

CITY OF KEIZER MISSION STATEMENT

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

A G E N D A
KEIZER CITY COUNCIL
EXECUTIVE SESSION

Monday, October 17, 2016

6:30 p.m.

**Keizer Civic Center
Keizer, Oregon 97303**

1. CALL TO ORDER

2. ROLL CALL

3. DISCUSSION

- a. Pursuant to ORS 192.660(2)(e) – *To conduct deliberations with persons designated by the governing body to negotiate real property transactions;*
AND
- b. Pursuant to ORS 192.660(2)(f) - *To consider information or records that are exempt by law from public inspection;*

4. ADJOURN

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

The Oregon Public Meeting Law authorizes governing bodies to meet in executive session in certain limited situations. An executive session is defined as any meeting or part of a meeting of a governing body which is closed to certain persons for deliberations on certain matters as defined by ORS 192.660. These sessions are closed to the public. The media may attend the session, unless the Oregon State Statutes specifically prohibits media attendance. The governing body is not allowed to take any final action or make any final decisions during the executive sessions. Any final action or decision must be made after returning or at the next regularly scheduled meeting.

AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION
Monday, October 17, 2016
7:00 p.m.
Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **SPECIAL ORDERS OF BUSINESS**

a. Volunteer of the Quarter Award – Jill Hagen

b. **PROCLAMATION** – Filipino-American History Month

5. **COMMITTEE REPORTS**

6. **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.

7. **PUBLIC HEARINGS**

a. Full Monty's Bistro Liquor License Application – Change of Ownership and Trade Name (The Pour House Saloon)

8. **ADMINISTRATIVE ACTION**

a. **ORDINANCE** – Amending Keizer Development Code Regarding Section 1.200 (Definitions), Section 2.201 (General Standards), Section 2.302 (Street Standards), and Section 2.310 (Development Standards For Land Divisions); Amending Ordinance 98-389

b. **ORDINANCE** – In the Matter of the Application of Herber Farm LLC for a Comprehensive Plan Map Change From Low Density Residential to Medium and High Density Residential, a Zone Change from Single Family Residential to Medium Density Residential, and a Lot Line Adjustment to Consolidate the Existing Lots Into One Large Parcel For An Approximate 7.5 Acre Parcel Located in the 4800 and 4900 Block of Verda Lane, Keizer, Oregon (Case No. 2014-11); Repeal of Order Dated October 6, 2014 (Decision upon Stipulated Remand)

c. ORDER – Denial of Application to Designate Giant Sequoia at 301 Dennis Lane North, Keizer, Oregon as Heritage Tree

d. Possible Lease of City Property

9. CONSENT CALENDAR

a. RESOLUTION – Authorizing the City Manager to Enter Into Lease Agreement with Ricoh USA Inc. for Police Department Copier

b. RESOLUTION – Repeal of Resolution R2015-2603 (Authorizing the City Manager to Sign Agreement to Connect to Public Water System and Covenants Running with the Land with Jonny A. Marin and Leanne D. Martin (Clear Lake Road)

c. Approval of September 19, 2016 Regular Session Minutes

d. Approval of September 26, 2016 Work Session Minutes

10. COUNCIL LIAISON REPORTS

11. OTHER BUSINESS

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

12. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

13. AGENDA INPUT

November 7, 2016 - 7:00 p.m. – City Council Regular Session

November 14, 2016 - 5:45 p.m. – City Council Work Session

- Joint Work Session with Keizer Parks Advisory Board - Funding

November 21, 2016 - 7:00 p.m. – City Council Regular Session

14. ADJOURNMENT

CITY COUNCIL MEETING:_____

AGENDA ITEM NUMBER:_____

TO: MAYOR CATHY CLARK AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

SUBJECT: VOLUNTEER OF THE QUARTER AWARD

ISSUE:

The Volunteer Coordinating Committee has selected Jill Hagen as the recipient of the Volunteer of the Quarter award for fourth quarter of 2016. Ms. Hagen was nominated by the Keizer Public Art Commission and the Keizer Art Association. The nomination letters are attached.

Ms. Hagen has been invited to the meeting to accept her volunteer award. Our thanks and congratulations to Ms. Hagen for her contributions to our community.

City of Keizer
Volunteer of the Quarter Nomination

Each quarter, the City of Keizer recognizes an individual or group of individuals for their contributions to the Keizer community. This award is designed to recognize the achievement and to encourage actions that enhance the city of Keizer, the Keizer community, and the lives of our citizens.

Process for Award Nomination:

- A written nomination form is submitted to the Keizer City Recorder – P.O. Box 21000/930 Chemawa Road NE, Keizer, Oregon 97307 or submitted by clicking the submit button above.
- Additional letters of support, supplementary information such as pictures, news stories, biographical information, or other materials that show the project or contribution of the nominee may be included.
- The nomination will be reviewed and decided by the Volunteer Coordinating Committee. The nominator may be requested to attend a meeting of the Volunteer Coordinating Committee to answer questions or explain the nomination in further detail.
- The award will be then presented at a regular meeting of the Keizer City Council.

Name of Nominee(s): Jill Hagen
Address of Nominee (s): 595 63rd Ave, Salem, OR. 97317
Nominee Phone Number or Contact Information: 503-559-3677

Please provide a brief description, including the dates or time period, of the nominees' contributions and the reason why you are nominating for this award:

See attached

Explain the impacts these contributions have had on the city of Keizer or the Keizer community:

See attached

Nominator Information:

Your name: Beth Melendy
Address: 773 Lakefair Pl. N., Keizer, OR. 97303
Phone Number – Contact Information 503-999-6224

September 1, 2016

Dear Volunteer Coordinating Committee,

I would like to nominate Jill Hagen for Volunteer of the Quarter. Jill was the project manager for the Keizer Community Mural that was painted this summer at Town & Country Lanes. She has demonstrated true community pride, spirit and volunteerism as she took on this huge project.

Jill has been a member of the Keizer Public Arts Commission (KPAC) since June of 2014. She is also an active member of the Keizer Arts Association (KAA.)

During her time as the project manager for KPAC on the mural project, she has logged at least 350 hours of her time. Just since the beginning of June this year, she has logged at least 243 hours on the mural.

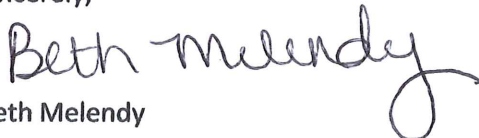
Since the inception of the mural project, which began in 2015, she has gone above and beyond what was required of her as project manager. She has held free classes to encourage community members to become involved in all stages of the mural planning and execution process. Some of these classes, included mural design, grid transfer and portrait painting.

She has demonstrated "out of the box" thinking to involve as many community members as possible, whether they have artistic talent or not. For example, it was her idea to invite the children of Keizer to come put their handprints and footprints on the mural. She was always encouraging passersby to come help on the mural. She developed a mural design that would allow those who may not be comfortable with detailed painting to be able to put their "mark" on the mural by simply painting in the lines. She came up with the kids section where young artists could add their own ideas to the mural.

Once the mural design was ready to be transferred to the wall and painted, she spent at least 5 days a week and 6 hours a day at the mural site overseeing the project from the beginning of June until the first week of August. Despite some speed bumps along the way, she poured her heart and soul into the project to make sure it was completed and it became the focal point of Keizer art that it is today.

Please consider Jill Hagen for this distinction. She has truly earned the respect of the Keizer Community and has been the driving force to bring this beautiful piece of artwork to Keizer.

Sincerely,



Beth Melendy

KPAC chair

ALSO SIGNED BY:

Kim Steen

Amy Ryan

Lore Christopher

Jessi Long

Keizer Public Arts Commission





FREE PORTRAIT PAINTING CLASS ARRANGED BY JILL HAGEN



Jill Hagen shows KPAC members the mural design layout



Volunteer Coordinating Committee
City of Keizer
930 Chemawa Rd
Keizer, Or 97303

Dear Committee Members;

We are writing to advocate for Jill Hagen to be the Volunteer of the Quarter for the 3rd quarter of 2016. We feel she is deserving for the following reasons:

- She has been a volunteer member of KPAC since June 2014
- She has been a Board member of Keizer Art Association since 2004
- She volunteered to be the Project manager for the Keizer Community Mural in 2015. This commitment required her to organize local professional artists, community volunteers, business owners and the public to one goal: Completion of the Community Mural.
- She organized and executive eight public meetings which included four art workshops/classes teaching art skills to the public free of charge conducted by professional artists.
- She organized and managed the Portrait Fundraiser allowing for 25 community members to be represented on the mural.

The actual planning for the mural began in 2015. She was the person who took the KPAC vision of the Iris Festival Parade and began working with artists and community members to bring it to life. Specifically, it was important to Jill that this be a total community effort that would serve to teach and engage local residents in public art projects; as such she organized eight community meetings held in the Keizer Community center and invited the public to work with professional artists. Three of these community meetings were educational workshops that taught public attendees to transfer images from a small sheet of paper to a very large mural; complementary color identification and use; whimsical characters; and establishing a grid to transfer image. All of these meetings were free to the public. Additionally, she organized a full class on portraiture which allowed anyone to come and learn how to paint portraits and then transfer their learned skills to the actual mural portraits. Over 50 local artists contributes their talents to the mural at Jill's urging.

It was Jill who had the idea of including Keizer's children on the mural by allowing them to lend their hand and footprints for the leaves of the irises and butterflies. Over 163 Keizer children participated in this process of a three-week period.

The Keizer Community Mural project was epic! Much larger than expected and taking much longer than anticipated. THIS MURAL WOULD NOT HAVE HAPPENED WITHOUT JILL HAGEN. She was the ONE constant, every day for almost three months on site providing direction, encourage, painting, organization and commitment to the people of Keizer.

This mural will be a Keizer icon and we have Jill Hagen to thank for it! Please acknowledge her efforts by awarding her the Volunteer of the Quarter recognition. If you need any additional information, please contact me as listed below. Thank you for your consideration.

Keizer Art Association Board of Directors

Diane Burton, Lore Christopher, Carol Harris, Cheryl Manhire, Gina Smitasin, Julie Thoreson, Vicky Vickery, Penny White, Anita Zahniser

VOLUNTEER OF THE QUARTER

Fourth Quarter 2016

Presented to

Jill Hagen

*With sincere gratitude and appreciation for your
volunteer contributions to the
Keizer Community.*

Cathy Clark

Mayor – City of Keizer

Trish Crenshaw

Volunteer Coordinating Committee Chair



Proclamation

WHEREAS, October 2016 is the four hundred and twenty-ninth anniversary of the earliest documented proof of Filipino presence on the shores of the west coast of the continental United States; and

WHEREAS, all Oregonians should be informed of the positive impact Filipino Americans have had on our communities; and

WHEREAS, in Oregon, thousands of Filipino Americans have made contributions to the fields of teaching, business, government service, agriculture, ministry, medicine and other sciences, humanities and the United States Armed Forces; and

WHEREAS, it is imperative for Filipino American youth to have positive role models and instill in them the importance of education, complemented with the richness of their ethnicity and values of their legacy; and

WHEREAS, it is through the study of Filipino American history and culture that we can learn of their contribution and role in United States history; and

WHEREAS, this anniversary is a significant time to study the advancement of Filipino Americans – a time of celebration, remembrance, reflection and motivation – and a relevant time for all of our citizens to learn and appreciate more about Filipino Americans and their historic contributions to our nation and to Oregon.

NOW THEREFORE, BE IT PROCLAIMED by Mayor Cathy Clark of Keizer, OR, with the concurrence of the City Council assembled in regular session that the month of October 2016 be

FILIPINO-AMERICAN HISTORY MONTH

And encourage all citizens to join in recognition of the positive impact Filipino Americans have had on our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to be affixed to this document this 17th day of October, 2016.

Signed: _____
Cathy Clark, Mayor

CITY COUNCIL MEETING: October 17, 2016

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

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

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

**SUBJECT: FULL MONTY'S BISTRO - LIQUOR LICENSE APPLICATION -
CHANGE OF OWNERSHIP/TRADE NAME**

BACKGROUND:

On September 22, 2016 the City received an application for a change of ownership and trade name for the liquor license for Full Monty's Bistro located at 4820 River Road, Keizer, Oregon. The new trade name will be The Pour House Saloon. The Oregon Liquor Control Commission requires a new application when changing ownership, location, or license type. As required by Keizer Ordinance a public hearing was scheduled; notice was published and mailed to all property owners within 200 feet of the proposed establishment. As of this date, no response has been received from the property owners.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony and upon completion the hearing be closed. It is further recommended the Council recommend approval of the application for a change of ownership and trade name 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 for final approval.



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

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)
☐ with Fuel Pumps
☐ Brewery Public House (\$252.60)
☐ Winery (\$250/yr)
☐ Other: _____

ACTIONS

- ☒ Change Ownership
☐ New Outlet
☐ Greater Privilege
☐ Additional Privilege
☒ Other change
tradename

90-DAY AUTHORITY

☒ Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- ☐ Limited Partnership ☐ Corporation ☒ Limited Liability Company ☐ Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

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: MH

Date: 9/19/16

90-day authority: ☒ Yes ☐ No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① THE POUR HOUSE SALOON LLC

② _____ ④ _____

2. Trade Name (dba): THE POUR HOUSE SALOON

3. Business Location: 4820 RIVER RD N KEIZER MARION OR 97303
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 8791 LIBERTY RD S SALEM OR 97306
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503 371-8928 503 391-7902
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☒ Yes ☐ No

7. If yes to whom: FULL MONTY LLC Type of License: FULL W/ MINORS

8. Former Business Name: FULL MONTY BISTRO

9. Will you have a manager? ☐ Yes ☒ No Name: _____
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? KEIZER

(name of city or county)

11. Contact person for this application: SYLVIA DIXON 503 371-8928
(name) (phone number(s))
8791 LIBERTY RD S. SALEM OR 97306 503 391-7902 dondixon@msn.com
(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 Sylvia Dixon Date 9/10/16 ③ _____

② _____ Date _____ ④ _____

RECEIVED

OREGON LIQUOR CONTROL COMMISSION

SEP 16 2016



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: THE POUR HOUSE SALOON LLC Phone: 503 371-8928

Trade Name (dba): THE POUR HOUSE SALOON

Business Location Address: 4820 RIVER RD N

City: KEIZER OR ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	<u>7:30</u>	to	<u>2AM</u>
Monday	<u>"</u>	to	<u>"</u>
Tuesday	<u>"</u>	to	<u>"</u>
Wednesday	<u>"</u>	to	<u>"</u>
Thursday	<u>"</u>	to	<u>"</u>
Friday	<u>"</u>	to	<u>"</u>
Saturday	<u>"</u>	to	<u>"</u>

Outdoor Area Hours:

Sunday	<u>7:30</u>	to	<u>2AM</u>
Monday	<u>"</u>	to	<u>"</u>
Tuesday	<u>"</u>	to	<u>"</u>
Wednesday	<u>"</u>	to	<u>"</u>
Thursday	<u>"</u>	to	<u>"</u>
Friday	<u>"</u>	to	<u>"</u>
Saturday	<u>"</u>	to	<u>"</u>

The outdoor area is used for:

☒ Food service Hours: ALL to "
☒ Alcohol service Hours: ALL to "
☐ Enclosed, how UNDER COVER OUTSIDE ENTRANCE
The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

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

ENTERTAINMENT

Check all that apply:

- | | |
|--|--|
| ☐ Live Music | ☐ Karaoke |
| ☐ Recorded Music | ☒ Coin-operated Games |
| ☐ DJ Music | ☒ Video Lottery Machines |
| ☐ Dancing | ☐ Social Gaming |
| ☐ Nude Entertainers | ☒ Pool Tables <u>TBD</u> |
| | ☐ 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: 62 Outdoor: 12
Lounge: INCLUDED Other (explain): Lottery-lv
Banquet: _____ Total Seating: 80

OLCC USE ONLY

Investigator Verified Seating: X (Y) (N)
Investigator Initials: MTT
Date: 9/20/16

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

Applicant Signature: Sylvia Dixon Date: 9/10/16

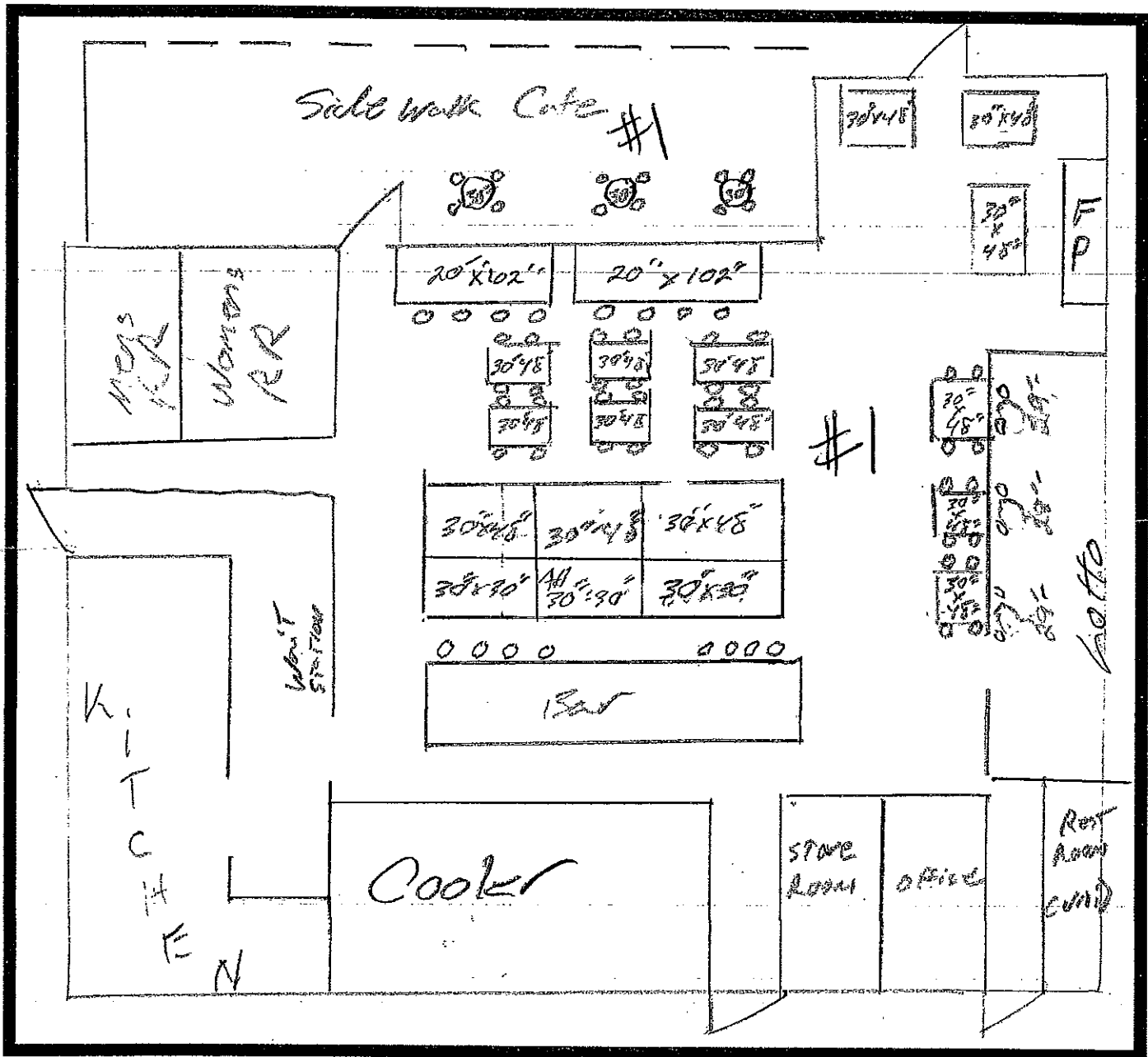
1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)



OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

- Your floor plan must be submitted on this form.
- Use a separate Floor Plan Form for each level or floor of the building.
- The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)
- Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.



The Pour House Saloon LLC

Applicant Name

The Pour House Saloon

Trade Name (dba):

Heizer, OR 97303

City and ZIP Code

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

#1 up entire premises

Date: 9/20/14

Initials: mt

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 09/12)

CITY COUNCIL MEETING: October 17, 2016

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: ORDINANCE AMENDING KEIZER DEVELOPMENT CODE

At the September 6, 2016 Council meeting, Council directed staff to prepare an Ordinance approving the Keizer Development Code text changes to revise the Code relating to private access easements. Such Ordinance is attached for your review.

RECOMMENDATION:

Adopt the attached Ordinance.

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

ESJ/tmh

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A BILL
FOR

ORDINANCE NO.
2016-_____

AN ORDINANCE

AMENDING KEIZER DEVELOPMENT CODE REGARDING
SECTION 1.200 (DEFINITIONS), SECTION 2.201 (GENERAL
STANDARDS), SECTION 2.302 (STREET STANDARDS), AND
SECTION 2.310 (DEVELOPMENT STANDARDS FOR LAND
DIVISIONS); **AMENDING ORDINANCE 98-389**

WHEREAS, the Keizer Planning Commission has recommended to the Keizer
City Council amendments to the Keizer Development Code (Ordinance No. 98-389);
and

WHEREAS, the City Council has held a hearing on this matter and considered
the testimony given and the recommendation of the Keizer Planning Commission; and

WHEREAS, the Keizer City Council has determined that it is necessary and
appropriate to amend the Keizer Development Code as set forth herein; and

WHEREAS, the Keizer City Council has determined that such amendments
meet the criteria set forth in state law, the Keizer Comprehensive Plan, and the Keizer
Development Code;

NOW, THEREFORE,

The City of Keizer ordains as follows:

Section 1. FINDINGS. The City of Keizer adopts the Findings set forth in
Exhibit "A" attached hereto and by this reference incorporated herein.

1 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE.

2 The Keizer Development Code (Ordinance No. 98-389) is hereby amended by the
3 adoption of the changes to Section 1.200 (Definitions), Section 2.201 (General
4 Standards), Section 2.302 (Street Standards), and Section 2.310 (Development
5 Standards for Land Divisions) as set forth in Exhibit "B" attached hereto, and by this
6 reference incorporated herein.

7 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,
8 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional,
9 or is denied acknowledgment by any court or board of competent jurisdiction,
10 including, but not limited to the Land Use Board of Appeals, the Land Conservation
11 and Development Commission and the Department of Land Conservation and
12 Development, then such portion shall be deemed a separate, distinct, and independent
13 provision and such holding shall not affect the validity of the remaining portions
14 hereof.

15 Section 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)
16 days after its passage.

17 PASSED this _____ day of _____, 2016.

18 SIGNED this _____ day of _____, 2016.

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Mayor

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City Recorder

EXHIBIT “A”

Findings regarding the adoption of amendments to Section 1.200 (Definitions); Section 2.201 (General Standards); Section 2.302 (Street Standards); and Section 2.310 (Development Standards for Land Divisions) in the Keizer Development Code.

The City of Keizer finds that:

1. General Findings.
The particulars of this case are found within Planning file Text Amendment 2016-13. Public hearings were held before the Planning Commission on July 13, 2016 and before the City Council on September 6, 2016. Both the Planning Commission and City Council unanimously supported the proposed revisions.
2. Amendments to the Comprehensive Plan or Development Code shall be approved if the evidence can substantiate the following. Amendments to the map shall be reviewed for compliance with each of the following, while text amendments shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given that this is a text amendment Section 3.111.04 A is not applicable.
3. **Section 3.111.04.B - A demonstrated need exists for the product of the proposed amendment -**

Findings: The proposed revisions to the zone code reflect a demonstrated need. It was discovered that the Development Code conflicted with the Fire Code in regards to access easement width requirements. In addition, the proposed changes clarify ambiguity on how access easement lengths are regulated and provide some flexibility to achieve development objectives. Therefore, this text amendment complies with this review criterion.

4. **Section 3.111.04.C- The proposed amendment to the Keizer Development Code complies with statewide land use goals and related administrative rules**

FINDINGS: The proposed text amendments comply with the statewide land use planning goals as discussed below.

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice, a public process involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizertimes. Public hearings were held before the Planning Commission on July 13, 2016 and before the City Council on September 6, 2016. Citizens were afforded the opportunity to participate in the public process. This process is consistent with this goal and with implementing administrative rules within Oregon Administrative Rules.

Goal 2 – Land Use Planning: This ordinance amends the Keizer Development Code. The city has an adopted comprehensive plan acknowledged by the state.

The adoption proceeding was conducted in a manner consistent with the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. The proposed revisions to the Keizer Development Code are consistent with this statewide planning goal and administrative rules.

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. No agricultural lands will be affected by this proposed amendment. Therefore, this goal is not applicable.

Goal 4 – Forest Land: The intent of this goal is to protect lands designated for commercial forest uses. There are no forest lands within the City and no forest lands are affected by this proposed amendment. Therefore, this goal is not applicable.

Goal 5 – Natural Resources: The proposed amendments will not affect or preclude any of the city’s natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. Therefore, this goal is not applicable.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the city’s air, water and land qualities. The revisions to the city’s standards regarding access easements will not affect the city’s air, water and land qualities. Therefore, this goal is not applicable.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The proposed text amendments will neither impact this goal nor any administrative rules. Therefore, this goal is not applicable.

Goal 8 – Recreation: This goal requires the city to identify and plan for current and future recreation needs of the residents of the city. The proposed amendments will have no impact on the recreational activities that occur on any park land within the city. Therefore, this goal is not applicable.

