South, Range 3 West of the Willamette Meridian, in Marion County, Oregon, said point of beginning being 200.00 feet South 00°50' East from the intersection of the center line of said County Road with the North boundary line of the South one-half of said claim; and running thence South 89°56' East 150.00 feet to an iron pipe; thence South 00°50' East 70.00 feet to an iron pipe; thence North 89°56' West 150.00 feet to the center line of said road; thence North 00°50' West along the center line of said road, 70.00 feet to the place of beginning.

Save and Except: From Parcels I and II that portion conveyed to Marion County, Oregon by Warranty Deed dated October 27, 1981, and recorded November 30, 1981 on Reel 266, Page 437 of Marion County Oregon Records.

Parcel III:
Beginning at an iron pipe which is 3954.93 feet South and 200.00 feet South 00°50' East and South 89°56' East 150.00 feet from the Northeast corner of the T.D. Keizer Donation Land Claim, in Township 7 South, Range 3 West of the Willamette Meridian, in Marion County, Oregon, said point of beginning being also 200.00 feet South 00°50' East and South 89°56' East 150.00 feet from the intersection of the center line of the County Road with the North boundary line of the South one-half of said claim; thence South 89°56' East 80.00 feet to an iron pipe on the Westerly line of Cade Street; thence South 00°50' East along the Westerly line of said street, 70.00 feet to an iron bar; thence North 89°56' West, parallel with the North boundary line of said South one-half of said claim, 80.00 feet; thence North 00°50' West 70.00 feet to the place of beginning.

SEP 23 1999

EXHIBIT
Page 2 of 2

A



Marion County
OREGON
ASSESSOR'S OFFICE

September 20, 1996

ASSESSOR
Doug Ebner
(503) 588-5144

Phil Jones
Marion County Public Works
220 High Street NE
Salem, OR 97301

**BOARD OF
COMMISSIONERS**
Randall Franke
Gary Heer
Mary Pearmine

Dear Phil:

We have received several recent visits from citizens whom live on Cade Street in Keizer, questioning whether it is a public right-of-way or a private one. Apparently the City of Keizer is planning some improvements for this street, and the determination of whether it is public or private will effect how they can proceed.

Earlier this week Edward Query came into our office with research he had done which leads him to believe that Cade Street is private. He said that you had also done some research into this matter, and he gave me a copy of a survey with notes you had prepared about the deed history and the references to "reserving for roadway purposes."

Before we make any changes in how we show Cade Street on our maps, we need written confirmation from you that it is indeed private, so we can show it as such on the Assessor's maps.

Thank you for your prompt attention to this matter. If you have any questions, please feel free to call me at 373-4314.

Sincerely,

Kenneth A. Lehto
Cartographer

EXHIBIT **B**
Page 1 of 6



Marion County
OREGON
ASSESSOR'S OFFICE

FILE COPY
07-3W-11 BC, BD

ASSESSOR
Doug Ebner
(503) 588-5144

Phil Jones
Marion County Public Works
3150 Lancaster Dr NE
Salem, OR 97305

September 20, 1996
Duplicate sent: October 17, 1997

BOARD OF
COMMISSIONERS
Randall Franke
Gary Heer
Mary Pearmine

Dear Phil:

We have received several recent visits from citizens whom live on Cade Street in Keizer, questioning whether it is a public right-of-way or a private one. Apparently the City of Keizer is planning some improvements for this street, and the determination of whether it is public or private will effect how they can proceed.

Earlier this week Edward Query came into our office with research he had done which leads him to believe that Cade Street is private. He said that you had also done some research into this matter, and he gave me a copy of a survey with notes you had prepared about the deed history and the references to "reserving for road-way purposes."

Before we make any changes in how we show Cade Street on our maps, we need written confirmation from you that it is indeed private, so we can show it as such on the Assessor's maps.

Thank you for your prompt attention to this matter. If you have any questions, please feel free to call me at 373-4314.

Sincerely,

Kenneth A. Lehto
Kenneth A. Lehto
Cartographer

EXHIBIT **B**
Page 2 of 6



Marion County
OREGON
ASSESSOR'S OFFICE

ASSESSOR
Doug Ebner
(503) 588-5144

CHIEF DEPUTY
ASSESSOR
Dennis Ragain
(503) 588-3576

CHIEF OFFICE
DEPUTY
Gayla Robblee
(503) 588-5479

ASSESSOR FAX #
(503) 588-7985

BOARD OF
COMMISSIONERS
Randall Franke
Patti Milne
Mike Ryan

WEBSITE
www.open.org/marion

Richard Lewis
2385 Niagara St. N.
Keizer, Oregon 97303

April 02, 2001
Map No. 07-3W-11BC

Dear Mr. Lewis:

Four years ago the City of Keizer was proposing improvements to Cade Street. It was discovered that the City did not have a deeded interest or dedication of the right-of-way, giving them the authority to go forward with the improvements. I contacted them a short time ago, and they stated that they no longer had any plans to do the improvements or seek to make the street public.

Since you are an owner of property on Cade Street in Keizer, Oregon, I am writing to you to let you know that we will be updating our maps and property assessment records to show Cade Street as a private right-of-way instead of a public one.

This will result in a larger acreage figure in our records, as well as on your tax statement this fall. This correction will **not** cause your assessed value to increase. I am notifying each property owner along Cade Street of this change. If you have any questions or concerns, feel free to come into our office on the 2nd floor of the Courthouse Square building at 555 Court St. in downtown Salem, or call us at 503-588-5144.

Sincerely,

Kenneth A. Lehto
GIS Cartographer

EXHIBIT **B**
Page 3 of 6



Marion County
OREGON
ASSESSOR'S OFFICE

ASSESSOR
Doug Ebner
(503) 588-5144

**CHIEF DEPUTY
ASSESSOR**
Dennis Ragain
(503) 588-3576

**CHIEF OFFICE
DEPUTY**
Gayla Robblee
(503) 588-5479

ASSESSOR FAX #
(503) 588-7985

**BOARD OF
COMMISSIONERS**
Randall Franke
Patti Milne
Mike Ryan

WEBSITE
www.open.org/marion

Amelita Lacey
724 Cade St. NE
Keizer, Oregon 97303

April 02, 2001
Map No. 07-3W-11BC

Dear Ms. Lacey:

Four years ago the City of Keizer was proposing improvements to Cade Street. It was discovered that the City did not have a deeded interest or dedication of the right-of-way, giving them the authority to go forward with the improvements. I contacted them a short time ago, and they stated that they no longer had any plans to do the improvements or seek to make the street public.

