

CITY COUNCIL AGENDA PACKET

MONDAY,
OCTOBER 7, 2002

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

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

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

A G E N D A

KEIZER CITY COUNCIL

REGULAR SESSION

Monday, October 7, 2002

7:00 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. PUBLIC HEARINGS

- a. Water Rate and Administrative Fee Adjustments**
- b. River Road Shell Liquor License Application**

5. COMMITTEE REPORTS

- a. Volunteer of the Quarter Award – Judy Shaffer**
- b. Keizer Planning Commission Appointments – Stan Compton and Bruce Anderson**
- c. Community Policing Report – False Alarm Ordinance Recommendation**

6. OTHER BUSINESS

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

- a. New Business**
- b. Old Business**
 - Gubser Neighborhood Traffic Management Plan**

7. ADMINISTRATIVE ACTION

- a. **ORDINANCE** – Establishing Specific Tax on Dwelling and Commercial Units to Maintain, Operate, and Acquire Parks
RESOLUTION – Setting the Effective Date and the Amount of the Specific Tax on Dwelling and Commercial Units to Maintain, Operate, Improve, and Acquire Parks
- b. Chemawa Activity Center/Keizer Station Plan – Text Amendment/Comprehensive Plan Change / Zone Change Case No. 01-50
- c. **ORDINANCE** - Text Amendment Case No. 02-21 (Restricting Private Streets)
- d. Compensation Study – Request for Proposals
- e. **RESOLUTION** – Adopting Senior Planner Classification

8. CONSENT CALENDAR

- a. **RESOLUTION** – Setting Hearing for Richard Lewis (Cade Street) Development Review Case No. 2002-59
- b. Keizer Heritage Foundation Audit Procedures
- c. Approval of September 3, 2002 Regular Session Minutes
- d. Approval of September 9, 2002 Special Session Minutes
- e. Approval of September 16, 2002 Regular Session Minutes

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

10. AGENDA INPUT

October 14, 2002

5:30 p.m. Joint Work Session – Traffic Safety Commission

7:00 p.m. Budget Committee Meeting

October 21, 2002

7:00 p.m. City Council Meeting

November 4, 2002

7:00 p.m. City Council Meeting

11. ADJOURN

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



October 7, 2002

AGENDA ITEM 4a

WATER RATE AND ADMINISTRATIVE FEE ADJUSTMENTS

COUNCIL MEETING: October 7, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCILOR MEMBERS

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

**FROM: ROB KISSLER
PUBLIC WORKS DIRECTOR**

SUBJECT: WATER RATE TASK FORCE REPORT/PUBLIC HEARING

ISSUE:

At the September 16th City Council meeting, Karyn Johnson a representative of Black and Veatch Corporation along with staff members presented the final study results and task force recommendations on water rates and SDC's. The presentation included a proposed change in policy by designing rates on a true Cost of Service analysis in three distinct customer classes; residential, multiple, and commercial. At the direction of the City Council, a public hearing was scheduled for this evening to take public comment on the proposed changes. Notice of the hearing was published in the KeizerTimes.

RECOMMENDATION:

It is recommended the City Council open the public hearing, allow any testimony to be presented, and then continue the hearing until Monday, October 21, 2002 at 7:00 p.m. to give additional time for public comment.



October 7, 2002

AGENDA ITEM 4b

RIVER ROAD SHELL LIQUOR LICENSE APPLICATION

CITY COUNCIL MEETING: October 7, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

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

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

**SUBJECT: RIVER ROAD SHELL LIQUOR LICENSE APPLICATION
OFF-PREMISES SALES**

BACKGROUND:

On August 29, 2002 Jim Trenary submitted an application for an Off-Premises Sales liquor license for the River Road Shell located at 3510 River Road North, Keizer, Oregon.

As required by Keizer Ordinance 95-318, a public hearing was scheduled; notice was published in the Keizertimes and mailed to all property owners within 200 feet of the proposed establishment. As of this date, we have not received any written comments in regards to this application.

On September 3rd a request was sent to the Keizer Police Department to conduct a background check on the applicants. The response is attached to this report. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council approve the application for an Off Premises liquor license for the River Road Shell under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall then be forwarded to the Oregon Liquor Control Commission.



