

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

Monday, October 17, 1994

7:00 p.m.

Robert L. Simon Council Chambers

Keizer City Hall

Keizer, Oregon 97303

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

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

4. **COMMITTEE REPORTS**

- a. McNary High School - Sandy Avenue

5. **PUBLIC HEARINGS**

- a. **RESOLUTION** - Formation of Northside Estates Street Lighting LID
ORDINANCE - Spreading Assessments to Northside Estates Street LID

6. **ADMINISTRATIVE ACTION**

- a. Willow Lake Noise and Odor Study Implementation Strategy
 - b. **RESOLUTION** - Planning Fees
 - c. **ORDINANCE** - Authorizing Impoundment of Vehicles Which Operated While Uninsured
ORDINANCE - Declaring Vehicles Operated by Certain Drivers to be Nuisances
ORDINANCE - Authorizing Impoundment of Vehicles Upon Conviction of Certain Offenses
 - d. PERS Initiative (Ballot Measure 8)
 - e. **RESOLUTION** - Awarding Bid for Lockhaven Drive Improvements

7. CONSENT CALENDAR

- a. Approval of October 3, 1994 Regular Session Minutes

8. OTHER BUSINESS

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

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications and petitions.

10. AGENDA INPUT

NOVEMBER 7, 1994

7:00 p.m. City Council Meeting

Vehicle for Hire Public Hearing
Clear Lake Neighborhood Association Annual Report
Water Rates Study Committee Report

NOVEMBER 21, 1994

7:00 p.m. City Council Meeting

Chemawa Activity Center Update

11. ADJOURN

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

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COUNCIL MEETING: October 17, 1994

AGENDA ITEM NO: 5a

TO: MAYOR KOHO AND CITY COUNCIL

**FROM: DOTTY TRYK
CITY MANAGER**

THROUGH: TRACY L. DAVIS 
CITY RECORDER

SUBJECT: PUBLIC HEARING - To consider remonstrances or objections to formation of the Northside Estates Street Lighting Local Improvement District and objections to an ordinance spreading assessments to Northside Estates Street Lighting Local Improvement District

ISSUE

1. Shall the City Council form the Northside Estates Street Lighting Local Improvement District after conducting a public hearing to receive objections or remonstrances to its formation?
2. Shall the City Council adopt an ordinance spreading assessments in the Northside Estates Street Lighting Local Improvement District after conducting a public hearing to receive written objections to the ordinance spreading those assessments to the district.

BACKGROUND

In March 1994, the Keizer City Council adopted Ordinance 94-278 relating to formation of street lighting local improvement districts within the City of Keizer.

On August 3, 1994, the developer and residents of the Northside Estates filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R94-766 on August 15, 1994 to initiate formation of a street lighting local improvement district and directing the City Engineer to make a survey and file a written report with the City Recorder. On October 3, 1994 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to proposed assessments. On October 10, 1994 notice of the public hearing and intention to form the district and assess for the lighting improvements, as required under Ordinance 94-278, were provided by mail to the property owners.

ANALYSIS

Included within the agenda packet is the proposed resolution forming the Northside Estates Street Lighting Local Improvement District and setting forth the time and manner of installing the street lights within that district. If the Council decides to form the street lighting district, the next step is to proceed with an ordinance spreading assessments.

Included within the agenda packet is the proposed ordinance to spread assessments to the properties benefited by the lighting district. The ordinance provides for first annual assessments and the procedure for determining second and future annual assessments. Following the City Council's adoption of the Ordinance spreading assessments, the City authorizes the appropriate utility company to install the poles and lights. Depending on the type of poles requested by the City, it takes the utility company from two to six months to have the lights on site and operational.

FISCAL IMPACT

The City initially pays the street lighting expense to the utility company as it is billed throughout the year. The operating cost of the lights is then billed to the property owners on an annual basis, thereby recovering the City's costs for bills paid throughout the year. In addition, the bills include the cost of the City Engineer's Report in the first year, and a 8.5% administrative charge in the first and subsequent years to recover the City's cost for administering the lighting districts. All funds are budgeted through the Utility Fund.

RECOMMENDATION

1. Open the public hearing to first consider oral objections and written remonstrances to formation of the Northside Estates Street Lighting Local Improvement District.
2. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are presented to the Council at the public hearing, close the hearing and suspend formation of the district for six months.
3. Consider other objections to the formation of the district. The Council may suspend formation of the district without remonstrance of owners of two-thirds (2/3) of the land if the Council deems that action appropriate.
4. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are not presented to the Council at the public hearing, or other valid objections to formation are not presented, then consider objections to the scope, design or equipment proposed for the district.
5. After consideration of objections of the plans for the district, and if it appears that the Council will form the district, Council should next consider written objections to the proposed assessments which were filed with the City.
6. Close the public hearing.
7. Consider adoption of the resolution officially forming the lighting district.
8. If council forms the district, consider adoption of the proposed assessment ordinance. Council may adopt, correct, modify or revise the assessment against each lot in the district according to special and peculiar benefits accruing to the lot.

1 **BILL NO.**_____

ORDINANCE NO. 94_____

2
3
4 **A BILL FOR**

5
6 **AN ORDINANCE SPREADING ASSESSMENTS TO**
7 **NORTHSIDE ESTATES STREET LIGHTING LOCAL**
8 **IMPROVEMENT DISTRICT**
9

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

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

16 Northside Estates (Lots 1-44) in the N.W. Section
17 1 Township 7, South Range 3 West, W.M. in the
18 City of Keizer, County of Marion, State of Oregon;
19

20 which includes the installation of thirteen (13) -100-watt sodium luminaires on 8-foot long mast arms
21 attached to 25-foot aluminum poles located within the subject local improvement district, all in
22 accordance with the City Engineer's Report for Northside Estates Street Lighting Local Improvement
23 District.

- 24 b. The total initial cost of the Northside Estates Street Lighting Local Improvement
25 District is \$3632.21.
- 26 c. The per lot assessment formula was used for this district.
- 27 d. The improvements in the district have been or will be constructed as provided in the
28 Engineer's Report.
- 29 e. Notice was duly mailed to the benefited property owners on October 10, 1994.

- 1 f. A meeting of the City Council was held at the time and place fixed by public notice for
- 2 the purpose of considering any such written objections to the proposed assessments.
- 3 g. No written objections to the proposed assessments were filed.
- 4 h. The Council has considered the matter and determined that construction of said
- 5 improvements was and is of material benefit to the City, and all the property to be
- 6 assessed therefore will be specially benefitted by the improvements in the amounts
- 7 shown on the assessment roll.

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

9 Section 2. ASSESSMENTS

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

13 - Poles and Luminaries	\$2779.92
Engineering Costs	\$616.00
Administrative Fee @ 8.5%	<u>\$236.29</u>
Total Assessments	\$3632.21

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

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

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

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

PASSED this _____ day of _____, 1994.

SIGNED this _____ day of _____, 1994.

Mayor

City Recorder

PRELIMINARY ASSESSMENT ROLL

EXHIBIT "A"
JO. 94-0347NORTHSIDE ESTATES SUBDIVISION
STREET LIGHTING DISTRICT
(Assessors Maps 073W 01BC,CB)

Lots	Owner's Name and Address	Cost per Lot	Number of Lots	Total Assessment
1,2	Hilligoss Homes Inc. P.O. Box 20125 Keizer, Or. 97307	\$82.55	2	\$165.10
3	Wils, Michael J. & Mary Hoskins 4557 Northside Dr. NE Keizer, Or. 97303	\$82.55	1	\$82.55
4	Morris, Michael R. & Jahnae Taylor 4527 Northside Dr. NE Keizer, Or. 97303	\$82.55	1	\$82.55
5-18	Hilligoss Homes Inc. P.O. Box 20125 Keizer, Or. 97307	\$82.55	14	\$1,155.70
19	McLane, William E. & Donna A. 4438 Northside Dr. NE Keizer, Or. 97303	\$82.55	1	\$82.55
20-36	Hilligoss Homes Inc. P.O. Box 20125 Keizer, Or. 97307	\$82.55	17	\$1,403.35
37	Kleiver, Terry R. & Melinda G. 1813 Alliance Ct. NE Keizer, Or. 97303	\$82.55	1	\$82.55
38-40	Hilligoss Homes Inc. P.O. Box 20125 Keizer, Or. 97307	\$82.55	3	\$247.65
41	Peterson, David E. & Nancy Ann 1814 Bond Ct. NE Keizer, Or. 97303	\$82.55	1	\$82.55
42	Hilligoss, Glyn G. & Barbara 1815 Bond Ct. NE Keizer, Or. 97303	\$82.55	1	\$82.55
43	Dewitt, Ron & Abbe 1825 Bond Ct. NE Keizer, Or. 97303	\$82.55	1	\$82.55
44	Schott, Helen J. 1835 Bond Ct. NE Keizer, Or. 97303	\$82.55	1	\$82.55
TOTAL ASSESSABLE COSTS				\$3,632.20

CITY COUNCIL MEETING: October 17, 1994

AGENDA ITEM NUMBER: 6a

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP *[Signature]*
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: WILLOW LAKE TREATMENT PLANT
DUAL INTEREST AGREEMENT

DISCUSSION:

The Comprehensive Plans of Keizer, Salem, and Marion County all include the same regional policies. One of these concerns the lands and interest surrounding the Willow Lake Wastewater Treatment Plant. The policy calls for these lands to be administered in accordance with a Dual Interest Agreement entered into by all parties. That agreement was last renegotiated as part of the Periodic Review Process which was adopted in January of 1993.

The agreement focuses on the creation of a Special Policy Area boundary which includes undeveloped lands that may be impacted by noise and odor from the plant. The Agreement calls for strict limitations on development and land uses within the SPA until a Noise and Odor study was completed. That study was published in the summer of 1993. In September of 1993, the two city's Councils and Commissions and the County Commissioners met to hear a report on the study, and to set direction for the implementation of the study's recommendations.

By consensus of the assembled decision makers, it was agreed the Keizer Planning Commission would take the lead on developing a specific implementation strategy. The Commission has been working on this task for the last year, with discussion at many of the year's meetings. The results of this work can be found in the attached document entitled: "Implementation Strategy: Willow Lake Noise and Odor Study."

The Commission has approved this draft as their proposal to be considered by all three jurisdictions for adoption. However, prior to distribution to the other jurisdictions, the Commission is forwarding it to the Council for concurrence that this is an acceptable document to be distributed by the City of Keizer.

The Planning Commission's approval of the draft, and the Council's agreement to have it distributed, in no way bind the City to its provisions. Public hearings will be held by both the Commission and Council and a final decision made by the Council before anything is officially adopted. Of course, the other jurisdictions must also adopt the same provisions. It is anticipated the hearing and adoption process will take three to six months for all jurisdictions to complete

THE STRATEGY DOCUMENT

The Implementation Strategy stresses five major points. These are summarized below:

1. The SPA boundary should change by having lands south of a westerly extension of Lockhaven Drive excluded. This strategy does not accept the request of Hillman Properties for removal of expansion land for McNary Estates from the SPA. The entire boundary, including the Hillman property, should be reviewed again for its appropriateness within six months of the adoption of an upcoming master plan for the Treatment Plant.
2. A new zone is proposed to be placed within the SPA. This AI (Agricultural Industrial) zone focuses on agricultural uses, with industrial and recreational uses allowed as conditional uses.
3. The Plan calls for Salem and Keizer to cooperate in fostering economic development initiatives in the area.
4. Salem promises to continue applying advances in technology to improve the odor and noise problem.
5. Keizer is granted a larger role in planning for the Treatment Plant.

There are three "documents" recommended to be adopted as part of the strategy's implementation. The first includes appropriate wording changes to the Comprehensive Plans. The second is Keizer's adoption and imposition of the AI zone. The third is a new dual interest agreement. It should be noted that the draft Dual Interest Agreement includes a sunset provision with a three year time frame unless renegotiated and readopted.

RECOMMENDATION:

It is recommended Council, by motion, authorize the Planning Commission to distribute the draft "Implementation Strategy: Willow Lake Noise and Odor Study" to the other urban area jurisdictions for consideration and adoption.

Implementation Strategy

Willow Lake Noise and Odor Study

Introduction

The Willow Lake Treatment Plant provides wastewater treatment services for the Salem/Keizer Urban Area. It is owned and operated by the City of Salem. The plant is located within the Salem/Keizer Urban Growth Boundary. It is within unincorporated land immediately adjacent to the Keizer City Limits.

The land around the treatment plant was largely agricultural when it was originally sited. Since then, Keizer has grown to occupy all land to the south, east, and north-east. In 1979, prior to Keizer's incorporation, a zone of influence was established within the Salem Urban Growth Boundary as part of the Comprehensive Plan Revision. This zone was designed to prevent the encroachment of incompatible uses around the treatment plant, and to protect Salem's investment from liability related to nuisance issues.

As a result of an increase in odor complaints and development pressures, the Cities of Keizer and Salem, and Marion County, drafted an agreement in March of 1990 to address land use issues and the impact of the treatment plant on surrounding properties. The agreement required:

1. Establishment of a "Dual Interest Area" around the treatment plant within which land use and development restrictions would apply;
2. Implementation of studies to identify: 1) uses and improvements compatible with treatment plant operations; 2) land use policies that operate to reduce the impact on allowable uses around the treatment plant; and 3) practical plant modifications that reasonably mitigate noise and odor.
3. Establishment of interim land use control measures in the Dual Interest Area to 1) restrict development to compatible uses, 2) requirement to sign hold harmless agreements against the treatment plant operator prior to issuing any development or building permits; and 3) forbid subdivision of property.

The study was completed in the summer of 1993. On September 30, 1993, a joint meeting of the Keizer and Salem City Councils and Planning Commissions was held to receive a briefing on the study from the project consultants, and to develop a strategy for implementation.

An outline of a three part implementation strategy was concurred in by the decision makers. The strategy was to:

- Adjust the SPA boundary to better reflect the results of the Noise and Odor Study.
- Develop a new zone to be used inside the SPA that will allow economic use of the land while minimizing concentrations of people.
- Explore economic development efforts that can help foster development of the SPA area, especially uses that may be able to take advantage of by-products of the treatment plant.

This document is the detailed refinement of the first two points. It includes specific recommendations for boundary adjustments and the new zone. It also includes recommended language for amending the Dual Interest Agreement to reflect these changes. It speaks to the third element of the strategy which, by its nature, will take longer to refine and implement.

Objectives

The objectives of this Strategy are:

- Use the Noise and Odor Study to refine the land use controls necessary to assure compatible development in the vicinity of the sewer treatment plant.
- Minimize community pressure for expensive actions to control noise and odor impacts from the Willow Lake Treatment Plant.
- Modify the geographic boundaries of the Special Policy Area to better reflect areas of significant impact.
- Create a land use pattern providing a benefit to property owners while minimizing opportunities for large concentrations of people.
- Assist property owners by implementing viable alternative urban land uses.
- Create a commitment to continue to improve the plant operation so that odor problems are minimized.
- Develop a formal role for the City of Keizer in planning for the future of the Willow Lake Treatment Plant.