Since you are an owner of property at 724 Cade Street in Keizer, Oregon, I am writing to you to let you know that we will be updating our maps and property assessment records to show Cade Street as a private right-of-way instead of a public one.

This will result in a larger acreage figure in our records, as well as on your tax statement this fall. This correction will **not** cause your assessed value to increase. I am notifying each property owner along Cade Street of this change. If you have any questions or concerns, feel free to come into our office on the 2nd floor of the Courthouse Square building at 555 Court St. in downtown Salem, or call us at 503-588-5144.

Sincerely,

Kenneth A. Lehto
GIS Cartographer

EXHIBIT B
Page 4 of 6

E. SHANNON JOHNSON
Attorney At Law

Lien & Johnson
4855 River Rd. N.
Keizer, OR 97303

Telephone 503-390-1635
Fax 503-390-6557
Keizrlaw@Teleport.com



Marion County
OREGON
ASSESSOR'S OFFICE

ASSESSOR
Doug Ehner
(503) 588-5144

CHIEF DEPUTY
ASSESSOR
Donnie H. Aguin
(503) 588-3576

CHIEF OFFICE
DEPUTY
Gaye Robblee
(503) 588-5479

ASSESSOR FAX #
(503) 588-7985

BOARD OF
COMMISSIONERS
Randall Frank
Paul Milne
Mike Ryan

WEBSITE
www.opers.org/marion

Richard Lewis
2385 Niagara St. N.
Keizer, Oregon 97303

April 02, 2001
Map No. 07-3W-11BC

Dear Mr. Lewis:

Four years ago the City of Keizer was proposing improvements to Cade Street. It was discovered that the City did not have a deeded interest or dedication of the right-of-way, giving them the authority to go forward with the improvements. I contacted them a short time ago, and they stated that they no longer had any plans to do the improvements or seek to make the street public.

Since you are an owner of property on Cade Street in Keizer, Oregon, I am writing to you to let you know that we will be updating our maps and property assessment records to show Cade Street as a private right-of-way instead of a public one.

This will result in a larger acreage figure in our records, as well as on your tax statement this fall. This correction will not cause your assessed value to increase. I am notifying each property owner along Cade Street of this change. If you have any questions or concerns, feel free to come into our office on the 2nd floor of the Courthouse Square building at 555 Court St. in downtown Salem, or call us at 503-588-5144.

Sincerely,

Kenneth A. Lehto
Kenneth A. Lehto
GIS Cartographer

EXHIBIT **B**
Page 5 of 6

5/8" I.R. WITH YELLOW
PLASTIC CAP MARKED
"MULTI/TECH", BENT E'LY,
N15°08'E 0.27'
[FIELDING, 34375]

195.47'

2

1/2" I.P., 4"
[FRYBERGER,

REEL 1738, PAGE 70

120.30'

99.91' (100.0' -
FRYBERGER, 4535)

1.8'

EXISTING PROPERTY LINE

S88°19'13"E 229.94'
(S89°56'E 230.00' - REEL 1437, PAGE 587)

150.00' = REEL 1437, PAGE 587)

79.94'
(80.00' - REEL 1437, PAGE 587)

S38°06'35"E 135.12'
117.20'

PAGE 587

20.82'
69.88' - DEED
S00°49'37"W
(N00°50'W 70.00')

REEL 1738, PAGE 69

PROPOSED PROPERTY LINE

PROPOSED
PROPERTY
LINES

N88°19'13"W 62.01'

75.05'

150.00' = REEL 1437, PAGE 587 REEL 1738, PAGE 68

79.88'
(80.00' - REEL 1437, PAGE 587)

OSHD 3" BRASS DISK
MARKED "REFERENCE"
54+96.39 (54+96.40)
30.74 RIGHT (30.74')
[OSHD, 1914]

S88°20'55"E 259.88'
(S89°56'E 260.00' - REEL 1437, PAGE 587)

ARC=30.04'
RADIUS=1798.91'
DELTA= 0°57'25"
CHORD=S02°08'30"W 30.04'

198.80'

COMPUTED POSITION OF
3/4" I.P. SHOWN ON OSHD MAP
9B-16-27 (FILE NO. 1914)
0+29.46
34.98 LEFT
[FRYBERGER, 4535]

199.83' (200.0' -
FRYBERGER, 4535)

CADE STREET N.E. (60')

EXCEPTED FOR RIGHT-OF-WAY BY
DEED (SEE VOLUME 275, PAGE 77 &
VOLUME 302, PAGE 654), NOT A
DEDICATED OR ACCEPTED PUBLIC STREET

CHORD=S03°19'16"W 44.01'
DELTA= 1°24'07"
RADIUS=1798.91' ({244.00'} - EDWARDS, 22441)
ARC=44.02'

244.08'

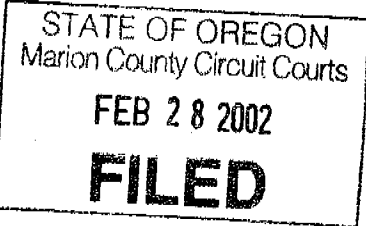
230.68'

N88°22'19"W 259.79'
(N89°56'W 260.00' - REEL 1437, PAGE 587)

1/2" I.R.,
[EDWARD

EXHIBIT

Page 6 of 6



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

STATE OF OREGON, ex rel,
Richard Lewis,

Relator,

v.

CITY OF KEIZER, a municipal
corporation,

Defendant.

Case No. 02C11791

PETITION FOR AN ALTERNATIVE
WRIT OF MANDAMUS

On the relation of Richard Lewis, who is the party beneficially
interested, the State of Oregon alleges:

1.

The City of Keizer and the property at issue in this case are located in
Marion County, Oregon. Therefore, Marion County has jurisdiction and is
the proper venue for this suit.

Page 1 - PETITION FOR AN ALTERNATIVE WRIT OF MANDAMUS

2.

The City of Keizer is an municipal corporation organized and existing under the laws of the State of Oregon.

3.

At all relevant times herein, City of Keizer has had jurisdiction for issuing building permits and approving site plans.

4.

Richard Lewis owns property located at 3600 Block River Road N., Keizer, Oregon.

5.

Richard Lewis applied for a building permit to construct a commercial building on his property. As part of that process, he submitted a site plan based on advice and information from the City of Keizer staff. That information was incorrect. Upon learning that the site plan was based on incorrect information, Mr. Lewis submitted a revised site plan for approval. The revised site plan meets all of the requirements of the Keizer Building and Zoning Codes. Keizer has refused and/or failed to either approve or disapprove the alternative site plan.