Goal 9 – Economic Development: The intent of this goal is to ensure the city plans for its overall economic vitality. The proposed text amendments will not have any adverse impact on the economic development activities or uses within the city. The proposed amendments will allow greater flexibility in providing access to properties in order to achieve development objectives. This may collaterally improve economic activities within the city, as the amendments will allow more effective and efficient use of properties that are proposed to be developed. Therefore, the proposal is consistent with this goal.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The adopted Housing Needs Analysis found that a deficit of available residential land exists for the upcoming 20-year planning

period. The revisions to the city's standards regarding access easements are intended to allow greater flexibility in order to achieve development objectives and provide additional residential density. The proposed amendments will allow for efficient use of the city's existing land supply and is therefore consistent with this goal.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The proposed amendments will not impact public facilities directly. The proposed amendments will eliminate conflicting language between the Development Code and Fire Code, resulting in consistency in relation to minimum access widths required, which will ensure adequate fire protection and emergency service response can be provided. Therefore, the proposed amendments are consistent with this goal.

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city's transportation systems. The proposed revisions govern the city's regulations for access easements and will not significantly affect any transportation facility within the city and is therefore consistent with Section 3.111.05 regarding Transportation Planning Rule compliance. The proposed text amendments will have no adverse impact on the city's transportation systems and so will not affect this goal or any implementing rules.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. The proposed zone code text amendments will have no impact on this goal and is therefore not applicable.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed text amendments will affect only land that is within the city and will not impact the use of any land being transitioned from rural to urbanized uses. The amendments are intended to allow for more efficient use of the existing land supply within the city which will help accommodate population growth. Therefore, the proposed amendments are consistent with this goal.

Goal 15 – Willamette River Greenway: This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. The revisions to the city's development code will have no impact on the ability of the city to regulate uses along the river or the Willamette River Greenway overlay zone regulations. Therefore, this goal is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources): These goals govern

areas along the ocean. Keizer is not located along the ocean and therefore, these goals are not applicable.

In consideration of the above findings, the proposed zone code revisions comply with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

5. **Section 3.111.04.D - The amendment is appropriate as measured by at least one of the following criteria:**

- a. It corrects identified error(s) in the previous plan.
- b. It represents a logical implementation of the plan.
- c. It is mandated by changes in federal, state, or local law.
- d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

FINDINGS: The proposed text amendment will revise Section 1.200 (Definitions); Section 2.201 (General Standards); Section 2.302 (Street Standards); and Section 2.310 (Development Standards for Land Divisions) of the Keizer Development Code. The proposed changes will clarify that the minimum width required for an access easement is 20 feet so as to be consistent with the provisions of the Fire Code. In addition, the changes will allow access easements to exceed 300 feet in length, to serve more than four dwellings, and to serve commercial and multi-family developments subject to specific review criteria and circumstances.

It is determined that the proposed amendment to the zone code represents a logical implementation of the Keizer Comprehensive Plan. A General Goal of the Comprehensive Plan is to *“Create economic and regulatory incentives that favor residential infill projects that are compatible with existing neighborhoods”* (General Goals A.7) The proposed amendments are consistent with this goal in allowing greater flexibility for residential infill projects. The City Council has, by this adoption, determined that the text revisions are desirable, appropriate, and proper. As such, the proposal complies with this criterion.

1.200 DEFINITIONS

1.200.01 General Provisions

- A. General and Specific Terms. The definitions contained in this Section include those that are applicable to the entire ordinance (general), and those terms that are apply to specific Sections (specific). Terms used in specific Sections are identified as follows:

[Adult]Adult Entertainment Business; Section 2.418

[Flood]Floodplain Overlay Zone; Section 2.120

[Greenway] Greenway Management Overlay Zone; Section 2.121

[Historical] Historical Landmark Overlay Zone; Section 2.125

[RV Park] Recreational Vehicle Park; Section 2.412

[Signs]Signs; Section 2.308

- B. Interpretation. When there are two definitions for the same word or phrase, then the definition most applicable for the given situation shall apply. If appropriate, specific terms may be applied to general situations. (5/98)

1.200.02 Grammatical Interpretation.

Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future, and the singular includes the plural. The word "shall" is mandatory. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of Webster's Third New International Dictionary of the English Language (principal copyright 1961) shall be considered as providing accepted meanings. (5/98)

1.200.03 Diagrams

Diagrams are provided for terms or phrases in order to provide an illustrative example. (5/98)

1.200.04 Definitions.

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section:

Access: The way or means by which pedestrians and vehicles shall have ingress and egress to property. (5/98)

Access Easement:

A narrow, private, limited use roadway, which provides access to a public street for **a maximum of four dwelling units properties** that do not have usable public street frontage. (01/02)

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

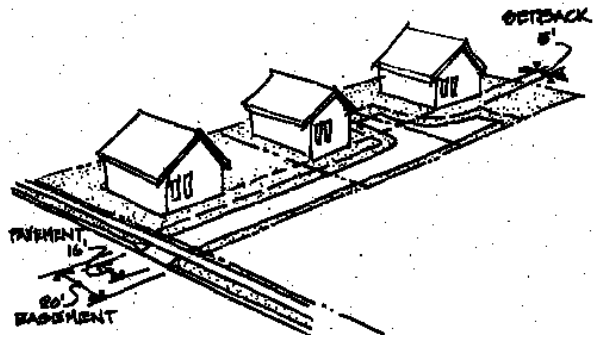
- A. Access Required. All uses shall be located on property having access to a public street. Access to a public street is defined as a minimum of 20 feet of frontage on one of the following: (5/98)
 - 1. Public Street. A public street with a right-of-way not less than 20 feet wide that is unobstructed, has been graveled or paved, and is open for public use to the property. (5/98)

2. Private Street. A private street may be used to access a public street when compliance with Section 2.302.02.F is demonstrated. (10/02)
3. Private Access Easement. A private access easement of not less than ~~14~~ 20 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)



Public Street Right of Way

EASEMENT 20' FOR TWO OR MORE HOUSES
PAVEMENT 16' FOR TWO OR MORE HOUSES
SETBACK 5' FOR BUILDINGS FROM EASEMENT



Access Easement

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)

2.201.06 Unsafe Building

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any building or structure declared unsafe by proper authority. (5/98)

2.201.07 Structures to be on a Lot

All structures and uses shall be entirely situated on a single lot with the following provisions: (5/98)

- A. Condominiums. Structures allowed under the Unit Ownership law (ORS 91.400 et seq.) shall be excepted from this requirement. (5/98)

- B. Zero Lot Line. Buildings that are attached at a common property line or which are detached and located immediately adjacent to a property line, and which meet all requirements of the Building Code as separate buildings, shall be considered separate. (5/98)
- C. Placement on Two or more Lots. Where a structure is placed on two or more separate lots under single ownership so that the structure overlaps a common boundary or encroaches on required yards along the common boundary, the separate lots shall be considered a single lot for the purpose of this Ordinance. Nothing in this provision permits the placement of buildings on a easement. (5/98)
- D. Portable Structures Restricted. Portable structures housing non-residential uses are prohibited except when used for a permitted temporary business or when used as an addition to an existing business located in a permanent structure and when erected and operated in accordance with all applicable building and fire codes, and City sewer and water standards. (5/98)

2.201.08 Division or Alteration of Lots

In addition to any partitioning or subdivision requirements in the Ordinance, no lot held under separate ownership shall be divided or altered so that it does not meet the requirements in this Ordinance. If a lot does not meet such requirements at the time this Ordinance is adopted, it shall not be divided or altered in such a manner that the lot is less in conformity with these regulations in any respect. (5/98)

2.302 STREET STANDARDS

2.302.01 Purpose

- A. Safety. To provide for safe, efficient, and convenient vehicular, [bicycle](#), and [pedestrian](#) 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. (05/98)
- 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. (10/02)
- C. Utility Improvements. The construction or modification of any utilities or sidewalks in public rights-of-way, existing private street, or private access easements. (10/02)
- 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 proposed subdivision, PUD, or partition if the only access to the proposed subdivision, PUD, or partition is via existing and approved private streets. (10/02)

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)
- B. Continuation of Streets. Development proposals, including subdivisions and partitions, shall provide for the continuation of, and connection to, streets where necessary to promote appropriate traffic circulation in the vicinity of the development. Where necessary to give access or permit a satisfactory future division of adjoining land, streets and utilities shall be extended to property boundaries to allow the future extension of streets and infrastructure. A temporary turnaround shall be constructed for stub streets in excess of 150 feet in length. (01/02)

No street or utility extensions are required when any of the following circumstances exist: (01/02)

- 1. Less than three additional existing or future lots on adjoining parcels would gain access from the extension. For purposes of this criterion, the size of said future lots shall be no greater than two times the minimum lot size of the zone. (01/02)
- 2. Parcel shape or size prevents new lots from meeting lot width or depth standards when a public street is proposed through the parcel. (10/15)
- 3. Partial-width streets where adjoining development would provide a full-width public street, does not eliminate the need for variances to lot depth or width requirements. (10/15)
- 4. Natural physical obstructions or barriers, such as parkland, floodplain, slopes, or significant trees, make access and connectivity unreasonable or impracticable. (01/02)
- 5. Providing access and connectivity to one or more adjoining parcel(s) would not be useful given that at least one of the following conditions exist: (01/02)
 - a. A future street plan demonstrates that adequate access and connectivity is provided from the adjacent parcel(s). (01/02)

- b. The development potential of the adjoining parcel(s) is (are) limited due to physical or jurisdictional constraints to such a degree that connectivity is unreasonable or impracticable. (01/02)
- C. Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the existing centerlines. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet. (5/98)
- D. Future extension of streets. When it appears possible to continue a street, bicycle path and/or pedestrian accessway into a future subdivision, adjacent acreage or area attractors such as schools and shopping centers, streets, bicycle paths and/or pedestrian accessway facilities shall be platted and built to a boundary of the subdivision. The street may be platted without a turnaround unless the Public Works Department finds a turnaround is necessary for reasons of traffic safety. Any street extension exceeding 150 feet in length shall be provided with an approved turnaround as set forth in [Section 902.2.2.4 "Dead Ends" of the Uniform Fire Code, 1994 edition](#). (5/98)
- E. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 60 degrees shall require special intersection designs. Streets shall have at least 50 feet of tangent adjacent to intersections unless topography requires lesser distances. Intersections that are not at right angles shall have minimum corner radii of 15 feet. Major arterial intersections shall have curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 20 feet. (5/98)
- F. Existing Streets. Whenever existing public streets adjacent to or within a tract are of a width less than the street design standards, additional right-of-way shall be provided at the time of subdivision, partitioning, or development. (5/98)
- G. Half-Streets. Half-streets may be approved where essential to the reasonable development of an area and when the City finds it to be practical to require the dedication of the other half when the adjoining property is developed. When a $\frac{3}{4}$ width street can reasonably be developed, as determined the Department of Public Works, a half street will be constructed with an additional 10 feet of pavement on the opposite side of the street from full improvement. (5/98)
- H. Cul-de-sacs. The maximum length shall be 800 feet. (5/98)
- I. Street Names. Street names and numbers shall conform to the established standards and procedures in the City. (5/98)

- J. Grades and Curves. Grades shall not exceed 7 percent on arterials, 10 percent on collector streets or 15 percent on any other street. Street grades of 15 percent shall not exceed 200 feet in length. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. On arterials there shall be a tangent of not less than 100 feet between reversed curves. (5/98)
- K. Frontage Streets. If a development abuts or contains an existing or proposed arterial or collector street, the City may allow frontage streets, or may require reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to preserve the capacity and safety of the collector or arterial street. (5/98)
- L. Alleys. Alleys shall be provided in commercial and industrial zones unless other permanent provisions for access to off-street parking and loading facilities are provided. The corners of alley intersections shall have radii of not less than 10 feet. (5/98)
- M. Street Landscaping. Where required as part of the right-of-way design, planting strips shall conform with the following standards: (5/98)
1. Street trees shall be planted at a ratio of no less than one tree per 30 feet of property frontage. Street trees shall conform with the list of acceptable trees included in the City's Street Tree Ordinance. Installation of street trees shall be included in any improvement agreement covering the installation of public facilities and services on a property. (5/98)
 2. Planting strips shall be planted and maintained in predominantly living groundcover materials with hard surfaces consisting of bricks, pavers, rocks, decorative concrete work, etc., only being included as part of an overall landscape design where living plant material is predominant. In no case shall asphalt be used within the planting strip. (5/98)
- N. Access Control Standards. The following access control standards apply to public, industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the City of Keizer Transportation System Plan. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. Access management is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. (10/15)

The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land. (07/09)

1. Traffic Impact Analysis Requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 2.301.03 Traffic Impact Analysis.) (07/09)
2. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street. (07/09)
3. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required; planned access shall be consistent with adopted public works standards for road construction). These methods are “options” to the developer/subdivider. (07/09)
 1. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted. (07/09)
 2. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive. (07/09)
 3. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection 6, below. (07/09)
4. Subdivisions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating

driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes). (07/09)

5. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. (07/09)
6. Access Spacing: The following minimum access spacing standards apply to public streets and driveways on arterial streets: (07/09)

Arterial Access Spacing Standards

Posted Speed (miles per hour)	Minimum Spacing (feet)
25	150
30	150
35	150
40	185
45	230
50 or higher	275

7. Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards in Subsection 6, above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection 8 below, in order to maintain the required access spacing, and minimize the number of access points. (07/09)
8. Shared Driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards: (07/09)

- a. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential). (07/09)
 - b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval. (07/09)
 - c. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future. (07/09)
9. Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards: (07/09)

Block Length. The maximum block length shall be consistent with 2.310.04 Additional Design Standards for Subdivisions. (07/09)

Street Standards. Public and private streets shall also conform to Section 2.302 Street Standards in the City of Keizer Development Code (Table 4.1 Street Design Standards in the TSP). (07/09)

Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of 2.310.04(C)(2). (07/09)
10. Pedestrian/Bicycle Accessways. Accessways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles. (07/09)
11. Street lights. Street lights shall be required for public streets serving more than four dwelling units. Street lights shall be located within a right of way or in utility easements. Street lights are not required along private access easements. Street lights shall be designed to direct the light down toward

the street and sidewalk and as much as practicable away from adjoining homes. (10/15)

O. Trees Along Public Streets

Streetscape trees are required along public streets, shall comply with the provisions of Section 2.309, and must be located according to the following provisions: (10/15)

1. Streetscape trees shall be planted within the boundaries of each lot within 10 feet of street improvements. (10/15)
2. Lots measuring less than 45 feet in width shall be required to plant one streetscape tree. Lots measuring more than 45 feet in width shall be required to plant two streetscape trees. (10/15)
3. Streetscape trees shall be selected from a list of approved trees. (10/15)

2.302.04 General Right-of-Way and Improvement Widths

The following standards are general criteria for public streets in the City of Keizer. These standards shall be the minimum requirements for all streets, except where modifications are permitted under Subsection 2.202.05. (5/98)

The street design standards show five different options for local streets. These standards allow the City flexibility in the design of the street network. (7/09)

Table 4.1 Street Design Standards (07/09)

Functional Classification ¹	Number of Lanes	Parking	Bike Lanes ²	Roadway Width (ft) ³	Sidewalks	Right-of-Way Width (ft) ^{4,5}	Maximum Dwelling Units Served
Major Arterial	5	No ⁶	Yes	50-72	Yes	84	-
Minor Arterial	3	No ⁶	Yes	36-50	Yes	72	-
Collector 2		No ⁶	Yes	36-50	Yes	68	-
Local V	2	Yes	No	34	Yes	48	-
Local IV	2	Yes	No	32	Yes	46	79
Local III	2	Yes	No	30	Yes	44	19
Local II	2	Yes	No	30	Yes	42	14
Local I	2	Yes ⁷	No	28	Yes ⁷	35	9

1. All local street Categories have a ten-foot public utility easement on both sides and a five-foot slope and utility easement on collectors and arterials.
2. Standard bike lane widths are six feet; although five feet may be approved on a case-by-case basis.

3. Street improvements and right-of-way widths may be increased on a case-by-case basis as required by the City in accordance with Public Works Design Standards
4. All Street will have five-foot wide sidewalks on both sides, unless noted. Meandering sidewalks may be considered/required on arterials and collectors.
5. Additional right-of-way may be required at intersections for additional turning lanes. Right-of-way at intersections is required to provide for a minimum 20-foot curb return radius.
6. Depending on installed improvements
7. Parking/sidewalks only required on one side of street

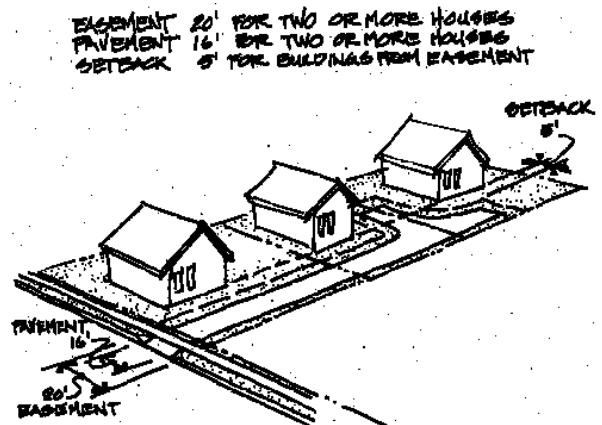
2.302.05 Modification of Right-of-Way and Improvement Width

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. (10/02)



2.302.07 Improvement Width for Private Streets (If allowed in Section 2.302.02F)

Private streets may be constructed to the same or greater width of the existing connecting private street. (10/02)

2.302.08 Private Access Easements

A private access easement created as the result of an approved partitioning or subdivision shall conform to the following: (5/98)

- A. Width. Private access easements shall only be allowed where the applicable standards criteria of Section 2.310.03.D., are satisfied. The easement shall comply with the following additional standards: (5/98)
1. Minimum easement width: 14- 20 feet for 1 dwelling unit; 20 feet for two or more dwelling units with no on-street parking within the minimum required width. (5/98)
 2. Minimum paved width: 12 feet for 1 dwelling unit; 16 feet for two or more dwelling units. (5/98)
 3. ~~3.~~ 3.—— Maximum length: 300 feet for single access to a public street. If there are two or more access points to a public street, the proposed easement may be more than 300 feet if it is the only way to allow for effective development in unique circumstances where it is not practical to serve the development with a public street. Access easements exceeding 300 feet in length must be reviewed by the local Fire District for compliance with the Fire Code, and must receive City approval. The following criteria for City approval will be used:
 - a. A public street is impractical, and an easement is the only feasible method to provide access.
 - b. Adequate parking and safe maneuverability is provided.
 - c. Does not preclude the ability for future redevelopment, and must allow a density no less than 75% of the maximum density of the underlying zone.
 4. Single Family/Duplex Development: No more than 4 dwelling units shall have their sole access to ~~the~~ an access easement unless through access (two or more public street access points) are provided. If the access easement provides through access, no more than 8 dwelling units may be served by the access easement. All access easements providing access to more than 4 dwelling units must provide public bicycle and pedestrian access for connectivity. The instrument recording the access easement must indicate public bicycle and pedestrian access is allowed.

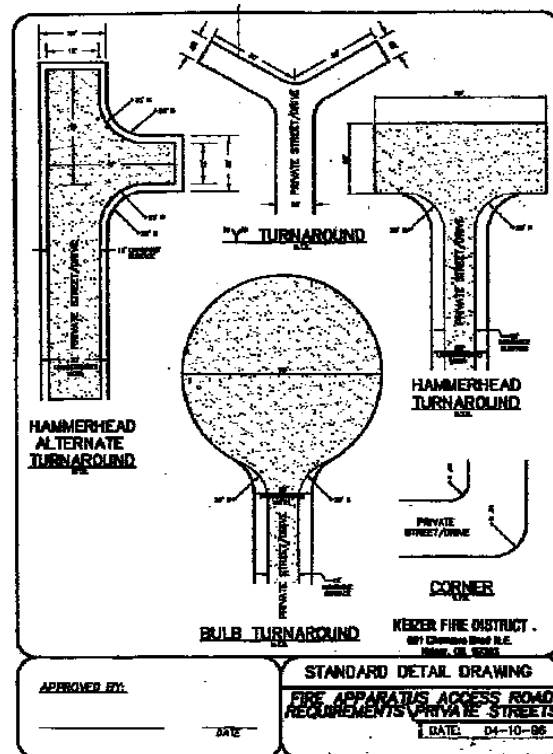
5. Multi-Family/Commercial Development: Access easements serving multi-family and commercial uses may be allowed if it is the only feasible method to provide access to a parcel without public street frontage, or if it is impractical to serve the development with a public street. Access easements are subject to Fire District review and City approval. The design of the easement must be reviewed by the local Fire District for compliance with the Fire Code and must meet the requirements outlined in Section 2.303 for parking lot aisle widths, and all other city standards governing vehicle access contained in the KDC and adopted Public Works Street Standards.

B. Maintenance. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City. (5/98)

C. Turn-around. A turn-around shall be required for any access easement which is the sole access and which serves two or more residences. Turn-arounds shall be either a circular turn-around with a minimum paved radius of 38 feet, or a "tee" or "hammerhead" turn-around with a minimum paved dimension across the "tee" of 60 feet. (10/15)

D. Parking

1. Fire Lanes. No parking allowed. All private access easements serving as the sole access for two or more residences shall be designated as fire lanes and shall display No Parking signs approved by the Fire District City unless additional paved width is provided. (5/98)



Approved Turn Around Designs

2. ~~Parking shall be provided as outlined in Section 2.303 for all private access easements. If the parking is parallel to and adjacent to the easement, its area shall be included within the maintenance agreement for the easement.~~ (10/15)

E. Trees Along Access Easements

Streetscape trees are required along access easements, shall comply with the provisions of Section 2.309, and must be located according to the following provisions: (10/15)

1. Streetscape trees shall be planted within the boundaries of each lot within 10 feet of access improvements. (10/15)
2. Lots measuring less than 45 feet in width shall be required to plant one streetscape tree. Lots measuring more than 45 feet in width shall be required to plant two streetscape trees. (10/15)
3. Streetscape trees shall be selected from a list of approved trees. (10/15)

F. Screening

A 6 foot high sight obscuring fence, wall, or hedge shall be placed along the exterior side of an access easement to provide screening to any adjacent properties. (10/15)

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, Property 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. Property Line Adjustment. Any adjustment of common boundaries between two or more abutting lots or parcels shall require approval of a Property Line Adjustment in accordance with the standards of Chapter 3.1 and the procedures of Chapter 3.2. (6/16)
- 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, including townhouse developments and Planned Unit Developments,~~ may be accessed via an access easement developed in accordance with the provisions of Section 2.302.08. (10/02)
 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. (10/02)
 - 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. Cul-de-sac lots shall have a minimum frontage of 25 feet. (5/98)
 4. 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)
1. The access strip shall not be less than 20 feet wide. The access strip shall be improved with a minimum 12 foot wide paved driveway and paved encroachment which meet applicable City standards. (5/98)
 2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance. (5/98)
- F. Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major streets,

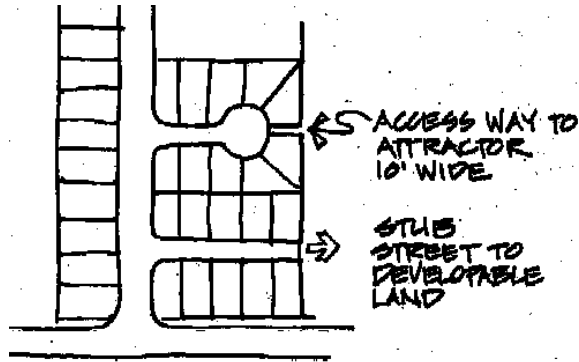
adjacent non-residential activities, or to overcome specific development constraints due to topography or lot orientation. Through lots shall be no less than 100 feet in depth. Lots having their access off a private access easement or adjacent to a private access easement shall not be construed as qualifying as through lots. Screening or buffering, pursuant to the provision of Section 2.307, may be required by the City during the review of the land division request. (06/07)

- G. Lot Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than 1/2 the dimension of the front lot line. (5/98)
- H. Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 2.302.04 of this Code. (5/98)

2.310.04 Additional Design Standards for Subdivisions

- A. Standards for Blocks
 - 1. General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography. (5/98)
 - 2. Sizes: Blocks should not exceed 600 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet. (5/98)
- B. Traffic Circulation. The proposed subdivision shall be laid out to provide safe and, convenient vehicle, bicycle and pedestrian access to nearby residential areas, transit stops, neighborhood activity centers such as schools and parks, commercial areas, and industrial areas; and to provide safe and convenient traffic circulation. At a minimum, "nearby" is interpreted to mean uses within 1/4 mile which can be reasonably expected to be used by pedestrians, and uses within 1 mile of the subdivision boundary which can reasonably be expected to be accessed by bicyclists. (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)



Criteria for – 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. (10/02)

- B. Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 only if sidewalks currently exist along the connecting street. (10/15)
- 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 100 feet, and not along a collector or arterial street 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. (07/07)
 2. If the street frontage of the subject property exceeds 100 feet or is located along a collector or arterial street, or extends an existing dedicated right-of-way, the applicant shall improve the following unless it is determined by the City that any or all of the required improvements may not be practical or desirable due lack of connecting facilities, or topographical or engineering constraints that may preclude the placement of improvements: (07/07)
 - 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)
- 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 only if sidewalks currently exist along the connecting street. (10/15)
- 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)
- 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)
- 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)
- 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)
- 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)

- 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)
- 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)
- J. Street Lights. The installation of street lights is required at locations and of a type required by City standards. (5/98)
- 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)

- L. Public Works Requirements. All facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works. (5/98)
- 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)
- 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)
- 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)
- 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)

2.310.07 Improvement Procedures

In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure: (5/98)



- A. Plan Review. Improvement work shall not commence until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City. (5/98)
- B. Notification. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified. (5/98)
- C. Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City may require changes in typical sections and details in the public

Figure s PAGeref
_Toc168104 \h – Street Tree
Plantings

interest, if unusual conditions arise during construction to warrant the change. (5/98)

D. Underground Facilities. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made. (5/98)

E. Final Engineering Plans. Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide certified as-built drawings of all public utility improvements to the City. As-built conditions and information shall be reflected on one set of Mylar base as-built drawings. The as-built drawings shall be submitted to the City Engineer by the Developer's engineer. (5/98)

CITY COUNCIL MEETING: October 17, 2016

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: COMPREHENSIVE PLAN MAP/ZONE CHANGE/LOT LINE
ADJUSTMENT CASE NO. 2014-11 (HERBER FARM, LLC)**

This matter came before Council for public hearing on June 20, 2016. The Council allowed additional time for written testimony, along with applicant's arguments. Such written testimony and arguments were submitted and on September 19, 2016, the Council voted to direct staff to prepare an appropriate Ordinance approving the requested revised application.