Implementation Strategy

General Strategy

Several assumptions go into developing a general strategy for implementing the Noise and Odor Study. These are:

- There is a need to reasonably protect the Willow Lake Treatment Plant from community pressure to stop odor problems by fully or partially encapsulating the plant, resulting in a significant sewer rate increase.
- There is a need to assure reasonable and economic use of property within the Special Policy Area in keeping with the area's long term inclusion within the Urban Growth Boundary and Keizer City Limits.
- There is a need to have a special policy area boundary that is credible and defensible, based on the fair application of scientific knowledge and equal treatment of properties.
- The Dual Interest Agreement and Special Policy area cannot be structured to perfectly protect the Willow Lake Treatment Plant and its owners and operators from any public criticism or political attention relative to noise and odor complaints. A reasonable amount of exposure will occur as protection of the Willow Lake Treatment Plant is balanced with the interest of land owners in its vicinity in order to assure fair and equitable use of privately held land. The only option for approaching total protection for the Plant is for public acquisition of all impacted properties, which would include hundreds of existing homes. Even acquisition of all vacant property, while it would reduce the number of citizens that potentially may complain, would not assure that pressure could not be mounted to reduce Plant impacts.
- The City of Salem, as the plant operator, has an obligation to continue to operate the plant in the best manner possible, and to continue to strive to improve operations thereby reducing noise and odor impacts.
- The Willow Lake Treatment Plant is a regional facility having regional benefits and impacts. Therefore, it is appropriate for the City of Keizer to have a formal role in the planning for its future.
- The need for the Special Policy Area will change over time as technology improves, development patterns are established, and public policy evolves through master planning for the treatment plant. Therefore, it is appropriate to re-evaluate the need for and extent of the Special Policy Area when the master plan is completed, or at a date certain in the future.

Special Policy Area Boundary

One area will be excluded from the Special Policy Area. This is all land south of an extension of Lockhaven Drive west of Windsor Island Road. These three parcels are all outside of the 350/300 "plume" identified in the Noise and Odor Study. They are less impacted than many developed and developable areas within the "plume." In order to help assure fairness and to maximize utilization of urbanizable land, these parcels are to be removed.

A second area has been proposed for exclusion by the property owner. This is a 12.4 acre portion of a property between Windsor Island Road and the existing west boundary of McNary Estates. It is planned to be used for an expansion of the McNary Estates development. Incorporated with other lands to the north, east, and south that are not in the Special Policy Area, this land is proposed to be used for a medium to high density townhouse project.

This proposal is not accepted as part of this strategy for two major reasons:

- The property in question is directly within the 350/300 odor plume. It is found that it is not in the best interest of the community to allow continued residential development in the area most impacted by the plant odor. Even though the property owner offered to place covenants and restrictions on the property enjoining any future owner from bringing action against either City, this may not prevent significant political pressure from being mounted against the plant. Furthermore, it is found that it is not appropriate for Keizer to knowingly allow residential development within an area of known impact and probable problems.
- Second, the property was purchased by the developer of McNary Estates after the Special Policy Area was first adopted. The developer had full knowledge of the restrictions on the property when it was purchased.

The need for a Special Policy Area is based on the experiences of the 1980's and early 1990's where significant odor problems occurred late each summer and on into fall. However, with technology improvements, during 1994 odor problems were minimal. The need to keep the Special Policy Area boundary as it is today, or at all, will change as technological improvements continue to help the Plant successfully control odors.

Therefore, it may become inappropriate to maintain the existing boundaries as additional or all properties no longer are significantly impacted. The Dual Interest Agreement includes a new provision requiring the Special Policy Area boundary be reviewed and changed if appropriate within six months of the adoption of the new

master plan for the treatment plant. The agreement also sunsets three years from the date of its adoption unless it is readopted.

There is a responsibility to notify any purchaser of property within the Special Policy Area, and lands removed from that area, of the potential odor impacts from the Willow Lake Treatment Plant. Therefore, this strategy includes a proposed policy requiring disclosure. There is also a need to require purchasers of property to agree to hold the cities harmless for odor impacts as long as those impacts are within current operating levels. The policy will be incorporated into the Keizer Comprehensive Plan and the Agriculture-Industrial Zone. The policy is:

A disclosure statement shall be recorded against all properties within the Special Policy Area, and against all properties now or ever removed from the Special Policy Area, informing potential purchasers of property that there is a potential odor impact. This statement will describe the potential impact, including sources, reasons, when it may occur, duration, nature of the potential odor, and any other relevant information. The statement will run perpetually with each property. Every purchaser will acknowledge receipt of the disclosure statement, and by such acknowledgment, hold the operator of the Willow Lake Treatment Plant and the Cities of Keizer and Salem harmless from any adverse impacts from noise or odor related to treatment plant operations, unless noise and odors increase due to the City of Salem failing to conform to its NPDES operating permit (Section B.1.), Oregon Administrative Rules 340-41-445(1) and 340-41-120(C), or the limits prescribed in the Treatment Plant's operations and maintenance manual.

Special Policy Area Zoning

A new zone will be implemented within the SPA. This zone, called AI, or "Ag-Industrial," focuses on agricultural uses and on industrial uses that do not generally involve large concentrations of employees or customers. The AI zone is designed to provide the opportunity for viable economic use of property, while minimizing the number of people that are potentially impacted by the Willow Lake Treatment Plant. The zone text is included in the appendix of this report.

The AI zone allows farm housing as defined in State Statute. No land divisions or subdivisions for the purpose of providing new housing outside of farm use are allowed.

While most agricultural uses listed within the AI zone are permitted outright, many other uses are listed as conditional, meaning that there is review and approval with public notice. The purpose of the conditional use listing is a recognition that this area is surrounded on two sides by developed residential neighborhoods and is separated

from major arterials and Interstate-5 by some distance. There are potential industrially related aesthetic, noise, and traffic impacts on the existing developed portions of Keizer that must be considered before uses are allowed. This will provide an opportunity to analyze potential impacts and require mitigating conditions of approval.

Economic Development Initiative

The Keizer staff has been working with the Mid-Willamette Valley Economic Development District Staff to secure a grant from the Economic Development Administration for the purpose of studying the technical and financial feasibility of utilizing treatment plant by-products in surrounding agricultural and industrial operations. As of the date of this report, no response has been received on the grant request.

The Salem Department of Public Works has pledged to participate in any economic development study by providing technical information, assisting in the analysis, and providing any necessary local match funds.

Operation of the Willow Lake Treatment Plant

While much of this strategy focuses on protecting the Treatment Plant from surrounding land uses, it is important to also address the impacts the plant has on existing developed properties.

The odor from the plant negatively impacts many parts of Keizer, especially during the late summer and early fall. The staff at the Plant, however, has made many significant small improvements during 1994 that have lead to a greatly reduced odor problem.

This strategy calls for Salem to continue its successful work in incrementally improving the odor problem as new technologies and techniques are made available. The Dual Interest Agreement includes language to this effect.

Planning for the Willow Lake Treatment Plant

Keizer has no role in the planning and management of the Willow Lake Treatment Plant. Yet, the City has two strong interests in the Plant. First, it plays host to the facility and must deal with its negative impacts such as noise, odor, and truck traffic. Second, the people of Keizer are rate payers and help support the sewer system and treatment plant, yet they have no role as the electorate in influencing the plant's management and planning.

This strategy calls for a strengthening of Keizer's formal role in the management of the Plant. This is proposed to be taken in two steps:

First, the Dual Interest Agreement is revised to include a provision granting Keizer a formal role in any master planning for the Treatment Plant. Second, the agreement sets the stage for a new Salem/Keizer cooperative agreement for the provision of sewer services as required by SB 122. The agreement calls for the negotiation process to include consideration of broader roles for Keizer, including analysis of making planning for the Treatment Plant a Regional Issue within the Comprehensive Plans, and analysis of the feasibility of regionalizing the ownership and operation of the Plant.

Revision of Dual Interest Agreement

A new Dual Interest Agreement draft is attached. This draft reflects the changes outlined in the three part strategy above.

CHAPTER XX
AG-INDUSTRIAL - AI ZONE

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XX.00 PURPOSE. The purpose of the AI (Ag-Industrial) zone is to provide appropriate areas suitable for agricultural uses, agricultural related industries, warehousing, transportation facilities, and other agricultural, industrial, and recreational uses that have relatively low employees per acre ratios. The Ag-Industrial zone is appropriate in those areas designated Ag-Industrial in the Comprehensive Plan where the location is impacted by the Willow Lake Wastewater Treatment Plan and the site has access to an arterial street for transport of bulk materials.

XX.01 USES. The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the AI zone:

1. Lawful uses existing on a property at the time of the effective date of this zone.
2. Farm Use, including farm dwellings as defined in ORS 215.213(e), (f), and (g).
3. Timber tracts (081) and forest nurseries (083).
4. Public and Semi-Public buildings and structures excluding office space.
5. Agricultural services (07).
6. Food and kindred products (20).
7. Signs (Chapter 15).
8. Recycling Centers and Depots

XX.02 CONDITIONAL USES: The following uses may be permitted subject to obtaining a conditional use permit:

1. Solid waste transfer facility.
2. Public or Private Golf Course or Driving Range.
3. Public or Semi-Public Recreation Facility incorporating outdoor fields for organized team play along with related concession, storage, and maintenance facilities.
4. Composting and recycling facility for organic yard debris.
5. Construction contractor's offices and related outdoor storage (15, 16, 17).
6. Millwork (2431).
7. Wood kitchen cabinets (2434).

8. Structural wood members, not elsewhere classified (2439).
9. Furniture and fixtures (25).
10. Leather and leather products (31) except leather tanning and finishing (311).
11. Stone, clay, glass products (32) except cement (324); structural clay products (325), concrete, gypsum and plaster products (327) and abrasive, asbestos and miscellaneous non-metallic mineral products (329).
12. Fabricated metal products (XX) except metal forging and stamping (346) and ordnance and accessories (348).
13. Machinery and equipment manufacturers (35).
14. Textile products and apparel (22).
15. Chemicals and allied products (28) except miscellaneous chemical products (289).
16. Rubber and miscellaneous plastics products (30).
17. Transportation equipment (37).
18. Miscellaneous manufacturing industries (39).
19. Transportation, communications, electric, gas and sanitary services (40, 41, 42, 43, 44, 45, 46, 47, 48, 49).
20. Biomass facility (SU 12.76).
21. Boat & RV Storage.

XX.10 DEVELOPMENT STANDARDS. The standards and regulations in this chapter and the additional standards and regulations referenced in Chapters 17 to 20 apply to all lots, structures, and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply.

XX.11 HEIGHT. Within an AI zone, buildings and structures erected, altered, or enlarged shall not exceed 35 feet in height.

XX.12 LOT AREA AND DIMENSIONS. Within an AI zone, there are no minimum lot area or dimension requirements.

XX.13 FRONT YARDS AND YARDS ADJACENT TO STREETS. Within an AI zone:

- (a) Along the full extent of each lot line adjacent to a street, there shall be a required yard twenty (20) feet in depth.
- (b) Setbacks for accessory buildings and structures, except fences, shall be the same as for primary buildings.
- (c) No parking will be allowed in required yards.

XX.14 INTERIOR SIDE AND REAR YARDS. Within an AI zone, the following interior side and rear yards shall be provided:

- (a) Adjacent to an interior side or rear lot line abutting a lot in any residential zone, there shall be a required side or rear yard fifteen (15) feet in depth, plus one (1) foot of depth for each foot of building height over 10 feet, along the full extent of the side or rear lot line. Such yard shall be contained by a sight-obscuring fence, wall, or hedge.

- (b) Except as provided in subsection (a) and (c) of this section, along every interior side or rear lot line there shall be a required yard of ten (10) feet in depth plus one (1) foot of depth for each foot of building height over ten (10) feet.
- (c) Setbacks for accessory buildings and structures except fences shall be the same as for main buildings.

XX.20 LANDSCAPING. Within an AI zone:

- (a) Landscaping shall be provided in any yard adjacent to a residential zone and in any required front or side yard.
- (b) A landscaped area at least 3 feet wide shall be provided between any parking or loading spaces or driveway, and street or lot in a residential zone.
- (c) All required landscaped areas shall be landscaped as provided in Chapter 18.

XX.25 OPEN STORAGE. Within an AI zone:

- (a) Open storage of materials used for the manufacture or assembly of goods, and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall or hedge, or a berm; any of which shall be located on the property at the required setback line in the same manner as if such berm, fence, wall, or hedge were a building.
- (b) Materials and equipment stored as permitted in this section shall be no more than 14 feet in height above the elevation of the storage area.
- (c) Open storage over six feet in height above the elevation of the storage area shall be screened by landscaping.

XX.30 DISCLOSURE. No property will develop within the AI zone unless a disclosure statement has been recorded against the property informing potential purchasers of property that there is a potential odor impact. This statement will describe the potential impact, including sources, reasons, when it may occur, duration, nature of the potential odor, and any other relevant information. The statement will run perpetually with each property. Every purchaser will acknowledge receipt of the disclosure statement, and by such acknowledgment, hold the operator of the Willow Lake Treatment Plant and the Cities of Keizer and Salem harmless from any adverse impacts from noise or odor related to treatment plant operations, unless noise and odors increase due to the City of Salem failing to conform to its NPDES operating permit (Section B.1.), Oregon Administrative Rules 340-41-445(1) and 340-41-120(C), or the limits prescribed in the Treatment Plant's operations and maintenance manual.

XX.35 REFERENCE TO ADDITIONAL STANDARDS. Additional use and development standards may be found in the following chapters:

Planned Developments	Chapter 13
Mobile Home Parks	Chapter 14
General Development Standards & Regulations	Chapter 17
Landscaping	Chapter 18
Off-Street Parking & Loading	Chapter 19
Development Standards for Secondary, Accessory and Temporary Structures	Chapter 20

Floodplain Overlay Zone
Greenway Overlay Zone
Activity Center Overlay Zone
Resource Conservation Overlay Zone

Chapter 42
Chapter 43
Chapter 46
Chapter 47

DUAL INTEREST AREA AGREEMENT FOR
WILLOW LAKE TREATMENT PLANT AREA

WHEREAS, the Salem and Keizer Comprehensive Plans through their mutually adopted Regional Policies provide for establishment of dual interest areas, land use decision making for which may be provided by agreement between affected jurisdictions; and

WHEREAS, Marion and Polk counties and the Cities of Keizer and Salem have identified the area of the Willow Lake Treatment Plant as a dual interest area, and wish to establish the nature and scope of coordinated land use regulation in the area by dual interest area agreement; and

WHEREAS, a Dual Interest Agreement was established for the Willow Lake Treatment Plant area in 1991 that initiated a study of the impacts of the treatment plant and established interim controls until that study was completed and an implementing strategy put in place; and

WHEREAS, that study was completed in 1993 and the implementing strategy adopted in the fall of 1994, thereby fulfilling the purpose of the 1991 Dual Interest Agreement.