6.

The City of Keizer is legally obligated to approve the alternative site plan. At the very least, Keizer must rule on the site plan.

Page 2 - PETITION FOR AN ALTERNATIVE WRIT OF MANDAMUS

7.

The Relator is entitled to a certificate of occupancy.

WHEREFORE, Relator petitions the court to issue a writ directed to Defendant and commanding it as follows:

1. Immediately upon receipt of the writ to approve Relator's alternative site plan for the property at 3600 Block River Road N., Keizer, Oregon; or, in the alternative,

2. To actually rule on whether the site plan is acceptable; and

3. To appear before this court or a judge hereof, at a time and place specified by the court, to show cause why it has done as commanded; and further,

4. To return the writ then and there, showing that it has issued a final certificate of occupancy in the aforementioned property, or showing the cause of its omission to do so.

DATED this 21st day of February, 2002.

WEBB, MARTINIS & HILL

/s/ NORMAN R. HILL

By: _____

Norman R. Hill, OSB #94340
1114 - 12th Street SE
Salem, OR 97302
(503) 363-9264
Of Attorneys for Relator

[Signature]
Defendant

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MARION

STATE OF OREGON, ex rel,
Richard Lewis,

Relator,

v.

CITY OF KEIZER, a municipal
corporation,

Defendant.

Case No. 02C-11791

MOTION TO DISMISS ALTERNATIVE
WRIT OF MANDAMUS

(Honorable Judge Richard Barber)

ORAL ARGUMENT REQUESTED

1

Defendant moves the Court for an order dismissing the Alternative Writ of Mandamus herein, for lack of subject matter jurisdiction, because Relator had a plain, speedy and adequate remedy at law, and because Relator states no clear right to the action requested. Defendant estimates that 30 minutes will be required for argument and requests official court reporting services.

POINTS AND AUTHORITIES

Background

Relator owns property located at the northeast corner of River Road and Cade Street in the City of Keizer. Relator wished to refurbish or remodel an existing building on the site and

PAGE 1 - MOTION TO DISMISS ALTERNATIVE WRIT OF MANDAMUS

EXHIBIT D
Page 1 of 18

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

1 construct a new separate building and to that end applied for a lot line adjustment and variance
2 with the Keizer Planning Department. The variance was requested because Relator wished to
3 improve parking on the south side of the existing building and the cars located on such parking
4 would back onto Cade Street. Keizer Development Code requires a 22-foot parking aisle width
5 (KDC 2.303.11.C). Relator requested to vary that standard to zero feet to allow cars to back
6 into Cade Street.

7 In August 1999, Keizer Planning staff issued its Lot Line Adjustment/Variance Decision.
8 A copy of such decision is attached as Exhibit "1" and by this reference incorporated herein.
9 One of the conditions of the approval was a limitation on parking set forth in Condition 1. Such
10 condition required the elimination of proposed parking spaces number 20 through 23 and
11 replacing those spaces with landscaping.¹ These four spaces were at the west end of the
12 existing building and were the closest to River Road. Please see map attached to the end of the
13 Lot Line Adjustment/Variance Decision. (Please note that the throughout the decision "Cade
14 Street" is incorrectly labeled as "Case Street".)

15 Relator did not appeal this decision and it became final on August 20, 1999.

16 In order to comply with this above referenced condition, Relator submitted a site plan
17 showing the four spaces replaced with landscaping. Based on this site plan, building permits
18 were issued and the construction of the new building and refurbishment of the existing building
19 along with parking improvements were completed.

¹ Condition 1, and the other conditions set forth in the decision, are not specifically linked to either the lot line adjustment or the variance, but are conditions common to the joint application.

1 In April 2001, Relator received a letter from a Marion County cartographer. Such letter
2 alleges that the City did not have a deeded interest or dedication of the Cade Street right-of-way
3 and also indicated that the County was updating their maps and assessment records to show
4 Cade Street is a private right-of-way. A copy of such letter is attached as Exhibit "2" and by
5 this reference incorporated herein. Following receipt of such letter, Relator requested and
6 received from a title company documents showing the chain of title which Relator believes
7 supports the Marion County cartographer's conclusion.²

8 Based on this letter and title work, Relator informally approached City staff and asked
9 if he could construct the parking on the south side of the existing building as originally
10 requested, including the four spaces required to be removed. Because the parking spaces were
11 in proximity to River Road, a major arterial, staff informally declined to allow Relator to
12 change the approved site plan.³

13 Relator constructed the parking with the four spaces in violation of the approved site
14 plan. Consequently, Defendant City has not issued its occupancy permit for the existing
15 building. Relator, after seeking assistance from legal counsel, delivered an alternative site plan
16 to City staff showing the existing four spaces. Because the property is in violation of the
17 approved site plan, City staff has declined to process this "alternative site plan."

²Though not at issue in this Motion, Defendant City would point out that a county cartographer is not in a position to declare the status of title for public right-of-way. Defendant City believes there is an expressed or implied public right-of-way.

³There is no provision for reconsideration of land use or limited land use decision in the Keizer Development Code.

Argument

A writ of mandamus is an extraordinary remedy and shall not be issued in any case where there is a plain, speedy and adequate remedy in the ordinary course of the law. ORS 34.110. *Emerson v. Deschutes County Board of Commissioners*, 46 Or App 247, 249 (1980). There is no circuit court jurisdiction to render a decision on matters that could have been resolved through the local or LUBA process. ORS 197.825; *State ex rel. Moore v. City of Fairview*, 170 Or App 771, 13 P3d 1031 (2000).

The essence of Relator's claim is that there was error in a land use decision.⁴ In Paragraph 2, line 7 of the Alternative Writ of Mandamus, Relator alleges the original "site plan was based on incorrect information", assumably referring to the question of whether Cade Street is a public right-of-way. However, Relator could have researched and raised the right-of-way question in the land use proceeding. Relator did not to do so, and accepted the benefit of the Defendant City's land use approval and constructed and remodeled the buildings on the subject property. Relator is estopped from raising this claim now. *L.A. Development v. City of Sherwood*, 159 Or App 125, 997 P2d 392 (1999).

///

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///

///

⁴The lot line adjustment/variance decision is a "land use decision" under ORS 197.015(10)(a) as an application of Keizer's land use regulations.