Such Ordinance is attached for your review. Such Ordinance repeals the previous Order denying the application adopted on October 6, 2014.

RECOMMENDATION:

Adopt the attached Ordinance.

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

ESJ/tmh

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A BILL
ORDINANCE NO.
2016-_____
FOR
AN ORDINANCE

IN THE MATTER OF THE APPLICATION OF HERBER FARM, LLC FOR A COMPREHENSIVE PLAN MAP CHANGE FROM LOW DENSITY RESIDENTIAL TO MEDIUM AND HIGH DENSITY RESIDENTIAL, A ZONE CHANGE FROM SINGLE FAMILY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, AND A LOT LINE ADJUSTMENT TO CONSOLIDATE THE EXISTING LOTS INTO ONE LARGE PARCEL FOR AN APPROXIMATE 7.5 ACRE PARCEL LOCATED IN THE 4800 AND 4900 BLOCK OF VERDA LANE, KEIZER, OREGON (CASE NO. 2014-11); REPEAL OF ORDER DATED OCTOBER 6, 2014 (DECISION UPON STIPULATED REMAND)

The City of Keizer orders as follows:

Section 1. THE APPLICATION. This matter came before the Keizer City Council upon the application of the Herber Farm, LLC for a comprehensive plan map change from Low Density Residential to Medium and High Density Residential, a zone change from Single Family Residential to Medium Density Residential, and a lot line adjustment to consolidate the existing lots into one large parcel for an approximate 7.5 acre parcel located in the 4800 and 4900 Block of Verda Lane, Keizer, Oregon. The property is identified on the Marion County Tax Assessor's Map as Township 7 South; Range 3 West; Section 02AA; Tax Lots #03000 through and including 03600, and Township 7 South; Range 3 West; Section 02AD; Tax Lots #06700 through and including 07300. On October 6, 2014 the City Council denied the requested

1 Comprehensive Plan change and Zone change, but approved the proposed Lot Line
2 Adjustment. The Council's decision was appealed to the Land Use Board of Appeals
3 (LUBA). Following the appeal, the City and applicant entered into a Stipulated Motion
4 for Remand allowing the proposal to be brought back to the City.

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

9 Section 3. PUBLIC HEARING. A public hearing was held on this matter before
10 the Hearings Officer and the City Council in the original proceeding. In addition, the
11 City Council held a remand public hearing. The following persons either appeared at the
12 City Council remand public hearing or provided written testimony on the revised
13 application before the Council:

- 14 1. Nate Brown, Community Development Director
- 15 2. Mark Grenz, Multi-Tech Engineering, Applicant Representative
- 16 3. Joe Herber, Applicant
- 17 4. Wallace Lien, Applicant's Attorney
- 18 5. Salem-Keizer Public Schools
- 19 6. Marylin Prothero, Opponent
- 20 7. Alan and Susan Kendall, Opponent
- 21 8. Brittany and Matthew Garza, Opponent
- 22 9. Daniel Irwin, Opponent
- 23 10. Bob Jones, Opponent
- 24 11. Dee A. Sloan, Opponent
- 25 12. Robert Thompson, Opponent
- 26 13. Paul and Mandy Elder, Opponent
- 27 14. Paul and Lillian Weaver, Opponent

- 1 15. Cori Budrow, Opponent
- 2 16. Judith Odle, Opponent
- 3 17. Laura Scales, Opponent
- 4 18. James Bucholz, Opponent
- 5 19. Bobbie Rogers, Opponent
- 6 20. Jerry Walton, Opponent
- 7 21. Jeffrey Hernandez, Opponent
- 8 22. Eamon Bishop, Opponent
- 9 23. Maria Bushek, Opponent
- 10 24. Deanna Fuller, Opponent
- 11 25. Karen and David Okada, Opponent
- 12 26. Jessica Davidson, Opponent
- 13 27. Larry Odle, Opponent
- 14 28. Debbie Crux, Opponent
- 15 29. Dennis Tephall, Opponent
- 16 30. Casey Sanders, Opponent
- 17 31. DeAnne Reiersen, Opponent
- 18 32. Ardith Oakes, Opponent
- 19 33. Matt Varner
- 20 34. Terry and Ruth Hagle, Opponent
- 21 35. Nelson Sossaman, Opponent
- 22 36. Thomas Reed
- 23 37. Linda Minden, Opponent
- 24 38. John Welles, Opponent
- 25 39. Joyce Worden

26 Section 4. EVIDENCE. Evidence before the City Council in this matter includes

27 the original record submitted to LUBA in the matter, the Stipulated Motion for Remand,

28 the notice of the June 20, 2016 hearing, the staff reports and attachments for the June 20,

29 2016 and September 19, 2016 Council meetings, and all evidence placed before and not

30 rejected by the City Council, including the evidence set forth in Exhibit “A” attached.

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

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

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

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

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

12 Section 10. FINAL DETERMINATION. This Ordinance is the final
13 determination in this matter.

14 Section 11. REPEAL OF ORDER DATED OCTOBER 6, 2014. The Order in the
15 Matter of the Application of Herber Farm, LLC for a Comprehensive Plan Map Change
16 from Low Density Residential to Medium and High Density Residential, a Zone Change
17 from Single Family Residential to Medium Density Residential, and a Lot Line
18 Adjustment to Consolidate the Existing Lots into One Large Parcel for an Approximate

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1 7.5 Acre Parcel Located in the 4800 and 4900 Block of Verda Lane, Keizer, Oregon
2 (Case No. 2014-11) dated October 6, 2014 is hereby repealed in its entirety upon the
3 effective date of this Ordinance.

4 Section 12. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)
5 days after its passage.

6 Section 13. APPEAL. A party aggrieved by the final determination in a
7 proceeding for a discretionary permit or a zone change may have it reviewed under ORS
8 197.830 to ORS 197.835.

9 PASSED this _____ day of _____, 2016.

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11 SIGNED this _____ day of _____, 2016.

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Mayor

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City Recorder

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EXHIBIT "A"

Evidence

Official notice has been taken of the Planning Department report, the Hearings Officer report, written and oral testimony and comments in the matter, the application and exhibits contained in the Record herein.

Mayor Christopher opened the September 2, 2014 Public Hearing.

City Attorney Shannon Johnson read the criteria for the zone change and comprehensive plan change. Community Development Director Nate Brown read the criteria for Lot Line adjustment. Mr. Johnson explained that the decision should be based upon these criteria, and that testimony, arguments and evidence must be directed toward the criteria, other criteria in the Comprehensive Plan, or land use regulations believed to apply to this decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. He noted that if anyone had any objection as to conflict of interest, bias, jurisdiction, notice and opportunity to be heard, it should be brought up at the time of testimony and any Council members wanting to disclose conflict of interest, bias or prejudice on this case should do so at this time.

Councilors testified to various issues such as living near the property, reading the newspaper (Keizertimes), and contact by citizens whom they directed to the City website. Councilor Egli noted that he had been contacted by Karen Okada who shared pros and cons of multi-family dwelling development and Tim Smith who had voiced support for the development. Mr. Johnson provided additional information regarding the difference between legislative cases and quasi-judicial cases and reiterated that the decision must be based on the criteria.

Mr. Brown then provided background information and recommended that Council hear testimony, review the application and direct staff to develop mitigations to address the negative impacts that this application may present. He explained that, should this property be developed in the way it is platted, there would be no improvements associated with the development and it would likely be developed at a higher density which would impact traffic. He reviewed and addressed issues that were brought up at the previous hearing: the property's open space qualities, concerns regarding traffic, density/multi-family housing needs, crime, schools, water quality and the environment. He noted that Council can place significant mitigations

to control impacts to the community with street improvements, landscaping, and traffic mitigations related to design control at the access points.

Mr. Brown then fielded questions regarding the existing platting of the property in question and right-of-way acquisition for the Verda roundabout. He explained various housing options including shared housing units, zero lot line housing, cottage clusters and planned unit developments noting that the applicant could develop the property with 50-60 units.

Mark Grenz, Multi-Tech Engineering, Keizer resident for 35 years, explained that his firm was sought out by the Herber family to determine the best use of the property. After reviewing various aspects of the property, it was determined that the best action was to apply for a Comp Plan and Zone change. His firm provided all findings addressing the criteria as part of the staff report, and the hearings officer determined that the criteria had been met. By limiting the development to the upper portion of the site, the lower portion will be left intact and traffic will not be impacted because of the limited access. Mr. Grenz then presented a Power Point which reviewed available mass transit, schools, parks, shopping, plat lines, and property values. He noted that many families choose not to be homeowners, but prefer to live in apartments and the taxes that they pay would adequately cover the impact they would have to city services.

Judith Odle, Keizer, noted that within one mile of the proposed project there are 230 apartments. She spoke in opposition of allowing a three-story structure across the street from her home, but indicated that a two-story structure would be acceptable.

Cori Budrow, Keizer, spoke in opposition to the proposed development noting that single-family dwellings would have less impact on the environment and shared driveways would keep the traffic impact to a minimum. She questioned the impact of an apartment on the Keizer wastewater treatment system.

Judy Meek, Keizer, voiced opposition to the project citing increased enrollment at the elementary schools, increased water usage and traffic congestion.

Bob Thompson, Keizer, expressed opposition to allowing a three-story structure, but indicated that a two-story structure would be acceptable. He questioned

the impact of an apartment on the Keizer wastewater treatment system, traffic and parking.

City Attorney Shannon Johnson explained that this issue could not be put to popular vote because it is a land right. In a quasi-judicial hearing the parties are entitled to look at specific criteria. A property owner's right to develop their land is not contingent on the vote of the public.

Joe Meek, Keizer, expressed opposition to the project citing mass transit needs, traffic congestion and crime.

Maria Bushek, Keizer, spoke in opposition to the project noting that many of her concerns had already been aired. She voiced concern, however, about the single access point from the apartments onto Verda and congestion at Chemawa and Lockhaven and urged that the livability of Keizer be considered and the apartment complex not be allowed.

Meredith Sheridan, Keizer, voiced opposition to the project noting that many of her concerns had already been aired but that the livability of a community is defined in large part by its green space; she urged that Claggett Creek Park be expanded through acquisition of this property.

Deanna Fuller, Keizer, spoke in opposition to the project, suggesting that the limitation on the number of driveways allowed be revisited so that single family homes could be put on the property in question.

David Garvin, Keizer, expressed opposition to the project, noting that there were already enough apartments in the area. He suggested large single-family homes be built on the property instead and that a geologist report be required to be sure the ground will support that large of a structure.

Terri Hegli, Keizer, spoke in opposition to the project noting that a three-story apartment complex would adversely affect the neighborhood and cause increased traffic. He urged Council to consider the livability of Keizer when making their decision.

Susan Kendall, Keizer, voiced opposition to the project, noting that traffic noise and crime are already out of control in the area; the area is not livable and property is not sellable and this project will only make things worse.

Joanne Sandhu, Keizer, spoke in opposition to the project, urging the City to negotiate with the Herber family to purchase the property and make it a park.

Samantha Dill, Keizer, voiced opposition to the project expressing concern on overcrowding of schools and the resultant lack of education for children.

Karen Okada, Keizer, referred to her letter (included in the packet as Exhibit 11) in which she voiced opposition to the project due to overcrowding in area schools and pedestrian danger due to increased traffic. She noted that the area is a gateway to Keizer and urged that a three-story complex with crummy fences and no landscaping not be allowed.

Paul Elder, Keizer, expressed appreciation for the amenities in the City of Keizer and spoke in opposition to the project citing the wear and tear on the roadways and additional traffic.

Casey Sanders, Keizer, spoke in opposition to the project citing the abundance of apartments already in the area and heavy traffic which will increase if the apartments are built.

Nate Brown read into the record a letter from Suezq Smith voicing opposition to the project.

Mr. Johnson read the following statement: "Failure by the applicant or others to raise constitutional or other issues related to the proposed conditions of approval with sufficient specificity to allow the local government to respond to that issue precludes an action for damages in Circuit Court."

Mark Grenz explained that the site is located on significant roadways that can, as planned by the City's Transportation Plan, deal with the traffic. He challenged that if he was proposing a single family subdivision to the density allowed by current standards, neighbors would still be opposed. He referred to a letter from the school district based on their statistics district-wide noting that schools are not the basis on

which to judge the project. He explained that the geological conditions of the property would be investigated through the development process; the risks would be the same for single-family homes as apartments. He concluded stating that the City could acquire the property for a park if they wished and reminded Council that they need to plan for growth because it will come.

Mr. Brown then fielded questions from Council regarding stormwater runoff and treatment, building a road on the slope, and the location of the proposed driveways. He reminded Council that the site plan submitted was for illustrative purposes only; the actual plan will undergo extensive scrutiny. He suggested that any changes be included in the approval process as conditions.

With no further testimony Mayor Christopher closed the September 2, 2014 Public Hearing.

Mayor Clark opened the June 20, 2016 Public Hearing.

City Attorney, Shannon Johnson, explained that this matter was before Council in a quasi-judicial hearing for property located at Verda Lane between Dearborn and Chemawa, the Herber Farm. He suggested that the reading of the exact list of criteria set forth in the staff report be waived and asked if anyone objected. There were no objections. He added that any questions could be brought up during testimony and that testimony, arguments, and evidence must be directed toward the criteria in the Comprehensive Plan or land use regulations believed to apply to this decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. In addition, any failure by the applicant or others to raise constitutional or other issues related to the proposed conditions of approval with sufficient specificity to allow the Council or its designee to respond to that issue precludes an action for damages in Circuit Court. He noted that if anyone had any objection as to conflict of interest, bias, jurisdiction, notice and opportunity to be heard, it should be brought up at the time of testimony and any Council members wanting to disclose conflict of interest, bias or prejudice on this case should do so at this time. Councilors individually stated whether or not they had any of these.

Community Development Director Nate Brown provided background information noting that significant changes have been made to the plans that were originally submitted. He explained that staff is proposing that the application,

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rezoning, and comprehensive plan change be conditioned so that mitigations can be developed to address the impacts. He went over the differences between this plan and the original one, reviewed the remainder of his staff report and addressed the historical significance of the house.

Mr. Johnson provided additional information and clarification and directed attention to additional materials submitted after publication of the packet.

Mark Grenz, Multi/Tech Engineering, introduced the Herber family and following the testimony of Joe Herber he gave a powerpoint presentation which provided detailed information regarding the proposed development. He then fielded questions regarding the site plan, traffic, landscaping, and the development of design guidelines that would ensure that the project would look like the concept plans shown.

Joe Herber, Keizer, son of Rosalee and Joseph Herber, provided background information about his family noting that his mother was a teacher and always stressed the importance of education. Her intent in leaving the property to the family was so that her grandchildren and great grandchildren could pay for the best education.

Cori Budrow, Keizer, voiced opposition to the development noting that it would have a detrimental effect on are traffic.

Judith Odle, Keizer, expressed opposition to the development pointing out that there are already many apartments and mobile home parks in the area. She voiced concern that the development would have a harmful effect on traffic in the area. She urged that the City consider buying the property, making it into a park and preserving the house as a center point or bringing in an agricultural educational component.

Laura Scales, Keizer, spoke in opposition of the development suggesting that instead of apartments at the site the house be preserved and designated as a historical structure.

James Bucholz, Keizer, voiced opposition to the development noting that he was not opposed to development of single family structures, but was opposed to the development of apartments because of the negative impact they would have on traffic.

Marilyn Prothero, Keizer, expressed opposition to the development stating that she was concerned about the traffic impact and the potential of flooding and increased crime.

Bobbie Rogers, Keizer, voiced concern regarding the one entrance to the development and suggested that the structures be condominiums that could be purchased rather than apartments.

Jerry Walton, Keizer, spoke in opposition to the development due to the anticipated increase in the traffic and voiced concern regarding whether or not the construction design features would be implemented.

Jeffrey Hernandez, Keizer, indicated he was opposed to the development due to the potential for increased crime, the high concentration of people in the units, and the possible decrease in property value of adjacent homes.

Paul Elder, Keizer, stated that he was opposed to the development because of the negative impact it would have on the city including overcrowding and increased traffic. He suggested that the City reject the property offered for donation because it is in the floodplain and the property owner should pay the taxes on it.

Allen Kendall, Keizer, echoed the testimony of Mr. Hernandez adding that he felt the development would detract from the quality of life in Keizer.

Eamon Bishop, Keizer, spoke in opposition of the development noting that it would adversely affect the school system. He suggested that the house and cow pasture be preserved as a unique and historical feature of the city and urged the City to buy the property and preserve it as it exists.

Maria Bushek, Keizer, voiced opposition to the development reiterating previous testimony including detrimental impact to traffic and property values. She suggested a fundraiser be held to purchase the land and preserve it for the children.

Deanna Fuller, Keizer, indicated that she was opposed to the development of this property and urged that the historical preservation aspect of the property be pursued.

Karen Okada, Keizer, stated that she was opposed to the development noting that the changes from the previous proposal were insignificant and therefore the adverse impacts to traffic, schools and property values were the same. She provided statistics refuting the developer's numbers regarding increases in student population

and noted that with increased students, the roadways to the schools would need to be improved to provide safe walkways.

Jessica Davidson, Keizer, speaking on behalf of neighbors and friends, voiced opposition to the development siting increased traffic, high traffic speeds, reduced pedestrian safety, the possibility of overflow parking on residential streets or yards, and reduction in property values.

Larry Odle, Keizer, expressed opposition to this development and suggested that the unique piece of property be preserved. He voiced concern regarding improvements made to Dearborn and Chemawa and suggested that Verda was in greater need of improvement. He urged that something be done to preserve the property and still give the Herber family their money.

Debbie Crux, Keizer, voiced opposition to the development and concern for traffic impacts and property values. She urged that the city not accept the donation of land because it is a wetland.

Dennis Tephall, Keizer, spoke in opposition of the development and the roundabout. He suggested that traffic will be adversely effected and children put in danger and that the development will cause flooding and increase the cost of flood insurance.

Casey Michael Sanders, Keizer, stated that although the plan looks good, it is irrelevant because it is not set in concrete and a developer would not be concerned about the community and would build as many units as possible for the least amount of money. He also voiced concern that residents of the apartments would drive to Claggett Creek Park instead of walk and that would overcrowd the parking areas.

DeAnne Reiersen, Keizer, expressed opposition to the development. She read portions of a newspaper article about the property and Rosalie Herber Moore, provided historical information and urged that the property be preserved for the community.

Wally Lien, attorney for the Herber family, asked that due to the lateness of the hour the oral rebuttal be waived and he requested an open record period to study the new information and provide additional information. He proposed an open record period for submission of any new evidentiary material until August 1, submission of evidentiary material in relationship to what the applicant submits until August 29 and final rebuttal that does not include any evidence, just argument by the lawyer, through September 6.

Mr. Johnson explained that the rule states that the Council upon request can leave the record open. The hearing is not continued for an oral hearing but the record is left open. If it is requested, it must be granted but does not have to be granted for the same times. Mr. Johnson suggested that the extension be for 120 days.

Mr. Lien stated that this would deal specifically with the historical information received this evening and would allow time to work with staff to see what kind of construction specifications can be put into conditions of approval to alleviate fears expressed about the handoff from the family to a developer and to make sure that what was shown today would be closely represented by what is actually built.

Mr. Brown proposed that this be put on the website and the 76 people who were notified before (all people living within 250 feet of the property and people who testified at the first hearing) would be notified again as well as people who testified tonight. Suggestions for notifications were mail, newspaper, website, and signage.

Council agreed by consensus to accept the timeline proposed by Mr. Lien with the additional 30 days making the extension 120 days.

Mr. Johnson clarified that it was most likely that Council would address this issue at the second meeting in October.

With no further testimony, Mayor Clark closed the Public Hearing and announced that the record will remain open according to the timeline established in this discussion.

At the September 19, 2016 Council meeting Mr. Brown reminded Council of the process, time periods, statutory requirements and provided information regarding additional efforts made by the City to keep the public informed. He explained that the Council had directed staff to address the documented need, impact and traffic impacts. Mr. Brown explained the following:

Housing Needs are based on the periodic review program which documents that the city needs additional housing lands of all types. It is important to note that the HNA did an inventory of available land and assigned multi-family housing to existing land already zoned for that. The same is true of single family residential lands. Either way, the city is still in a deficit; neither approach meets all of the City's needs. However, if the City is trying to meet its mandate from the State to accommodate these projected land needs, the city gets more credit by rezoning for multi-family than for single family development. Mr. Brown added that if the property were developed as a single-family development, it would need to be

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replatted and would be developed under a more dense scenario, and if the area was developed as 50 units that would only reduce the housing supply need by 2% whereas a 33% reduction would result from a multi-family development.

Neighborhood Impact: Substantial conditions to mitigate any negative impacts to the neighborhood are listed in the staff report; for example implementing the same design standards that would be applied to a single-family development, such as limiting the structures to two stories from the neighborhood view, building materials and variation in design.

Traffic Impact: The applicant has submitted a new traffic impact analysis and the City completed this year additional traffic counts. The TIA definitely shows that although there are more trips generated, the impacts are within the guidelines adopted by the City and therefore in compliance. He explained that the adopted standards come from recognized and certified sources and must be relied upon.

Historic Designation: The home has not been listed as a national or state historic place. The state has inventoried it and has identified that it is significant and that it may qualify to be listed but the property owner has not chosen to designate it. Staff suggests that should someone come forward who wishes to preserve the home, they be allowed to do so. The applicant should make the home available to be moved to a site that would be appropriate and that six months should be given to allow the implementation of that provision followed by an additional six months to allow for the relocation of the home. Council could also require that the historical character of the home be documented and that an informational display be created for the general public so they could see how significant the home was and the role it played in the community.

Floodplain: The criteria for floodplains are changing; additional discussion with Council should take place. The applicant is aware of the issue, the application is not within the floodplain and the boundaries are not changing. FEMA however is considering changing the definition of a floodplain and elevations may rise because of the changes. The applicant, however, cannot receive a building permit without compliance with the floodplain program and any measures that apply at the time of the application or in the near foreseeable future if they are identified. The applicant is aware of that. Staff is suggesting that this process be evaluated on its own merits with the understanding that that is something that will have potential impact.

Stormwater: Specific design standards will need to be adhered to: critical basins, outflows, stormwater quality will all be expected and required through the permit process. Public Works Director Bill Lawyer added that the area drainage basin

has sufficient stormwater capacity and that the city is implementing conditions which will likely be required with the new Stormwater Permit.

School Population Impact: The school district is a separate district over which the City of Keizer has no control. They have complete control over where they assign students and the boundaries. The District has sophisticated tools available to determine student assignments, boundaries, housing types, demographics, etc. and to make those kinds of analysis based on the information in the modeling tools they have available.

Need for Parks: The City is requiring that the part of the property that is of critical concern to floodplain management and habitat be dedicated to the City (approximately 7 acres) for public use. The City is on a parks land budget. The HNA and State Land Use Laws require that a certain amount of parkland be developed to address the population forecast. Sixteen acres of that was used with the UGB expansion for Keizer Rapids Park leaving a total parklands budget of approximately ten acres. Staff is exploring where additional parks would be appropriate. The City does not have the funds to purchase, develop and maintain this property as park and it is unlikely that grants (similar to those received for Keizer Rapids Park) would be available to the City.

Mayor Clark named 6 parks already located in the general vicinity noting that this area is not underserved by parks. Mr. Lawyer noted that the area proposed to be dedicated to the City is critical to the stormwater program as well.

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Criteria and Standards

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

1. KDC 2.127 (Historical Landmark Overlay Zone)
2. KDC 2.315 (Design Standards)
3. KDC 3.106.04 (Criteria – Lot Line Adjustment)
4. KDC 3.109.04 (Comprehensive Plan Map Amendments – Criteria for Approval)
5. KDC 3.110.04 (Zone Change – Criteria for Approval)

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

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Facts

FINDINGS: GENERAL

1. The applicant is Herber Farm, LLC.
2. The subject property is approximately 7.5 acres in size and located in the 4800 and 4900 block of Verda Lane. The property is identified on the Marion County Tax Assessor Map as Township 7 South; Range 3 West; Section 02AD; Lots 6700 through and including 7300 and Township 7 South; Range 3 West; Section 02AA; Lots 3000 through and including 3600.
3. The subject property is designed as Low Density Residential and zoned Residential Single Family (RS). The applicant's proposal is to rezone the subject property from Single Family Residential (RS) to Medium Density Residential (RM) and re-designate the comprehensive plan designation from Low Density Residential (LDR) to Medium and High Density Residential (MHDR); and, through the Lot Line Adjustment process, consolidate the existing lots into one large parcel.
4. A portion of the subject property is developed with two single family homes and two outbuildings and the remainder of the property is undeveloped.
5. The surrounding properties to the east, north, and south are developed with existing single-family homes. These properties are zoned Residential Single Family (RS). To the west, across Claggett Creek, is Claggett Creek Park, on land that is zoned Public. The southeast corner of the Chemawa Road/Verda Lane intersection is zoned Medium Density Residential (RM) and is developed with a church.
6. The Hearings Officer held a public hearing on this application on June 12, 2014. The City Council held a public hearing on this application of September 2, 2014. The applicant's proposal was denied by City Council. On October 24, 2014, the applicant filed intent to appeal letter to LUBA. On June 1, 2015 a stipulated Order for Remand was issued. A new Council Hearing was held on June 20, 2016. On September 19, 2016, Council passed a preliminary motion to approve CP/ZC/LLA 2014-11.