NOW THEREFORE, the Cities of Keizer and Salem, and Marion County, parties having jurisdiction in the Willow Lake Treatment Plant Area, hereby adopt this Dual Interest Agreement that replaces and supersedes the 1991 Dual Interest Agreement, and agree as follows:

1. Establishment of Willow Lake Treatment Plant Dual Interest Area.

The Willow Lake Treatment Plant Dual Interest Area is established and described by the legal description attached hereto and incorporated herein. This boundary shall be reviewed and adjusted as appropriate through an amendment of this Dual Interest Area Agreement within six months of the adoption of any master plan for the Willow Lake Wastewater Treatment Plant.

2. Land Use Control

Keizer shall establish and place upon all land within the Dual Interest Area the AI (Ag-Industrial) zone. Any substantive amendment to the zone text shall be subject to the Regulation Procedures outlined in paragraph 4, below.

3. Economic Development

Keizer shall work to foster economic development within the Dual Interest Area in accordance with the Ag-Industrial zone. Salem shall cooperate with Keizer in the study and implementation of the use of by-products of the Willow Lake Treatment Plan in surrounding agricultural and industrial uses.

4. Regulation Procedures

Quasi judicial procedural rights to notice and opportunity to comment shall be extended to the interested jurisdictions prior to any land use decisions in the area. Should disagreements arise, the SKAPAC conflict resolution process, or an agreed upon alternative process, shall be pursued prior to a final land use decision affecting the area.

5. Notification to Property Purchasers

The Keizer Comprehensive Plan will be amended to include a policy stating that all property within the Special Policy Area, or removed from the Special Policy Area by adoption of this Dual Interest Agreement, shall have recorded against the property, by the City of Keizer, a disclosure informing potential purchasers of property that there is a potential odor impact. This statement will describe the potential impact, including sources, reasons, when it may occur, duration, nature of the potential odor, and any other relevant information. The statement will run perpetually with each property. Every purchaser will acknowledge receipt of

the disclosure statement, and by such acknowledgment, hold the operator of the Willow Lake Treatment Plant and the Cities of Keizer and Salem harmless from any adverse impacts from noise or odor related to treatment plant operations, unless noise and odors increase due to the City of Salem failing to conform to its NPDES operating permit (Section B.1.), Oregon Administrative Rules 340-41-445(1) and 340-41-120(C), or the limits prescribed in the Treatment Plant's operations and maintenance manual.

6. Operation of the Willow Lake Treatment Plant

Salem agrees to continue incrementally improve the odor problem as new technologies and techniques are made available.

7. Planning for the Willow Lake Treatment Plant

It is agreed that the City of Keizer will have a formal role in any master planning affecting the Willow Lake Treatment Plant. This role will include, at a minimum, participation of the Staff during all stages of plan development, regular briefings to the Keizer Planning Commission and City Council, and formal presentation of any public hearing drafts to the Keizer City Council for review and comment. These comments will be strongly considered. It is further agreed that during the development of a new Salem/Keizer Cooperative Agreement for the provision of sewer services, as required by SB 122, consideration will be given to ways for Keizer to have a greater role in management and planning for the treatment plant, including but not limited to analysis of making planning for the Treatment Plant a Regional Issue within the Comprehensive Plans, and analysis of the feasibility of regionalizing the ownership and operation of the Plant.

8. Amendments

Amendment to this dual interest agreement shall be in writing and approved by all parties to this agreement.

9. Cessation of this Agreement

This Dual Interest Area Agreement shall automatically terminate, and the requirement for having such an agreement as found in the Comprehensive Plans shall be null and void, three years from the date this agreement is adopted unless it is renegotiated and readopted.

CITY OF KEIZER

CITY OF SALEM

by: _____ by: _____

Title: _____ Title: _____

Approved as to form:

Approved as to form:

City Attorney

City Attorney

MARION COUNTY

by: _____

Title: _____

Approved as to form:

Marion County Counsel

CITY COUNCIL MEETING: Oct. 17, 1994

AGENDA ITEM NUMBER: 6b

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK ,
CITY MANAGER

FROM: JOHN N. MORGAN, AICP  DIRECTOR
COMMUNITY DEVELOPMENT

SUBJECT: PLANNING APPLICATION FEES

A detailed staff report and proposal concerning planning application fees was presented to the Council on September 6, 1994. At that meeting, staff was directed to meet with representatives of the Home Builders Association to discuss their issues.

Staff met with the Association the following week where several issues were raised. These included:

- The fairness of basing fees on the average time spent on a given type of case, when more experienced developers may be able to process a case with a much smaller number of hours than an un-experienced developer.
- The need to continue review of certain types of cases.
- The appropriateness or need for the additional revenue that would be generated with the increase. This touched on the notion that 100 percent cost recovery may not be an appropriate public policy.

This report will respond to the first two points. The third is a matter of public policy and the Staff offers no recommendation to the Council on the point.

Structure of Planning Fees

It was suggested by the homebuilders that Staff review the possibility of a new fee system where a deposit is paid by an applicant and then charged against as work is performed. A final settling of the account, with refunds or additional payments if

necessary, is made before the decision is finalized. Staff agrees this presents a very fair way of charging for planning services. However, the system is not being recommended for two reasons:

First and foremost, it would require a significant administrative structure to manage. All staff involved in planning actions would be required to maintain detailed time sheets. These would need to be "posted" against the applicant's "account" by the Finance Staff. These accounts would need to be maintained with billings or refunds as appropriate made by the Finance Staff, with whatever follow-up that may be necessary. Keizer does not have the resources within its Community Development, Public Works, and Finance Staffs to support such an administrative structure. Even if it did, the cost of such a structure would probably be passed back to the applicants as higher planning fees.

Second, such a system is subject to question in terms of assuring accurate reporting of chargeable hours and activities. Additional administrative time could be involved in "quibbling" over individual line items on a bill. This would add to the administrative cost.

Staff contacted numerous other cities in Oregon to get their planning fees. Copies of these fee schedules are attached. Only one jurisdiction was found that uses the deposit method. This is Washington County. A discussion with their staff confirmed that detailed time cards and accounting practices are required to support the system.

Staff is not unsympathetic, however, to the issues raised by the local homebuilders. An alternative is proposed that makes the system "fairer" while still being relatively easy to administer.

Keizer's fee schedule, which represents the traditional type of schedule, charges a base fee for a planning action and then charges an additional amount of \$25 per acre for all land over four acres. This practice is based on the assumption that large projects cost more to review than small ones. Recent history has shown that this is not necessarily true. Smaller projects are generally located within existing neighborhoods and therefore demand much more attention to detailed design issues and the impacts on neighboring properties. Also, smaller projects tend to be performed by less experienced developers who may not bring to the process a high level of expertise, requiring staff to do more "hand-holding." Staff will contend that smaller development projects generally require more time and resources from City staff than larger projects of the same type. It must be noted that this relates only to major development activity involving Comprehensive Plan Amendments, Zone Changes, and Subdivisions. Other planning actions do not fall into these conclusions.

Therefore, a new type of fee schedule is proposed for these three planning actions that makes projects cost relatively less as they get bigger. It is proposed that the fee schedule be based on a cost per acre, with a minimum charge. With each additional acreage increment, the charge is reduced.

Need for Review of Cases

It was agreed that the need to review certain types of cases could possibly be reduced. Of immediate interest are lot line adjustments. These are cases where Staff reviews and approves any movement of approved lot lines. Salem stopped reviewing lot line adjustments several years ago and reports that there have been no negative effects in terms of practical application in the field.

A major focus of the current update of the zoning and subdivision ordinances is to explore the variances that have been requested to determine if they represent any pattern where the problem may be a flaw in the code itself. Staff suspects this is the case. Recommendations will be made within the updated code draft to minimize the need for variances.

The code update will also be drafted to be more lenient in some areas where today zone changes or other actions are necessary. For instance, the Planning Commission has approved the concept of allowing more shared housing in single family areas as an allowed use rather than requiring a planning action to gain approval.

On the opposite side, however, the draft code will include proposed design standards for commercial and multi-family development which will necessitate new fees to support the design review processes.

RECOMMENDATION

1. It is recommended Council approve the attached resolution approving the revised fee schedule; and
2. It is further recommended Council direct staff to incorporate revisions in the draft development code that will serve to minimize the need for lot line adjustments, variances, and other such procedures.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

RESOLUTION R94-_____

ADOPTING THE
LAND USE FEE SCHEDULE

WHEREAS, it is the City Council's intent to have applicants for planning actions and building permits pay the cost of providing the service; and

WHEREAS, the current fee schedule for planning actions was adopted in 1992 and has not been updated to reflect current costs other than a minor amendment in 1994; and

WHEREAS, the cost of providing the services has increased;

NOW THEREFORE BE IT RESOLVED that Resolutions R92-549 and R94-702 adopting and amending the fee schedule are repealed; and

The attached fee schedule is adopted and shall take effect upon the passage of this resolution.

PASSED this _____ day of _____, 1994

SIGNED this _____ day of _____, 1994

Mayor

City Recorder

CITY OF KEIZER - LAND USE FEE SCHEDULE

(Resolution 94-___; Adopted ____, 1994)

STAFF DECISIONS

Adjustments	\$230.00
Conditional Uses	\$340.00
Conditional Use/Floodplain Greenway	\$320.00
Lot Line Adjustments	\$230.00
Partitioning (Minor or Major)	\$340.00
Variance	\$340.00

PUBLIC HEARINGS

Annexations	\$860.00
Comprehensive Plan Amendments	\$200.00 per acre with a minimum of \$600.00. For the fourth through tenth acres, the fee shall be \$100 per acre. No additional fee is required above 10 acres.
Subdivisions	\$200.00 per acre with a minimum of \$800.00. For the fourth through tenth acres, the fee shall be \$100 per acre. No additional fee is required above 10 acres.
Zone Changes	\$200.00 per acre with a minimum of \$600.00. For the fourth through tenth acres, the fee shall be \$100 per acre. No additional fee is required above 10 acres.

When an application involves more than one type of request, such as a zone change with a variance, the fee shall be the total of the highest fee as given above, plus half of the other applicable fees.

ADMINISTRATIVE ACTIONS

Dealers License (New)	\$35.00
Dealers License (Renewal)	\$15.00
Floodplain Determination	\$70.00
Floodplain Determination (Subdivision)	\$70.00 (plus \$10 per lot)
Land Use Compatibility Statement	\$35.00
Legal Lot Determination	\$70.00
Site Plan Review, w/Building Permit	
(Commercial)	\$150.00
(Industrial)	\$200.00
Written Determination	\$50.00

APPEALS

Appeals of Staff Decisions

\$150.00

(Full refund if staff decision is reversed)

Appeals of Hearing Officer

\$100.00

(Full refund if Hearings Officer decision is reversed)

Refunds are cumulative if a staff decision is eventually reversed by the City Council. The City Council may, at its discretion, refund all or part of the appeal fee for a decision which is upheld but where the Conditions of Approval are substantially modified.

**CITY OF EUGENE
LAND USE APPLICATION FEES AND
STATE BUILDING VALUATION TABLES
As of March 1, 1993**

**Application Type****Current Fees**

ANNEXATION (zone change fee included)	
1-5 acres	\$1,078
over 5 acres	\$1,565
ANNEXATION (zone change fee included)	
for area served by the Highway 99 Sanitary Sewer System	\$0
CONDITIONAL USE PERMIT	\$1,265
CONDITIONAL USE PERMIT for day care/group care facilities in operator-occupied dwellings in residential zones	\$643
HISTORIC DESIGNATION	
non-owner applicant	\$358
METROPOLITAN PLAN AMENDMENT	
Preliminary Application Fee	\$200
(major or minor amendment)	
Minor Amendment	\$800
Major Amendment	\$2,300
MAJOR/MINOR PARTITION	\$488
MOBILE HOME HARDSHIP PERMIT	\$328
(within City Limits)	
PLANNED UNIT DEVELOPMENT-tentative stage	
1-100 dwelling units	\$1,095
100+ dwelling units	\$1290 + \$11/d.u.
PLANNED UNIT DEVELOPMENT-final stage	\$578
PROPERTY LINE CHANGE-Type A	
(not requiring referral to Building Official)	\$68
PROPERTY LINE CHANGE-Type B	
(requiring referral to Building Official)	\$105
REFINEMENT PLAN AMENDMENT	\$1,028
SEWER EXTENSION	\$155
SITE REVIEW	\$665
SOLAR ACCESS GUARANTEE	\$110
STREET NAME CHANGE	\$448
SUBDIVISION	
1-3 lots	\$488
over 3 lots	\$833 + 26/lot

(over)

VACATION--street/alley/improved right-of-way	\$683
VACATION--easement	\$375
WATER EXTENSION	\$140
WILLAMETTE GREENWAY PERMIT	\$1,265
ZONE CHANGE	\$1,020
LAND USE APPEAL	50% of original fee - up to \$450
LAND USE APPEAL--by affected neighborhood	25% of original fee - up to \$225
MISCELLANEOUS APPEALS (*see below)	\$150
CONSOLIDATED PROCESS(zone change/ conditional use permit OR zone change/ planned unit development	75% of the total of the two fees
MODIFICATION--requiring referral	25% of current fee
MODIFICATION--requiring public hearing	50% of current fee
SOCIAL SERVICE CATEGORY	50% of fee
CIR CATEGORY	50% of fee
*VARIANCES (sign/zoning)	\$250
*ZONING/LAND USE PLAN REVIEW	15%/Building Permit
*ZONING/LAND USE VERIFICATIONS; DEQ,DMV,OLCC in UT	
New:	\$60
Renewal:	\$25
LEGAL AGREEMENTS/EASEMENTS	\$35+Recording Fees
STATE BUILDING VALUATION TABLE	1991 level + 1.5% (est.)
RECORDING FEES	\$15 +\$5/Page

NAME _____

DATE _____

DEVELOPMENT REVIEW 100-40-4401-4351-0
 COPIES, LAND DEVELOPMENT CODE, COMP PLAN 100-40-4401-4223-0

DEVELOPMENT REVIEW FEES - PLANNING DIVISION

Adopted by Council Resolution #93-46, 9/7/93

DESCRIPTION	FEE SCHEDULE
Appeal	102.00
Annexation	1,035.00+ 10.00/acre
Comprehensive Plan Amendments	1,074.00
Conditional Development	
Residential	820.00
Non-residential	1,080.00
District Change (Reduced 50% when filed with Comp. Plan Amendment)	
Residential	820.00
Non-residential	1,285.00
Planned Development	
1. Conceptual Development Plan (No fee charged when filed with annexation applications)	
Residential	1,030.00
Non-residential	
<10,000 sq. ft.	1,360.00
>10k <20k sq. ft.	1,525.00
>20k <50k sq. ft.	2,110.00
>50,000 sq. ft.	3,155.00
2. Detailed Development Plan (No fee charged when filed with residential tentative plat application)	
Residential	1,030.00
Non-residential	
<10,000 sq. ft.	1,360.00
>10k <20k sq. ft.	1,525.00
>20k <50k sq. ft.	2,110.00
>50,000 sq. ft.	3,155.00
3. Detailed Dev. Plan (Applicant elects to skip Conceptual Dev. Plan; no fee charged when filed with residential tentative plat application)	
Residential	1,110.00
Non-residential	
<10,000 sq. ft.	1,155.00
>10k <20k sq. ft.	1,525.00
>20k <50k sq. ft.	2,400.00
>50,000 sq. ft.	3,225.00
4. Major Modification (No fee charged when filed with residential tentative plat application)	
Residential	918.00
Non-residential	
<10,000 sq. ft.	1,485.00
>10k <20k sq. ft.	2,025.00
>20k <50k sq. ft.	3,050.00
>50,000 sq. ft.	4,585.00
5. Planned Development Nullification	
Residential	850.00
Non-residential	1,075.00
Tentative Plat	1,330.00+ 10.00/lot
Extension of Services	985.00+ 10.00/acre
Major Re-plat	1,270.00+ 10.00/lot