1 Even assuming the decision was flawed, errors in land use decisions and in the
2 decision-making process are redressable exclusively through the local appeals process and the
3 Land Use Board of Appeals (LUBA) mechanism and thus there is no circuit court jurisdiction
4 to render a decision on matters that were or could have been resolved through the local or
5 LUBA process. ORS 197.825; *State ex rel. Moore v. City of Fairview*, 170 Or App 771, 13 P3d
6 1031 (2000). Whether the City's decision was rightly or wrongly decided, Relator's writ is
7 tantamount to a collateral attack on a final land use decision.

8 This collateral attack is similar to what the relator attempted in *State ex rel. J.C. Reeves*
9 *Corp. v. City of Portland*, 131 Or App 578, 886 P2d 1095 (1994). Relator in that case brought
10 a mandamus action seeking to compel the city to issue permits and implement the previous
11 decision with "Condition H" deleted from it. *J.C. Reeves*, 131 Or App at 580. The appellate
12 court agreed with the trial court that circuit court jurisdiction in this circumstance is very limited
13 and "the clearest of the situations in which it does not arise is where the essence of the claim
14 is that there was an error in a land use decision that was or could have been reviewed through
15 the LUBA process." *Id. Emphasis in original.* (Citing *City of Oregon City v. Mill-Maple*
16 *Properties, Inc.*, 91 Or App 238, 779 P2d 172 (1989).⁵ (One should note that this case, like *J.C.*
17 *Reeves*, is not 120 day mandamus under ORS 227.178.)

18 In this case, Relator may question the jurisdiction of LUBA when the alternate site plan
19 has not been accepted for review. However, the scope of LUBA's review extends to matters

⁵The only collateral attack specifically allowed is a relatively new statute that would have allowed Relator to bring a circuit court action challenging the condition within 180 days of the date of the land use decision. ORS 197.796. Relator did not avail himself of this option either.

1 involving compliance with local land use standards, procedure and other legal issues such as
2 jurisdiction, construction of law and constitutional finality of a decision. ORS 197.835. In
3 addition, procedural issues such as whether a local government effectively made a reviewable
4 decision in a land use matter are also within the scope of LUBA's review. *State ex rel. Coastal*
5 *Management, Inc. v. Washington County*, 178 Or App 280, 285, 36 P3d 993 (2001).

6 Though Relator may argue that in this case there was additional discovered information,
7 this information (concerning the alleged title defects regarding the right-of-way) could have
8 been discovered by Relator prior to the local land use decision becoming final. Relator has
9 simply failed to exhaust his administrative remedies.⁶

10 A general maxim of mandamus law is that the remedy is only available when the relator
11 proves a clear right to the action requested. *International Transportation Equipment Lessors,*
12 *Inc. v. Bohannon*, 252 Or 356, 358, 449 P2d 847 (1969). Relator alleges, in the alternative writ,
13 merely that the City of Keizer is "legally obligated to approve the alternative [site] plan. At the
14 very least, Keizer must rule on the site plan." Relator fails to cite any authority setting forth
15 a clear right to have the City approve or even consider an alternative site plan in a case where
16 it already approved a site plan in a final land use decision. There is no code requirement to
17 reconsider the decision. Relator fails to allege a clear right to the action requested and
18 mandamus is therefore unavailable.

19 ///

⁶Failure to exhaust administrative remedies is a common theme in areas other than land use. See *Saif Corporation v. Johnson*, 99 Or App 64, 781 P2d 374 (1989) regarding workers compensation, and also *Zollinger v. Frear*, 32 Or App 385, 574 P2d 680 (1978) regarding the Fair Dismissal Appeals Board.

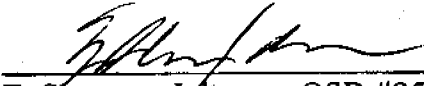
1 CONCLUSION

2 Relator failed to pursue a plain, speedy and adequate remedy in an available appeal from
3 the 1999 decision. Relator cannot invoke the mandamus remedy to collaterally challenge the
4 condition he did not challenge earlier. Nor may Relator invoke the mandamus remedy to force
5 the City review an alternative site plan if there exists no clear right to such requested action.
6 The alternative writ should be dismissed.

7 Pursuant to ORS 34.210, Defendant City requests its reasonable attorney fees to be
8 approved pursuant to ORCP 68 and for the Court to dismiss the Alternative Writ of Mandamus.

9 DATED: May 8, 2002.

10 Respectfully submitted:

11 
12 E. Shannon Johnson, OSB #85248
13 Of Attorneys for Defendant

14 E. Shannon Johnson
15 OSB #85248
16 Lien & Johnson
17 4855 River Road N.
18 Keizer, OR 97303
19 (503) 390-1635

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF DECISION
LOT LINE ADJUSTMENT/
MAJOR VARIANCE CASE No. 99-38**

I. REQUEST

The following report reviews a land use application for a Lot Line Adjustment and a Major Variance for property located at the 3600 Block of River Road N. The applicant is requesting to adjust the common property lines between Tax Lots 1800, 1900, and 2000 (Marion County Tax Assessor's Map No. 7S3W11BC). The applicant also requests to vary Section 2.303.11(C) the required aisle dimensions for parking spaces from 22 to 0, which would allow for vehicles to maneuver directly into Case Street NE.

II. BACKGROUND

- A. **APPLICANT:** Richard Lewis
- B. **PROPERTY LOCATION:** The subject property is located at the 3600 Block River Road N, Keizer. The Assessor's Office identifies this property as T7S, R3W, Section 11BC, Tax Lots 1800, 1900, and 2000 (See Exhibit "A").
- C. **PARCEL SIZE:** Approximately 1.15 acres.
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The subject property fronts a public street and can be served by public sewer and water.
- E. **ZONING:** Commercial Mixed (CM).
- F. **ADJACENT ZONING AND LAND USES:** Surrounding property to the south and west is zoned CM and contains commercial uses. Property located to the east of the subject property is zoned Residential Medium Density (RM) and contains single family dwelling units. Property located to the north of the subject property is zoned Commercial Office (CO) and contains the Keizer Village Assisted Living Center.
- G. **PROPOSAL:** The applicant is requesting to adjust the common property lines between Tax Lots 1800, 1900, and 2000 (Marion County Tax Assessor's Map No. 7S3W11BC). The applicant also requests to vary Section 2.303.11(C) the required aisle dimensions for parking spaces from 22 to 0, which would allow for vehicles to maneuver directly into Case Street NE.