FACTS: COMPREHENSIVE PLAN MAP AND RELATED FINDINGS.

7. The Review Criteria for a Comprehensive Plan Map amendment are listed in Section 3.109.04 of the Keizer Development Code (KDC).

- A. *Section 3.109.04.A. Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.*

FINDINGS:

The request is in conformance with State Wide Planning and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the standards of the zone code and the Transportation System Plan. The proposal complies with the applicable intent statements of the Comprehensive Plan.

Goal 1 – Citizen Involvement: The proposal has included notice to interested parties, a public process of decision making involving public hearings, deliberation, and ordinance adoption. A public hearing was held before the Hearings Officer, which was well attended with over 20 people providing testimony. Individuals that could not attend the hearing provided written comments. A second public hearing was held before the Keizer City Council. The hearing was televised. On remand, another public hearing was held before the City Council, together with an extended open record period. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this planning process as required by this goal and implementing administrative rules within Oregon Administrative Rules, and consistent with the City of Keizer development code and comprehensive plan.

Goal 2 – Land Use Planning: The purpose of this goal is to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions. Under this goal, each plan and related implementation measure shall be coordinated with the plans of affected governmental units. Affected governmental units are those local governments, state and federal agencies and special districts which have programs, land ownerships, or responsibilities within the area included in the plan. Implementation measures can be site specific. Applicants propose a site-specific comprehensive plan amendment. Keizer notified the various governmental agencies including the City of Keizer Public Works, the Keizer Fire District, and Salem-Keizer School District.

This proposal will amend the city's comprehensive plan map. The adoption proceeding was conducted in a manner consistent with requirements of the City's Comprehensive Plan, Development Code, and applicable state law. The city's comprehensive plan has been acknowledged by the Department of Land Conservation

and Development. A public hearing was held before the Hearings Officer and public hearings were held before the City Council. The public hearings provided an opportunity for verbal and written testimony. All written testimony that was submitted to staff was forwarded to the City Council. The Hearings Officer recommended the application be approved by the City Council. Any appeal of the City Council's decision is provided in ORS 197. The city's review and decision includes an adequate factual base and is consistent with this statewide planning goal and administrative rules.

Goal 3 –Farm Land - The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits the Exclusive Farm Use (EFU), Special Agriculture (SA), Urban Transition (UT), and Public (P) zone allow commercial agricultural uses. However, within the city limits only the city's SA zone is a state recognized EFU qualifying zone. The comprehensive plan map amendment involves land that is within the boundaries of the city limits of Keizer. The proposal only involves land that is designated inside the city limits and is proposed to allow for residential development. It will not affect land that is designated either EFU or SA, or lawful uses occurring on those lands. Although the current use of the subject property is a nonconforming agricultural use, maintaining a small herd of cattle, the property has been specially assessed for farm use by the Marion County Tax Assessor's Office. The city does not consider that this property's only viable use is to continue to be used for farm uses. This determination is based on several facts. First, the property is within the city limits and surrounded by urban uses. The property is zoned RS which allows for residential single family development as its primary use and not commercial farm operations. The property was approved previously for a single family subdivision that was platted and created the 14 existing lots, but was never built. While the property is specially assessed, it is not recognized as an EFU qualifying zone. These reasons all support that the proposed comprehensive plan map change will not adversely affect any commercial farming operations that exist outside the city limits on lands designated by Marion County as EFU. Therefore, the proposed comprehensive plan map amendment will comply with the Farm Land Goal and with any implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. There are no zone districts that are specifically designated within the city limits that allow for commercial forestry. There are no commercial forest lands near, or adjacent to the city limits of Keizer. There are no commercial forest lands on the site. The proposal does not involve any land which is designated as forest land, nor will it impact the use of any forest lands. The comprehensive plan map amendment will only involve land that is designated inside the city limits and that is designated to allow for residential development. It will not affect lands which allow

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for commercial forestry or lawful uses occurring on lands outside the city limits. Therefore, this Goal and implementing administrative rules are not applicable to the proposed comprehensive plan map amendment.

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, floodplain, big game habitat, etc. The city established overlay zones to maintain, preserve and protect the natural resources that are identified within the comprehensive plan. The proposed amendment to the comprehensive plan map will not hamper the ability of the city to continue to provide natural resource protection regulations. The City of Keizer has a number of Goal 5 protections already in place. These include an inventory of wetlands within the city limits, floodplain development regulations, and Willamette River Greenway regulations. The site included in this application is not located along the Willamette River so the Willamette River Greenway regulations do not apply. The site is shown on the floodplain maps as being outside the 100 year floodplain that is adjacent to Claggett Creek. The floodplain boundary appears to be either along the base of the embankment or slightly above the base of the embankment. Any use or development within this floodplain area will be required to be done in accordance to all applicable floodplain regulations. According to the Salem-Keizer Local Wetlands Inventory, June 1998, there appears to be wetland soils along and adjacent to the riparian area along Claggett Creek on a portion of the adjacent parcel that is to the west of Philip Street and not part of this proposal. Because the property is within the city limits, it is not identified as being in a big game (bear, elk, etc) habitat area as are found in the coast or cascade mountain ranges. Because the site does not contain any identified natural resources as protected by the city, the amendment to the city's comprehensive plan map is consistent with this goal and with administrative rules designed to implement this goal.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the city's air, water and land qualities. The city has a number of regulations in place to protect, maintain and enhance its natural resources such as air, water and land. To that end the city has land use regulations which are geared to protecting the quality of land. This is done through the development code regulations. The City of Keizer provides its residents with water from groundwater sources. The city monitors the water quality of the drinking water to ensure that it complies with all state and federal regulations. Since the proposal is to develop the subject property with multi-family apartments, the new buildings will be required to be connected to the municipal sanitary sewer line thereby eliminating the possibility of groundwater contamination from new on-site septic systems.

The city has been developing stormwater regulations to protect water quality and the proposed development will be required to meet the city's stormwater drainage requirements. The cattle that are currently on both the subject property and the adjacent tax lot will not remain after this site is developed. With the cattle removed, the runoff from this small cattle operation will be eliminated and will create a positive effect on the water quality of Claggett Creek. The City of Keizer is regulated by DEQ for the contribution of pollutants from the City that discharge into the Willamette River. The pollutants of concern that impact beneficial uses in the Willamette River are bacteria, mercury, and temperature.

Onsite backyard burning is regulated by the local fire department and air regulations are enforced by the state Department of Environmental Quality. The revision to the city's comprehensive plan map will not adversely impact the ability of the city to continue to protect the quality of air, water, or land resources. As such, the proposal complies with this goal and with administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The City of Keizer has adopted floodplain regulations that govern the placement of structures within identified 100-year floodplains and which have been reviewed by state and federal authorities and been deemed to be compliant with adopted goals and objectives. A floodplain is the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek which borders the site. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment, the 100-year floodplain is the natural hazard area of greatest concern. This area is referred to as a 100-year floodplain because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not classified as a 100 year flood event for Keizer, although clearly there was a significant amount of water flowing through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is the area that is generally the channels of rivers and streams that during a flood event experience very significant water depth and velocity flows. According to Flood Insurance Rate Map (FIRM) 41047C0332G, dated January 19, 2000 the subject property involved in this application is outside the floodplain area. The floodplain boundary appears to be located either along the base of the embankment or slightly above the base of the embankment. While the proposal is to

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develop the flat upper portion of the subject property adjacent to Verda Lane, if any development within the floodplain area is contemplated, it will need to comply with the city's floodplain regulations. The site where development is proposed is flat. There is a steep embankment that forms a natural barrier from the lower portion of the site near the creek. There are no other identified natural hazards associated with the subject property. The revision to the city's Comprehensive Plan map will be consistent with this goal and any administrative rules.

Goal 8 – Recreation: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. There are a number of parks, playgrounds, and other recreational opportunities within the city as identified in the City's Parks and Recreation Master Plan. This plan inventoried 92 acres of parks within the city and another 120 acres (Keizer Rapids Park) under the city's jurisdiction but outside the UGB. This is comprised of one large incorporated park (Keizer Rapids Park); one large 10.6 acre city park; 10 small city parks ranging in size from 1.3 acres to 5.9 acres; three waterfront parks ranging in size from 1.5 acres to 11.2 acres; one 15.4 acre special use park; two natural area parks ranging from 3.7 acres to 9.5 acres; and one 6.1 acre undeveloped park. The needs assessment determined that there are gaps in park level of service coverage; that the general west Keizer area is underserved and that additional park land is needed. The adopted master plan established a level of service of 5 acres per 1,000 residents. The Regional Housing Needs Analysis (HNA), which was a two year analysis that began in 2011, identified a need of 43 acres to help meet future park and recreation land needs. While there will be a slight (15 acres) deficit in reaching full compliance with the projected park land needs after adding the additional 28 acres to Keizer Rapids Park, almost 20 years are left in the planning period for that to be accomplished. There is adequate capacity in the city's park system to accommodate the future residents of the subject property.

Just to the west of the site, across Claggett Creek, is Claggett Creek Park which can conveniently provide for the recreational needs of the proposed residents of this site. Claggett Creek Park is a 10.6 acre park that has a variety of features such as soccer and baseball fields, a small basketball court, horseshoes, playground equipment and picnic area. The Parks and Recreation Master Plan indicates that there are opportunities to expand the park by acquiring a portion of the property that is on the east side of the park. At this time, the city has not actively pursued that option. The development of the subject property will not preclude the potential for the tax lot that is adjacent to the creek to one day be included as part of the park. However, this area is not included as part of this application and will require separate discussions between the city and the property owner before it can either be included as part of the park or any riparian and water quality enhancements are added to the land. The proposed

amendment to the Comprehensive Plan map complies with this goal and any related rules.

Goal 9 – Economic Development: The intent of this goal is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens. This goal addresses commercial and industrial development, primarily in urban areas. Under OAR 660-009-0010(1), the requirements of Division 9 are applicable to comprehensive plans for areas within urban growth boundaries.

The City of Keizer, along with the cities of Salem and Turner, and Polk and Marion Counties developed a regional economic opportunities analysis which identified the economic potentials and constraints within the Salem – Keizer regional area. This planning effort had the goal to enhance local economies. A follow up to that study, the Keizer Economic Opportunities Analysis (EOA), was undertaken and documented the economic trends and economic opportunities which are geared specifically to Keizer. This study was adopted by the City Council in June 2013 as part of Periodic Review and was acknowledged by the state.

This proposal for a comprehensive plan map amendment will be strictly for residential uses and will not be for any commercial or industrial uses. Therefore, it will not have any adverse impact on the economic development activities or uses within the city. The proposal is to locate 112 dwelling units on the site. This will strengthen the economic vitality of the community and will result in more potential employees and consumers of local goods and services.

The EOA documented the composition of employment by industry in Keizer and exhibits several large deviations from the statewide composition. The deviations represent Keizer's competitive advantages in the economy, which fall largely in population-driven services with industry classifications such as Retail Trade, Education & Health, and Food Service & Drinking Places having a high representation locally. These well-represented industries, in combination with economic development goals and input from the stakeholders, were used to devise potential future target industries. After discussing and ranking industries based on local aspirations and current representation of that industry in Keizer, the City Council determined that the following list of target industries are appropriate for Keizer to target:

- Medical facilities, including research, development and support
- Information technology/back office
- Educational services, including educational research and job training
- Professional services, including corporate headquarters
- Sporting events

Current employment levels by industry were projected forward based on regional job growth estimates and the above target industry goals. The growth forecast calls for a total of 3,774 new jobs over the next 20 years, representing growth of 55% over current levels. The EOA estimated the need for 160 gross acres of land to accommodate the projected employment growth. An inventory of 123 acres of buildable land designated for commercial and industrial categories are within the city boundary. However, there is no land available that is well-suited for the institutional category, which includes hospitals, higher education facilities, and other uses that figure heavily into the city's economic development strategy. Finally, the EOA documented that there is a net need for commercial and institutional lands amounting to 63.3 gross acres above and beyond what the city's remaining buildable employment lands can accommodate. This need is in addition to the projected need for additional residential land to serve the expected population growth. The proposal is for residential development and there will not be any commercial or industrial uses on the site. The only employment that will be associated with the site will be construction and perhaps property management employees. The construction jobs will be short term and any property management will be small in operation. Therefore, the overall economic impact associated from the proposal will be minor and will not adversely impact this goal. Therefore, the proposal is consistent with this goal.

Goal 10 – Housing: The intent of this goal is to provide for the housing needs of citizens of this state.

The City of Keizer with Marion County, Polk County, and the City of Salem developed a regional housing needs analysis for the upcoming 20 year planning period. In a follow up to the regional study the city adopted its own local Housing Needs Analysis as part of the city's Periodic Review that was geared specifically to Keizer and identified the projected 20 year housing needs for the city. The HNA was adopted by the City Council in June 2013 as part of periodic review update and was acknowledged by the Department of Land Conservation and Development (DLCD).

The HNA indicated that over the upcoming 20-year period, that there will be a growth in the number of non-group households by 4,366 households which will represent a population growth of 11,833 new residents. This is consistent with Keizer's adopted 2032 forecast. When the housing needs of the projected 2033 population is compared to the current housing supply, the analysis projects the need for 4,513 new units to house the future population.

The HNA documented that the largest share (56%) of one housing type is projected to be single-family detached or attached homes, with approximately 40% classified as multi-family dwelling units. Fifty-four percent are projected to be ownership units, while 46% are projected to be rental units. The inventory of buildable residential

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lands found that there was a supply of 315.2 total acres which are vacant, partially vacant or re-developable. These acres can hold an estimated 2,422 units. The total 20-year unit need (4,513 units) minus this remaining buildable capacity (2,422 units), leaves a remainder of 2,090 units which must be accommodated beyond the City's remaining capacity within its current boundary. The HNA documented that there was approximately 24 acres of vacant RM land available for development. According to the HNA, this would be approximately 362 units of RM land to meet projected multi-family needs. This was based on a calculated multi-family need of 38 dwelling units for duplex; 351 dwelling units for three and four plexes; and, 1,437 dwelling units for multi-family developments containing 5 or more dwelling units. Single family dwelling units were calculated to be 2,524 (Figures 15 through 18 HNA).

When this remaining land need is apportioned to Keizer's residential zones, the HNA estimates a 20-year need for 267 gross acres of residential land, to be accompanied by 43.5 acres of new land for parks to serve this new population, and 10 acres of land for new school facilities. This is a total of 385 gross acres.

The comprehensive plan identified that there is only a small amount of land that is vacant (5.7 acres) and that is zoned for multi-family development. The Comprehensive Plan notes that "Lands devoted to multi-family residential uses are insufficient to meet forecasted need for multi-family units. Therefore, the city will:

"Permit rezoning to higher intensity residential uses to meet the identified housing needs, provided such proposals are consistent with the policies of this plan. Consider rezoning parcels to higher residential density to meet identified multi-family housing needs, provided such proposals are consistent with the policies of this plan. Parcels to be considered for rezoning should have access to major transportation corridors that are served by transit, are served (or can be served) by all urban services, including parks and recreational facilities, and are in close proximity to opportunities for shopping, employment and schools."

The existing neighborhood consists of single family housing and the surrounding properties are zoned for single family development. The proposed comprehensive plan change to Medium and High Density Residential will result in the site being developed with multi-family dwellings. The applicant's site plan indicates that 112 units will be constructed on the property. The proposed RM zone will allow up to a maximum of 22 units per acre which would result in a maximum of 165 dwelling units on the site. For comparison, if the site were developed as was platted, it would result in 14 dwelling units with a density of 1.8 dwelling units per acre. If the subject property consisting of 7.5 acres were developed consistent with the RS standard, it could potentially allow up to 60 dwelling units if developed at the maximum 8 units per acre as permitted in the RS zone. As proposed the site could result in an approximate

density of 16 dwelling units per acre. This is consistent with the proposed zone designation of RM that the applicant seeks. The increased density will result in the site being used to help offset some of the identified residential land need that is forecast.

The subject property can be served by all urban services including sanitary sewer (through an agreement with the city of Salem); administration; police and water by the city of Keizer; and fire service provided by the Keizer Fire District. The subject property is located very close to Claggett Creek Park which provides a wide range of recreation amenities. There are a number of schools nearby, and there are nearby shopping and employment opportunities along the River Road corridor to the west as well as in Keizer Station to the east. This proposal will be consistent with the city's Comprehensive Plan and also with this goal and any related rules.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of the county. The City of Keizer provides its residents with water, sanitary sewer (through an arrangement with the city of Salem), an established street system, administrative, police and public safety. The proposed development is located in an area where these services are readily available.

Transportation is discussed in detail in subsequent findings.

The city provides water through a system that utilizes groundwater. There are existing water lines in each of the three streets fronting the property. The city's water system has adequate capacity to provide service to the site and can serve the level of development as proposed. Sanitary sewer service is provided through an intergovernmental agreement by the City of Salem. There are sanitary sewer lines in each of the streets fronting the property and there is sufficient capacity to be able to provide service to the site and serve the level of development as proposed. The site is located within the original Keizer Sewer District so a sanitary sewer trunk line acreage fee will not be required. City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the developer's engineer will be required to submit plans to the City of Keizer for review and determination of compliance with the City's Master Sewer Plan for the area.

Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements for any public sewer mains located within the subject property if located outside platted right of ways will need to be recorded to meet the City of Salem Design Standards. A master water system plan showing proposed routes of public water mains, fire hydrants and individual services

will be required prior to submission of construction plans for the development. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways. Any system development charges for water system improvements will be those in place at the time of individual service connections. Final development plans will be required to be reviewed by the Keizer Fire District with regard to access and location of fire hydrants prior to the issuance of any building permits by the City of Keizer. Any existing wells on the subject property are to be abandoned. The developer will be required to provide evidence that any abandonment of existing wells has been completed in accordance with the rules of the Oregon State Water Resources Department. The Keizer Water Department will need to approve the location of all meters.

Police and administrative services are provided by the City of Keizer and will serve the subject property. Educational services are provided by both the Salem-Keizer School District (K through 12) and Chemeketa Community College (post high school). The Salem-Keizer School District commented that they had reviewed the application and that sufficient school capacity exists in the elementary and middle schools but not at the high school. However, the school district typically makes provisions for additional students through boundary adjustments, additional capital improvements or other methods. Both Verda Lane and Chemawa Road are transit routes. The Salem-Keizer Transit District is responsible for providing transit service. Other services such as trash pick-up, telephone, electrical, etc. are all provided by private providers and there is no indication that there would be any issues with any of these services. The proposed Comprehensive Plan map amendment will not impact the city's public facilities and services, and so this goal and any rules are satisfied.

Goal 12 – Transportation: The intent of this goal is to provide and encourage a safe, convenient and economic transportation system.

The City of Keizer has an adopted Transportation and System Plan (TSP) (2009) that documents the city's transportation systems and plans for future transportation improvements over the coming 20-year planning period. This TSP includes streets, transit, bike, rail, and pedestrian transportation systems. Verda Lane and Chemawa Road are each classified in the City's TSP as minor arterials. Chemawa Road is an improved 36 foot wide street within an 85 foot wide right of way. It has an existing sidewalk along the frontage of the site. Verda Lane is a 32 foot wide street within a 46 foot wide right of way and there is no sidewalk along the Verda Lane frontage. Rather, there is a striped, shared bicycle / pedestrian lane. Dearborn Avenue is classified as a collector road in the TSP and is a 47 foot wide street within a 60 foot wide right of way which tapers down to 33 feet near the creek. It has a shared bicycle/pedestrian lane along the frontage of the site.

In addition to the three streets that physically exist there is a fourth street, Philip Street, which is a platted 60 foot wide right of way that borders the site to the west; this street does not physically exist. While this street is technically not part of this application, it should be noted that this street, in all likelihood, never will be constructed since it would result in a street intersection that would be too close to the round-about at the Chemawa Road / Verda Lane intersection and the Verda Lane / Dearborn Avenue intersection. If constructed, the street would thereby adversely affect the operation of each intersection. Since the city has no plans for its construction, it is a condition that the applicant submit a street vacation application to eliminate this right of way. This would need to be a separate application.

The Chemawa Road / Verda Lane intersection has had a very recent and significant upgrade that includes a new round-about at this intersection. This intersection improvement project will greatly improve the am and pm travel times at this intersection as it will allow for a constant flow of traffic and eliminate the stopping and queuing of vehicles. With the completion of the round-about this intersection is projected to operate at LOS B in the am peak hour and LOS C in the pm peak hour. The intersection improvement included road widening, curbs, sidewalks, bike lanes and storm drainage facilities at this intersection. Both Verda Lane and Chemawa Road are transit routes and there is an existing transit stop at the site. The Salem –Keizer Transit District is responsible for providing transit service.

The consolidation of the existing 14 lots into one large parcel will eliminate the possibility of each one of the existing lots having its own driveway onto Verda Lane. This would be replaced with only needing 3 driveways onto Verda Lane to access the subject property. The reduction of the number of driveways that could potentially be located along Verda Lane will have a positive impact on the operation and function of the street as it will minimize the number of vehicles turning onto and turning off of the road along this stretch of Verda Lane.

A Transportation Planning Rule Analysis was submitted as part of the original application. This analysis studied the impact that the proposed development would have on the nearby intersections. It documented the existing conditions and then input the new development. It found that the proposed development would result in 84 am peak hour trips and 102 pm peak hour trips. The analysis determined that slightly more of this new traffic will use the Chemawa Road / Verda Lane intersection than the Verda Lane / Dearborn Avenue intersection. The analysis projected that the result of the new development would be that the Verda Lane / Chemawa Road intersection will have a 2033 a.m. peak hour LOS B and a 2033 p.m. peak hour LOS C and indicated that the Verda Lane / Dearborn Avenue intersection will have an a.m. peak hour LOS C and a p.m. peak hour LOS D. Each intersection will operate within the

city's adopted LOS E for these intersections; so no additional intersection improvements will be needed as a result of the proposed development.

It should be noted that this previous analysis assumed a density of 165 dwelling units as allowed in the zone code. However, the site plan indicates that only 112 units are proposed, which will result in a reduction in the number of vehicles entering or exiting the site. The applicant submitted a revised Transportation Planning Rule Analysis dated March 17, 2016. Using the proposed 112 dwelling units for analysis, this report found that the proposed development would result in 57 a.m. peak hour trips and 69 p.m. peak hour trips. This shows a significant reduction from the previous possible allowed plan and a condition shall be included requiring that the dwelling units not exceed a 112 units thereby putting a "cap" on trips from this development.

Public Works has commented that as part of the development of the property, street improvements will be required to provide an adequate transportation system that will serve the proposed development. Right of way dedication will be required along Verda Lane. The minimum acceptable right of way will result in 34 feet from the existing centerline of Verda Lane. Right of way dedication along the easterly 125 feet of Dearborn Avenue will be required to eliminate the existing jog in the right of way line. Additionally, a right of way line radius of 30 feet shall be dedicated at the intersection of Verda Lane and Dearborn Avenue.

Public street improvements will be required prior to any development of the subject property. At a minimum, public street improvements will include street widening of Verda Lane with a 6 foot wide property line sidewalk, and widening of Dearborn Avenue including a property line 6 foot sidewalk on the north side of the street. Public Street improvements will require appropriate drainage swales if necessary to comply with city water quality standards. A 10 foot wide public utility easement will be required along Chemawa Road, Dearborn Avenue, and Verda Lane. No access will be allowed to Philip Street from the subject property. As conditioned, the proposed comprehensive plan map change will be consistent with this goal and all applicable rules will be met.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance with all the current applicable energy conservation standards which will be part of the review for any building permit on the subject property. The availability of transit so close to the subject property will increase the likelihood that some of the residents will travel by bus rather than using their own cars, thereby reducing vehicle miles travelled and saving energy. Requirement that all new construction will comply with all the current applicable energy conservation standards will ensure that the proposed comprehensive plan map

amendment will be consistent with this goal and any of the implementing administrative rules.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code. Both comply with this goal and aim to utilize land that is within the urban area before seeking to develop land that is outside of the city’s urban area. The subject property is neither outside of the city’s urban growth boundary nor is it on the fringe of the urban area. Rather the site is within the developed urban area and in a part of the city in which public facilities are adjacent to the site and can readily serve the site. This will result in an orderly and efficient connection to existing urban services and facilities. The subject property is proposed to be developed with multi-family residential dwelling units that will result in no impact on lands that are outside the city limits. The result of the recent EOA and HNA was the documentation that the city has a deficit of lands to meet future employment and residential needs. This means that the city must consider a number of options in an effort to provide for future land needs. The options can include increasing the efficiency of land uses and development within the urban area, expanding the urban growth boundary to meet this need, or some combination thereof and in addition other possible scenarios that can be successfully utilized.

The requested comprehensive plan change will result in the conversion from 7.5 acres of land that is now designated to allow for single family development to the designation of Medium and High Density Residential. The applicant’s site plan shows 112 dwelling units on the site. This conversion will enable the city to meet some of its projected residential land needs on land that is inside the city limits without having to expand the UGB for this same amount. If the site were developed as previously approved, it would result in there being 14 dwelling units on the site for an overall density of 1.8 dwelling units per acre. The RS zone allows for a minimum density of 4 units per acre and a maximum of 8 units per acre. Therefore, the site would allow for development in a manner that is inconsistent with the intent of the zone code and would be contrary with the focus of the HNA and a number of comprehensive plan policies that seek to increase the efficiency of the development of land within the urban area.

The proposal allows for increased density on the site so that there might be 112 units on the site for an overall density of 16 units per acre. For these reasons the proposal is consistent with this goal and with its implementing administrative rules.

Goal 15 – Willamette River: This goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. The Willamette River is located along the western flanks

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of Keizer. The City of Keizer has its own Willamette River Greenway regulations. The site involved in this application is not along the Willamette River so these regulations are not applicable. The proposal will have no impact on this goal as it is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources) govern areas along the ocean. Since Keizer is located in the Willamette Valley and not along the Oregon coast Goals 16 to 19 are not applicable.