Post-it Fax Note 7671 Date 10/13 1 pages

To: *John M. Hagen* From: *Corbett's*

Co./Dept. Co. Phone # 757-6981 Fax # 393 9437

REC'D (M)	PID#	TYPE OF REVIEW REQUESTED	FEE
		I. Comprehensive Plan	
_____	12520.350	1. Comprehensive Plan Changes: Non-Residential	\$ 1,210
_____	12520.350	2. Comprehensive Plan Changes: Residential	\$ 1,035
_____	12520.560	3. UGA Permit (plus \$3.00 for every acre in excess of 5)	\$ 2,025
		II. Subdivision Code	
_____	12520.450	1. Partition with Variances	\$ 1,485
_____	12520.450	2. Partition without Variances	\$ 575
_____	12520.550	3. Subdivision (plus \$3.00 per lot for every lot in excess of 5)	\$ 1,175
_____	12520.050	4. Legal Lot Opinion	\$ 85
_____	12520.050	5. Lot Line Adjustment	\$ 345
		III. Zone Code	
_____	12520.208	1. Adjustment	\$ 445
_____	12520.950	2. Applicant Initiated Code Interpretation	\$ 175
_____	12520.100	3. Conditional Use	\$ 800
_____	12520.100	4. Greenway Development Permit	\$ 395
_____	12520.600	5. Mobile Home Park (plus \$3.00 per dwelling unit for every unit in excess of 5)	\$ 845
_____	12520.550	6. PUD: Outline Plan (plus \$3.00 per unit for every unit in excess of 50)	\$ 990
_____	12520.550	7. PUD: Final Plan (plus \$3.00 per unit for every unit in excess of 50)	\$ 480
_____	12520.250	8. Variance: Non-Residential	\$ 1,240
_____	12520.250	9. Variance: Residential	\$ 620
_____	12520.300	10. Zone Change: Non-Residential	\$ 1,210
_____	12520.300	11. Zone Change: Residential	\$ 1,035
_____	12520.950	12. Exception to Dispersal Policy	\$ 185
_____	12520.100	13. Historic Designation	\$ 355
_____	12520.400	14. Special Setback/Removal Recordation	\$ 85
_____	12520.300	15. Specified Use Conference	\$ 180
		IV. General Codes	
_____	12520.225	1. Annexation	
		a. Less than 1 acre	\$ 175
		b. 1-5 acres (plus \$30 per acre for every acre in excess of 1)	\$ 175
		c. 6-10 acres (plus \$3 per acre for every acre in excess of 8)	\$ 345
		d. 10+ acres (plus \$3 per acre for every acre in excess of 10)	\$ 520
_____	12520.555	2. Appeals:	
		a. All issues, except partitions and subdivisions	\$ 445
		b. Appeals by Neighborhood Associations	\$ 225
		c. Appeals Partitions and Subdivisions	\$ 100
		d. Appeals Neighborhood Association, Partitions and Subdivisions	No Charge
_____	12520.950	3. Time Extensions all issues	\$ 175
		V. Miscellaneous Fees	
_____	12520.050	1. Verification of Land Use Requirements as Required by Others (LUCS, DMV, and Day Care Centers)	\$ 15
		2. Plans Check	
		a. Single Family	\$ 15
		b. Multiple Family (plus \$1.00 per dwelling unit for every unit in excess of 5)	\$ 15
		c. All Others	\$ 30
_____	12520.950	3. Pre-Application Conference (\$100 of this fee may be applied to subsequent land use application filed within 90 days of conference)	\$ 200
_____	12520.050	4. Septic Tank Recordation	\$ 85
_____	12520.500	5. Wetlands Permit	\$ 90
_____	12520.500	6. Street Name Application (SRC 84.130)	\$ 345
_____	12000.050	7. Multiple Issues on One Application (75% of the total charges for an application with multiple issues decided by the same body)	—
_____	12000.050	8. Photocopies, Purchase of Documents	—

Post-It™ brand fax transmittal memo 7671

of pages 2

To	John Morgan	From	Jim Jacks
Co.	City of Keizer	Co.	City of Tualatin
Dept.	County. Devel.	Phone #	Planning
Fax #	393-4437	Fax #	692-3512

City of Tualatin
FEE SCHEDULE

Administration Department:

Agenda Packet\$ 5.00
 Ordinances or Portions Thereof same as photocopy rate
 Photocopies:
 One-sided 0.10
 Two-sided 0.15

Engineering & Building Department:

Maps, each sheet or per map:
 Aerial/Contour, 1"=100' and 1"=200'\$ 5.00
 36" X 48" 3.00
 18" X 24" and 11" X 17" 1.00
 Partition* 175.00
 Partition Approval Extension/Modification by Council 100.00
 Property Line Adjustment* 50.00
 Public Works Construction Code 25.00
 Subdivision* 500.00
 Subdivision Approval Extension/Modification by Council ... 400.00
 Street Name Change 100.00
 Vacation Application Deposit 250.00
 Zone of Benefit Application Fee 500.00

Finance Department:

*L.I.D. Assessment Apportionment Fee\$190.00
 Lien Search Fee (per tax lot) 10.00
 Recovery Charge Installment Payment Plan Application Fee . 190.00
 Returned Checks (per check for processing NSF check) 10.00
 Zone of Benefit Recovery Charge Administration Fee 100.00

Legal Services Department:

Development Code\$ 50.00
 Updates \$2.72 + 0.0286/page + postage
 Ordinance Book 50.00

Planning Department:

Amendment to Comprehensive Plan Map\$700.00
 Amendment to Comprehensive Plan Text/Landmark
 Designation/Removal of Landmark Designation 700.00
 Appeal Proceeding to Council 100.00
 Architectural Review Action:
 Estimated Project Value:
 Under \$5,000.00\$ 50.00
 \$5,000.00 - \$24,999.99 200.00
 \$25,000.00 - \$99,999.99 350.00
 \$100,000.00 - \$499,999.99 450.00
 \$500,000.00 and greater 500.00

Tree Cuttings \$30 - 1 tree, \$10 for each additional up to \$150 -

Conditional Use Permit	\$350.00
Renewal	350.00
Density Transfer Plan	150.00
Home Occupation Permit	30.00
Interpretation of Development Code	No Fee
Landmark Alteration/New Construction Review	25.00
Landmark Demolition Review	25.00
Landmark Relocation Review	25.00
Reinstatement of Nonconforming Use	\$150.00
Request for Council Rehearing	75.00
Sign Code Interpretation	100.00
Sign Code Variance	500.00
Sign Ordinance	5.00
Sign Permit:	
New Sign or Structural Change to Existing Sign	100.00
Temporary Sign or Each Face Change to Existing Sign ..	50.00
Temporary Uses, 1-3 days	30.00
4-180 days	\$30.00 + \$1.50/day
Over 3 days not to exceed a total of	\$150.00
Transitional Use Permit	700.00
Variance	150.00
All Other Actions	150.00

Parks and Recreation Department:

Street Tree and Installation (Single Family Only)	\$ 65.00
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Police Department:

Audio and Visual Tape Copying	Actual Cost
Copies of Photographs	\$ 3.00
Fingerprints	5.00
Police Reports:	
1-10 pages	5.00
each page over 10	0.20

- * All Subdivision, Partition and Property Line Adjustment applicants shall contact the Finance Department for a determination of L.I.D. assessment apportionment for the property proposed to be divided or adjusted.



ATTEN: JOHN MORGAN

FEE SCHEDULE

INFORMATION BULLETIN #11

DEPARTMENT OF
DEVELOPMENT SERVICES
2042 8TH AVENUE
WEST LINN, OREGON 97008
PHONE: (503) 656-4211

CITY OF WEST LINN, OREGON
DEVELOPMENT PLAN REVIEW
FEE SCHEDULE
ADOPTED JUNE 27, 1994

Type of Application	Fee
Annexation	\$450
Comp Plan/Map Amendment	\$1200
Development Code Amendment	\$850
Zone Map Change to:	
Single-family	\$ 465
Multi-family	\$1200
Comm/Industrial	\$1500
Zone Map Change to Planned Unit Development:	
Less than 5 acres	\$1200
5 to less than 10 acres	\$1500
10 to less than 20 acres	\$1900
20 acres or more	\$1900 + \$65/acre
Subdivision	\$550 + \$80/lot
Subdivision Extension	\$550
Partition	\$500
Lot Line Adjustment	\$200
Final Plat - Subdivision	\$600 + surveyor cost
Final Plat - Partition	\$200 + surveyor cost
Conditional Use:	
In residential zone	\$1000
In comm./industrial zone	\$1500
Time extension	\$300
Variance:	
Class I	\$250
Class II	\$800
Design Review:	
Hill, Dist. & Will. Falls Dr. overlay zone:	
Remodels	\$ 30
New Construction	\$150
Construction value:	
Less than \$500,000	\$400 + 0.003 X constr. value
Over \$500,000	\$1900 + 0.002 X constr. value over \$500,000

FEE SCHEDULE - JR #11
PAGE 2

Design Compliance	\$300 dep. against which field checks and compliance reviews will be billed at \$50/yr.
Demolition Permit in Historic District	\$350
Sign Review:	
Permanent	\$90
Temporary	\$15
Enlarge/Alter a Non-Conforming Use/Structure:	
Single-Family	\$300
Other	\$850
Street Vacation	\$800
Basement Vacation	\$300
Home Occupation:	
Type I	\$ 35
Type II	\$500
Greenway	\$400
Twinlin River Bank Control	\$300
Flood Plain	\$300
Floation Certification	\$ 30
Hillside Protection	\$300
Natural Drainageway:	
Development	\$600
Revegetation	\$350
Temporary Permit:	
Administrative	\$ 75
Planning Commission/City Council	\$400
Sidewalk Use Permit	\$30/yr.
Wetland:	
Development	\$600
Revegetation	\$350
All Other Actions	\$300
Appeal:	
Planning Director	\$250
Planning Commission	\$400 + transcript cost
Neighborhood Ass'n.	N/C
Consolidation of Proceedings	Same
Plan Review of Building Permit:	
Single-family	\$ 40
Multi-family/Comm. and Industrial	\$120
Violations (apps. submitted as a result of code violations)	Same



MULTNOMAH COUNTY

Fees

[Amended 1982, Ord. 329 § 5; 1983, Ord. 378 § 5; 1991 Ord. 688 § 3]

11.15.9005 Payment

All fees are payable at the time of application.

11.15.9010 Action Proceedings

(A) Change of zone classification

(1) Rural, Urban Future and Urban Low and Medium Density Residential:

One acre or less	\$500.00
Each additional acre	50.00

(2) Apartment Residential and Urban High Density Residential:

One acre or less	1,000.00
Each additional acre	50.00

(3) Commercial or Industrial	1,000.00
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(B) Planned Developments

One acre or less	1,000.00
Each additional acre	50.00
Maximum charge	5,000.00

(C) Community Service

(1) Minor alternative uses in public school buildings	250.00
(2) Alternative uses in public school buildings	400.00
(3) New Use	800.00
(4) Use of an existing building	400.00
(5) Regional Sanitary Landfill	[see MCC .7060(B)]

(D) Conditional Use

(1) New Use	800.00
(2) Use of an existing building	400.00

(E) Appeal of administrative decision by Planning Director	300.00
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(F) Variance	400.00
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(G) Modification of conditions on a prior action proceeding requiring a rehearing	Full fee for Action
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(H) Lots of Exception	400.00
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(I) Conditional Use permitted under MCC 2012(B)(3); .2052(C); and .2172(D)	400.00
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(J) Other action proceedings	500.00
------------------------------	--------

(K) Zoning code interpretation by the Planning Commission	400.00
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.9015

.9205(A)

11.15.9015 Administrative Actions

(B) Health hardship permit	125.00
Health hardship permit renewal	75.00
(B) Land Use permit	75.00
(C) Non-hearing variance	150.00
(D) Use Under Prescribed Conditions	100.00
(E) Exceptions	100.00
(F) Administrative decision by Planning Director	100.00
(G) Willamette River Greenway Permit	125.00
(H) Significant Environmental Concern Permit	125.00
(I) Administrative modification of conditions established in prior action proceedings	150.00
(J) Hillside Development Permit	150.00
(K) Grading and Erosion Control Permit	150.00

The fee for multiple concurrent administrative actions, including Design Review, shall be the highest fee of the individual applications, plus 1/2 the appropriate fee of each additional application.

11.15.9020 Miscellaneous Charges

(A) Notice Sign	5.00
(B) Notice of Review	300.00
Transcript cost per minute of hearing time	3.50
(C) Records and reports (per page)	.30
(D) Pre-Initiation Conference	50.00
(E) Flood Plain Review (one and two family dwellings)	25.00
(F) Flood Plain Review (all other uses)	50.00

11.15.9025 Design Review

(A) Project Value	
\$0 - \$49,999	150.00
\$50,000 - \$1,000,000	0.003 of the project value
Over \$1,000,000	\$3,000 + 0.001 of the project value

Project value shall be determined in accordance with the Uniform Building Code, or as otherwise determined by the Director.

.9025(B)

.9027(C)

(B) Staff time required for Design Review revisions submitted after a permit is issued shall be \$80.00/hour. Minimum charge – one-half hour.

(C) For Design Review of on-premise advertising signs:

Single Sign: \$25.00

11.15.9027 Transit Zones Development Standards Review Process

(A) Project Value	Fee
\$0 - \$ 49,999	150.00
\$50,000 - \$1,000,000	0.003 of the project value
Over \$1,000,000	\$3,000+0.001 of the project value

Project value shall be determined in accordance with the Uniform Building Code, or as otherwise determined by the Director.

(B) Staff time required for Development Review revisions submitted after a permit is issued shall be \$80.00/hr minimum charge - one half hour.

(C) For Development Review of on-premise advertising signs.