Page :

EXHIBIT **D**
Page 8 of 18

Exhibit 1 page 1 of 9

III. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED** the Lot Line Adjustment request subject to the conditions and requirements noted below. Findings in support of this decision are found in Section VI.

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED WITH CONDITIONS** the request subject to the conditions and requirements noted below. Findings in support of this decision are found in Section VII.

IV. CONDITIONS AND REQUIREMENTS

This decision does not include approval of a building permit.

- A. **CONDITIONS:** The following conditions must be met before a building permit can be obtained or must be continually met as a condition of the particular land use:
1. The applicant shall replace proposed parking spaces No. 20 through 23 with landscaping as permitted in Section 2.309 of the Keizer Development Code.
 2. The actual adjustment of the property lines shall substantially conform to the proposed lot line adjustment as detailed on Exhibit B.
 3. Title transfer instruments accomplishing the property adjustments shall be recorded with the Marion County Clerk by May 14, 2000. The effective period of an approved application may be extended for an additional year subject to approval of an extension (Extension form available from the Planning Division). After the title transfer instruments accomplishing the property adjustments are recorded no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.
 4. Unless otherwise specifically modified by this decision, development of the subject property shall comply with remaining requirements of the Keizer Development Code.
 5. If Cade Street is ever extended and further improved, the subject property may be required to eliminate the parking along Cade Street as shown on the attached site plan. This shall be determined by the Director of Public Works at the time of improvement.

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

V. APPEALS

Any interested person, including the applicant, who disagrees with this decision may request that the application be considered by the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$150.00 fee. This fee will be refunded if the appeal is successful. An appeal request for a hearing in front of the Hearings Officer, must be submitted in writing and be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on August 19, 1999.

Unless further consideration is requested, or the decision is appealed, this decision becomes final on August 20, 1999.

This approval is valid only when the use is established by August 20, 2000. The effective period of an approved application may be extended for an additional year subject to approval of an extension by the Community Development Department.

VI. FINDINGS - LOT LINE ADJUSTMENT

- A. The applicant is requesting to adjust the common property lines between Tax Lots 1800, 1900, and 2000 (Marion County Tax Assessor's Map No. 7S3W11BC). The applicant proposes to adjust the common property lines to accommodate for new development on Tax Lot 1800. The proposed lot line adjustment increases the area to be contained in Tax Lots 1800 and 1900. Tax Lot 2000 will decrease in area from approximately 5,663 square feet to 2,728 square feet.
- B. The approval or denial of a lot line adjustment is based on compliance with decision criteria found in Section 3.106 of the Keizer Land Development Code. Section 3.106.04 establishes the decision criteria. The criteria and staff's findings are listed below.
1. 3.106.04.A. – The adjustment of the lot lines results in no more parcels than originally existed.

FINDINGS: The proposal complies with this requirement as it adjusts the boundary between two parcels and does not create a new parcel.

2. 3.106.04.B. – The proposed lot line adjustment results in parcels that meet all area and dimension standards of the Development Code.

FINDINGS: There is no minimum lot size for commercial properties within a Commercial Mixed (CM) zone. In addition, the CM zone does not require a minimum width or depth. According to Section 2.110.05 *Dimensional Standards*, the parcel size shall be adequate to contain all structures within the required yard setbacks. The proposed lot line adjustment conforms to the standards for lots within a CM zone.

3. 3.106.04.C. – The proposed lot line adjustment does not locate lines in violation of the setback and height provisions of the Code relative to existing structures and improvements.

FINDINGS: The existing commercial structure is located on the southwest corner of the subject property and will not be affected by the proposed lot line adjustment. In addition, there is an existing private utility structure located on Tax Lot 2000. The proposed lot line adjustment will not violate any setback provisions for the structures or improvements on the subject property.

- C. The proposed lot line adjustment conforms with Section 3.106.04 of the Keizer Development Code. Based on the above findings, staff concludes the proposal complies with the applicable decision criteria.

V. FINDINGS - VARIANCE

- A. The applicant also requests to vary Section 2.303 11(C) the required aisle dimensions for parking spaces from 22 to 0, which would allow for vehicles to maneuver directly into Case Street NE.
- B. The decision criteria for a variance are contained in Section 3.105.05 of the Keizer Development Code. The criteria and staff's findings are listed below:
1. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.

FINDINGS: The applicant requests a variance reduce the required aisle dimensions for parking spaces from 22 to 0, which would allow for vehicles to maneuver directly into

Case Street NE. The existing commercial structure on the southwest corner of the subject property is vacant. The previous use of the structure was a restaurant, which utilized a pre-existing parking configuration. The existing parking area along the south property line contains only enough room for a vehicle to park at a 90 degrees angle (See Exhibit "C"). Therefore the required area for maneuverability, identified as aisle width in the development code, is reduced to zero. The applicant proposes to allow vehicles to park on the subject property and pull out into Cade Street.

According to the Public Works Department, the amount of vehicle trips per day on Cade Street NE is minimal and the proposed variance will not interfere with the traffic patterns existing on the street. However, the applicant proposes eleven parking spaces along Cade Street NE. Due to the proximity to the intersection of River Road and Cade Street NE, the four parking spaces closest to the intersection should be removed and replaced by landscaping. The four parking spaces in question are numbered as 20 through 23. This reduction will limit the amount of vehicles maneuvering in and out of parking spaces along Cade Street NE. In addition, the reduction will counter the effect of the added commercial traffic onto Cade Street NE.

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

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

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

FINDINGS: The proposed variance would not be unreasonably detrimental to property or improvements in the neighborhood of the subject property. In fact, the applicant will be required to landscape along Cade Street in lieu of proposed parking spaces No. 20 through 23. In addition, the commercial revitalization of the existing vacant structure will improve the aesthetics in the given area.

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

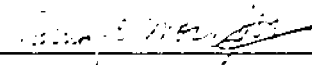
FINDINGS: The existing parking area along the south property line contains only enough room for a vehicle to park at a 90 degrees angle (See Exhibit "C"). Therefore the required area for maneuverability, identified as aisle width in the development code, is reduced to zero. The applicant proposes to allow vehicles to park on the subject property and pull out into Cade Street.