The proposal to change the Comprehensive Plan designation from Low Density Residential to Medium and High Density Residential complies with the comprehensive plan criterion.

B. Section 3.109.04.B. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.

Only the goals and policies that have been identified as being applicable to this application are included in these findings.

- a) *Residential Development Goal 2: Encourage the location of residential development where full urban services, public facilities, and routes of public transportation are available.*

FINDINGS:

The subject property is located within the city limits and can be fully served by all urban services. City water and sanitary sewer are located in each of the three streets that front the site. Verda Lane and Chemawa Road are each classified in the TSP as minor arterial streets. Chemawa Road has an existing sidewalk along the frontage of the site, while there is none on the Verda Lane frontage. Rather, there is a striped shared bicycle / pedestrian lane. Dearborn Avenue is classified as a collector road and has a shared bicycle/pedestrian lane along the frontage of the site. The Chemawa Road / Verda Lane intersection has recently had a significant upgrade that includes a new round-about at this intersection. As previously noted both Chemawa Road and Verda Lane are transit routes and there is a transit stop at the site so the site can be served by public transportation. Therefore, that proposal complies with this goal.

- b) *Residential Development Objective 2.1: Coordinate new residential development with the provision of an adequate level of services and facilities, such as sewers, water, transportation facilities, schools and parks.*

FINDINGS:

The site is located within the city limits that can be fully served by all urban services. City water and sanitary sewer are located in each of the three streets that front the site. Verda Lane and Chemawa Road are each classified in the TSP as minor arterial streets. Chemawa Road has an existing sidewalk along the frontage of the site, while there is none on the Verda Lane frontage. Rather, there is a striped shared bicycle / pedestrian lane. Dearborn Avenue is classified as a collector road and has a shared bicycle/pedestrian lane along the frontage of the site. The Chemawa Road / Verda Lane intersection has recently had a significant upgrade that includes a new round-about at this intersection. Both Chemawa Road and Verda Lane are transit routes and there is a transit stop at the subject property so the site can be served by public transportation. Educational services are provided by the Salem-Keizer School District and by Chemeaka Community College. As part of their review, the school district commented that they had reviewed the application and that sufficient school capacity exists in the elementary and middle schools but not at the high school. However, the school district typically makes provisions for additional students through boundary adjustments, additional capital improvements or other methods.

The city has an adopted Parks and Recreation Master Plan. The adopted master plan established a level of service of 5 acres per 1,000 residents. The HNA identified a need of 43 acres to help meet future projected park and recreation land needs. While there will be a slight (15 acres) deficit following the addition of 28 acres to the Keizer Rapids Park in reaching full compliance with the projected park land needs, almost 20 years are left in the planning period for that to be accomplished. There is adequate capacity in the city's park system to accommodate the future residents of this property. To the west of the subject property, across the creek is the Claggett Creek Park. This park has a wide range of recreation and park features and can provide convenient access for park use to the future residents of this site. Therefore, that proposal complies with this objective.

- c) *Residential Development Policy 2.1: (2) Consider rezoning parcels to higher residential density to meet identified multi-family housing needs provided such proposals are consistent with the policies of this Plan and*

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implementing ordinances. Parcels to be considered for rezoning should have access to major transportation corridors that are served by transit; are served, or can be served, by all urban services, including parks and recreational facilities; and are in close proximity to opportunities for shopping, employment and/or schools.

FINDINGS:

The proposed rezoning will meet the need for additional land to meet forecasted residential land needs. The HNA documented that there is a deficit of 267 acres to meet the projected residential land needs of the city over the coming 20 year planning period. In addition, the HNA notes that there is a limited amount of vacant land zoned for multi-family development. Therefore, there is insufficient land to meet the city's needs for multi-family development. The subject property is located in an area that is within the city limits that is fully served by all urban services. All services can meet the needs of the proposed development. City water and sanitary sewer are located in each of the three streets that front the site. Verda Lane and Chemawa Road are each classified in the TSP as minor arterial streets. Chemawa Road has an existing sidewalk along the frontage of the site. However, Verda Lane frontage has no sidewalks. Rather, there is a striped shared bicycle / pedestrian lane. Dearborn Avenue is classified as a collector road and has a shared bicycle/pedestrian lane along the frontage of the site. The Chemawa Road / Verda Lane intersection has recently had a significant upgrade that includes a new round-about at this intersection. Each of these streets are considered as major transportation corridors. Verda Lane and Chemawa Road are both served by transit and there is a transit stop at the site. The site is located across the creek from Claggett Creek Park which has a variety of recreational facilities in it that are available to the public. To the west of the site, approximately ½ mile, is the River Road commercial corridor which has ample opportunities for shopping and employment. In addition, approximately 2/3 miles to the east is Keizer Station which also has ample opportunities for shopping and employment. The proposal complies with this policy.

- d) *Residential Development Goal 3: Stabilize and protect the essential characteristics of residential environments, including natural features.*

FINDINGS:

The proposed comprehensive plan change will result in the site being changed to Medium and High Density Residential so that the site can then be developed with multi-family dwelling units. The development of the site will be required

to comply with the standards within the RM zone district with regard to density, building setback, landscaping, building design, parking and driveway location to ensure that it minimizes any impacts on the characteristics of the surrounding area. The lower portion of the Herber property is a separate tax lot and is not proposed to be developed. It will remain in its natural condition and there will be no adverse impacts to the environment from the proposed development. In fact, the removal of the cows from the property will result in a positive impact to the creek by eliminating animal waste runoff from the property. As noted previously, this will also have a positive impact on assisting the city to meet water quality issues for the Willamette River and its tributaries. As the lower portion along the creek is not part of this proposal, the result will be that the lower portion will remain in a natural undeveloped state and be an additional buffer to the adjacent park to the west and to Claggett Creek. This goal will be satisfied.

- e) *Residential Development Objective 3.1: Ensure compatibility among all types of new and existing residential uses, and between residential and non-residential uses.*

FINDINGS:

The focus of this objective is to ensure compatibility between uses. Single family uses are located to the south across Dearborn Ave, to the north across Chemawa Road, and virtually along the east side of Chemawa Road, although there is RM designated land across the street from the subject property. This RM designated land includes a church and apartments to the east of the church. There is a park across Claggett Creek to the west, and north of the park across Chemawa Road is a manufactured dwelling park on land designated RM. The developer will be required to comply with the standards within the RM zone district with regard to density, building setback, landscaping, etc. to ensure that it minimizes any impacts on the surrounding area. The building setback of 20 feet to the street combined with the width of each street will result in the placement of any building not being in close proximity to any nearby residence. The buildings will likely be located no closer than 100 feet from any adjacent residence. Many of the proposed buildings that are shown on the site plan, are located along the western portion of the site and are significantly further than 100 feet from any adjacent buildings. In addition to the required building setbacks there are also landscaping requirements that will ensure that the development is buffered and screened. The developer will be required to meet density requirements, building height and building design requirements to ensure compatibility with adjacent land uses. The site is separated from

Claggett Creek Park by the adjacent tax lot, which is not part of this application. This additional separation will further assure that the proposed dwellings are placed as far from the park as possible. The proposal complies with this objective.

- f) *Residential Development Goal 4: Provide and allow for appropriate levels of residential development consistent with comprehensive plan designations.*

FINDINGS:

The HNA indicated that over the next 20-year period, there will be a growth in the number of non-group households by 4,366 households. This will represent a population growth of 11,833 new residents. This is consistent with Keizer's adopted 2032 forecast. When the housing needs of the projected 2033 population is compared to the current housing supply, the analysis projects the need for 4,513 new units to house the future population.

The HNA documented that the largest share (56%) of one housing type is projected to be single-family detached or attached homes, with approximately 40% classified as multi-family dwelling units. Fifty-four percent are projected to be ownership units, while 46% are projected to be rental units. The inventory of buildable residential lands found that there was a supply of 315.2 total acres which are vacant, partially vacant, or re-developable. These acres can hold an estimated 2,422 units. The total 20-year unit need (4,513 units) minus this remaining buildable capacity (2,422 units), leaves a remainder of 2,090 units which must be accommodated beyond the City's remaining capacity within its current boundary. The HNA documented that there was approximately 24 acres of vacant RM land available for development which according to the HNA for approximately 362 units of RM land to meet projected multi-family needs. This was based on a calculated multi-family need of 38 dwelling units for duplexes; 351 dwelling units for three and four plexes; and, 1,437 dwelling units for multi-family developments containing 5 or more dwelling units. Single family dwelling units were calculated to be 2,524.

The comprehensive plan identified that there is only a small amount of vacant land (5.7 acres) that is zoned for multi-family development. The Comprehensive Plan notes that "Lands devoted to multi-family residential uses are insufficient to meet forecasted need for multi-family units. Therefore, the City will:

Permit rezoning to higher intensity residential uses to meet the identified housing needs, provided such proposals are consistent with the policies of this plan.

Consider rezoning parcels to higher residential density to meet identified multi-family housing needs, provided such proposals are consistent with the policies of this plan.

Parcels to be considered for rezoning should have access to major transportation corridors that are served by transit, are served (or can be served) by all urban services, including parks and recreational facilities, and are in close proximity to opportunities for shopping, employment and schools.”

The proposed comprehensive plan change to Medium and High Density Residential will result in the site being developed with multi-family dwellings. The applicant’s site plan indicates that 112 units will be constructed on the property. The proposed RM zone will allow up to a maximum of 22 units per acre which would result in a maximum of 165 dwelling units on the site. For comparison, if the site were developed as was platted, it would result in 14 dwelling units with a density of 1.8 dwelling units per acre. If the 7.5 acres were developed consistent with the RS standards, it could potentially allow up to 60 dwelling units if developed at the maximum 8 units per acre as permitted in the RS zone. As proposed the site will result in an approximate density of 16 dwelling units per acre. This is consistent with the proposed zone designation of RM that the applicants seek. The increased density will result in the site being used to help offset some of the identified residential land need that is forecasted.

- g) *Plan Diagram and Special Land Use Policy 1: Provide appropriately designated vacant buildable land in adequate quantities to meet the forecast needs of Keizer to 2033.*

FINDINGS:

The Comprehensive Plan indicates that lands devoted to multi-family residential uses are insufficient to meet forecasted need for multi-family units. It identifies four strategies for the city to pursue. These are:

- (a) Plan for medium and high density residential uses consistent with the 20 year housing demand analysis.

- (b) Permit rezoning to higher intensity residential uses to meet the identified housing needs, provided such proposals are consistent with the policies of this plan.
- (c) Consider rezoning parcels to higher residential density to meet identified multi-family housing needs, provided such proposals are consistent with the policies of this plan. Parcels to be considered for rezoning should have access to major transportation corridors that are served by transit, are served (or can be served) by all urban services, including parks and recreational facilities, and are in close proximity to opportunities for shopping, employment and schools.
- (d) In the medium and high density residential designation, allow a mix of housing types in two general levels of residential density; medium density (from 8 to 16 units per acre), and high density (over 16 units per acre), and identify criteria and locations for these two sub-categories in the Keizer Development Code.

Consistent with the comprehensive plan, the city has identified that a deficit exists to meet projected housing needs, including those needed for future multi-family needs. The proposed rezoning is located along two minor arterial streets (Verda Lane and Chemawa Road) and one collector (Dearborn Avenue) and is considered a major transportation corridor. The site is readily served by transit as both Verda Lane and Chemawa Road are transit routes. In addition, there is a transit stop at the subject property. Sanitary sewer lines and water service lines are located in the streets fronting the site and there is capacity in the systems to allow the connection of the subject property to these facilities. City services such as police and administration will be provided. To the west, across Claggett Creek, is Claggett Creek Park which provides many recreational opportunities to the general public and to the subject property. Approximately ½ mile to the west is the River Road commercial corridor which provides ample opportunities for shopping and employment. To the east, approximately 2/3 mile is Keizer Station which also provides for a variety of shopping and employment opportunities. Nearby schools include Kennedy Elementary School located two blocks to the east; Claggett Creek Middle School to the south; and, McNary High School to the west down Chemawa Road. The proposed comprehensive plan change to Medium and High Density Residential will conform to the density provisions of this policy. This policy is satisfied.

- h) *Urban Growth Policy 1: Contain urban development within planned urban areas where basic services such as sewers, water facilities, police and fire protection can be efficiently and economically provided.*

FINDINGS:

This proposal is to change the comprehensive plan designation to Medium and High Density Residential. This will allow the property that is located within the city limits to be developed with a multi-family apartment complex. The site can be served by all city services. Water lines and sanitary sewer lines are located in the streets fronting the subject property and they have the capacity to serve the site. Police and administration will be provided by the city. Fire service will be provided by the Keizer Fire District. Allowing the comprehensive plan amendment will help to offset some of the needed land to meet future residential needs thereby minimizing the need to expand the city's UGB. This policy is satisfied.

- i) *Urban Growth Policy 2: Conserve resources by encouraging orderly development of land by adopting efficiency measures that will further allow for the efficient use of urban land.*

FINDINGS:

The city has adopted efficiency measures as part of the recent periodic review update and the previous update of the city's TSP. Because this application involves land that is proposed to be used for residential use, the efficiency measures are applicable and will be useful to assist the city in the future in determining how efficient the city's land supply is being used. The efficiency measures seek to increase the pedestrian, bicycle, transit and land use and funding measures. The developer of the site will be responsible for providing frontage improvements that are currently lacking, including sidewalk and bicycle lanes along the frontage of the property. In addition, the development will be located along a transit corridor and will be consistent with the measures since it will increase the number of dwelling units located within a ¼ mile of a transit stop. This will allow the potential new residents to use the transit system rather than relying only on their cars for transportation. The proposal will allow for the efficient use of the land and will meet with this policy.

- j) *Urban Growth Policy 3: Preserve farmland and open space not needed for urban growth.*

FINDINGS:

The proposal will allow land that is within the city limits to be developed with multi-family dwelling units. Because the land is within the city limits, it will allow the city to meet some of its projected residential land needs inside the urban area and avoid the need to place needed residential units on land located outside the city limits. While this property has historically been used for a small cattle operation, the property is not designated for commercial farm uses. The property is designated for Single Family Residential and commercial farms are not listed as a permitted use, special use, or conditional use within the RS zone. However, since the farm use on the site has been occurring for many years it has been considered as a non-conforming use. The intent of the non-conforming section is that at some point the use that is non-conforming will cease and the property will then conform to city regulations. The property was previously approved for a residential subdivision that would allow development of single family homes. However, it was always considered that residential uses and not commercial farm uses were consistent with the city's regulations.

The subject property is adjacent to Claggett Creek Park and, due to its undeveloped nature, the community has enjoyed the open space qualities associated with it. However, it is not identified in the comprehensive plan as needed for open space. The Comprehensive Plan has recognized for some time that this site would be developed at some point. The lower portion of the property is a separate tax lot from the upper portion and is not proposed for development. This will result in the area adjacent to the creek being left undeveloped and retaining its open space qualities. This is consistent with the Natural Resources and Open Space policy which seeks to protect and preserve open space along the Willamette River and Claggett Creek. The proposal complies with this policy.

- k) *Urban Growth Policy 4: Make more economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the urban growth area.*

FINDINGS:

This proposal will allow for the subject property to change the comprehensive plan designation to Medium and High Density Residential. Because water lines and sanitary sewer lines are located adjacent to the site, and there is sufficient capacity in these facilities to serve the site, no expensive extensions will be necessary. Police and administration will be provided by the city of

Keizer and fire safety services will be provided by the Keizer Fire District. With the exception of the Verda Lane / Chemawa Road intersection improvement, the applicant will be required to provide frontage improvements along Verda Lane and Dearborn Avenue. The Verda Lane / Chemawa Road intersection has already been approved for funding by the state. The proposal reflects an economical use of city facilities and services. Because the city has an identified deficit of residential land to meet its future needs, the site will help to offset this identified need. This policy is satisfied.

- l) *Urban Growth Policy 9: Maintain an adequate land supply to meet the needs of the city.*

FINDINGS:

As part of the recent EOA and HNA, the city documented that there is a need for 267 acres of residential land to meet the future needs of the city as noted in the tables below.

Figure 11: Projected Total New Land Need
City of Keizer, 2033

Category of Land	Gross Acreage
	Remaining Need
Commercial:	21.6
Industrial:	0
Institutional:	41.8
Residential:	267.6
Parks and Recreation:	43.5
Schools:	10
Total New 20-Year Land Need:	384.5

Figure 12: Vacant Buildable Summary

<u>Zoning</u>	<u>Vacant</u>	<u>Partially Vac.</u>	<u>Redevelopable</u>	<u>Total</u>
<u>Single family</u>	<u>49</u>	<u>143</u>	<u>7</u>	<u>199</u>
<u>Multifamily</u>	<u>5.7</u>		<u>18</u>	<u>24</u>
<u>Urban transition</u>	<u>9</u>	<u>41</u>		<u>51</u>
<u>Industrial</u>	<u>17</u>	<u>-</u>	<u>33</u>	<u>50</u>
<u>Commercial</u>	<u>9</u>	<u>2</u>	<u>23</u>	<u>42</u>
<u>Mixed use</u>	<u>17</u>	<u>2</u>	<u>23</u>	<u>42</u>

This was based on an adopted 20 year population forecast that was consistent with Marion County's coordinated 20 year population projection for the county. The HNA documented that there is a very limited amount of land available for multi-family development. Figure 12 of the HNA indicates that there is only 5.7 acres of land that is vacant and zoned for multi-family development. This is less than the applicant seeks to develop. Because of the lack of alternative sites within the city limits that could meet this projected need, the proposal demonstrates a lack of viable alternatives that could meet this need and provide land to meet the projected land needs for projected multi-family use. The proposal satisfies this policy.

- m) *Urban Growth Policy 9a: Future urban development will be contained within the geographical limits of an urban growth boundary unless it is demonstrated that there is not sufficient land within the UGB to accommodate forecasted growth.*

FINDINGS:

While the proposal has demonstrated there is not sufficient land within the city limits, the proposed comprehensive plan amendment seeks to change the designation in an effort to help meet some of the need and will not involve any request to amend the city's urban growth boundary. The proposal satisfies this policy.

- n) *Urban Growth Policy 9h: Development of land with existing urban services will be encouraged before the conversion of urbanizable lands to urban uses.*

FINDINGS:

The subject property is located within the City of Keizer and services are readily available to the subject property. This policy is satisfied.

Section 3.109.04B is satisfied.

- C. *Section 3.109.04.C. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.*

FINDINGS:

The proposal will provide land to allow the city to be able to meet a portion of its projected residential needs as was documented in the HNA, a required periodic review task. The adoption of the HNA resulted in the city completing its periodic review. The periodic review was then acknowledged by DLCD. The result of this analysis established that there is a lack of land to meet the projected residential needs of Keizer for the next 20 year period. The HNA documented a deficit of 267 acres to meet the needs of the residential needs category. It further documented that only 5.7 acres of land designated for multi-family are currently available to meet this type of need. It noted that this is insufficient to meet the projected need for multi-family housing. This proposal will result in the city being able to meet 7.5 acres of the projected need of 267 acres needed for all residential uses, and in particular the projected need for 1,437 dwelling units for multi-family development. This criterion is satisfied.

- D. *Section 3.109.04.D. The Plan provides more than the projected need for lands in the existing land use designation.*

FINDINGS:

The proposal will provide land that will allow the city to meet a portion of its projected residential needs as determined by the HNA periodic review. The adoption of the HNA resulted in the city completing its periodic review and the state then acknowledged the city's update. The result of this analysis indicated a lack of land to meet the projected needs for the next 20 year period. This proposal will result in the city being able to meet part of its projected residential lands need. However, it should be noted that the intent of this criterion is to demonstrate a need for specific land use types without removing needed

land use types from the existing inventory. The proposal is consistent with the requirement of providing adequate land for specified land use types and, therefore, is consistent with this criterion. This criterion is satisfied.

- E. *Section 3.109.04.E. The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity.*

FINDINGS:

The proposed comprehensive plan designation is Medium and High Density Residential and the appropriate zone designation will be RM. The intent of this designation is to allow the development of the site with a multi-family apartment complex. Adjacent properties to the south across Dearborn Avenue, to the east of Verda Lane, and to the north of Chemawa Road are developed with residential uses and are within the city limits. The property at the southeast corner of the Chemawa Road / Verda Lane intersection is undeveloped and is part of the church property and is designated RM. There are apartments just to the east of the church also on land zoned RM. To the west land is within Claggett Creek Park and across the street from the park is a manufactured dwelling park on land that is designated RM. The required building setbacks from the streets combined with the width of the streets and the building setback on the lots across from the site will help ensure that proposed development will not be located up against or near any property line. In addition to the required building setbacks, landscaping requirements will further buffer and screen the development from surrounding properties. The new development will be required to meet building height, design and density standards. The subject property is separated from the park by an intervening tax lot. This will ensure that no buildings will be situated up against either the park or the creek adjacent to the park. Located across the street from the subject property is a multi-family zone and a RM zone is located slightly to the northwest of the subject property and a park is to the west. These factors indicate that while there are many single family uses in the area, there is also a variety of other land uses in the immediate vicinity. The area is not exclusively a single family neighborhood. The subject property is located along a transportation corridor. Verda Lane and Chemawa Road are classified as arterial streets and Dearborn Avenue classified as a collector street. These streets are designed to handle larger volumes of traffic. The site is also located near shopping areas, and employment and schools all exist nearby. These factors are indicators that the site can be developed in a manner that will not destabilize the existing land use pattern in the vicinity and so therefore, the proposal complies with this criterion.

- F. *Section 3.109.04.F. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.*

FINDINGS:

The proposed comprehensive plan designation will be Medium and High Density Residential and the appropriate zone designation will be RM. The intent of this designation is to allow the development of the site with a multiple family complex. Adjacent properties to the south across Dearborn Avenue, to the east of Verda Lane, and to the north of Chemawa Road are developed with residential uses and are within the city limits. The property at the southeast corner of the Chemawa Road / Verda Lane intersection is undeveloped and part of the church property. It is designated RM. Apartments are located just to the east of the church on land that is zoned RM. To the west, land is within Claggett Creek Park. Across the street from the park is a manufactured dwelling park on land that is designated RM. The required building setbacks from the streets combined with the width of the streets and the building setback on the lots across from the site will help ensure that proposed development will not be located up against or near any property line. In addition to the required building setbacks, landscaping requirement will provide a further buffer and screen the development from surrounding properties. The subject property is separated from the park by an intervening tax lot. No buildings will be situated in close proximity to either the park or the creek adjacent to the park. Nearly all of the surrounding properties are developed with their respective uses. Therefore, only a very limited number of undeveloped parcels exist.

Several individuals expressed concerns regarding the potential increase in traffic that may result from the proposed development. As stated earlier, a recently completed traffic improvement project to the Chemawa Road / Verda Lane intersection will result in significantly improving the flow of traffic through this intersection and along both Verda Lane and Chemawa Road. The round-about is designed to keep traffic moving and eliminate the queuing of vehicles at the existing 4-way stop intersection. This improvement will have a positive effect on the area. In addition, the developer of the site will be responsible for making improvements along the frontage of the subject property. The developer will be required to construct sidewalks and bike lanes along the Verda Lane and Dearborn Avenue frontage. These improvements will improve that movement of not only vehicles but also pedestrians and bicyclists along the frontage of the site. Currently, if each of the 14 lots had its own driveway, there would be multiple opportunities for ingress and egress to and from the lots that further slow the movement of traffic along Verda Lane. The development of the site will result in the placement of new driveways that will conform to Public Works standards. The design and function of the new round-about will allow traffic along Verda Lane to move smoother and more efficiently. The site can be developed in a manner that will not adversely affect the existing or planned uses on adjacent lands. This criterion is satisfied.

- G. Section 3.109.04.G. Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.*

FINDINGS:

The city currently provides city water to the adjacent properties and waterlines are located in the streets along the site. Sanitary sewer lines are located in the street right of way in each of the streets fronting the site. There is adequate capacity in both the water and sanitary sewer systems to be able to serve the site. Stormwater facilities can also be served. Due to the size of the subject property, detention basins and swales could be utilized if needed. The site has frontage along Chemawa Road and Verda Lane, each minor arterial streets, and Dearborn Avenue is a collector street. Each street has nearly sufficient right of way and pavement widths, however, Public Works has commented that some improvements will be necessary.

Public Works has commented that street improvements will be required to provide an adequate transportation system to serve the proposed development. Right of way dedication will be required along Verda Lane. The minimum acceptable right of way will result in 34 feet from the existing centerline of Verda Lane. Right of way dedication along the easterly 125 feet of Dearborn Avenue will be required to eliminate the existing jog in the right of way line. Additionally, a right of way line radius of 30 feet shall be dedicated at the intersection of Verda Lane and Dearborn Avenue. The local Transportation System Plan has identified the need for a turning circle to be developed at the intersection of Verda Lane and Chemawa Road NE. Public Works submitted an attachment, labeled Attachment A to their comments. Attachment A sets forth the required right of way dedication that indicates the required right of way necessary at the intersection that shall be shown on the proposed Lot Line Adjustment Survey. Public street improvements will be required prior to any development of the subject property. At a minimum, public street improvements will include street widening of Verda Lane with a 6 foot wide property line sidewalk, and widening of Dearborn Avenue including a property line 6 foot sidewalk on the north side of the street. Public Street improvements will require appropriate drainage swales if necessary to comply with city water quality standards. A 10 foot wide public utility easement will be required to be dedicated on the Lot Line Adjustment Plat along Chemawa Road, Dearborn Ave., and Verda Lane. No access will be allowed to Philip Street from the subject property. Police protection will continue to be provided by the Keizer Police Department. The Keizer Fire District will provide fire safety protection. The city can provide all of these services in an efficient manner. This criterion is satisfied.

The proposal complies with the requirements of the comprehensive plan amendment criteria in Section 3.109.