Single Sign 25.00

.9030

.9040

11.15.9030 Rescheduling of Hearing

In the case of any hearing required under this Ordinance which must be rescheduled at the request of, or due to the neglect of the applicant, a fee of \$200.00 shall be assessed against the applicant. Said fee may be waived in whole or part by the Director of the Department of Environmental Services if the Director determines that the necessity for the requested rescheduling was unavoidable or that the applicant proceeded with all possible diligence to give adequate advance notice of the request for rescheduling.

11.15.9035 Fractions of an Acre

For fees based upon acreage calculations, any fraction of an acre up to and including one-half, shall be disregarded; fractions over one-half shall be rounded to the next highest acre.

11.15.9040 Application of Fee Schedule

Fees provided in MCC 11.15.9005 to 11.15.9030 shall apply to all actions specified herein, regardless of applicant, unless waived in whole or in part by the Board of County Commissioners or the Planning Commission.

MARION COUNTY LAND USE FEE SCHEDULE

Effective 7/1/94

<u>Type of Application*</u>	<u>Fee</u>
Administrative Review	150
Adjustment (Rural).....	150
Amendment of Conditional Use Permit.....	100
Amendment of Conditions of Approval.....	100
City-related Actions (property owner initiated).....	500
Conditional Use (Urban).....	250
Conditional Use	
Hearing.....	500
Non-Farm Dwelling.....	250
Additional Farm Dwelling.....	250
Forest Dwelling.....	250
Home Occupation.....	250
Hardship.....	200
Conditional Use Hardship Renewal (annual).....	25
Farm Dwelling.....	250
Farm Dwelling Capability Test.....	400
Floodplain/Greenway.....	250
Historical Resource (other than Per. Rev.).....	1000
Home Occupation Renewal (every 2 yrs.).....	50
Legislative Text Amend.....	750
Lot Line Adjustment.....	200
Major Adjustment (Urban).....	250
Minor Adjustment (Urban).....	150
Partition.....	250
Subdivision Final Map Check.....	200
Subdivision.....	750+15/lot
Subdivision Phases (each).....	250
Subdivision Replat.....	500
Subdivision Amendment of Conditions.....	250
Variance/Non-Conforming Use (Rural).....	500
Zone Change.....	750+5/acre
Zone Change/Comp Plan.....	1000+5/acre
Mineral Aggregate Site.....	1000+5/acre

Appeals:

Appeal to Hearings Officer.....	150/100.00
Continued Hearing Request (by applicant).....	100
Reconsideration.....	100
(Only 1 reconsideration allowed)	

* Consolidated applications require the highest fee and $\frac{1}{2}$ of any additional fees

Post-It™ brand fax transmittal memo 7671		# of pages > 2
To John Morgan	From Marion County	
City of Keizer	Ca.	
Phone #		

terminations:

Legal Lots.....	250
Lst of Record.....	250
State Agency Permits.....	20
Zoning Determinations.....	75
(Urban Home Occ., (non-CU) Rural Home Occ., Seasonal Farm Housing)	

Miscellaneous.:

Extension Request.....	50
Pre-App Conference.....	100
(Multi-departmental)	
Road Naming.....	150
Site Plan Amendments.....	100
10% Surcharge (uncollected enforcement fees)	

Licenses:

Auto Dealers.....	75
Annual Renewal.....	25
Wrecking Yard.....	75
Annual Renewal.....	50

Documents:

Background & Inventory Report.....	30
Comprehensive Plan.....	30
Subdivision & Partition Ordinance.....	5
Zoning Ordinances.....	30

ACTIVITY	Douglas	Beverton	Tion	Forest Grove	Willabro	Lake Oswego	Albionville	Oregon City	West Linn	Wilsonville
Comp. Plan Map Amendment	1700	11710	1675 one of both actions	11291/deposit one of both actions	1725	11150 minor 12750 major	11000	11000	for both actions	11000-11500
Comp. Plan Text Amendment	1700	11583			1725	11380				1500
Landmark Designation	1700			151.7		no fee	no fee			
Res. Landmark Designation	1700					11320	1630			
Appeal to Council	1100	1478	1315 transcript fee	1300	1/2 original fee	1/2 original fee	1/2 original fee	1500	1150 + Transcript	1500
Architectural Review		11223	140 to 1520-11/110,000 [12000 hasilams]	127 to 1567		1990- 37% of 1149 Permit fee	1100 to 1115,000	Single Family: 110-1150 Others: 1300- 31 (1510,000 11 1150,000		1150- 110/acre
Est. Project value: Under 15000 15000 to 121,999 125,000 to 199,999 1100,000 to 1699,999 1500,000 and greater	150 1700 1550 1550 1550									
Conditional Use Permit	1350		1365	1592 1 acre or less 1615 + 148/acre	1325	11150	1500	1500	1450-11000	1250
Conditional Use Renewal	1350									
Density Transfer Plan	1150									
Home Occupation Permit	130	164	1110 Type I 1550 Type II	190					11 25 Type I 1500 Type II	
Dev. Code Intersp.	no fee	1193	155			1750	1200			

ACTIVITY	Tualatin	Beaverton	Tigard	Forest Grove	Millboro	Lake Oswego	Milwaukie	Oregon City	West Linn	Wilsonville
Ludark Alt/New Const. Rev.	925									
Ludark Demolition Rev.	925						8780	8350	8350	
Ludark Relocation Rev.	925									
Reinst. Nonconform. Use	9150				1275 expansion		8300 exp/alt	8250-1725 exp/alt		8300 Changes
Request Council Rehearing	975									
Sign Code Interp.	9300									
Sign Code Variance	9500	1703	1220			8440	1220	1275		
Sign Permit	8 50 Temp 8100 new	955	910 - 935			995	920 - 950	910 Temporary 975 Permanent	950 + 12 sq. ft. (81500 Max.)	
Sign Ordinance	95									
Temporary Uses 1 - 3 Days 4 - 180 Days (8150 Max/area)	930 930+911-50/409 (8150 Max/area)	163	930 10 non-permit	911-933	915 - 1100					8 60 Admin 8300 Council 8258 Class III
Trans. Use Permit	700									
Variance	9150	1703	180	1228 land use 1773 zoning	9275	8750 Class I 81320 Class 2	1220-1280	8350	12500 Class 1 8700 Class 2	9250
Subdivision	1500	93036 Type I 93505 Type II	1615 + 95/lot	1652-910/lot 1676-910/lot	1228 eliminate 1750 maintain	8880-9110/lot	9900+ 919/lot over 10	9500+975/lot	1500+975/lot Final Plat 1150	9350+925/lot

ACTIVITY	Engleclon	Beaverton	Figure	First Crue	Willabro	Lake Guapo	Willowville	Oregon City	West Linn	Willowville
Partition	1175	1309	1235	1201+120/lot	175 - 1100	11100/silver	1230/silver	1400	1400	1150+123/lot
						1480+110/lot/ major	1440/major		Final Plat 1200	1350+125/lot
Lot Line Adj.	150	1215	150				1750	1200	1250	1400
All Other Actions	1150							1100/1250	1250	1400

DATE: OCTOBER 13, 1994
TO: MAYOR AND CITY COUNCIL
THRU: DOTTY TRYK, CITY MANAGER *dottry*
FROM: CHARLES R. STULL, CHIEF OF POLICE *CS*
MARK J. MIRANDA, SERGEANT
SUBJECT: **PROPOSED VEHICLE IMPOUNDMENT ORDINANCES**

ISSUE

Shall the City Council pass ordinances which authorize the Keizer Police Department to impound vehicles:

- 1) Which are operated while uninsured
- 2) Which are operated while the drive is suspended/revoked
or while under the influence
- 3) Upon conviction of a person who was driving while
suspended/revoked

BACKGROUND

Every year, about 200 traffic collisions occur with the city limits of Keizer. These traffic collisions impact those directly involved though the immediate cost of vehicle repair and/or lost time from work because of injuries. Also impacted are insurance rates of those involved in collisions along with the insurance ratings for the local area.

Driving Uninsured:

Oregon law requires that drivers carry a minimum amount of automotive liability insurance, but does not actually physically prevent uninsured drivers from driving. Even enforcement of the law does not have a major impact on preventing uninsured drivers from driving. The following number of citations have been issued for driving uninsured in Keizer:

<u>1991</u>	<u>1992</u>	<u>1993</u>
595	566	1190

PROPOSED VEHICLE IMPOUNDMENT ORDINANCES

PAGE 2

A driver involved in a collision, and the community, realize more of an impact when the other driver has no insurance. In Keizer, there were 208 traffic collisions in 1993 of which 33 involved drivers who were determined to have no insurance. This figure is low because insurance information is not always readily available to the police officer at the scene. This is particularly true of hit-and-run accidents where one driver flees the scene. In 1993, Keizer experienced 79 hit-and-run collisions.

In 1992 the City of Gresham enacted a unique law in response to a serious collision where an uninsured motorist struck a pedestrian pushing a baby carriage on a sidewalk. Their city ordinance allows police officers to impound a vehicle when it is determined that the driver is unlicensed and uninsured. In 1992, over 500 vehicles were impounded by Gresham Police. They have been successful in reducing collisions in their city as well as insurance claims, particularly involving uninsured motorists. The City of Portland also passed a similar ordinance to Gresham's, however, the only criteria for vehicle impoundment is if the driver is driving uninsured.

The State of Oregon has passed a traffic statute allowing for the impoundment of vehicles where the driver is uninsured. This law became effective on July 1, 1994 but has a sunset clause and there is no guarantee the law will be continued past 1996.

Driving While Suspended:

Annually, the Keizer Police Department comes into contact with drivers who have had their driving privileges suspended or revoked for a variety of reasons. Of particular concern are those drivers who have a history of hazardous driving such as DUII (driving under the influence of intoxicants) or other driving violations. The State of Oregon suspends the license of people who have been convicted of DUII to protect other motorists on the road.

Although a drivers license suspension is a serious action against one's license, the law does not physically prevent some from driving a vehicle. The following number of arrests or citations have been issued by the Keizer Police Department to those people who have had their licenses suspended or revoked.

	<u>1991</u>	<u>1992</u>	<u>1993</u>
DWS/R - Felony	13	8	67
DWS - Misdemeanor	220	72	36
DWS - Infraction	273	332	547
TOTAL	506	412	650

PROPOSED VEHICLE IMPOUNDMENT ORDINANCES

PAGE 3

Of the 208 collisions in 1993, there were 13 drivers who had been driving while their driving privileges had been suspended or revoked. This figure is low because not all drivers remain at the scene of collisions so their drivers license status cannot always be determined.

Driving While Intoxicated:

Another threat to the community is that of the intoxicated driver. The Keizer Police Department had made an impact with the number of arrests. However, because of limited jail space, it is very rare for an intoxicated driver to spend more than an hour in the jail facility. The early release allows the possibility of the driver to return to his vehicle and drive off while still under the influence. The following are the number of drivers arrested for driving under the influence:

<u>1991</u>	<u>1992</u>	<u>1993</u>
335	181	231

There are no City of Keizer ordinances currently in force to impact these problems.

FISCAL IMPACT

There would be a fiscal impact on the City and police department if the proposed ordinances were adopted. Police officers would have to spend an additional 20 to 40 minutes on traffic stops waiting for tow trucks. Support Services personnel would be required to process tow notices through the Department recordkeeping system. They would also have to mail certified letters to the registered owners of vehicles. Support Services personnel would also be in contact with the vehicle owners or operators to insure compliance with insurance and driving regulations and prepare vehicle release documents upon receiving compliance to the regulations. There would be a processing charge of **\$50.00** to offset these expenses. Drivers and owners of towed vehicles would be responsible for the towing costs and processing charge.

RECOMMENDATION

Although Oregon State law prohibits motorists from driving uninsured, while suspended/revoked or under the influence, compliance with these laws is low. Such drivers are a great hazard to the community and a major subject of complaints received by the police department.

PROPOSED VEHICLE IMPOUNDMENT ORDINANCES

PAGE 4

Therefore, I recommend that the Keizer City Council pass the following ordinances to assist in seeking compliance with state law:

1. **AUTHORIZING IMPOUNDING OF VEHICLES WHICH ARE OPERATED WHILE UNINSURED.** This ordinance will allow police officers to impound vehicles after lawfully stopped and the determination made that the driver does not have automobile liability insurance. Vehicles would be returned to the driver or registered owner after providing the police department with proof of insurance.
2. **AUTHORIZING IMPOUNDMENT OF VEHICLES WHICH ARE OPERATED WHILE THE DRIVER IS SUSPENDED/REVOKED OR WHILE UNDER THE INFLUENCE.** This ordinance will allow officers to impound vehicles after lawfully stopped and the determination made that the driver has had his/her driving privileges suspended/revoked or that the driver is under the influence of intoxicants. Vehicles would be returned to the driver or registered owner after providing the police department with proof of insurance and a valid drivers license.
3. **AUTHORIZING IMPOUNDMENT OF VEHICLES UPON CONVICTION OF A PERSON WHO WAS DRIVING WHILE SUSPENDED/REVOKED.** This ordinance will authorize court judges to order the impoundment of vehicles driven by drivers upon conviction of driving while suspended/revoked. The impoundment would be for up to 120 days. Vehicles would be returned to the driver or registered owner after providing the police department with proof of insurance and a valid drivers license.

ATTACHMENTS

- a. 3 proposed City ordinances
- b. "The Outlook" news article, August 19, 1992
- c. "Statesman-Journal" news article, November 6, 1993
- d. "KeizerTimes" editorial, July 14, 1994

crs:mjm:cp

Towing law may lower insurance rates

by JODIE WILLSON
of The Outlook staff

8/14/92

Gresham's three-month-old law that allows police officers to tow the vehicles of drivers lacking registration and insurance likely will lead to lower auto insurance rates here, an insurance professional says.

The city's tow ordinance went into effect May 1, and during the months of May and June Gresham officers towed 228 vehicles.

In that same period, one Gresham insurance office has not received a single alcohol-related accident claim involving an uninsured driver.

The office typically receives such a claim about once every three weeks, said owner Don Brown.

"We've just seen a dramatic change," Brown said.

Although it will take a year of collecting accident statistics to convincingly attribute the claim reduction to the tow ordinance, both insurance professionals and Gresham Police officials are won over.

Brown said in the past he's had years when 80

percent of accident claims he handled involved uninsured motorists. He's also had claims that went up to \$300,000 for injuries caused by uninsured drivers.

"When these (uninsured drivers) cause that much damage to people in our community, it's just not fair."

However, with police officers now having the ability to get uninsured drivers off the streets, and the number of accidents involving such drivers decreasing as a result, insurance providers will take notice, Brown said.

"If it becomes less expensive to them to insure in the territory of Gresham ... I think there will be a marked improvement in rates in another 12-15 months," he added.

Sgt. Chris Herron said Gresham police officers were frustrated by stopping the same bad drivers over and over and not being able to do more than issue a citation.

Under the new ordinance, officers who stop a driver for a violation can have the vehicle towed if the driver is unable to show proof of a valid driver's

license, insurance for the vehicle and current registration.

"If we can't put bad drivers in jail, at least we can put their cars in jail," Herron said. "It's given police officers a great sense of satisfaction to be able to control bad drivers."