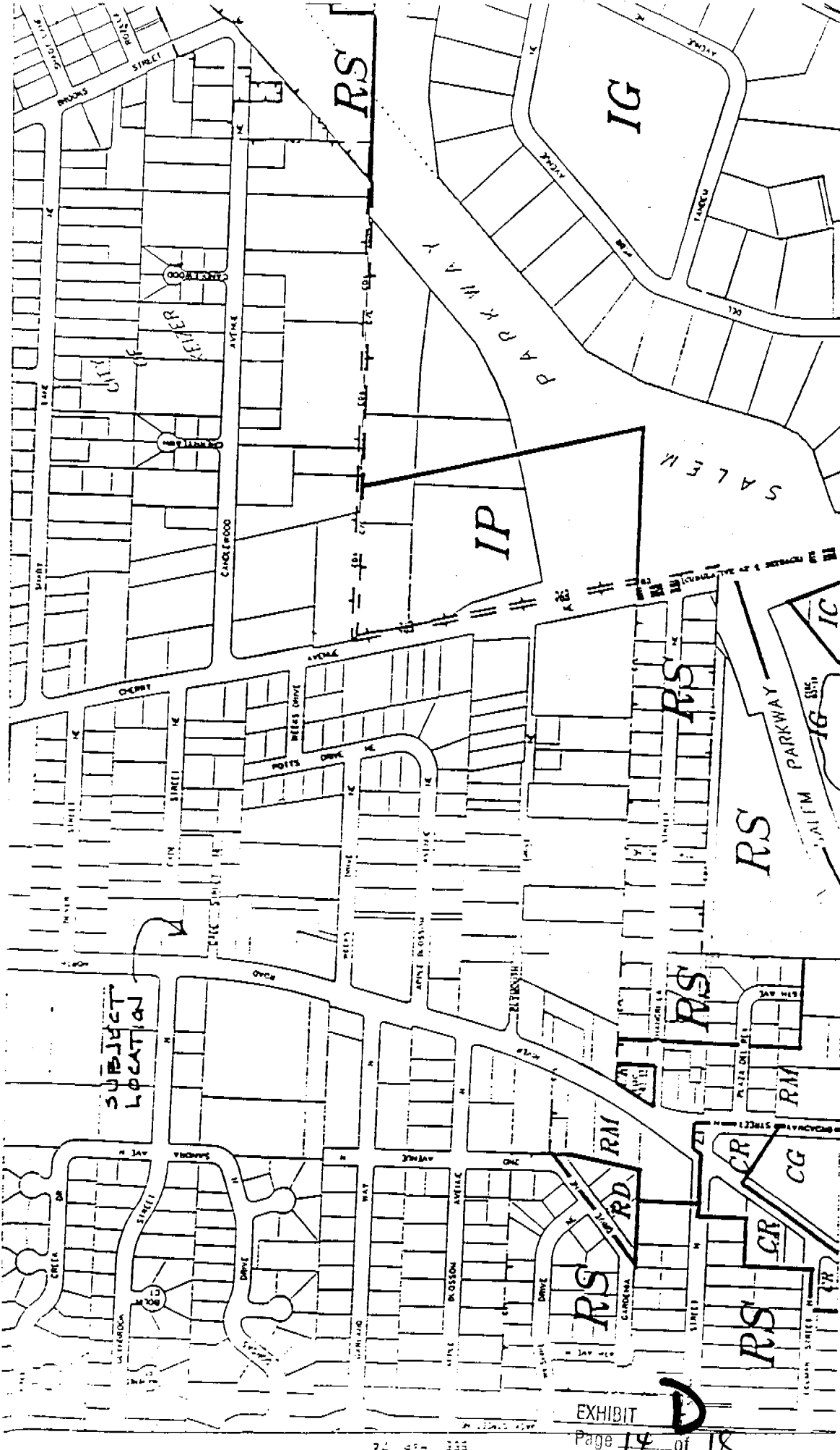
The applicant proposes eleven parking spaces along Cade Street NE. Due to the proximity to the intersection of River Road and Cade Street NE, the four parking spaces closest to the intersection should be removed and replaced by landscaping. According to the Public Works Department, the amount of vehicle trips per day on Cade Street NE is minimal and the proposed variance will not interfere with the traffic patterns existing on the street. The four parking spaces in question are numbered as 20 through 23. This reduction will limit the amount of vehicles maneuvering in and out of parking spaces along Cade Street NE. In addition, the reduction will counter the effect of the added commercial traffic onto Cade Street NE.

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

FINDINGS: The intent and purpose of this provision is to create a safe area for maneuverability for vehicles to ingress and egress from parking spaces. Due to the proximity to the intersection with River Road and Cade Street, proposed parking spaces No. 20 through 23 shall be eliminated and replaced with landscaping. In doing so, the proposed amount of parking spaces is reduced to seven. Combined with the minimal amount of vehicles using the street as it exists, the proposed variance is consistent with the intent and purpose of the provision being varied.

If you have any question about this application or the decision please call 390-3700 or visit the Community Development Department at the above address.

REPORT PREPARED BY	Maria C Meier, Associate Planner
REPORT APPROVED BY	Amy Drought, AICP, Senior Planner 
DATE	6-1-11