FACTS: ZONE CHANGE AND RELATED FINDINGS

8. The Review Criteria for a Zone Change is listed in Section 3.110.04 of the Keizer Development Code (KDC).

- A. *Section 3.110.04.A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.*

FINDINGS:

The proposed zone designation is Medium Density Residential (RM) which is appropriate and consistent for the proposed comprehensive plan designation of Medium and High Density Residential. The Medium and Density Residential designation will allow more than 16 dwelling units per gross acre and the RM zone will allow up to a maximum of 22 dwelling units per acre. The applicant's site plan shows that there will be density of 16 dwelling units per acre. The requested zone is consistent with the Comprehensive Plan designation and with the Medium and Density Residential policies. The RM zone allows for the development of the site with an apartment complex. This criterion is satisfied.

- B. *Section 3.110.04.B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.*

FINDINGS:

The proposed zone designation is RM which will allow the development of an apartment complex on the subject property. The site is flat and the western edge is generally on the top of an embankment. The floodplain boundary appears to be either along the base of the embankment or slightly above the base of the embankment. Any use or development within this floodplain area will be required to be done in accordance to all applicable floodplain regulations. The applicant is not proposing any development in the lower portion that is a separate tax lot. Although the sloped portion of the subject property has not been identified as a potential hazard area, the applicant has indicated that no development will take place in that part of the property. The applicant will be required to connect the residential units to the city's water line and to the City of Salem's sanitary sewer lines. This will allow development to be more compact since there will not be the need to include any private wells or septic system on the site. The requirement

for connecting to the municipal sewer line will eliminate the possibility of any contamination from any failing on-site septic system.

The RM zone has a maximum density of 22 dwelling units per acre which will assure that the site is not developed in a manner that will exceed its capacity. The applicant has submitted a site plan that shows that 112 dwelling units are intended to be located on the site. This will result in an approximate density of 16 dwelling units per acre which is within the density provisions of the RM zone. At the time of building permit submittal, a Design Review will be done to ensure that the development complies with density, building setbacks, building height, landscaping, parking, driveway, and building design requirements. Therefore, the proposal will not exceed its physical capacity and this criterion will be satisfied.

- C. *Section 3.110.04.C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.*

FINDINGS:

The proposed use of the site is for multi-family development. This type of use is permitted within the RM zoning district. Development on the site will be reviewed for compliance during the city's Development Review process at the time of building permit submittal. This will ensure that the requirements of the code will be met. With this placed as a condition of approval, this criterion will be satisfied.

- D. *Section 3.110.04.D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.*

FINDINGS:

The City of Keizer provides its residents with water, sanitary sewer (through an arrangement with the city of Salem), an established street system, administrative services and police services. Verda Lane and Chemawa Road are each classified in the City Transportation and System Plan (TSP) as minor arterials. Chemawa Road is an improved street within an 85 foot wide right of way. It has an existing sidewalk along the frontage of the site. Verda Lane is an improved street within a 60 foot wide right of way but there is no sidewalk along the Verda Lane frontage. Instead, there is a striped shared bicycle / pedestrian lane. Dearborn Avenue is classified as a collector road in the TSP and has a 60 to 70 foot wide right of way. It has a shared bicycle/pedestrian lane along the frontage of the site.

The city provides water through a system that utilizes groundwater. There are existing water lines in each of the three streets fronting the property. There is adequate

capacity in the city's water system to provide service to the site and can serve the level of development as proposed. Sanitary sewer service is provided through an intergovernmental agreement by the City of Salem. There are sanitary sewer lines in each of the streets fronting the property and there is sufficient capacity to be able to provide service to the site at the level of service required for the proposed development. The site is located inside of the original Keizer Sewer District so a sanitary sewer trunk line acreage fee will not be required. City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer for review and determination of compliance with the City's Master Sewer Plan for the area.

Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements for any public sewer mains located within the subject property if located outside platted right of ways will need to be recorded as required to meet the City of Salem Design Standards. A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways. Any system development charges for water system improvements will be those in place at the time of individual service connections. Final development plans shall be reviewed by the Keizer Fire District with regard to access and to adequate location of fire hydrants prior to the issuance of any building permits by the City of Keizer. Any existing wells on the subject property are to be abandoned. The developer shall provide evidence that any abandonment of existing wells has been completed in accordance with the rules of the Oregon State Water Resources Department.

Location of all meters will be required to be approved by Keizer Water Department. Each of these services can be used to provide service to the site.

Police and administrative services are provided by the city of Keizer and can serve the site. Educational services are provided by both the Salem-Keizer School District (K through 12) and Chemeketa Community College (post high school). The Salem-Keizer School District commented that they had reviewed the application and commented that sufficient school capacity exists in the elementary and middle schools but not at the high school. However, the school district typically makes provisions for additional students through boundary adjustments, additional capital improvements or other methods. Both Verda Lane and Chemawa Road are transit routes. The Salem – Keizer Transit District is responsible for providing transit service. Other services such as trash pick-up, telephone, electrical, etc. are all provided by private providers. All

of these services can be provided in an efficient manner. As conditioned, the criteria in this section will be satisfied.

- E. *Section 3.110.04.E. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.*

FINDINGS:

The proposal involves a zone change to RM which is one the city's residential zones, so this section is applicable. The RM zone is primarily intended for multiple family development on a parcel, or attached dwellings on separate lots, at medium residential densities. Other uses compatible with residential development are also appropriate. RM zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan. They are suited to locations near commercial areas and along collector and arterial streets where limited access is necessary so that traffic is not required to travel on local streets through lower density residential areas.

These are not criteria in the strict sense but they offer guidance that can be useful in determining if a location is suitable for the proposed RM zone designation. The concurrent request for a comprehensive plan map change to Medium and High Density Residential will result in the proposed RM zone designation being consistent with the comprehensive plan designation. The site has frontage along Chemawa Road and Verda Lane which are each designated in the TSP as minor arterial streets. Dearborn Avenue is designated as a collector road in the city's TSP which is consistent with the intent of the provision. The ingress and egress to the site off Verda Lane will eliminate the use of any local street within residential neighborhoods and will meet with this aspect of the purpose section. The term "near" is not defined in either the development code or the TSP. The Merriam Webster dictionary defines near as: "at, within, or to a short distance or time". The proposed site is to be zoned RM and is not adjacent to any commercial uses. It is located approximately 1/2 mile to the east of the commercial corridor along River Road and also is approximately 2/3 mile to the west of Keizer Station which also has ample commercial shopping and employment opportunities. There is a complete sidewalk system along Chemawa Road from the site west to River Road and a sidewalk system along almost the entire length of Dearborn Avenue. This is considered to be "near" with regard to allowing convenient pedestrian connections from the commercial area to the west and the site. Currently, there is an incomplete sidewalk from the subject property to Keizer Station. However, there are plans for the eventual completion of this facility that is timed to construction in Area C of the Keizer Station. The allowance for this to be considered near is also consistent with Transit District standards for 1/2 mile as a standard for people to walk to transit stops. This criterion is satisfied.

F. 3.110.04.F.. *The following additional criteria shall be addressed:*

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

FINDINGS:

The HNA indicated that over the next 20-year period, the growth in non-group households will increase by 4,366 households which will represent a population growth of 11,833 new residents. This is consistent with Keizer's adopted 2032 forecast. When the housing needs of the projected 2033 population is compared to the current housing supply, the analysis projects the need for 4,513 new units to house the future population.

The HNA documented that the largest share (56%) of one housing type is projected to be single-family detached or attached homes, with approximately 40% classified as multi-family dwelling units. Fifty-four percent are projected to be ownership units, while 46% are projected to be rental units. The inventory of buildable residential lands found that the current supply is 315.2 total acres which are vacant, partially vacant or re-developable. These acres can hold an estimated 2,422 units. The total 20-year unit need (4,513 units) minus this remaining buildable capacity (2,422 units), leaves a remainder of 2,090 units which must be accommodated beyond the city's remaining capacity within its current boundary.

The HNA documented that there was approximately 24 acres of vacant or re-developable RM land and only 5.7 acres of vacant RM zoned land available for development. According to the HNA this will result in approximately 362 units of RM land to meet projected multi-family needs. This was based on a calculated multi-family need of 38 dwelling units for duplex; 351 dwelling units for three and four plexes; and, 1,437 dwelling units for multi-family developments containing 5 or more dwelling units. Single family dwelling units were calculated to be 2,524 (Figures 15 thru 18 HNA).

When this remaining land need is apportioned to Keizer's residential zones, the HNA estimates a 20-year need for 267 gross acres of residential land, to be accompanied by 43.5 acres of new land for parks to serve this new population, and 10 acres of land for new school facilities. This is a total of 385 gross acres. The proposal will meet some of the city's projected needs for RM land need and, therefore, the proposal satisfies this criterion.

2. *The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the projected rate of development of uses allowed in the zone during the next 5 years.*

FINDINGS:

This proposal involves land that is needed for residential use. The comprehensive plan identified that there is only a small amount of land that is vacant (5.7 acres) and that is zoned for multi-family development. The Comprehensive Plan notes that “Lands devoted to multi-family residential uses are insufficient to meet forecasted need for multi-family units. Therefore, the City will:

Permit rezoning to higher intensity residential uses to meet the identified housing needs, provided such proposals are consistent with the policies of this plan.

Consider rezoning parcels to higher residential density to meet identified multi-family housing needs, provided such proposals are consistent with the policies of this plan.

Parcels to be considered for rezoning should have access to major transportation corridors that are served by transit, are served (or can be served) by all urban services, including parks and recreational facilities, and are in close proximity to opportunities for shopping, employment and schools.”

The proposed comprehensive plan change to Medium and High Density Residential will result in the site being developed with multi-family dwellings. The applicant’s site plan indicates that 112 dwelling units will be constructed on the property. The proposed RM zone will allow up to a maximum of 22 units per acre which would result in a maximum of 165 dwelling units on the site. For comparison, if the site were developed as platted, it would result in 14 dwelling units with a density of 1.8 dwelling units per acre. If the 7.5 acres were developed consistent with the RS standards, it could potentially allow up to 60 dwelling units if developed at the maximum 8 units per acre as permitted in the RS zone. The applicant’s site plan indicates that there would be an approximate density of 16 dwelling units per acre. This is consistent with the proposed zone designation of RM that the applicants seek. The increased density will result in the site being used to help offset some of the identified residential land need that is forecast for the city. This criterion is satisfied.

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.*

FINDINGS:

The proposed comprehensive plan designation will be Medium and High Density Residential and the appropriate zone designation will be RM. Adjacent properties to the east, south, and north are developed with residential uses. To the west is the Claggett Creek Park which is designated Public. The intent of the applicant is to allow the development of the site with an apartment complex and not any of the other uses that might be permitted within the RM zone.

Adjacent properties to the south across Dearborn Avenue, to the east of Verda Lane, and to the north of Chemawa Road are developed with residential uses and are within the city limits. The property at the southeast corner of the Chemawa Road / Verda Lane intersection is undeveloped and is part of the church property and is designated RM. There are apartments just to the east of the church on land zoned RM. To the west land is within Claggett Creek Park. Across the street from the park is a manufactured dwelling park on land that is designated RM. The required building setbacks from the streets combined with the right of widths of the streets and building setback on the lots across from the site will result in the proposed development not being located too close to any property lines. In addition to the required building setbacks, landscaping requirements will further buffer and screen the proposed development from surrounding properties. The new development will be required to meet building height, design and density standards. The site is separated from the park by an intervening tax lot and no buildings will be too close to either the park or the creek adjacent to the park. Located across the street from the subject property is property that is designated as multi-family and a RM zone is located slightly to the northwest of the site. A park is located to the west of the subject property. This factors indicated that there are a variety of other land uses in the immediate vicinity and that the area is not exclusively a single family neighborhood. The proposed zone will not allow uses that would destabilize the land use pattern of the area and will not significantly adversely affect adjacent properties. This section is satisfied.

The applicant has satisfied the criteria for a zone change as requested.

FACTS: LOT LINE ADJUSTMENT AND RELATED FINDINGS

The applicant requested to partition the subject property to replat the existing 14 lots into one large lot. In essence, the procedure to follow to accomplish the applicant's goal is a lot line adjustment. Section 3.106 of the KDC sets for the criteria and procedure for a lot line adjustment.

9. Section 3.106.04 sets forth the criteria for a lot line adjustment and provides that a lot line adjustment may be granted in accordance with the Type I-B review procedures provided that the applicant provides evidence of the following:

The adjustment of lot lines results in no more parcels than originally existed.

The proposed lot line adjustment results in parcels that meet all area and dimension standards of this Code; and

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

The proposed lot line adjustment does not result in two parcels which meet the criteria for an Infill Development Parcel, as defined in Section 2. 316.03 Infill Development Criteria.

A. *Section 3.106.04.A. The adjustment of lot lines results in no more parcels than originally existed.*

FINDINGS:

The proposal is to consolidate 14 existing lots into one parcel that can then be developed as one lot. The city does not have a consolidation or re-plat process. Historically the city has processed similar types of land use applications as a lot line adjustment provided that no new parcels are created and that all of the Marion County's Surveyors procedures are followed. The proposal will not result any additional parcels but will reduce the number of lots. The lots were created with the platting of the Herber's Addition Subdivision in the 1950s. The Marion County Surveyor commented that a property line adjustment within a recorded subdivision plat will require a re-plat which must comply with ORS 92.185(6); that it must be surveyed and platted consistent with ORS 92.050; and, that all fees and an updated title report is submitted at time of review. These requirements will be conditions of approval. As conditioned, this criterion is met.

B. *Section 3.106.04.B. The proposed lot line adjustment results in parcels that meet all area and dimension standards of this Code;*

FINDINGS:

The proposal will consolidate 14 legally established lots into one parcel that will be 7.5 acres in size. The result of this action is that the lot will exceed the city's minimum dimensional lot sizes standard of 9,000 square feet for multi-family, and will also exceed the minimum lot dimension standards average width minimum 50 feet. The site has an approximate 1,300 foot width; and an average depth of 80 feet; and the site has a depth of approximately 240 feet within the RM zone. This criterion is satisfied.

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

FINDINGS:

Presently two single family dwellings are located on the site along with couple of outbuildings. The elimination of the existing lot lines will not result in any violations to building setback requirements as the separate lot lines will be eliminated. The applicant stated that the two dwellings will be removed and this will further eliminate any setback or improvements issues. All new construction will be required to adhere to all building setback and height standards. As conditioned, this criterion will be satisfied.

- D. *Section 3.106.04.D. The proposed lot line adjustment does not result in two parcels which meet the criteria for an Infill Development Parcel, as defined in Section 2.316.03 Infill Development Parcel Criteria.*

FINDINGS:

The proposal will consolidate 14 legally established lots into one parcel that will be 7.5 acres in size. This will exceed 2 acres in size and will not be considered as an infill parcel as defined in Section 2.316.03. Therefore, this section is not applicable.

The applicant has met the criteria for a lot line adjustment.

FACTS: ADDITIONAL FINDINGS AND CONCLUSIONS

10. The proposed zone designation is Medium Density Residential (RM) which is appropriate and consistent for the proposed comprehensive plan designation of Medium and High Density Residential. The Medium and Density Residential designation will allow more than 16 dwelling units per gross acre and the RM zone will allow up to a maximum of 22 dwelling units per acre. The applicant's site plan shows that there will be density of 16 dwelling units per acre. The requested zone is consistent with the Comprehensive Plan designation and with the Medium and Density Residential policies. The RM zone allows for the development of the site with an apartment complex.

11. The proposed zone designation is RM which will allow the development of an apartment complex on the subject property. The site is flat and the western edge is generally on the top of an embankment. The applicant is not proposing any development in the lower portion that is a separate tax lot. The floodplain boundary appears to be either along the base of the embankment or slightly above the base of the embankment. Any use or development within this floodplain area will be required to be done in accordance to all applicable floodplain regulations. Although the sloped portion of the subject property has not been identified as a

potential hazard area, the applicant has indicated that no development will take place on that part of the property. The applicant will be required to connect the residential units to the city's water line and to the City of Salem's sanitary sewer lines. This will allow development to be more compact since there will not be the need to include any private wells or septic system on the site. The requirement for connecting to the municipal sewer line will eliminate the possibility of any contamination from any failing on-site septic system.

12. The RM zone has a maximum density of 22 dwelling units per acre which will assure that the site is not developed in a manner that will exceed its capacity. The applicant has submitted a site plan that shows that 112 dwelling units are intended to be located on the site. This will result in an approximate density of 16 dwelling units per acre which is within the density provisions of the RM zone. At the time of building permit submittal, a Design Review will be done to ensure that the development complies with density, building setbacks, building height, landscaping, parking, driveway, and building design requirements. Therefore, the proposal will not exceed its physical capacity.

13. The proposed use of the site is for multi-family development. This type of use is permitted within the RM zoning district. Development on the site will be reviewed for compliance during the city's Development Review process at the time of building permit submittal. This will ensure that the requirements of the code will be met.

14. The City of Keizer provides its residents with water, sanitary sewer (through an arrangement with the city of Salem), an established street system, administrative services and police services. Verda Lane and Chemawa Road are each classified in the City Transportation and System Plan (TSP) as minor arterials.

15. Chemawa Road is an improved street within an 85 foot wide right of way. It has an existing sidewalk along the frontage of the site. Verda Lane is an improved street within a 60 foot wide right of way but there is no sidewalk along the Verda Lane frontage. Instead, there is a striped shared bicycle / pedestrian lane. Dearborn Avenue is classified as a collector road in the TSP and has a 60 to 70 foot wide right of way. It has a shared bicycle/pedestrian lane along the frontage of the site.

16. The city provides water through a system that utilizes groundwater. There are existing water lines in each of the three streets fronting the property. There is adequate capacity in the city's water system to provide service to the site and can serve the level of development as proposed. Sanitary sewer service is provided through an intergovernmental agreement by the City of Salem. There are sanitary sewer lines in each of the streets fronting the property and there is sufficient capacity to be able to provide service to the site at the level of service required for the proposed development. The site is located inside of the original Keizer Sewer

District so a sanitary sewer trunk line acreage fee will not be required. City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer for review and determination of compliance with the City's Master Sewer Plan for the area.

17. The RM zone is primarily intended for multiple family development on a parcel, or attached dwellings on separate lots, at medium residential densities. Other uses compatible with residential development are also appropriate. RM zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan. They are suited to locations near commercial areas and along collector and arterial streets where limited access is necessary so that traffic is not required to travel on local streets through lower density residential areas.

18. The concurrent request for a comprehensive plan map change to Medium and High Density Residential will result in the proposed RM zone designation being consistent with the comprehensive plan designation. The site has frontage along Chemawa Road and Verda Lane which are each designated in the TSP as minor arterial streets. Dearborn Avenue is designated as a collector road in the city's TSP which is consistent with the intent of the provision. The ingress and egress to the site off Verda Lane will eliminate the use of any local street within residential neighborhoods and will meet with this aspect of the purpose section. The term "near" is not defined in either the development code or the TSP. The Merriam Webster dictionary defines near as: "at, within, or to a short distance or time". The proposed site is to be zoned RM and is not adjacent to any commercial uses. It is located approximately 1/2 mile to the east of the commercial corridor along River Road and also is approximately 2/3 mile to the west of Keizer Station which also has ample commercial shopping and employment opportunities. There is a complete sidewalk system along Chemawa Road from the site west to River Road and a sidewalk system along almost the entire length of Dearborn Avenue. This is considered to be "near" with regard to allowing convenient pedestrian connections from the commercial area to the west and the site. Currently, there is an incomplete sidewalk from the subject property to Keizer Station. However, there are plans for the eventual completion of this facility that is timed to construction in Area C of the Keizer Station. The allowance for this to be considered near is also consistent with Transit District standards for 1/2 mile as a standard for people to walk to transit stops. This criterion is satisfied.

19. The HNA indicated that over the next 20-year period, the growth in non-group households will increase by 4,366 households which will represent a population growth of 11,833 new residents. This is consistent with Keizer's adopted 2032 forecast. When the housing needs of the projected 2033 population is compared to the current housing supply, the analysis projects the need for 4,513 new units to house the future population.

20. The HNA documented that the largest share (56%) of one housing type is projected to be single-family detached or attached homes, with approximately 40% classified as multi-family dwelling units. Fifty-four percent are projected to be ownership units, while 46% are projected to be rental units. The inventory of buildable residential lands found that the current supply is 315.2 total acres which are vacant, partially vacant or re-developable. These acres can hold an estimated 2,422 units. The total 20-year unit need (4,513 units) minus this remaining buildable capacity (2,422 units), leaves a remainder of 2,090 units which must be accommodated beyond the city's remaining capacity within its current boundary. The HNA documented that there was approximately 24 acres of vacant or re-developable RM land and only 5.7 acres of vacant RM zoned land available for development. According to the HNA this will result in approximately 362 units of RM land to meet projected multi-family needs. This was based on a calculated multi-family need of 38 dwelling units for duplex; 351 dwelling units for three and four plexes; and, 1,437 dwelling units for multi-family developments containing 5 or more dwelling units. Single family dwelling units were calculated to be 2,524 (Figures 15 thru 18 HNA). When this remaining land need is apportioned to Keizer's residential zones, the HNA estimates a 20-year need for 267 gross acres of residential land, to be accompanied by 43.5 acres of new land for parks to serve this new population, and 10 acres of land for new school facilities. This is a total of 385 gross acres. The proposal will meet some of the city's projected needs for RM land need and, therefore, the proposal satisfies this criterion.

21. This proposal involves land that is needed for residential use. The comprehensive plan identified that there is only a small amount of land that is vacant (5.7 acres) and that is zoned for multi-family development. The Comprehensive Plan notes that "Lands devoted to multi-family residential uses are insufficient to meet forecasted need for multi-family units. Therefore, the City will:

Permit rezoning to higher intensity residential uses to meet the identified housing needs, provided such proposals are consistent with the policies of this plan.

Consider rezoning parcels to higher residential density to meet identified multi-family housing needs, provided such proposals are consistent with the policies of this plan.

Parcels to be considered for rezoning should have access to major transportation corridors that are served by transit, are served (or can be served) by all urban services, including parks and recreational facilities, and are in close proximity to opportunities for shopping, employment and schools.

The proposed comprehensive plan change to Medium and High Density Residential will result in the site being developed with multi-family dwellings. The applicant's site plan indicates that 112 dwelling units will be constructed on the property. The proposed RM zone will allow up to a maximum of 22 units per acre which would result in a maximum of 165 dwelling units

on the site. For comparison, if the site were developed as platted, it would result in 14 dwelling units with a density of 1.8 dwelling units per acre. If the 7.5 acres were developed consistent with the RS standards, it could potentially allow up to 60 dwelling units if developed at the maximum 8 units per acre as permitted in the RS zone. The applicant's site plan indicates that there would be an approximate density of 16 dwelling units per acre. This is consistent with the proposed zone designation of RM that the applicants seek. The increased density will result in the site being used to help offset some of the identified residential land need that is forecast for the city.

22. The proposed comprehensive plan designation will be Medium and High Density Residential and the appropriate zone designation will be RM. Adjacent properties to the east, south, and north are developed with residential uses. To the west is the Claggett Creek Park which is designated Public. The intent of the applicant is to allow the development of the site with an apartment complex and not any of the other uses that might be permitted within the RM zone.

23. Adjacent properties to the south across Dearborn Avenue, to the east of Verda Lane, and to the north of Chemawa Road are developed with residential uses and are within the city limits. The property at the southeast corner of the Chemawa Road / Verda Lane intersection is undeveloped and is part of the church property and is designated RM. There are apartments just to the east of the church on land zoned RM. To the west land is within Claggett Creek Park. Across the street from the park is a manufactured dwelling park on land that is designated RM. The required building setbacks from the streets combined with the right of widths of the streets and building setback on the lots across from the site will result in the proposed development not being located too close to any property lines. In addition to the required building setbacks, landscaping requirements will further buffer and screen the proposed development from surrounding properties. The new development will be required to meet building height, design and density standards. The site is separated from the park by an intervening tax lot and no buildings will be too close to either the park or the creek adjacent to the park. Located across the street from the subject property is property that is designated as multi-family and a RM zone is located slightly to the northwest of the site. A park is located to the west of the subject property. This factors indicated that there are a variety of other land uses in the immediate vicinity and that the area is not exclusively a single family neighborhood. The proposed zone will not allow uses that would destabilize the land use pattern of the area and will not significantly adversely affect adjacent properties.

24. During the course of the remand hearing process, traffic was a primary concern by area residents. The applicants provided expert information from a registered professional traffic engineer. His information supported that the existing transportation systems in the area are sufficient to handle the expected traffic from the project. His information takes into account the improvements that the City of Keizer has undertaken with the construction of the

roundabout at the Verda-Chemawa intersection. To further insure that the changes in the zoning for this site does not have greater impacts a traffic cap will be imposed. This cap prevents the future developer of the property from increasing the number of units or uses on the property without having to return to the City for approval to change the cap. The City's Traffic consultants reviewed the information submitted by the applicant, and that evidence if found to be credible and is adopted over all conflicting evidence submitted. No testimony was provided by an expert that raised any questions related to the information the applicant provided or in support of the statements made by the opponents that traffic created by the project would be detrimental to the area.

25. The applicant, through its land use consultants, has provided clarification of the present "Housing Need Assessment" that the City of Keizer has had prepared for the community. That information clearly demonstrates a need for additional multi-family property in Keizer. The City has an adopted Housing Need Analysis (HNA) that was acknowledged by DLCD in a public process. The HNA has identified a need in the City for 362 multi-family living unit in order to accommodate the growing population over the next 20 years. This application as proposed will fill only one-third of that need. No expert information was presented that disputed the information contained in the Needs analysis that the City has and as referenced in the applicant's information. The applicant has demonstrated that this project satisfies all of the siting criteria recommended by the experts, in that the project is sited: On or near major transportation systems (This site is located on two arterials and one collector roadway); it is near transit facilities (This site has three (3) transit stops along its frontage); it is close to Parks (This property is adjacent to a major city park); it is close to shopping; and it is close to schools (The site is within walking distance of two elementary schools and one middle school).