Gresham's temporary tow ordinance is unique to Oregon, being the only one of its kind in the state. In California, it's a state law that allows law enforcement agencies to tow vehicles of drivers lacking licenses, insurance or registration.

Herron said the city contracts with five tow companies, who are called on a rotating basis to tow vehicles for officers. As of July 19, 51 percent of impounded vehicles had been retrieved by their owners, he added.

Retrieving an impounded vehicle requires a visit to the Police Department to provide valid proof of insurance, a title or a copy of an application for a title and valid registration.

Also, whoever is going to drive the vehicle from

Turn to TOWING, Page 2A

Towing

Continued from Page 1A.

the towing yard — it need not be the owner of the vehicle — must have a valid driver's license, Herron said.

For vehicles that are not reclaimed after several months, the tow company can initiate taking over the ownership through state law, he added.

Tow statistics for July are not available because the city does not have the means to accumulate them, Herron said. He personally collected May and June figures and worked them into graphs at home for presentation to the City Council as a follow-up report to the new law, he said.

Some conclusions Herron found in his analysis:

- Twice as many vehicles are impounded on Saturdays and Sundays than on other days of the week.
- 42 percent of impounded vehicles were towed from the Rockwood area, followed by 17 percent from central Gresham.
- About 37 percent of impounded vehicles were driven by persons with Hispanic surnames.

Herron said he could not speculate on the reason for the last statistic. He said Hispanic drivers commit these violations — lack of license, insurance and/or registration — at a greater rate, but "I'm not sure why that is."

Woman severely hurt in train-crossing wreck

A woman suffered a broken arm and spinal injuries Friday night when the car she was riding in tried to beat a train at a railroad intersection, Salem Fire Battalion Chief Bob Davis said.

Kimberly Holmes, 18, of Salem, was listed in serious condition at Salem Hospital, a nursing supervisor said.

Brandon Shelton, 19, of Salem, who was driving the car, was treated at the hospital and released.

Davis gave this account of the accident:

About 9 p.m., Shelton was

driving north at about 60 mph near the 70th block of Cherry Street.

As the automobile approached the tracks it maintained its speed and tried to beat the Burlington Northern freight train through the intersection. The train had stopped and was backing up at about 3 mph.

The car maneuvered around a crossing barricade and got snagged on the train.

The impact literally tore the car apart, Davis said.

The car was thrown more than 50 feet from the tracks.

Shelton was charged with driving with a suspended license and for failure to stop.

Star-Tribune - Journal
Nov 6, '73

Keizer Opinion

New towing law helps police crack down on uninsured drivers

Shocked faces will start appearing around town when drivers find their cars hooked up to a tow truck. Keizer police intend to vigorously enforce a new state law on auto insurance, and they're right to do so.

The Legislature months ago passed a law that gave police the power to immediately seize the car of a driver who can't prove the car is insured. The police can cite the driver and then summon a tow truck to haul the car away until insurance is proven.

That can be a costly oversight for a driver. The bail on the ticket can be several hundred dollars. But motorists also are on the hook for the towing charge and storage fees. In all, the cost of driving uninsured can soar well beyond the cost of the insurance itself.

And that's the point. Legislators and police wanted to drive home the message that motorists have a duty to carry auto insurance. State statistics show that one in 10 drivers is rolling down the road without any coverage whatsoever.

No problem — until there's an

accident. Then, because a driver got lazy or cheap, the other party in the accident is stuck tapping their own insurance. In some cases, Oregon motorists pay the bill for injured people through a special state fund into which we all pay. Just as the lack of medical insurance pushes up the costs for those who have such insurance, such is the case with drivers who don't carry insurance. All of us pick up the cost.

The towing law also allows police to seize cars in drunken driving cases and other instances. That's a good deterrent for such roadway crimes.

In the case of insurance, the best way to avoid having a car taken away is to get insurance in order. There's no room for excuses. "Forgetting" to pay the insurance bill won't work.

Uninsured motorists are a costly peril to Keizer and the rest of society. Local drivers better get their insurance taken care of, and Keizer police ought to be vigilant and unrelenting in their application of the law.

— LZ

1 BILL NO. _____

A BILL

ORDINANCE NO.

94-_____

2
3 FOR

4 AN ORDINANCE

5 AUTHORIZING IMPOUNDMENT OF VEHICLES
6 UPON CONVICTION OF DRIVING UNDER THE INFLUENCE
7 OF INTOXICANTS, DRIVING WHILE SUSPENDED,
8 AND DRIVING WHILE LICENSE REVOKED

9 The City of Keizer ordains as follows:

10 Section 1. COURT-ORDERED IMPOUNDMENT; GROUNDS;
11 DURATION; VEHICLES SUBJECT; RETURN; SECURITY INTEREST
12 HOLDER RIGHTS. A court may order a motor vehicle impounded upon
13 conviction for the traffic offenses described in this section. The authority to
14 impound a vehicle under this section is subject to all of the following:

15 (1) The court may order a vehicle impounded under this section when
16 a person is convicted:

17 (a) For driving a motor vehicle while the person's license is
18 suspended or revoked in violation of ORS 811.175 or
19 811.182; or

20 (b) On a second or subsequent charge of driving while under
21 the influence of intoxicants in violation of ORS 813.010.

22 (2) A vehicle may be impounded under this section for not more than
23 120 days from judgment.

24 (3) The following vehicles may be impounded under this section:

25 (a) Any motor vehicle of which the convicted person is the
26 owner.

(b) Any motor vehicle which the convicted person is operating at the time of arrest.

(4) The person convicted shall be liable for the expenses incurred in the removal and storage of the vehicle under this section, including a \$50.00 administrative fee, whether or not the vehicle is returned to the person convicted.

(5) The vehicle shall be returned to the person convicted or the owner only upon payment of the \$50.00 administrative fee and the expenses incurred in the removal and storage of the vehicle under this Ordinance.

(6) If the vehicle is not reclaimed within 30 days after the time set for the return of the vehicle in the impounding order, the vehicle may be disposed of in accordance with procedures under ORS 819.180, 819.190, 819.210, 819.220 and 819.240 to 819.260.

(7) The court may order that a motor vehicle of which the convicted person is not the owner be impounded under this section only if the court is satisfied by clear and convincing evidence that the owner knew or had good reason to know that the convicted person:

(a) Did not have a valid license and knowingly consented to the operation of the vehicle by the convicted person; or

(b) Was operating the vehicle while under the influence of intoxicants.

(8) The authority to impound any vehicle under this section is subject to the rights of a security interest holder under a security agreement executed before an arrest for violation of an offense for which the vehicle may be impounded under this section. A vehicle shall be released for the purpose of satisfying a security interest if:

- (a) Request in writing is made to the court;
- (b) If the vehicle has been impounded, the security interest holder pays the expenses in removal and storage of the vehicle; and
- (c) If the registration of the vehicle has been suspended under ORS 809.010, the security interest holder takes possession of the vehicle subject to the suspension of the registration remaining in effect against the registered owner.

(9) A security interest holder's obligation to pay and right to recover removal and storage expenses under subsection (8) of this section are limited to the recovery of those removal and storage expenses incurred during the initial 20-day period when the vehicle was in public storage, unless the authority taking the vehicle into custody under this section has transmitted by certified mail a written notice to the holder concerning the accrual of storage expenses. If the vehicle is in private storage, the lien claimant shall transmit the written notice.

1 BILL NO. _____

A BILL

ORDINANCE NO.
94- _____

2
3 FOR

4 AN ORDINANCE

5 AUTHORIZING IMPOUNDMENT OF VEHICLES
6 WHICH ARE OPERATED WHILE UNINSURED
7

8 The City of Keizer ordains as follows:

9 Section 1. (1) A police officer who reasonably believes that a person is
10 driving an uninsured vehicle in violation of ORS 806.010 may, without prior
11 notice, order the vehicle impounded until a person with right to possession of the
12 vehicle complies with the conditions for release or the vehicle is ordered released
13 by the Keizer Municipal Judge.

14 (2) Notice that the vehicle has been impounded shall be given to the
15 same parties, in the same manner and within the same time limits as provided in
16 ORS 819.180 for notice after removal of a vehicle.

17 (3) A vehicle impounded under subsection (1) of this section shall be
18 released to a person entitled to lawful possession upon proof of compliance with
19 financial responsibility requirements for the vehicle, payment to the City of
20 Keizer of a fee of \$50.00 and payment of any towing and storage charges.
21 Proof shall be presented to the impounding police agency, which shall authorize
22 the person storing the vehicle to release it upon payment of the charges.

23 Section 2. (1) A person entitled to lawful possession of a vehicle
24 impounded under Section 1 of this Ordinance may request a hearing to contest
25 the validity of the impoundment. A request must be made within five (5)

26 ///

1 calendar days of the impoundment. The request shall be made to a person
2 designated by the impounding police agency to receive such requests.

3 (2) When a timely request for a hearing is made, a hearing shall be set
4 for four calendar days after the request is received, excluding Saturdays,
5 Sundays and holidays, but may be postponed at the request of the person asking
6 for the hearing.

7 (3) The impounding police agency shall have the burden of proving by
8 a preponderance of the evidence that there were reasonable grounds to believe
9 that the vehicle was being operated in violation of ORS 806.010. The police
10 officer who ordered the vehicle impounded may submit an affidavit to the Keizer
11 Municipal Judge in lieu of making a personal appearance at the hearing.

12 (4) If the Keizer Municipal Judge finds that the impoundment of the
13 vehicle was proper, the Keizer Municipal Judge shall enter an order supporting
14 the removal and shall find that the owner or person entitled to possession of the
15 vehicle is liable for usual and customary towing and storage costs. The Keizer
16 Municipal Judge may also find the owner or person entitled to possession of the
17 vehicle liable for costs of the hearing.

18 (5) If the Keizer Municipal Judge finds that impoundment of the vehicle
19 was improper, the Keizer Municipal Judge shall order the vehicle released to the
20 person entitled to possession and shall enter a finding that the owner or person
21 entitled to possession of the vehicle is not liable for any towing or storage costs
22 resulting from the impoundment. If there is a lien on the vehicle for towing and
23 storage costs, the Keizer Municipal Judge shall order it paid by the impounding
24 police agency.

(6) The City of Keizer may contract with another agency or entity to conduct hearings under this section.

Section 3. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

PASSED this _____ day of _____, 1994.

SIGNED this _____ day of _____, 1994.

Mayor

City Recorder

824F.66

1 BILL NO. _____

A BILL

ORDINANCE NO.

94-_____

2
3 FOR

4 AN ORDINANCE

5 DECLARING VEHICLES OPERATED BY DRIVERS WHOSE
6 LICENSES ARE SUSPENDED OR REVOKED OR WHO ARE
7 DRIVING UNDER THE INFLUENCE OF INTOXICANTS
8 TO BE NUISANCES AND ALLOWING FOR
9 THE VEHICLES TO BE IMPOUNDED

10 WHEREAS, the City Council of the City of Keizer finds that vehicles operated
11 on the city streets by persons whose operators' licenses have been suspended or
12 revoked, or by persons who are driving under the influence of intoxicants, are
13 detrimental to the public's health, safety and welfare, and constitute a public
14 nuisance; NOW, THEREFORE,

15 The City of Keizer ordains as follows:

16 Section 1. VEHICLES IMPOUNDED. Whenever a traffic citation is issued
17 or a physical arrest made for a violation of Oregon's vehicle code or a local traffic
18 regulation, and the operator of such motor vehicle has a suspended or revoked
19 operator's license, or the motor vehicle operator is cited or arrested for driving
20 under the influence of intoxicants, a police officer may order the vehicle towed and
21 impounded as provided herein.

22 Section 2. PERSON RESPONSIBLE FOR FEES. The person operating the
23 motor vehicle at the time it is towed and impounded shall be liable for the expenses
24 incurred in the towing and storage of the motor vehicle under this Ordinance,
25 including a \$50.00 administrative fee, whether or not the motor vehicle is returned
26 to the person who was operating it at the time of impound.

1 Section 3. RETURN OF VEHICLE. The vehicle impounded under this
2 Ordinance shall be returned to the owner of the vehicle or the owner's authorized
3 agent only upon payment of the \$50.00 administrative fee and the expenses incurred
4 in the towing and storage of the vehicle under this Ordinance.

5 Section 4. UNCLAIMED VEHICLES. If the motor vehicle is not reclaimed
6 within 30 days after the motor vehicle is impounded, the vehicle may be disposed
7 of in accordance with the procedure set forth in ORS 819.180, 819.190, 819.210,
8 819.220 and 819.240 to 819.260.

9 Section 5. OWNER AND SECURITY INTEREST HOLDER RIGHTS.

10 (1) The Keizer Municipal Court may order that the owner of a motor vehicle
11 impounded under this Ordinance is jointly and severably liable with the
12 Motor vehicle operator for payment of the administrative fee and the
13 expenses incurred in the towing and storage of the vehicle under this
14 Ordinance if the court is satisfied by clear and convincing evidence that
15 the owner knew or had good reason to know that the motor vehicle
16 operator:

17 (a) Did not have a valid license and knowingly consented to the operation
18 of the vehicle by the operator; or

19 (b) Was operating the vehicle while under the influence of intoxicants.

20 (2) The authority to impound any vehicle under this Ordinance is subject to
21 the rights of a security interest holder under a security agreement executed
22 before the vehicle was impounded under this Ordinance. A vehicle shall
23 be released for the purpose of satisfying a security interest if:

24 (a) Request in writing is made to the court;

(b) If the vehicle has been impounded, the security interest holder pays the administrative fee and the expenses in removal and storage of the vehicle; and

(c) If the registration of the vehicle has been suspended under ORS 809.010, the security interest holder takes possession of the vehicle subject to the suspension of the registration remaining in effect against the registered owner.

(3) A security interest holder's obligation to pay and right to recover removal and storage expenses under this subsection are limited to the recovery of those removal and storage expenses incurred during the initial 20-day period when the vehicle was in public storage, unless the authority taking the vehicle into custody under this subsection has transmitted by certified mail a written notice to the holder concerning the accrual of storage expenses. If the vehicle is in private storage, the lien claimant shall transmit the written notice.

Section 3. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

PASSED this ____ day of ____, 1994.

SIGNED this ____ day of ____, 1994.

Mayor

City Recorder

3896COK2.001

CITY COUNCIL MEETING: October 17, 1994

AGENDA ITEM NUMBER: 6d

TO: MAYOR KOHO AND COUNCIL MEMBERS

**FROM: DOTTY TRYK
CITY MANAGER**

SUBJECT: PERS INITIATIVE

BACKGROUND:

The November ballot will include an initiative that will impact employees' retirement plans in several ways. It eliminates the employer's ability to credit retiring employees with one half of their unused sick leave. It eliminates the guarantee of a minimum interest earning on retirement savings. And, finally, it would require public employees to pay 6% toward their retirement plans.

The first two provisions affect only PERS covered employees. The last provision will affect both PERS covered employees and those covered under the City's defined contribution retirement plan through ICMA.

The City has three groups of employees each of which will be treated differently if this measure passes.