ZONING MAPS CITY OF SALEM

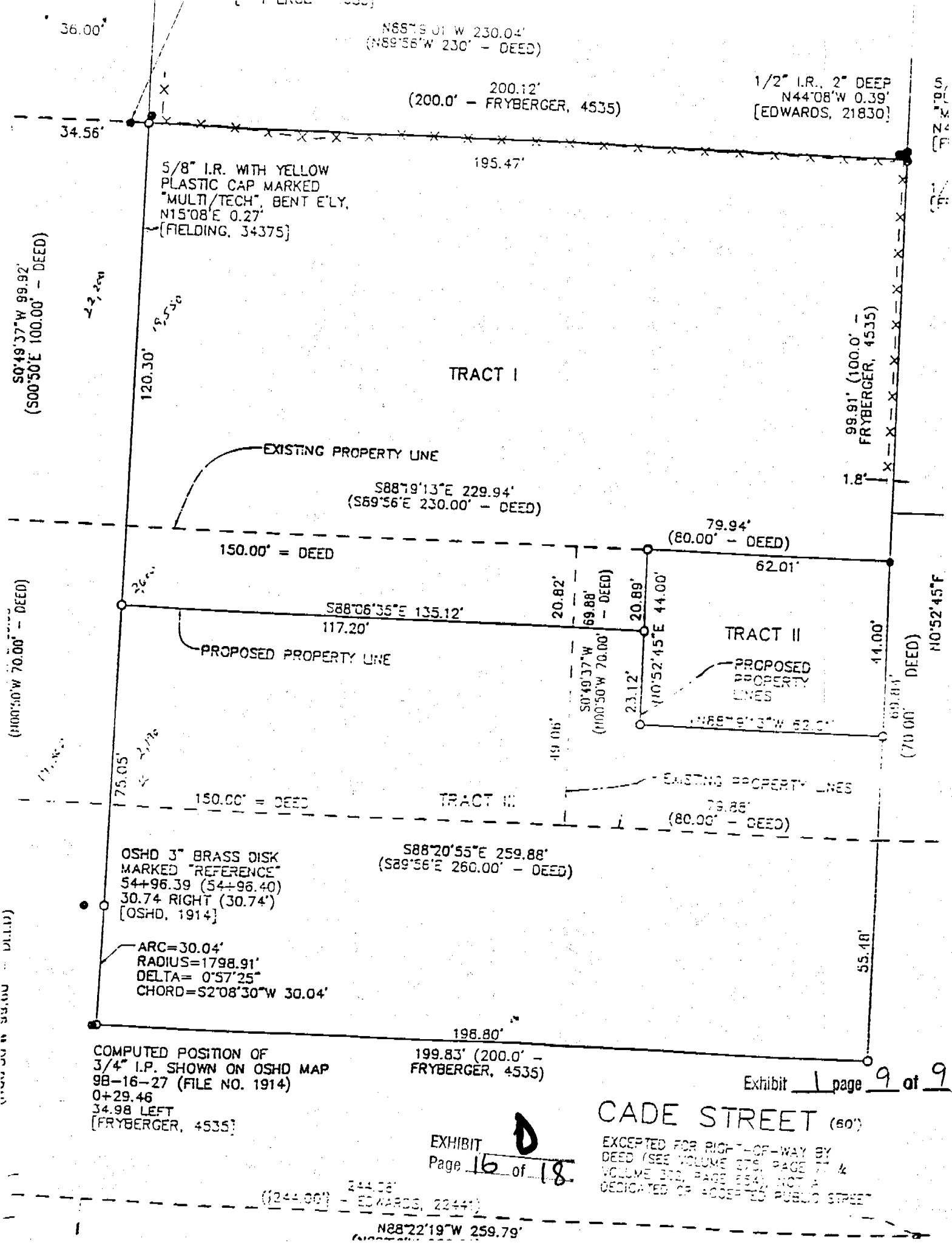
EXHIBIT 1 page 7 of 9

LEGEND

- ▲ CDDA - COMMUNITY DEVELOPED AREA
- ▲ HIGH - HIGHWAY RIGHT-OF-WAY BOUNDARY
- ▲ LVI - LOCAL VARIATION
- ▲ PD - PLANNED DISTRICT
- ▲ IP - INDUSTRIAL PROFESSIONAL

SEE MAP B5

ZONING DISTRICT
RA ZONING DISTRICT DESIGNATION
SPECIFIC OVERLAY ZONES
ISCE 500 104, 105, 102, 103
GREENWAY
PRECISE LOCATION 1503 588-60751
FACT-1775566



Apr 05 01 08:23a

P. 1



Marion County
OREGON
ASSESSOR'S OFFICE

Deena Yeager
503-581-1431

ASSESSOR
Doug Esser
(503) 518-5144

CHIEF DEPUTY ASSESSOR
Doreen H. again
(503) 518-3576

CHIEF OFFICE DEPUTY
Gina Robblee
(503) 518-5479

ASSESSOR FAX #
(503) 518-7925

BOARD OF COMMISSIONERS
Randall Frank
Pat Munc
Mike Ryan

WEBSITE
www.opers.org/marion

Richard Lewis
2385 Niagara St. N.
Keizer, Oregon 97303

April 02, 2001
Map No. 07-3W-11BC

Dear Mr. Lewis:

Four years ago the City of Keizer was proposing improvements to Cade Street. It was discovered that the City did not have a deeded interest or dedication of the right-of-way, giving them the authority to go forward with the improvements. I contacted them a short time ago, and they stated that they no longer had any plans to do the improvements or seek to make the street public.

Since you are an owner of property on Cade Street in Keizer, Oregon, I am writing to you to let you know that we will be updating our maps and property assessment records to show Cade Street as a private right-of-way instead of a public one.

This will result in a larger acreage figure in our records, as well as on your tax statement this fall. This correction will not cause your assessed value to increase. I am notifying each property owner along Cade Street of this change. If you have any questions or concerns, feel free to come into our office on the 2nd floor of the Courthouse Square building at 555 Court St. in downtown Salem, or call us at 503-588-5144.

Sincerely,

Kenneth A. Lehto
Kenneth A. Lehto
GIS Cartographer

EXHIBIT

Page 17 of 18

Exhibit 2 page 1 of 1

CERTIFICATE OF MAILING

Noted: A True Copy
[Signature]
Defendant

I hereby certify that I served the DEFENDANT'S CERTIFICATE and MOTION TO
DISMISS ALTERNATIVE WRIT OF MANDAMUS filed herein on:

Norman R. Hill
Of Attorneys for Relators
1114 - 12th Street SE
Salem, OR 97302

on May 8, 2002, by mailing to said attorney a true copy thereof, certified by me as such,
contained in a sealed envelope, with postage paid, addressed to said attorney at his last
known address as set forth above, and deposited in the post office at Keizer, Oregon, on said
day.

DATED: May 8, 2002.

[Signature]
E. Shannon Johnson, OSB #85248
Of Attorneys for Defendant

E. Shannon Johnson
OSB #85248
Lien & Johnson
4855 River Road N.
Keizer, OR 97303
(503) 390-1635

1 - CERTIFICATE OF MAILING

EXHIBIT **D**
Page 18 of 18

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

This Indenture Witnesseth, That Wm. B. T. Tuley and

Wm. B. T. Tuley, his wife for the consideration of the sum of
THE DOLLARS and other valuable considerations 72 DOLLARS
 to us paid, have bargained and sold and by these presents do bargain, sell and convey unto

T. J. Tuley and Alice L. Tuley, his wife
 as tenants by the entirety, the unto the purchase of land,
 the following described premises, to-wit:

Beginning in the middle of the Salem to Helzer
 County Road at a point 3954.93 feet South and
 270.0 feet S. 0° 50' E. from the Northeast
 corner of the Donation Land Claim of T. D.
 Helzer and wife in Township 7 South of Range 3
 West of the Willamette Meridian in Marion County,
 Oregon, said point of beginning being 270.0 feet
 S. 0° 50' E. from the intersection of the center
 line of said County Road with the North boundary
 of the South one-half of said Claim and from
 thence running S. 89° 56' E. 260.0 feet; thence
 S. 0° 50' E. 115.6 feet; thence N. 89° 56' W.
 260.0 feet to the middle of said Road; thence
 N. 0° 50' W. 115.6 feet to the place of beginning.