26. Prior information noted concerns with the location of the units on the site as well as the height of the buildings along Verda Lane. The adjusted site plan shows that the majority of the units have been located away from the roadway, with the height of the buildings along Verda have been proposed as two story only. This proposal matches the common height of single family homes. The buildings along Verda will be designed to give an appearance more like homes than apartments. The added elements along Verda will buffer the adjoining properties and provide added screening, reducing the perceived visual impacts. Additions have been made to the intended design of the buildings such that they will have more architectural features as discussed above.

27. There was extensive discussion at the public hearing and in the following written information regarding the nature and status of the old farmhouse on the property. In an effort to evaluate the house, relative to its ability to be restored or retained, applicant provided a detailed report on the structural condition of the structure. The results of that review was that the house is not a structure that can be restored without major work and significant costs. The

report notes that the house has been remodeled and added onto such that a significant part of the home is not historic at all. As to the issue that it **is or is not** Historic, the house has never been designated as a historic structure. The Herber Family has not made such a request, nor have they been contacted prior to this application to have the house designated as a historic structure. What's even more important is that the status of the "house" is not a criteria included in the City of Keizer Development Code relative to the comprehensive plan/zone change process. Whether the property is Residential Single Family or Medium Density Residential, the status of the house is irrelevant. Nevertheless, the City will impose a condition of approval to allow for the preservation of the house under certain circumstances.

28. Several area residents made the argument that property values will drop when the Herber project is completed. No empirical data was presented, and none of the speakers presented any credentials for expertise in property valuation. The City does not find the argument persuasive, and does not adopt it here. This issue is moot in any event. Oregon land use case law is clear that the rise or fall of property values is not a relevant consideration in a quasi-judicial land use decision. An applicant has to satisfy the approval criteria, and only the approval criteria. There is no approval criteria in this case that mandates no project may impact property values.

29. A few speakers argued that the Herber development will result in an increase in crime. No data was presented to support this argument, and the City does not find the argument persuasive, and does not adopt it here. No justification or rationale was given for why a brand new up-scale project like is proposed here would increase crime.

30. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development. In this case the applicant has indicated consent to the exactions being imposed here. Nevertheless, the City hereby finds the conditions of approval here that constitute exactions comply with the constitutional requirements for imposing them on this development as follows:

The City has a legitimate governmental interest in assuring the development does not cause inadequate, unsafe and inefficient public transportation facilities. This is done by requiring that adequate streets logically continue the city's street system in order to avoid traffic generation that exceeds the street system's carrying capacity, and then causes dangerous or hazardous traffic conditions.

The applicant proposes a zone change / comprehensive plan change / lot line adjustment that will, if approved allow for multi-family development. The necessary improvements for streets are identified in Keizer Development Code Section 2.302.04. The table set forth in such section indicates the minimum improvement and right of way widths required.

It shall be the responsibility of the applicant to provide street improvements deemed necessary to provide a safe and convenient transportation network to serve the residents of the proposed development. The Keizer Development Code requires that new developments make road improvements to bring the road frontage up to the road classification and construction standards. The legislative adoption of the street standards require road improvements and road construction to be provided by the developer as it occurs in proportion to its impacts. The residents of the development will utilize road systems constructed by other developments at no cost to them or the applicant. Other benefits which necessarily flow to the future residents of this development from the completion of the street improvements include access for vehicles, bicyclists and pedestrians to the arterial road system serving this area of the city and improved access for emergency vehicles to the subject property and its residents.

Verda Lane and Chemawa Road are each classified in the City's TSP as minor arterials. Chemawa Road is an improved 36 foot wide street within an 85 foot wide right of way. It has an existing sidewalk along the frontage of the site. Verda Lane is a 32 foot wide street within a 46 foot wide right of way and there is no sidewalk along the Verda Lane frontage. Rather, there is a striped shared bicycle / pedestrian lane. Dearborn Avenue is classified as a collector road in the TSP and is a 47 foot wide street within a 60 foot wide right of way which tapers down to 33 feet near the creek. It has a shared bicycle/pedestrian lane along the frontage of the site. Functional classification is established in order to ensure that the streets have adequate carrying capacity for the traffic which will utilize it to avoid traffic generation that would cause dangerous or hazardous traffic conditions.

The Chemawa Road / Verda Lane intersection has had a significant upgrade that includes a new round-about at this intersection. This intersection was determined to operate at a Level of Service (LOS) C in 2007 and projected to have a LOS F in 2031. This intersection improvement project will greatly improve the a.m. and p.m. travel times at this intersection as it will allow for a constant flow of traffic and eliminate the stopping and queuing of vehicles. With the completion of the round-about, this intersection is projected to operate at LOS B in the a.m. peak hour and LOS C in the p.m. peak hour. The pending intersection improvement will include road widening, curbs, sidewalks, bike lanes and storm drainage facilities at this intersection. Both Verda Lane and Chemawa Road are transit routes and there is an existing transit stop at the site. The Salem –Keizer Transit District is responsible for providing transit service.

A Transportation Planning Rule Analysis was submitted as part of the original application. This analysis studied the impact that the proposed development would

have on the nearby intersections. It documented the existing conditions and then input the new development. It found that the proposed development would result in 84 a.m. peak hour trips and 102 p.m. peak hour trips. The analysis determined that slightly more of the new traffic will use the Chemawa Road / Verda Lane intersection than the Verda Lane / Dearborn Avenue intersection. The analysis projected that the result of the new development would be that the Verda Lane / Chemawa Road intersection will have a 2033 a.m. peak hour LOS B and a 2033 p.m. peak hour LOS C and indicated that Verda Lane / Dearborn Ave intersection will have an a.m. peak hour LOS C and a p.m. peak hour LOS D. Each intersection will operate within the city's adopted LOS E for these intersections. Therefore, no additional intersection improvements will be needed as a result of the proposed development.

It should be noted that this previous analysis assumed a density of 165 dwelling units as allowed in the zone code. However, the site plan indicates that only 112 units are proposed, which will result in a reduction in the number of vehicles entering or exiting the site. The applicant submitted a revised Transportation Planning Rule Analysis dated March 17, 2016. Using the proposed 112 dwelling units for analysis, this report found that the proposed development would result in 57 a.m. peak hour trips and 69 p.m. peak hour trips. This shows a significant reduction from the previous possible allowed plan and a condition shall be included requiring that the dwelling units not exceed a 112 units thereby putting a "cap" on trips from this development.

The applicant will be responsible for dedicating an approximate 4 foot by 1,300 foot strip along the frontage of the site with Verda Lane; a strip along the frontage with Dearborn Avenue; and, a portion of the site in the northeast corner at the Chemawa Road / Verda Lane intersection. The dedication of Verda Lane will be approximately 5,200 square feet, or approximately 8.6% of the identified impacted area along Verda Lane (calculated by assuming a 60 foot wide right of way and a 1,300 foot length of the collector portion of Verda Lane). There are approximately 280 units which are located along both sides of this segment of Verda Lane that can be viewed to be dependent upon this segment (Chemawa Road to Dearborn Avenue) for access. The proposed development would add a total of 112 new dwelling units. The proposed units are slightly less than 43% of these lots. These calculations indicate that a dedication and improvement of approximately 8.6% of the overall area of the street segment is less than 43% of the calculated impact area and therefore would be roughly proportional. The applicant will be responsible for dedicating a slight portion of the frontage along Dearborn Avenue. The area the applicant shall dedicate in the northeast corner of the site is approximately 2,000 square feet.

Because the TPR analysis indicates that there will be an impact on this intersection caused by the proposed development, the applicant will be required to dedicate, but

not to provide any level of improvements at the Chemawa/Verda intersection, as the improvements have already been funded. This analysis concludes that the dedication and improvements along Chemawa Road / Verda Lane / Dearborn Avenue are roughly proportional to the impacts associated with the development of the property.

EXHIBIT "D"

Justification

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

In this case, the applicant is requesting to change the Comprehensive Plan Map designation from Low Density Residential to Medium and High Density Residential; rezone the property from Single Family Residential (RS) to Medium Density Residential (RM); and, through the Lot Line Adjustment process consolidate the existing lots into one large parcel.

The applicant has shown the application meets with the relevant criteria. However, with both the comprehensive plan map request, as well as the zone change request, issues have been raised with regard to the appropriate land inventories. Both the comprehensive plan map criteria (Section 3.109.04.D), as well as the zone change criteria (Section 3.110.04.F.2) require showing the supply of vacant land in the existing or current comprehensive plan designation or zone will be adequate assuming that the requested comprehensive plan map/zone change is granted.

There is a dilemma when reviewing both the existing designations/zone, as well as the proposed designations/zone. Residential lands of all density are needed. The projected land needs indicate that the land needed for medium density residential is 9.9 gross acres, high density residential is 37.9 acres and single family residential is 136.8 acres. The application requests a change from one residential designation/zone to another. This becomes a “zero-sum” game; an increase in one type of residential ground becomes a decrease in the other.

While a need is shown for all of these zoning designations, it is determined that the City will still have a deficit for all of these zoning designations, but that the City gets more credit for rezoning for multi-family. Single family development would only reduce the housing supply need by 2% whereas a multi-family development would reduce the housing supply need by 33%.

In addition, the Keizer Development Code Section 3.109.04.F indicates that the “uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.” Similarly, with regard to the zone change criteria, Section 3.110.04.F.3 requires that the proposed zone “will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.” At the public hearing, the Councilors received significant

EXHIBIT "D"

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testimony on the adverse effects of the apartments that would be built if the request was granted. Though there are some apartments in the general area, a large portion of the surrounding area is developed as single family residences. In Council's determination, these criteria can be met by implementing conditions that require the same design standards that would apply to single-family developments.

The applicant's Traffic Impact Analysis and the City's traffic count study shows that while there are more trips generated, the impacts are within the guidelines and Council therefore finds that the revised application meets the criteria.

After consideration, the Council finds that the house has not been listed as a national or state historic place. However, as stated in Exhibit E, the matter has been conditioned to allow relocation of the home to a new site, and therefore meets all applicable criteria.

The applicant has demonstrated that when the conditions set forth in Exhibit "E" are imposed and complied with the proposal meets the applicable criteria. As conditioned, the application should be granted.

EXHIBIT "E"

Action

The City of Keizer hereby ORDERS as follows:

The application for a change to the Comprehensive Plan Map designation from Low Density Residential to Medium and High Density Residential and to rezone the property from Single Family Residential (RS) to Medium Density Residential (RM) is hereby GRANTED subject to the following conditions and requirements:

General:

1. In certain circumstances, Exhibit "C" (Facts) contain conditions or clarification of conditions set forth in this Exhibit. In such cases, the conditions or clarifications of conditions are incorporated herein as if fully set forth. If there is any conflict between conditions noted in the exhibits, the conditions in this Exhibit "E" shall control.
2. The property must comply with the minimum lot size and dimensional standards of the Medium Density Residential (RM) zone.
3. A Pre-design meeting with the City of Keizer Public Works Department will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review.
4. The existing larger home shall be made available for a period of 6 months from the date of final approval, to allow for any interested party to come forward and provide a plan for the preservation and relocation of the historic value of the home. The home must be relocated within one (1) year of the date of this approval, after which time if no arrangements are made for preservation, it may be demolished at the owner's expense. If the house is not preserved through third party efforts, the structure shall be documented and a record created and an informational display shall be created at the applicant's expense to document and inform the public of the importance and character of the structure, as approved by the City.
5. A Pre-Design meeting with the City of Keizer Community Development Department will be required prior to the submittal of any building permit applications and shall demonstrate conformance with required conditions.
6. The development is limited to a maximum of 112 dwelling units.

EXHIBIT "E"

Page 1 of 7

Prior to Public Improvement Plan Approval:

7. Green Stormwater Infrastructure shall be provided. Stormwater quality shall be controlled to not adversely impact Claggett Creek Basin or flooding.
8. 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. Any public water facilities located outside of platted right of ways will require appropriate easements be shown on the recorded plat. All easements shall be either shown on the plat or separately recorded at the direction of the City. The easements shall be to the City of Keizer and shall meet the City of Keizer design standards. Any system development charges for water system improvements will be those in place at the time of individual service connections.
9. Location of all meters shall be approved by the City of Keizer Public Works Department.
10. The developers' engineer shall submit an overall storm drainage plan that will provide service to this development consistent with the City Master Storm Drain Plan for this area of Keizer and consistent with the city's adopted design standards.
11. Final development plans shall be reviewed and approved by the Keizer Fire District with regard to access and adequate location of fire hydrants.
12. Erosion control permits shall be obtained from the City of Keizer prior to the disturbance of any soil on the subject property. Additionally, if required by the Oregon Department of Environmental Quality, a 1200-C permit will be required from the Oregon Department of Environmental Quality and furnished to the City of Keizer by the developer prior to issuance of an erosion control permit.
13. A grading and drainage plan shall be developed for the subject property. Details shall include adequate conveyance of storm water from adjacent property across the subject property. This plan shall be submitted and approved by the Public Works Department prior to the issuance of any permits for street or storm drainage for the subject property. Grading and drainage plans shall be in conformance with the City of Keizer Public Works Standards. Additional information regarding street grades, site grading, inverts, etc., will be required for review prior to any plan approval. The drainage plan for the development shall comply with the Keizer Development Code and all applicable regulations.

14. Storm water detention and storm water quality improvements will be required in conformance with the City of Keizer Public Works Department Design Standards. All storm water and roof drains are to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces.
15. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements for any public sewer mains located within the subject property, if located outside platted right of ways, shall be recorded in a form which meets the City of Salem Design Standards.
16. Street improvements will be required to provide an adequate transportation system that will serve the proposed development. Right of way dedication will be required along Verda Lane and Dearborn Avenue. Verda Lane is designated as a Minor Arterial Roadway and Dearborn Avenue is designated as a Collector Roadway. The minimum acceptable Right of Way for Minor Arterials is 72 feet which will result in a 36 foot Right of Way from the center of the current Verda Lane Right of Way. The minimum acceptable Right of Way for Collectors is 68 feet which will result in a 34 foot Right of Way from the center of the current Dearborn Avenue Right of Way. Public street improvements will be required. At a minimum, public street improvements will include street widening of both Verda Lane and Dearborn Avenue with a 6 foot wide property line sidewalk.
17. Public Street improvements will require appropriate vegetative stormwater facilities (drainage swales) if necessary to comply with city water quality standards.
18. The City of Keizer is currently designing roadway improvements for Dearborn Avenue and the subject property will be assessed a portion of the construction costs. The assessment will be for the portion along the frontage of the subject property. The City Engineer will determine the amount of assessment. No development of the subject property will be approved until the assessment is paid.
19. The northerly access to the subject property from Verda Lane will be for emergency vehicles only and will be gated.
20. The right in, right out southerly access shown on the preliminary cover sheet will need to be constructed such that right turn only movements are allowed.

Prior to Preliminary Plat (Replat) Approval:

21. All requirements of the Marion County Surveyor's office must be met. In order to complete the property line adjustment, a replat will be required. The following requirements must be met to accomplish the replat:

- a) Must comply with all provisions per ORS 92.185(6);
- b) Must be surveyed and platted per ORS 92.050, and the plat submitted for review;
- c) Checking fee, second mylar fee, and recording fee required; and
- d) A current or updated title report must be submitted at the time of review.

22. A 10 foot wide public utility easement will be required to be granted to the City on the plat along Chemawa Road, Dearborn Avenue and Verda Lane. No access will be allowed to Philip Street from the subject property.

23. An existing public storm drain line is located on the subject property near the tax lot lines shown as 3200 and 3300 on the applicant's submittal. The applicant's surveyor will be required to locate the storm drain line and grant an appropriate easement on the proposed plat consistent with the City of Keizer's Public Works Standards.

24. Applicant shall submit a street vacation application for the vacation of Philip Street right of way.

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

25. The subject property is located within the original Keizer Sewer District. Therefore a sanitary sewer trunk line acreage fee will not be required.

26. City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer for review and determination of compliance with the City's Master Sewer Plan for the area.

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

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

29. An improvement agreement may be executed between the developer and the City of Keizer prior to recording of the plat guaranteeing construction of deferred private improvements, if necessary.

Prior to Final Plat (Replat) approval (Mylar):

30. Deeding or dedicating the significant area below the developed area to the City shall be completed prior to final plat approval.

31. The property line adjustment (replat) shall be filed with the Marion County Clerk no later than one year from the date of this Ordinance. After the property line adjustment is filed, no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.

During Public Improvements:

32. Any existing wells on the subject property are to be abandoned. The developer shall provide evidence that any abandonment of existing wells has been completed in accordance with the rules of the Oregon State Water Resources Department.

33. Any existing septic tank and drain fields shall be located and abandoned per state and county regulations.

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

Prior To Obtaining Building Permit(s):

35. No building permits will be issued until all the required public improvements are completed and accepted by the Department of Public Works, or acceptable guarantees are in place to ensure completion of the required public improvements.

Prior to Obtaining Building Permit Final for each Building:

36. Any development of the site shall comply with all requirements in the RM zone and Section 2.315 (Design Standards) of the KDC.

37. All buildings located along Verda Lane shall be no more than 2-stories in height.

38. All buildings along west side of the property shall project a 2 story view towards Verda Lane and shall conform with KDC height restrictions of the RS zone.

39. In order to provide building articulation, detailed design shall be provided by using at least five of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

- a. Dormers;
- b. Gables;
- c. Recessed entries;
- d. Covered porch entries;
- e. Cupolas or towers;
- f. Pillars or posts;
- g. Eaves (minimum six inch projection);
- h. Off-sets in building face or roof (minimum 16 inches);
- i. Window trim (minimum 4" wide);
- j. Bay windows;
- k. Balconies;
- l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features);
- m. Decorative cornices and rooflines (e.g., for flat roofs);
- n. An alternative feature providing visual relief, similar to options in subsections (C)(3)(a) through (m) of this section.

40. Buildings shall meet KDC standards for single family dwellings (Section 2.314) except that visual impact of carports shall be mitigated based on street visibility and if located within 40 feet of the street frontage.

41. The side of the building facing the street shall contain windows covering a minimum of 20% of the façade and shall be varied in style.

42. The buildings shall be attenuated in scale by adopting a color pattern that is residential in scale and tone, varied in hue and value and give an appropriate neighborhood feel. This would include creating different hues in the design elements and projections, with the intent of eliminating large fields of monochromatic areas both horizontally and vertically. The Color pattern and palette shall be approved by the City in the pre-design meeting.

43. All offsets and/or projections shall vary from other wall surfaces by 2 feet and shall be of a varied location pattern.
44. All buildings located along Verda Lane shall be designed to mimic single-family residences in appearance.
45. The proposed development shall provide a minimum of 30% landscaping areas of the site. Landscaping shall be provided along the buildings, right-of-way, and parking areas within the development. All landscaping plans will be reviewed at the Pre-design meeting with staff to demonstrate coverage, size and screening requirements. A variety of large trees, a blend of conifers and deciduous shall be used to mitigate the scale and visual impact of the buildings. The buildings will be required to be screened a minimum of 30% within 10 years.
46. All building elevations shall be varied in texture and building materials. All building elevations will be reviewed at the Pre-design meeting with staff.
47. A minimum 36" berm and/or block wall (brick or decorative block) shall be provided above sidewalk grade along Verda Lane.
48. A minimum 54" berm and/or block wall (brick or decorative block) shall be provided above parking lot grade along Verda Lane.
49. Roofs shall be hip roofs with no gable ends, except for elements incorporated as mitigations.
50. Building massing shall be such that the west facing building elevations are varied and not predominantly rectangular.

CITY COUNCIL MEETING: October 17, 2016

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: DENIAL OF APPLICATION TO DESIGNATE GIANT SEQUOIA AT 301 DENNIS LANE NORTH, KEIZER, OREGON AS HERITAGE TREE

The City Council held a public hearing on this matter on October 3, 2016. Following the close of the public hearing, Council directed staff to return with an Order denying the request for heritage status. Such Order is attached for your consideration.

RECOMMENDATION:

Adopt the attached Order.

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

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 ORDER

4
5
6 DENIAL OF APPLICATION TO DESIGNATE GIANT SEQUOIA AT
7 301 DENNIS LANE NORTH, KEIZER, OREGON AS HERITAGE
8 TREE
9

10
11 WHEREAS, the City Council of the City of Keizer has authority pursuant to
12 Ordinance No. 95-332 to designate trees as heritage trees;

13 WHEREAS, Harlan and Linda Martin has requested that the Giant Sequoia
14 located at 301 Dennis Lane North, Keizer, Oregon be designated a heritage tree;

15 WHEREAS, the City Council held a public hearing on October 3, 2016;

16 WHEREAS, the City Council has reviewed the matter and finds that the Giant
17 Sequoia located at 301 Dennis Lane North, Keizer, Oregon does not meet the criteria in
18 the Ordinance and should not be designated a heritage tree, because the subject tree does
19 not qualify due to location, size or age of the species, botanical interest, commemorative
20 plantings; and/or historical significance;

21 NOW, THEREFORE,

22 IT IS HEREBY ORDERED by the City Council of the City of Keizer that the
23 Giant Sequoia located at 301 Dennis Lane North, Keizer, Oregon shall not be designated
24 a heritage tree and the application is hereby denied.
25

1 IT IS HEREBY FURTHER ORDERED that this Order shall take effect
2 immediately upon the date of its passage.

3 PASSED this _____ day of _____, 2016.

4

5 SIGNED this _____ day of _____, 2016.

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11

Mayor

City Recorder

CITY COUNCIL MEETING: October 17, 2016

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: POSSIBLE LEASE OF CITY PROPERTY

A party has approached the City inquiring about a lease of City-owned property. Staff has been working to draft a "Letter of Intent" for the framework of a future lease.

The Letter of Intent is not completed at this date and will be presented to Council at the October 17, 2016 meeting.

Please contact me if you have any questions. Thank you.

ESJ/tmh

COUNCIL MEETING: October 17, 2016

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: TIM WOOD, FINANCE DIRECTOR

SUBJECT: Authorization to enter into a five year agreement with Ricoh for the lease of a photocopier machine.

BACKGROUND: The City entered into an agreement with Ricoh in 2012 for the lease of a photocopier machine. The agreement is set to expire in December 2016.

ISSUE: Upon expiration of the agreement the City can:

1. Continue to lease the existing photocopier machine on a month to month basis for \$280.44 per month,
2. Enter into an agreement to lease a new photocopier machine for \$279.88 per month using a state negotiated contract,
3. Purchase a new photocopier machine for approximately \$16,000.

If the City were to purchase a new photocopier machine, the overall expense in comparison to the monthly lease fee would be lower; however, the City would be responsible for additional charges to repair the machine if it were to break.

In addition, if the photocopier machine reached a point that it could not be repaired the City would be forced to purchase a new machine. However, if the City leased the machine, a new machine would be provided at no additional cost. In the past the City has had leased copier machines that needed to be replaced as they could no longer be repaired so the leasing option has been the most cost effective over the long term.

FISCAL IMPACT: The copier will cost \$279.88 a month or \$3,358.56 a year. This expense is covered by existing budget appropriation.

RECOMMENDATION: Staff recommends the City Council authorize the City Manager to enter into a five year agreement with Ricoh to lease a photocopier machine.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2016-____

4
5
6 AUTHORIZING THE CITY MANAGER TO ENTER INTO LEASE
7 AGREEMENT WITH RICOH USA INC. FOR POLICE
8 DEPARTMENT COPIER
9

10
11 WHEREAS, the City of Keizer has been utilizing a leasing program for copier machines for
12 the last few years;

13 WHEREAS, the copier lease for the Police Department is at the end of its four-year
14 agreement with Ricoh USA Inc;

15 WHEREAS, the City has determined procurement through the Oregon Cooperative
16 Procurement Program (ORCPP) provided the best price of \$279.88 per month from Ricoh USA Inc.;

17 WHEREAS, State of Oregon Contract No. 5566 authorizes ORCPP participants to use
18 Contract No. 3091 to lease copiers from Ricoh USA Inc. by issuance of a Purchase Order;

19 WHEREAS, the lease has been included in the approved 2016-2017 fiscal year budget and
20 will be included in upcoming fiscal year budgets until the termination date;

21 NOW, THEREFORE,

22 BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby
23 authorized to sign the Purchase Order for a five-year lease agreement with Ricoh USA Inc. as
24 outlined on the attached Purchase Order.
25
26

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its passage.

PASSED this _____ day of _____, 2016.

SIGNED this _____ day of _____, 2016.

Mayor

City Recorder



City of Keizer

P.O. Box 21000
Keizer, Oregon 97307-1000
Phone: 503-390-3700

Purchase Order
Number

Ricoh 10-18-2016

TO
Ricoh USA Inc

70 Valley Stream Parkway
Malvern, PA 19355

SHIP TO/BILL TO
City of Keizer

930 Chemawa Rd NE
Keizer, OR 97303

PLEASE ENTER OUR ORDER FOR THE FOLLOWING:

THIS LEASE OR PURCHASE IS PLACED AGAINST THE NASPO VP MASTER AGREEMENT #3091. THE TERMS AND CONDITIONS OF THE PARTICIPATING ADDENDUM ENTERED INTO BY THE STATE OF OREGON, #5566 APPLY TO THIS LEASE OR PURCHASE AND SUPERSEDE ALL ADDITIONAL OR CONFLICTING TERMS AND CONDITIONS, EXPRESSED OR IMPLIED.