1. Our sworn police officers who are covered under a signed contract which expires June 1996. They are covered under the PERS plan and the city now "picks up" the 6% employee contribution. Implementation of this requirement will not take effect until the contract is renegotiated. This impacts 15 employees.
2. Management Police employees, the Public Works Director and 3 of our utility workers are covered under the PERS plan. The City has paid the 6% "pick up" for these employees. Passage of this measure would affect them immediately. They would be required to contribute 6% of their salary to their PERS retirement plan with no associated increase in their retirement benefits. If the employees paid the 6% it would result in a 6% savings on these wages to the City. This affects 10 employees and would be effective December 9.
3. All of our other employees are covered with an 11% contribution to the ICMA retirement plan. According to the Retirement Plan Agreement, the 11% is the employer's contribution, there is no required employee's contribution. In this instance, all employees covered by ICMA will be required to contribute 6% of their income to the Plan resulting in a 17% contribution to the plan and would result in no savings to the City, but cost the employee 6% in "forced saving" until they reach the age of 59 1/2. This will also begin December 9 and impacts 30 full and part time employees.

To offer some additional background in our benefits package, none of our employees is covered under social security. It was decided years ago that the PERS and ICMA plans would replace social security as qualified retirement plans. This is in contrast to all other Oregon local governments which offer both social security and retirement plans to their employees. Because of this, passage and implementation of this measure will have a proportionately greater impact on Keizer City employees than on most other entities.

If this measure passes it will most likely be subject to intense litigation which may take years to complete.

ALTERNATIVES/OPTIONS

Local governments around the state are responding to this possibility in a variety of ways, some of which follow.

1. Take no action. Making no change will cost non union and management employees 6% of the pay they have agreed to as part of an actual or implied contract with the City.
2. Establish an escrow account in which to place the employer's 6% contribution pending a final judicial decision. This action will require the employee contribution in the interim, but provide the City a fund from which to reimburse employees if the measure is overturned in the future.
3. Sign agreements with non-represented employees with provisions that will protect the employee by continuing the employer "pick up" and, to make the contracts enforceable, setting an expiration date 2 to 5 years in the future. Legal opinion is that an agreement that is automatically renewable will not offer the protection. All department heads and the manager's contracts are automatically renewable.
4. For union employees, some cities are reopening their contracts and extending the contract term.
5. Agree to increase wages by approximately 5.5% in exchange for the employee contributing 6% to the retirement plan. 5.5% is the rough equivalent to the City of the 6% pick up, adjusted for benefits and taxes.

FISCAL IMPACT:

If this measure is adopted, the City of Keizer will see a savings of \$28,000/year from contributions made by non union PERS covered employees which have been made by the City. The employees will see a decrease in their income of 6%. If the city offers a wage increase of 5.5% to these employees, it would be cost neutral to the city.

There will be no savings from the 6% contributed by the employees covered under ICMA. The employer contribution will remain at 11% and the employees will also be required to contribute 6%.

This will result in 17% of these employees' incomes contributed to retirement. An offer of 5.5% to these employees to cover their lost current income would cost approximately \$49,000/year.

There will be no immediate change in the way union employees are paid and contributions are made.

Establishing an escrow account to hold the "pick up" until the issue is adjudicated will also be cost neutral for the City.

RECOMMENDATION:

The provisions of this measure reduce a component of our total compensation package--without considering how it fits into the total package, without considering how our compensation fits in our labor market, and without considering the effect this may have on our ability to recruit and retain qualified employees.

With regard to specific remedies for our employees, I am prepared to discuss the ramifications of each of these options, but I don't feel that I am in a position to make a recommendation.

CITY COUNCIL MEETING: October 17, 1994

AGENDA ITEM NUMBER: 6e

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: WILLIAM I. PETERSON
CITY ENGINEER

SUBJECT: LOCKHAVEN DRIVE IMPROVEMENTS

ISSUE:

Shall the Keizer City Council award the contract for the construction of the Lockhaven Drive Improvements on the north side of the street from the West property line of the Dairy Queen property to the west line of Trail Avenue to Emery and Sons Construction for \$34,894.50.

BACKGROUND:

In September 1993 the City of Keizer Public Works Department solicited bids for the widening of the north side of Lockhaven Drive on the portion fronting the Dairy Queen property and continuing easterly to the Trail Avenue intersection. Bids received were much higher than previous estimates, and the decision was made to rebid the project and increase the scope of the project to complete Lockhaven. During the summer of 1994 a meeting of property owners along Lockhaven Drive east of the proposed project was held to determine their interest in a local improvement district for installing curbs and sidewalks along Lockhaven Drive. There was no support for that portion of the project. So the full improvement to Lockhaven (without sidewalks) will be bid next spring. In the interim it was determined that improving the section of Lockhaven Drive along the frontage of the Dairy Queen property extending to the Trail Avenue intersection, as promised to the property owner, would be possible at this time.

The improvements proposed in the "Lockhaven Drive Widening at Dairy Queen" are the same as those proposed in September 1993 with the exception of some storm drainage installation the south side of Lockhaven Drive.

FISCAL IMPACT

As a condition of development, the Dairy Queen developer is required to participate in the construction of the improvements to Lockhaven fronting his property and the Department of Public Works used this opportunity to provide a continuous curb and sidewalk from River Road to Trail Avenue on the north side of Lockhaven Drive, providing a safer roadway and pedestrian section.

Six bids were received at the bid opening held in the Library at City Hall. The low bidder was Emery and Sons Construction at \$34,894.50 followed by Brock Construction and Cushing Brothers with bids near \$35,500.00. The Department of Public Works has met with the Dairy Queen owner and has explained to him that his share of the improvement cost will be \$14,000.00. The Department of Public Works has budgeted sufficient funds to cover the City share of the cost of the improvements which is estimated to be \$20,894.50 based on the low bid.

RECOMMENDATION

Staff recommends City Council adopt the attached Resolution authorizing the City Manager to sign the necessary contracts to award the Lockhaven Drive Widening from the west property line of the Dairy Queen property to the west line of the Trail Avenue right-of-way to Emery and Sons Construction for the contract sum of \$34,894.50.

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

3 **Resolution R94-_____**

4 **AWARDING OF BID FOR**

5 **LOCKHAVEN DRIVE WIDENING PROJECT**
6

7 **WHEREAS, a request for bids was issued in September 1994 for widening**
8 **approximately 500' of the north side of Lockhaven Drive up to Trail Avenue within the City**
9 **of Keizer;**

10 **WHEREAS, on September 28, 1994 six bids were received. The lowest bid received**
11 **was submitted by Emery and Sons totaling \$34,894.50. NOW THEREFORE;**

12 **BE IT RESOLVED by the City Council of the City of Keizer to authorize the City**
13 **Manager to sign the necessary contracts with Emery and Sons for the widening of**
14 **approximately 500' of the north side of Lockhaven Drive up to Trail Avenue within the City**
15 **of Keizer;**

16 **PASSED this ____ day of _____, 1994.**

17 **SIGNED this ____ day of _____, 1994.**

18
19
20 _____
21 **Mayor**

22
23 _____
City Recorder

MINUTES

KEIZER CITY COUNCIL
Monday, October 3, 1994
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon

CALL TO ORDER Mayor Dennis Koho called the regular meeting to Order at 7:00 p.m. Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Chet Patterson, Councilor
Marlene Wellin, Councilor

Absent:

Al Miller, Councilor
Jerry Watson, Councilor

Staff:

Dotty Tryk, City Manager
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

There was no public testimony to come before the Council.

**COMMITTEE
REPORTS -**

**PROCLAMATION -
RECYCLING
AWARENESS
WEEK**

Mayor Koho proclaimed the week of October 1, 1994 as Recycling Awareness Week in the City of Keizer. Mary Kanz, Executive Director of the Mid-Valley Garbage and Recycling Association presented balloons to the Council in honor of Recycling Awareness Week. Ms. Kanz briefed the Council on the many activities surrounding recycling week in this area.

**KEIZER BUDGET
COMMITTEE
APPOINTMENTS**

Dotty Tryk, City Manager announced the budget committee terms of Bob Simon and Dick Inman expired in August of this year. The Volunteer Coordinating Committee has recommended the reappointment of both members for another three-year term.

Councilor Keller moved to reappoint Bob Simon and Dick Inman to three year terms on the Keizer Budget Committee. Councilor Patterson seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Patterson and Wellin (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller and Watson (2)

ADMINISTRATIVE ACTION

ORDINANCE - Manufactured Home Standards

Shannon Johnson, City Attorney announced this Ordinance is before the Council for a second reading.

Councilor Keller indicated he will be supporting the Ordinance based upon the City Manager's request to have the League of Oregon Cities pursue the Council's concerns on this issue.

Councilor Keller moved for a bill for an Ordinance in the Matter of the Amendment of the Keizer Zoning Ordinance regarding Manufactured Home Development Standards; Amending Ordinance Nos. 87-078 and 91-206. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Patterson and Wellin (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller and Watson (2)

RESOLUTION - Establishing Backyard Burning Etiquette

Dotty Tryk, City Manager reported based upon the recommendations of the Backyard Burning Committee a Resolution establishing burning etiquette is before the Council for consideration. She also announced the City is sponsoring two clean-up days each year in conjunction with the City of Salem and the local haulers. The fall clean-up is scheduled for Saturday, December 3, 1994 with an approximate cost of \$2500.

Councilor McGee stated he is pleased to see this Resolution before the Council at the start of the burning season in Keizer. He also asked Council members to participate in the fall clean-up days.

Councilor McGee moved for a Resolution Establishing Certain Conduct to be Acceptable Standards of Etiquette for Backyard Burning. Mayor Koho seconded the Motion.

Councilor McGee suggested the addition of another etiquette standard; It is considered good manners to discuss backyard burning issues with the neighbor before calling the authorities.

The Council agreed by consensus to add this as condition number 6 on the Resolution.

The Motion with the addition of condition number 6 passed as follows:

AYES: Keller, Koho, McGee, Patterson and Wellin (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller and Watson (2)

CONSENT CALENDAR

The Consent Calendar consisted of the following:

- a. Initiate Briarwood Manufactured Home Park Phase II Street Lighting LID
- b. Initiate Clearlake Estates Street Lighting LID
- c. Initiate The Ridge Street Lighting LID
- d. Northside Estates Street Lighting LID
- e. Approval of September 19, 1994 Regular Session Minutes

Councilor Keller moved for approval of the consent calendar. Councilor Patterson seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Patterson and Wellin (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Miller and Watson (2)

OTHER BUSINESS There was no other business to come before the Council.

**WRITTEN
COMMUNICATION**

City Manager Tryk advised the Council she had received a letter from Tom McMullen of the Salem-Keizer School District requesting a worksession with the City Council to clear up a variety of issues on the Sandy Drive matter.

The Council tentatively scheduled this worksession for Monday, October 24, 1994 at 7:00 p.m. in the Council Chambers at City Hall.

There was no other written communication to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items listed.

City Manager Tryk reminded the Council of the meeting scheduled for Thursday, October 6th at 4:00 p.m. with a representative from FEMA and the Corp of Engineers.

ADJOURNMENT

The Meeting was adjourned at 7:30 p.m.

Tracy L. Davis
City Recorder

APPROVED:

MAYOR:

Dennis Koho

COUNCIL MEMBERS:

(absent)
Councilor #1 - Jerry Watson

Councilor #4 - Marlene Wellin

Councilor #2 - Chet Patterson

(absent)
Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

PUBLIC TESTIMONY

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

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

Name: ERIC MEURER

Address: 549 UNION NE

Subject or Agenda Item Number: 6 B.

PLANNING FEES

Your Comments:

Proponent _____ Opponent X General _____

Date _____

PUBLIC TESTIMONY

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

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

Name: MARTY MATISKIEN

Address: 1771 STONETREE DR

Subject or Agenda Item Number: CA

Your Comments:

Proponent ☒ Opponent _____ General _____

Date 10/17

PUBLIC TESTIMONY

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

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

Name: Nancy Cameron

Address: 404 Sandy Ar N
Keizer

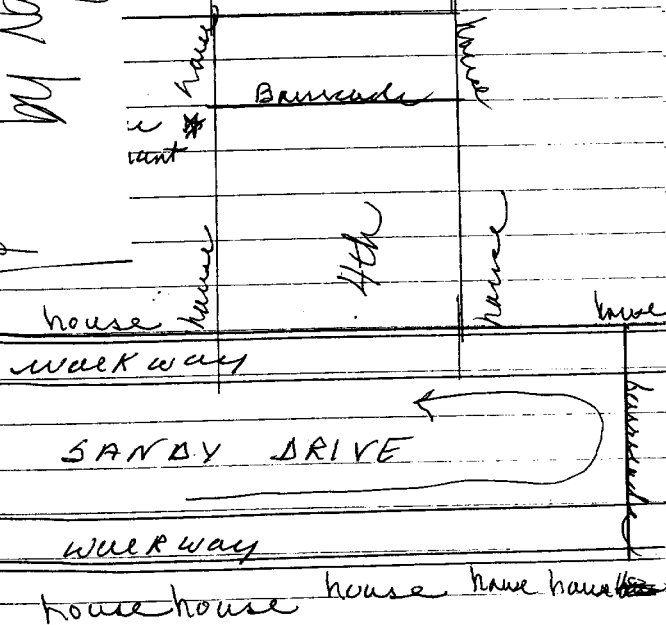
Subject or Agenda Item Number: Sandy Ar N
#4

Your Comments:

Proponent _____ Opponent ☒ General ☒

Date 10-17-94

road out
 by Nancy
 Cameron
 'sual Aid



No sidewalks - just shaped
 areas for pedestrians.

CITY OF KEIZER

PROCLAMATION

- WHEREAS: CLEAR LAKE SCHOOL, Keizer's newest elementary school, located at 7425 Meadowglen Street NE, opened its doors in September of 1994 and provides students with exceptional classrooms, as well as amenities such as a gymnasium, cafeteria and a music room; and*
- WHEREAS: CLEAR LAKE SCHOOL has adopted the theme, "It takes a whole community to create a school," and values families, educators, and community members as partners in education; and*
- WHEREAS: CLEAR LAKE SCHOOL fully participates in the Business Partnership Program, presently with the Willamette Lutheran Homes; and*
- WHEREAS: The staff at CLEAR LAKE SCHOOL enjoys the encouragement, support and competent assistance of volunteers both inside and outside the classrooms; and*
- WHEREAS: It is important that the community of Keizer recognize CLEAR LAKE SCHOOL as a vital contributor to the future and to the health and well-being of said community by providing an outstanding education for the young citizens of Keizer.*
- THEREFORE: I, Dennis Koho, by the virtue vested in me as the Mayor of the City of Keizer, do hereby proclaim OCTOBER 18, 1994 as CLEAR LAKE SCHOOL DAY throughout the City of Keizer.*

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon, to be affixed this seventeenth day of October, Nineteen Hundred and Ninety-Four.