Except from the above described tract of land
 a right of way for road purposes, being a strip
 of land 70 feet in width off of and adjacent to
 the West boundary of said tract of land, a strip
 of land 60 feet in width off of and adjacent to
 the South boundary of said tract of land, and a
 strip of land 30 feet in width off of and adjacent
 to the East boundary of said tract of land.

Grantee shall not build upon said premises a
 dwelling house building smaller than the equiv-
 alent of twenty (20) by twenty-four (24) feet,
 and shall not erect said building except upon a
 solid and continuous concrete foundation, and
 grantee agrees that said house, when so constructed
 and finished, shall be worth not less than the
 approximate sum of Fifteen hundred Dollars (\$1,500.00).



To Have and To Hold the said premises, with their appurtenances, unto the said
 Heirs and Assigns forever.

EXHIBIT

E

MAY 27 1998

LOT SUMMARY:

ADDRESS: 3601 CHERRY AVENUE N.E.
KEIZER, OR. 97303

OWNER: WEIGEL, NANCY B. & JAMES P.

MAP NUMBER & TAXLOT I.D.: MAP#: 753W11BD I.D.: 6600

PARCEL 1 - FEE AREA: 1609 S.F.

PARCEL 2 - BASEMENT AREA: 663 S.F.

TOTAL LOT AREA: 10989 S.F.

ODOT FILE NUMBER: 6760038

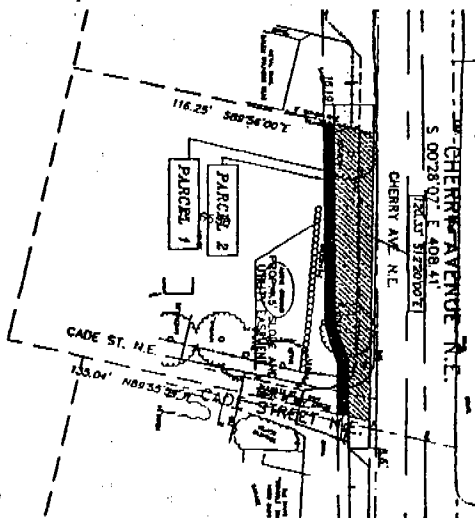
SCALE: 1" = 50'



EXHIBIT "A"

PREPARED FOR:
CITY OF KEIZER, OR
330 CHEMUNAWA ROAD
KEIZER, OR. 97303
(503) 390-3700

PREPARED BY:
PETERSON ENGINEERING
4300 CHERRY AVE., N.E.
KEIZER, OR. 97303
(503) 390-7402



REVISD ROW AND EASMT NOV.10, 1997 J.A.K.

1491
0046

EXHIBIT

F



EXHIBIT G₁



EXHIBIT G2



EXHIBIT H.



EXHIBIT H₂

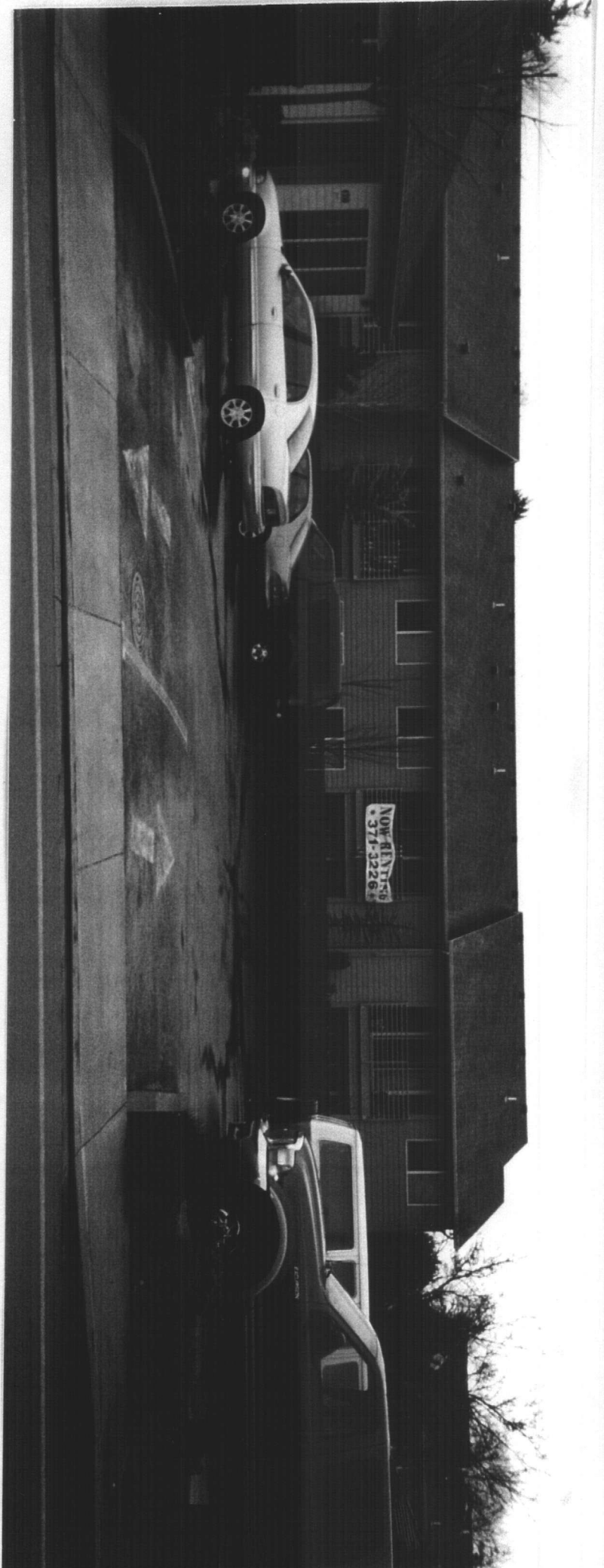


EXHIBIT H₃



EXHIBIT H 4



EXHIBIT H5



EXHIBIT H6



EXHIBIT H7



EXHIBIT H8



EXHIBIT H9



EXHIBIT H10



EXHIBIT Hu



EXHIBIT H12



EXHIBIT H13



EXHIBIT A14



EXHIBIT H15



EXHIBIT H17



EXHIBIT H18



EXHIBIT H19



EXHIBIT H20



EXHIBIT H21