1. Master Lease Agreement and Schedule
2. Maintenance Agreement
3. Contract
 - Operating Lease 60 months
 - Monthly Lease Price: \$279.88
 - Cost per copy rate: \$0.0082 Black and \$0.05 Color
 - Itemized list of Hardware:
 - (1) Ricoh MP C6004
 - (2) LCIT PB3230
 - (1) BU3070
 - (1) Finisher SR3230
 - (1) Punch PU3060 NA
 - (2) FAX Type M20
 - (3) ESP Power Filter
 - Pickup Ricoh Copier Ser # W542L600379

Customer Contact: Tim Wood, 503-856-3413, woodt@keizer.org

Christopher C Eppley

PURCHASING AGENT

CITY COUNCIL MEETING: October 17, 2016

AGENDA ITEM NUMBER:_____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: REPEAL OF RESOLUTION AUTHORIZING THE CITY
MANAGER TO SIGN AGREEMENT WITH JONNY A.
MARTIN AND LEANNE D. MARTIN**

On July 6, 2015, Council adopted Resolution R2015-2603 authorizing the City Manager to sign the Agreement to Connect to Public Water System and Covenants Running with the Land with Jonny A. Martin and Leanne D. Martin. Following authorization by the Council, Mr. and Mrs. Martin determined that they did not want to connect to the public water system and withdrew their request on September 13, 2016.

Staff believes that it is appropriate to repeal the Resolution that authorized the City Manager to sign the Agreement so there is no confusion at a later date as to the events that occurred.

RECOMMENDATION:

Adopt the attached Resolution Repealing Resolution R2015-2603.

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

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2016-____

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5
6 REPEAL OF RESOLUTION R2015-2603 (AUTHORIZING THE
7 CITY MANAGER TO SIGN AGREEMENT TO CONNECT TO
8 PUBLIC WATER SYSTEM AND COVENANTS RUNNING
9 WITH THE LAND WITH JONNY A. MARTIN AND LEANNE D.
10 MARTIN (CLEAR LAKE ROAD)

11
12
13 WHEREAS, Council adopted Resolution R2015-2603 authorizing the City
14 Manager to sign the Agreement to Connect to Public Water System and Covenants
15 Running with the Land on July 6, 2015;

16 WHEREAS, Jonny A. Martin and Leanne D. Martin decided that they did not
17 want to connect to the public water system and therefore withdrew their request on
18 September 13, 2016;

19 WHEREAS, staff recommends that the City Council repeal Resolution R2015-
20 2603 to avoid any confusion at a later date;

21 NOW, THEREFORE,

22 BE IT RESOLVED by the City Council of the City of Keizer that Resolution
23 R2015-2603 (Authorizing the City Manager to Sign Agreement to Connect to Public
24 Water System and Covenants Running with the Land with Jonny A. Martin and Leanne
25 D. Martin (Clear Lake Road)) is hereby repealed in its entirety.

1 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
2 upon the date of its passage.

3 PASSED this _____ day of _____, 2016.

4

5 SIGNED this _____ day of _____, 2016.

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Mayor

City Recorder



MINUTES
KEIZER CITY COUNCIL
Monday, September 19, 2016
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:

Cathy Clark, Mayor
Marlene Parsons, Councilor
Kim Freeman, Councilor
Roland Herrera, Councilor
Bruce Anderson, Councilor
Mark Caillier, Councilor
Amy Ryan, Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community Development Director
Bill Lawyer, Public Works Director
Tim Wood, Finance Director
John Teague, Police Chief
Tracy Davis, City Recorder

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

**a. Swearing In –
Keizer Police
Officer Roland
(RJ) Farrens**

Police Chief John Teague introduced Officer Farrens. City Attorney Shannon Johnson issued the oath of office.

**b. Recognition of
2015-2016
Youth Councilor
Siri Scales**

Mayor Clark provided brief information about Ms. Scales. Ms. Scales thanked Council for allowing her to serve over the past year, expressed respect for the amount of time spent on various aspects of city government and shared her plans for the future. Mayor Clark presented Ms. Scales with a token of appreciation.

**c. PROCLAMATION
– Distraction
Free Driving
Awareness Day**

Mayor Clark read the proclamation which pointed out the dangers of distracted driving and proclaimed September 20 as 'Distraction Free Driving Awareness Day'.

Richard Roche, Portland, explained that the Oregon Department of Transportation has determined that every 2.5 hours there is a distracted driving accident in Oregon. AT&T in partnership with ODOT is trying to educate Oregon drivers of this danger.

COMMITTEE REPORTS

Scott Klug, Keizer, reported that the Parks Advisory Board had received a report from representatives of the Keizer Little League on improvements at that park and a request to apply for another matching grant. Darrell Richardson suggested that an RV park be developed in Keizer; the Board finalized a survey for stabilized park funding for Council consideration; and the Parks Foundation is moving forward with plans for the Solar Eclipse event in August 2017.

Hersch Sangster, Keizer, provided the following reports:

Planning Commission: The September meeting was a brainstorming meeting considering Planned Unit Developments to help staff develop policies and procedures. Discussion included density, housing types, and private vs. public streets.

Traffic/Bikeways/Pedestrian Safety Committee submitted an application for the City of Keizer to be designated as a Bicycle Friendly Community through the League of American Bicyclists, received a grant from the Salem Bike Club and will therefore be able to continue the Helmet Program, and will be participating in the Serve-Fest event fitting helmets and distributing information about traffic and bicycle safety.

Southeast Keizer Neighborhood Association will have one of their first meetings this Friday. By-Laws will be voted on. They would like to change the area to include Weddle and Claggett Creek Schools.

PUBLIC TESTIMONY

Danielle Bethel, Keizer, Keizer Chamber of Commerce Executive Director, announced that the Chamber is planning on hosting a Holiday Lights Parade on Saturday December 10 since the people who ran the Festival of Lights Parade have retired. She requested a waiver of costs for police (\$4000) and public works staffing and supplies (\$1200). Discussion followed regarding partnering with area businesses, and the City Budget. Mr. Eppley indicated that, as in the past, the City would be willing to absorb the cost for the Community Center and Public Works but that finding funding in the General Fund was extremely difficult.

PUBLIC HEARINGS

None

ADMINISTRATIVE ACTION

a. Remand of Comp Plan/Zone Change/Lot Line Adjustment 2014-11

Mr. Brown reminded Council of the process, time periods, and statutory requirements and provided information regarding additional efforts made by the City to keep the public informed. He explained that the Council had directed staff to address the impact, documented need, and traffic impacts. Mr. Brown explained the following:

Housing Needs are based on the periodic review program which documents that the City needs additional housing lands of all types. The HNA did an inventory of available land and assigned multi-family housing to existing land already zoned for that. The same is true of single family residential lands. Either way, the City is still in a deficit; neither approach

(Herber)

meets all of the City's needs. However, if the City is trying to meet its mandate from the State to accommodate these projected land needs, more credit is received by rezoning for multi-family than for single family development. Mr. Brown added that if the property were developed as a single-family development, it would need to be re-platted and would be developed under a more dense scenario, and if the area was developed as 50 units that would only reduce the housing supply need by 2% whereas a 33% reduction would result from a multi-family development.

Neighborhood Impact: Substantial conditions to mitigate any negative impacts to the neighborhood are listed in the staff report; for example implementing the same design standards that would be applied to a single-family development, such as limiting the structures to two stories from the neighborhood view, and variation of building materials and design.

Traffic Impact: The applicant has submitted a new Traffic Impact Analysis and this year the City completed additional traffic counts. The TIA definitely shows that although there are more trips generated, the impacts are within the City-adopted guidelines and are therefore in compliance. He explained that the adopted standards come from recognized and certified sources and must be relied upon.

Historic Designation: The home has not been listed as a national or state historic place. The state has inventoried it and has identified that it is significant and that it may qualify to be listed but the property owner has not chosen to designate it. Staff suggests that, if someone wishes to preserve the home, they be allowed to do so. The applicant should make the home available to be moved to a site that would be appropriate and six months should be given to allow the implementation of that provision followed by an additional six months to allow for the relocation. Council could also require that the historical character of the home be documented and that an informational display be created for the general public so they could see how significant the home was and the role it played in the community.

Floodplain: The criteria for floodplains are changing; additional dialog with Council should take place. The applicant is aware of the issue, the application is not within the floodplain and the boundaries are not changing. FEMA however is considering changing the definition of a floodplain and elevations may rise because of the changes. The applicant, however, cannot receive a building permit without compliance with the floodplain program and any measures that apply at the time of the application or in the near future if they are identified. The applicant is aware of that. Staff is suggesting that this process be evaluated on its own merits with the understanding that that is something that will have potential impact.

Storm water: Specific design standards will need to be adhered to: critical basins, outflows, and stormwater quality will all be expected and required through the permit process. Public Works Director Bill Lawyer added that the area drainage basin has sufficient stormwater capacity and that the City is implementing conditions which will likely be required with the new Stormwater Permit.

School Population Impact: The School District is a separate district over which the City of Keizer has no control. The District controls boundaries and student assignments. It has sophisticated tools available to determine student assignments, boundaries, housing types, demographics, etc. and to make those kinds of analysis based on the information in the modeling tools they have available.

Need for Parks: The City is requiring that the part of the property that is of critical concern to floodplain management and habitat be dedicated to the City (approximately 7 acres) for public use. The City is on a parks land budget. The HNA and State Land Use Laws require that a certain amount of parkland be developed to address the population forecast. Sixteen acres of that was used with the UGB expansion for Keizer Rapids Park leaving a total parklands budget of approximately ten acres. Staff is exploring where additional parks would be appropriate. The City does not have the funds to purchase, develop and maintain this property as park and it is unlikely that grants (similar to those received for Keizer Rapids Park) would be available to the City.

Mayor Clark named 6 parks already located in the general vicinity noting that this area is not underserved by parks. Mr. Lawyer noted that the area proposed to be dedicated to the City is critical to the stormwater program.

Mr. Brown then noted that there are a total of 31 conditions. He reviewed the conditions noting that they were listed in detail in the packet and suggested that Council adopt the conditions to mitigate possible negative impacts to the City. He urged that Council consider requiring that the structures be painted a variety of different hues to break up the massing of the buildings. Mr. Johnson added that these design standards are not required for other multi-family developments but because the applicant is asking for a zone/comp plan/map change, the City is adding the criteria to minimize the impact to the neighborhood.

Discussion followed regarding costs of added architectural features, rental rates, hip roofs, screening, substantial compliance, and landscaping requirements.

Councilor Parsons moved that the Keizer City Council direct staff to prepare an appropriate ordinance with revised conditions approving the proposed revised application. Councilor Freeman seconded.

Mr. Johnson explained that if the vote is successful, staff may be fine tuning some conditions. Discussion followed regarding making a decision based on whether or not the applicant meets the criteria, the validity of the two-year old letter from the School District, traffic, school overcrowding, and preserving agricultural lands.

Motion passed unanimously as follows:

AYES: Clark, Caillier, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

a. RESOLUTION – Authorizing City Manager to Sign Contract with Aramark

b. RESOLUTION – Authorizing the City Manager to Enter Into Lease Agreement with Neopost USA Inc. for City Postage Machine

c. Approval of September 6, 2016 Regular Session Minutes

Mayor Clark pulled Item A.

Councilor Parsons moved to approve Items B and C of the Consent Calendar. Councilor Freeman seconded. Motion passed unanimously as follows:

AYES: Clark, Caillier, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Clark questioned the markups on the contract to which Mr. Johnson replied that because the City would not agree to the form contract as submitted, the marked up contract is the final one.

Councilor Parsons moved to approve Item A of the Consent Calendar. Councilor Freeman seconded. Motion passed unanimously as follows:

AYES: Clark, Caillier, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

COUNCIL LIAISON REPORTS

Councilor Freeman reviewed volunteer openings on various committees and reported on recent West Keizer Neighborhood Association activities. She praised the new Community Mural dedication and the OSU Shred Day event and reported that the Keizer Police held a car seat clinic the same day. She added that she had participated in the City Hall Day and would be attending the League of Oregon Cities conference.

Councilor Anderson commended the Keizer Chamber Board for their efforts relating to the Holiday Lights Parade, reported on the Salem

Water Wastewater Task Force meeting, praised the recent Parks tour, and noted that he had attended the Claggett Creek Watershed Council meeting and the recent City Hall Day event.

Councilor Ryan reported that she had attended the mural dedication, the parks tour, the 9-11 memorial, and Strategic Economic Development Corporation lunch and announced the upcoming Keizer Together event.

Councilor Parsons announced that she had attended the Marion County Commissioners' breakfast, Planning Commission, Parks tour, the 9-11 event, and the JFK concert. She will be attending the League of Oregon Cities conference.

Councilor Herrera praised the Parks tour and announced that he had attended the McNary Band Day event, the Greater Gubser Neighborhood Association meeting, and the Boys & Girls Club Reunion. He announced upcoming National Hispanic Heritage Day and ServeFest.

Councilor Caillier reviewed events he had participated in including the Parks tour, Marion County Public Safety Coordinating Council, Claggett Creek Watershed Council, the City Hall Day event and the Greater Gubser Neighborhood Association meeting. He added that he was planning on attending the upcoming Southeast Keizer Neighborhood Association meeting.

Mayor Clark reviewed events she had attended including the Super Act meeting, mural dedication, Dennis Koho's retirement celebration, Salem-Keizer Education Foundation luncheon, League of Oregon Cities City Hall Day, Homeless Initiative Task Force meeting and the Hispanic Heritage Day celebration. She reviewed upcoming events including Liberty House luncheon, Southeast Keizer Neighborhood Association meeting, KROC Center Family Day, Literacy Center Open House, Salem-Keizer Area Transportation Study meeting, and the League of Oregon Cities Conference where she will be a presenter.

OTHER BUSINESS Finance Director Tim Wood announced that the Water Stormwater Task Force met and made a recommendation to go to Salem City Council in October and after approval present the recommendation to Keizer City Council.

Public Works Director Bill Lawyer reported that there have been comments on the roundabout being dark; lighting bases are in place but PGE has not installed the lights yet. Construction of sidewalks on Chemawa is anticipated during the 2018 construction season.

Community Development Director Nate Brown reported that the upcoming flood plain changes will be very significant. He suggested that a work session be scheduled so that the scope and depth of the impacts on the community can be better understood. He added that as part of the Salem-Keizer Area Transportation Study and State Transportation

Improvement program the City is adding a complete street program for Verda to the Parkway to make sure there are curbs, gutters and sidewalks all the way. It has received a recommendation for funding from the technical advisory committee and will come to the policy committee in December or January.

**WRITTEN
COMMUNICATIONS**

Mayor Clark read a letter from a resident thanking Public Works staff for doing repairs to alleviate a loss in water pressure. The author praised department staff for the way the phone call and repairs were handled.

AGENDA INPUT

September 26, 2016

5:45 p.m. – City Council Work Session

- Storm Water Permit Update

October 3, 2016

7:00 p.m. – City Council Regular Session

October 10, 2016

5:45 p.m. – City Council Work Session

- Food Sorting – Marion/Polk Food Share

6:30 p.m. Open House at Fire District

October 12, 2016

6:00 p.m. – City Council Special Session with City of Salem,
Marion County, and Polk County

- Urban Growth Boundary Issue Pertaining to Willamette River Crossing

October 17, 2016

7:00 p.m. – City Council Regular Session

ADJOURNMENT

Mayor Clark adjourned the meeting at 10:08 pm.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Mark Caillier

Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Amy Ryan

Councilor #3 – Marlene Parsons

Councilor #6 – Bruce Anderson

Minutes approved: _____



MINUTES
KEIZER CITY COUNCIL WORK SESSION
Monday, September 26, 2016
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Clark called the meeting to order at 5:45 pm. Roll Call was taken as follows:

Present:

Cathy Clark, Mayor
Marlene Parsons, Councilor
Amy Ryan, Councilor (5:52)
Kim Freeman, Councilor
Roland Herrera, Councilor
Bruce Anderson, Councilor
Mark Caillier, Councilor

Staff:

Bill Lawyer, Public Works Director
Elizabeth Sagmiller, Environmental
Program Director
Kat LaFever, Senior Environmental
Program Technician
Tracy Davis, City Recorder

DISCUSSION

**a. Municipal
Separate
Sewer System
Phase 2 Permit**

Environmental Program Director Elizabeth Sagmiller, explained that the handout provides a background of what was discussed the last time she met with Council. She then gave a slide presentation which covered the background of the original permit which is an Individual Permit, timing for the new permit, the difference between a General Permit and an Individual Permit, and actions required of the City under the General Permit.

Discussion followed regarding various requirements of the permit, redevelopment requirements, impervious surfaces, anticipated costs, staffing needs as a result of the added requirements, compliance, prioritization of improvements, and disposal of leaves.

Ms. Sagmiller noted that staff is already working on the record keeping and tracking component of the permit and is revising the Stormwater Design Manual. The Management Plan will have to be rewritten and many management and operational documents will be necessary with this permit.

Mr. Lawyer added that the current Stormwater Master Plan is outdated and the new permit will help guide staff in developing an updated Plan, but Keizer Stormwater staff has set an example for other Oregon communities. He noted that 40% of the system has been video inspected and it is not in bad shape

ADJOURNMENT Mayor Clark adjourned the meeting at 6:33 pm.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Mark Caillier

Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Amy Ryan

Councilor #3 – Marlene Parsons

Councilor #6 – Bruce Anderson

Minutes approved: _____

Written Communications/Testimony and Submitted Documents

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2016-_____

4
5
6 AUTHORIZING CITY MANAGER TO SIGN GROUND LEASE
7 PROPOSAL FOR THEATER LETTER OF INTENT (KEIZER
8 STATION AREA B)
9

10
11 WHEREAS, the City received a Letter of Intent from Chuck Nakvasil, Sr. dated
12 October 12, 2016;

13 WHEREAS, such Letter of Intent sets forth the general terms and conditions upon
14 which the parties may agree to the final terms of a Ground Lease to allow Mr. Nakvasil,
15 Sr. to construct and operate a theater in Keizer Station Master Plan Area B;

16 WHEREAS, Mr. Nakvasil, Sr. has requested that the City agree and accept the
17 Letter of Intent;

18 WHEREAS, the City Council has considered the matter and wishes to proceed;

19 NOW, THEREFORE,

20 BE IT RESOLVED by the City Council of the City of Keizer that the City
21 Manager is authorized to sign the Letter of Intent dated October 12, 2016 received from
22 Chuck Nakvasil, Sr., a copy of which is attached hereto and by this reference
23 incorporated herein on behalf of the City.
24
25

1 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately
2 upon the date of its passage.

3 PASSED this _____ day of _____, 2016.

4

5 SIGNED this _____ day of _____, 2016.

6

7

8

9

Mayor

10

11

12

City Recorder

October 12, 2016

Christopher C. Eppley
City of Keizer
PO Box 21000
Keizer, OR 97307

Re: Ground Lease Proposal for Theater
(Keizer Station Area B)

Dear Mr. Eppley,

This letter of intent sets forth the general terms and conditions upon which a theater entity owned by Chuck Nakvasil, Sr. and the City of Keizer, an Oregon Municipal Corporation may agree to the final terms of a Ground Lease to allow the future theater entity to construct and operate a theater in Keizer Station Master Plan Area B.

1. LESSOR: City of Keizer, an Oregon Municipal Corporation, hereinafter "Lessor".
2. LESSEE: Cinemagic Theater or a related entity TBD controlled by Chuck Nakvasil, Sr. The entity shall be created prior to execution of the Ground Lease.
3. PROPERTY: The subject property is a parcel not yet created in Area B, Keizer Station Plan (hereinafter "Property").
4. PRIMARY USE: First run movie theater, with beer, wine, liquor and food sales.
5. SITE PLAN: See Exhibit "A" attached and by this reference incorporated herein.
6. EXCLUSIVE USE: Lessee shall be the only movie theater allowed in Keizer Station Master Plan area owned by the City of Keizer, except for the property owned by Lessor in Keizer Station Area A north of Tepper Lane and adjacent to Volcanoes Stadium. Such Area A property shall be subject to a restriction for two (2) years after the date of execution of the Ground Lease so as

to prevent any movie theater locating on such property prior to that time; however, that exact time restriction is dependent on the option currently encumbering the property not being exercised.

7. SQUARE FOOTAGE: 117,250 SF ground area to accommodate an approximately 21,000 SF building.

8. OPERATION AND EASEMENT AGREEMENT: The parties anticipate entering into a common-area Operation and Easement Agreement or common-area Covenants, Conditions and Restrictions. The owner of the Area B parcel at the corner of McLeod Lane and Lockhaven Drive would also be a party to this agreement. This document would cover the essentials of cross-easements and parking agreements across Keizer Station Area B West and any common-area operations, landscaping, maintenance, etc.

9. LEASE TERM: 50 years base term.

10. LEASE OPTIONS: 9 five year options, plus one final 4 year option (99 years total term if all options are exercised).

11. LEASE RATE: \$138,110 per year base rent, payable in twelve (12) equal monthly payments. The Lease Rate is subject to an escalator clause of two percent per year with a "look back" every ten years to adjust up or down based on CPI. If the CPI goes down, the floor would be the mean annual rent of the last ten years. Lessee shall pay all costs associated with the Property, including but not limited to insurance, maintenance and property taxes.

12. MASTER PLAN AMENDMENT AND LAND USE ACTIONS. The parties understand that the Property cannot be developed as envisioned without an amendment of the Keizer Station Area B Master Plan and a partitioning or property line adjustment to create the Property parcel.

13. COMMENCEMENT: Lease shall commence upon mutual execution of a lease document. Rent to commence on the first full month following 90 days after Lessee opening for business, however, there shall be an agreed upon outside date based on master plan amendment, building permit issuance, etc.

14. NO LIENS ALLOWED: No type of liens, including, but not limited to, construction liens are allowed against the Property. Lessee shall provide appropriate bonds or other security as necessary to provide for this provision.

15. RIGHT OF FIRST REFUSAL: Lessor shall grant to Lessee a Right of First Refusal on the Property. The Right of First Refusal shall be effective during the entire term of the Ground Lease.

16. PROPERTY TAXES: Lessee shall pay all property taxes and assessments on the Property and all improvements.

17. MAINTENANCE: Lessee shall maintain the entire Property including the parking lot and landscaping.

18. LESSOR'S WORK: Lessor shall install curb cut entries, driveways from street through sidewalk (if any) and sidewalks along roadways (if any). The proposed signalized intersection at the north end of the site across from transit center is proposed to be constructed by the Salem Area Mass Transit District. Such District is entirely responsible for construction of such signalized intersection.

19. LESSEE'S WORK: Lessee is responsible to construct its own site improvements, building and interior build-out. Lessee's building will be based substantially on the Canby Cinema, a photo of which is attached as Exhibit "B".

20. OFFSITE COSTS: Lessee shall pay required system development charges. In addition, there is a project-specific off-site transportation cost in the approximate amount of \$18,000.00 and a reimbursement associated with the elevated water tank, in the approximate amount of \$47,000.00 that Lessee shall pay prior to commencing construction.

21. ASSIGNMENT OF GROUND LEASE: The Ground Lease shall not be assigned without Lessor's written consent, which shall not be unreasonably withheld. As part of the execution of the Ground Lease, Lessee's lender shall be allowed an Assignment of the Ground Lease for security purposes. Lessor shall allow the lender to be automatically substituted for the Lessee. The lease shall not be subordinated to the lender's interest.

22. DILIGENCE DOCUMENTS: Upon execution of this Letter of Intent (LOI), Lessee will be provided a copy of any traffic, survey, soils reports, environmental reports, and any assessment information and offsite cost estimates for the property that are in Lessor's control. Lessor and Lessee will work diligently together on a form of lease, as well as the amendments to the master plan to allow the proposed building and use.

23. LESSOR HELD HARMLESS AS MUNICIPAL GOVERNMENT. The Lease shall have a provision substantially similar to the following:

Lessee agrees and understands that Lessor's responsibility and obligations under the lease do not and cannot bind Lessor as to its duties as municipal government which are necessarily separate and apart from its obligations hereunder. To that end, with regard to any actions that may affect Lessee's operation of the Property in any manner whatsoever, Lessee agrees that enforcement in good faith of any lawful ordinances or regulations or any other acts Lessor may take with regard to the adoption of appropriate and necessary laws and ordinances, or any other acts Lessor may take in its role as municipal government shall not be restricted by the fact that Lessor enters into the lease. However, nothing in this

Section shall be interpreted to permit Lessor to act or fail to act in any way inconsistent with any common law, constitutional or statutory rights of Lessee or the established duties and obligations of Lessor as a municipal body.

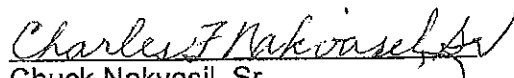
24. SIGNS: Lessee shall be allowed signs pursuant to the Keizer Development Code and other applicable regulations. Lessee may be required to share a monument sign with other uses in Area B on the Lockhaven frontage.

25. DELIVERY DATE: Lessor shall complete Lessor's work within a reasonable time from lease execution and before Lessee opening for business. Lessor and Lessee will coordinate construction timing in the lease so as to not interfere with Lessee's construction activities.

26. BROKERS: Lessor hereby acknowledges that Jay Fetherston of Pate Retail Properties represents the Lessee. Commission is to be paid by Lessor 1/2 at lease execution and 1/2 at rent commencement. The commission rate is three percent (3%) of the sum of the first 20 years scheduled rental payments without escalation. In the event of a purchase of the property by Lessee, the additional commission, if any, will be five percent (5%) of the purchase price with a credit for the leasing commission previously paid.

Lessor and Lessee acknowledge that this proposal is not a lease, and that it is intended as the basis for the preparation of a lease by Lessor. State law requires a public hearing before entering into a long-term lease. This lease shall be subject to Lessor's and Lessee's approval, and only a fully executed Ground Lease shall constitute a lease for the Property. Broker makes no warranty or representation to Lessor or Lessee that acceptance of this proposal will guarantee the execution of a Ground Lease for the Property.

This Agreement is subject to compliance with all applicable laws and consents, including, but not limited to any appropriate land use approvals. This Letter of Intent shall require approval by the Keizer City Council.


Chuck Nakvasil, Sr.

Agreed and Accepted:

CITY OF KEIZER

By: _____
Christopher C. Eppley,
City Manager

Date