*MAYOR
CITY OF KEIZER.*

Full



Nudity

Page 5

The

PIPER

McNary High School

October 13, 1994

INSIDE

Homecoming Preview

Page 3

Fall Sports Coverage

Pages 7-8

New road, Sandy Drive reduces strain

By Geoff Hilgemann
Assistant Sports Editor

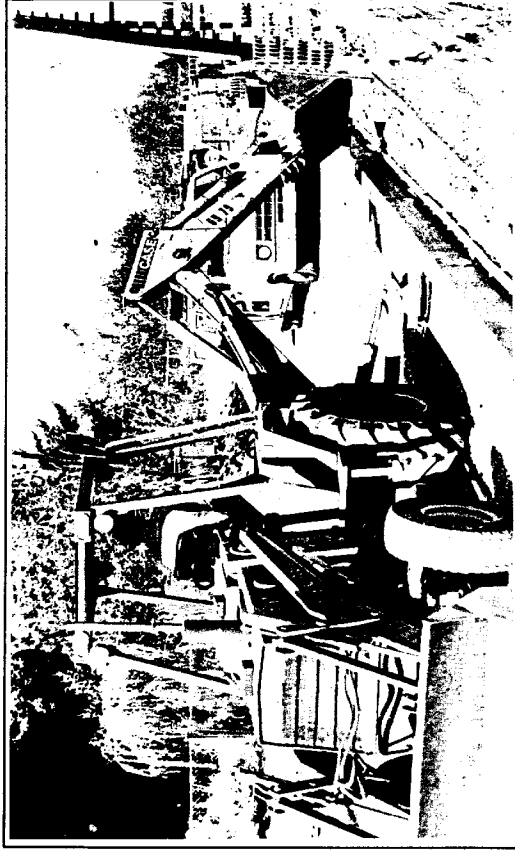
In the recent struggle between McNary and its surrounding neighbors we have lost the use of Sandy Drive and are about to lose the use of McArthur street with the installation of a new road.

This road is located at the east end of the parking lot and runs behind the home bleachers out to Lockhaven Drive. It has been under construction for some time now and should be completed around October 10.

Denny Pieters, Athletic Director has negative feelings, he said, "I'm not very fond of the new road."

He says McNary has had a "running battle with the city" and how one of the suggested solutions was to build a solid wall all the way around McNary, not even allowing foot traffic out until 2:15 pm.

Pieters said, "The city just wanted the heat off because of students in the commu-



CONSTRUCTION ON THE new road continues. The road is expected to be finished by the end of the month.

nity causing problems, so the easiest solution is to block it off," referring to McArthur and Sandy Drive.

Pieters is worried about the effects the new road will have on sporting events and others events such as graduation because the horrible traffic McNary currently has. "I think a road in that spot is ridiculous," says Pieters.

As most students already know it is a pain to get in and out of McNary parking lot without a minor fender-

bender or worse. Now, there will be our two narrow driveways plus Sandy Drive will be reopened on October 31st.

How much noise and pollution we will have to deal with while attending a home sporting event? Pieters responded, "The best solution is to re-open Sandy and place a stoplight where it intersects River Road or buy the field to the south of McNary and place a road through to river road," Pieters explains.

The decision was made on Monday night to re-open Sandy Drive for the convenience of the students, and staff, this will again greatly reduce traffic just as McArthur did. "Our hands are tied. It's all up to the city," says Pieters. So if you have any questions concerning the new road or the re-opening of Sandy Drive, you can contact the Keizer City Hall at 390-3700.

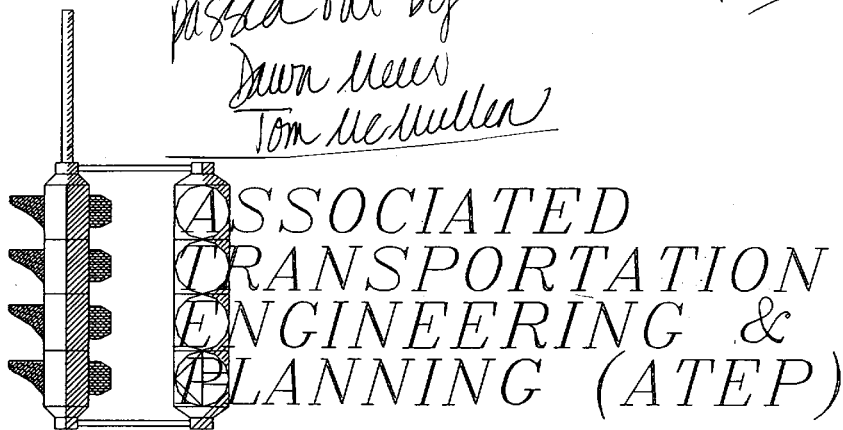
Photo by [unclear]

Received June 21

TCM

FILE COPY

passed out by
Dawn Miller
Tom McMullen



TRANSPORTATION ANALYSIS
FOR
McNARY HIGH SCHOOL
ACCESS STUDY
KEIZER, OREGON

06/13/93

EXECUTIVE SUMMARY

McNary High School currently has three access points into the school. Two of the three access points directly impact adjacent residential areas and continue to cause traffic problems during school hours.

This analysis indicates that while the three existing access points operate at acceptable levels of service during the school peak hours of operation, the continued growth in Keizer during the next seven years will cause most if not all access points to operate near unacceptable levels of service.

The Sandy Drive and North River Road intersection will continue to degrade to unacceptable levels within the next two years without the installation of the traffic signal, that is currently proposed at this intersection. Without the cooperation of the properties to the east of North River Road, this signal will not provide the anticipated benefit to the general public. To continue Sandy Drive to the east will require significant right of way expenditures and will take the property off of the current tax rolls without benefitting the general public.

The new street access point at Clagget Street would provide a much greater benefit to the school and the general public. The intersection would be signalized and provide public access to the residential areas to the east of North River Road. Providing the signal at this location would enhance the ability to provide traffic signal progression along this stretch of North River Road.

The extension of the existing parking lot along the west property line to Lockhaven Drive adds to the internal circulation of the school and removes traffic from Newberg Drive. This alternative will require the closure of MacArthur Street at the west property line to the school and the readjustment of the football field access point. The right of way exists and can be developed to provide a two way access to Lockhaven Drive.

RECOMMENDED IMPROVEMENTS

Based on the field review and the applicable City codes and adopted policies the following recommendations are made:

- 1) A new access point from the school parking lot to Lockhaven Drive be developed along the west property line of the school.
- 2) When the new northerly access point is developed, MacArthur Street be closed to vehicular traffic at the west property line of the school.
- 3) A new easterly access to North River Road be developed north of Sandy Drive, that would connect at the existing Clagget Street intersection.
- 4) When the easterly access to North River Road is developed, Sandy Drive should be closed to both vehicular and pedestrian traffic at the east property line of the school.

\$25,000. Sources for funding could be obtained through lottery money, economical development or a development grant.

Councilor Watson stated without a clear idea of where to go, it will be difficult to develop the plan in detail. Mr. Morgan advised the Council adoption of the interim plan would lift the restrictions to the neighbors for remodeling project and gives them assurity we are working on the plan.

Councilor McGee stated Keizer does not have a need to develop a job bank for the residents of Keizer. He stated the land might be best developed in residential lots rather than light industry.

Mayor Koho stated we need to look at developing only section "a" and possibly section "b" in order to keep Keizer as a residential community.

Councilor Watson commended the Planning Commission on the work they have done developing this draft plan.

DISCUSSION

McNary High School Traffic Report

Wally Mull, Public Works Director reviewed the staff report outlining the history and problems associated with the area around McNary High School. The traffic study originally completed in 1989 was updated by City Traffic Engineer, Dick Woelk. Mr. Mull outlined the four recommendations and the costs associated with these recommendations contained in the traffic report. He reported staff has conducted meetings involving the School District, St. Edwards Catholic Church and local residents. Mr. Mull made the following staff recommendations:

1. Create a new access point from the school parking lot to Lockhaven Drive N along the west property line of the school to accommodate vehicle, bus and pedestrian traffic.
2. Close MacArthur street to vehicular traffic at the west property line of the school.
3. Close Sandy Drive N to vehicular and pedestrian

traffic.

4. In the next twelve months, pursue the new easterly access to River Road N that would be connected to the Claggett Street intersection.

Addressing the Council on this issue was:

Paul Whittenberg, 5210 River Road N., Keizer, owner of the Keizer Retirement Center. Mr. Whittenberg voiced his support for a light on River Road near Claggett Street to allow the residents of the center to attend St. Edward's Church but objected to the potential increase of traffic this would create on Claggett street.

Don Coons, 795 Claggett Street N., Keizer spoke in opposition to the extension of Claggett Street on the north side of River Road. His objections to the extension of Claggett include the limited sidewalks and the possible increase in traffic on Claggett street. Mr. Coons sympathizes with the residents of Newberg and Sandy but the impact should not shift to the Claggett street neighborhood. He feels McNary High School does not need three access points.

There were other residents of Claggett Street attending the meeting who concurred with Mr. Coons.

Fr. Mike Hemming, St. Edward's Catholic Church, 225 Sandy Drive N., Keizer stated that he is not opposed to the recommendations if it is the solution to the problem. He is concerned with the impact this will have on the church with the reduction of parking spaces and the possible effects on the annual Keizerfest. In response to a question from Mayor Koho, Fr. Hemming stated the Church owns approximately 13 acres of land on the west side.

Deliah Wilson, Property Manager for Arch Diocese of Portland, legal property owner of the property at St. Edward's Church, addressed the Council. She does not support or oppose the

November 30, 1993

Dorothy Tryk
City of Keizer
930 Chemawa Road N.E.
Keizer, OR 97307

Re: Closure of Sandy Drive

Dear Dottie,

Al Bacheller, McNary Area Director; and David Annala, McNary High School Principal; have reviewed the city's request to close Sandy Drive at the school property on a trial basis. The School District is willing to assist the city to lessen the impact on the intersections of Sandy Drive and North River Road. We are hopeful that this will improve safety at this intersection. We believe that the trial period should be three months. The district in cooperation with the city will meet to discuss the impact of the closure at that time to determine if it should continue.

We will be working with Wally Mull to determine possible signage at the intersection and possibly shifting the bus stop on River Road. We have completed the design for the gate but have not yet received bids. Questions, appropriate for the city to answer will be directed to Wally Mull.

We anticipate that the actual closure will take place the first week in January, 1994.

We will be communicating with students, staff, and parents prior to the closure. Please advise if there is any special information you would like to include.

Please call me at 399-3290 if you need additional information.

Sincerely,

Thomas C. McMullen
Coordinator



McNary High School

505 SANDY DRIVE NORTHEAST

KEIZER, OREGON 97303

FRC PLAN JUL 13 '94

TELEPHONE
(503) 399-3233

To: Thomas McMullen, Coordinator Planning/Construction

From: David Annala, Principal

Subject: Reopen Sandy Drive

Date: July 13, 1994

*DCA
BJL/94*

We are asking the City of Keizer to reopen Sandy Drive as an access to McNary High School. This recommendation is made after an analysis of the results of a ninety day evaluation survey. It is based upon the following prioritized points:

1. The Keizer Fire Department is on record objecting to the closure of Sandy Drive and wants it reopened. The closing of Sandy Drive has been determined a fire and safety liability for the school. McNary High School does not wish to ignore the Fire Department's position.
2. The closing of Sandy Drive did not alleviate traffic congestion or safety concerns. They were shifted from Sandy Drive and River Road to Newberg Drive, Lockhaven Drive and Chemawa Road. Parents and students experience a 15-20 minute delay arriving and leaving the school both mornings and afternoons.
3. The closure of Sandy Drive was to be counterbalanced by the construction of an alternative road to and from the school. This has not been realized and is a major contributor to the concerns stated in items 1 and 2.

The closing of Sandy Drive was on a trial basis. It does not work for McNary High School. We would like it reopened prior to the start of school (August 31, 1994).

Thank you for your studied consideration of this request.

CC: Allan Bacheller, Director McNary Area
David Bauer, Director

CITY COUNCIL MEETING: October 17, 1994

AGENDA ITEM NUMBER: _____

TO: MAYOR KOHO AND COUNCIL MEMBERS

THROUGH: DOTTY TRYK
CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: BREWSTER vs CITY OF KEIZER

As you may know, Ronald Brewster has filed a second appeal at LUBA in the Brewster manufactured home case. From my phone discussions with Don Miner, Executive Director of Oregon Manufactured Housing Association, I learned that they are supporting Mr. Brewster in this second appeal due to the fact that the City of Keizer was requiring Mr. Brewster to place the 1989 or 1991 Silvercrest Presidential manufactured home on the subject property. Mr. Miner does not think that municipalities should dictate what model year manufactured homes go on a particular lot, and should instead concentrate only on whether the home meets the criteria. Although I could not confirm this, Mr. Brewster apparently wants to place a new home on the site.

It is difficult for me to evaluate and analyze this claim and how it would be received at LUBA without reviewing the petitioner's brief. I am unclear as to what arguments they would make, but I would imagine that they will rely on the statute that says that municipalities cannot do anything that individually or cumulatively discriminate against manufactured housing. Mr. Brewster did make the representation that he would place this particular home on the site and that may be an important point in the City's favor in this appeal.

The Council needs to determine how it wishes to proceed with this appeal. Options for Council's consideration are set forth below:

1. Vigorously defend against this appeal as it is the right of the City (particularly with the representation Mr. Brewster made) to require a particular model year manufactured home to ensure that such home meets the standards set forth in the ordinance.
2. Under ORS 197.830(12)(b), the Council could withdraw its decision for purposes of reconsideration. This option may avoid the time and expense of a LUBA appeal. It also would allow the Council to hear in more detail Mr. Brewster's objections with regard to this issue. Under this option, the Council would not be obligated to reverse or modify its decision, and Mr. Brewster would still have the right to continue the appeal if the decision is not changed or is only modified in a minor way. This decision would have to be made on or before October 28 to give the City a unilateral right to withdraw the decision.

3. Wait until the petition for review is filed (approximately 1 to 1½ months from now) and then determine whether the City and the petitioner wish to stipulate to a voluntary remand. This would work essentially the same as option 2, but the petitioner is not obligated to stipulate to the voluntary remand and LUBA is not obligated to agree either. In other words, the City does not have an absolute right to a voluntary remand.
4. Not voluntarily accept a remand or a reconsideration, but go forward with the appeal without an appearance by the City. This would essentially be saying that the Council does not wish to spend the time and expense on appearing in the appeal, but wants to stand by its decision. LUBA would evaluate the appeal based on the petitioner's brief and the record.
5. Enter into formal mediation provided for in the statute. The 1989 Legislature provided for a stay of the appeal if the parties wish to mediate the matter.

I wanted to present this to Council quickly because if the Council wishes to choose option 2, that decision would have to be made before the next Council meeting on November 7. The other options would not need to be decided on as quickly.

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

ESJ:cht
824COK2.034



DATE: October 17, 1994 **TIME:** 7:00 p.m. **AGENDA ITEM #** 5a

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

[illegible]