1982

KEIZER POLICE

City Council Meeting of _____

Agenda Item No. _____

To: Mayor and City Council
Thru: Chris Eppley, City Manager
From: Marc Adams, Chief of Police
Rita Powers, Police Support Supervisor
Subject: Liquor License Application of
River Rd. Shell/Smoker Friendly
3510 River Rd. N., Keizer, OR 97303

Issue

Shall the City Council **approve** the liquor **license** application of River Rd. Shell/Smoker Friendly, 3510 River Rd. N., Keizer, OR 97303?

Background

The Keizer Police Department responded to 14 calls for service at the address of 3510 River Rd. N. Keizer, OR from September 1, 2001 through August 31, 2002. 5 (Five) calls for service were in conflict with the ordinance.

The applicants, James D. Trenary (Owner), Marcus W. Parker and Tad Truax (Managers) have no recent and/or significant criminal history on record. Thus, the background review did not reveal any history or events that would be in direct conflict with the City of Keizer City Ordinance 95-318.

Recommendation

The Keizer Police Department **recommends approval of the liquor license** for River Rd. Shell/Smoker Friendly.

OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION



Application is being made for:

LICENSE TYPES

☐ Full On-Premises Sales (\$402.60/yr)

- ☐ Commercial Establishment
- ☐ Caterer
- ☐ Passenger Carrier
- ☐ Other Public Location
- ☐ Private Club

☐ Limited On-Premises Sales (\$202.60/yr)

- ☒ Off-Premises Sales (\$100/yr)
- ☐ Brewery Public House (\$252.60)
- ☐ Winery (\$250/yr)
- ☐ Other: _____

ACTIONS

- ☐ Change Ownership
- ☒ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☐ Other _____

Applying as:

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

FOR CITY AND COUNTY USE ONLY
The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: _____ (signature) _____ (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: S. Mitchell

Date: 8/14/02

90-day authority: ☐ Yes ☒ No

Please Print or Type

1. Applicant(s): [See SECTION 1 of the Guide]

① NEW AGE INCORPORATED ③ _____
② _____ ④ _____

2. Trade Name (dba): RIVER ROAD Shell/Smoker FRIENDLY

3. Business Location: 3510 RIVER ROAD N KEIZER MARION OR 97303
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: P.O. Box 18328 Salem OR 97305
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-390-3886 503-390-3886
(phone) (fax)

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

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: _____

9. Will you have a manager? ☒ Yes ☐ No Name: Wayne PARKER
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? KEIZER
(name of city or county)

11. Contact person for this application: Jim TEENARY 503-586-7672 ext 1
(name) (phone number(s))
P.O. Box 18328 Salem, OR 97305 503-588-1440 jat.181@open.org
(address) (fax number) (e-mail address)

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

Applicant(s) Signature(s) and Date:

① [Signature] Date 8/2/02 ③ _____ Date _____
② _____ Date _____ ④ _____ Date _____

OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION



Please Print or Type

Applicant Name: New AGE, INC Phone: 503-390-3886
Trade Name (dba): River Road Shell/Smoker Friendly
Business Location Address: 3510 RIVER RD NORTH
City: KEIZER ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours: 24 hrs/7 days Outdoor Area Hours:

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

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

ENTERTAINMENT

Check all that apply:

- | | |
|--|---|
| ☐ Live Music | ☐ Karaoke |
| ☐ Recorded Music | ☐ Coin-operated Games |
| ☐ DJ Music | ☐ Video Lottery Machines |
| ☐ Dancing | ☐ Social Gaming |
| ☐ Nude Entertainers | ☐ Pool Tables |
| | ☐ Other: _____ |

DAYS & HOURS OF LIVE OR DJ MUSIC

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

SEATING COUNT

Restaurant: _____	Outdoor: _____
Lounge: _____	Other (explain): _____
Banquet: _____	Total Seating: _____

OLCC USE ONLY

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

Investigator Initials: _____

Date: _____

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

Applicant Signature: _____ Date: 8/3/02

OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY



Please Print or Type

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

Business Name: New Age, Inc.
Business Location Address: 3510 River Rd N City: Keizer ZIP Code: 97303

PART A - PERSONAL INFORMATION

1. Name: Parker Marcus Wayne
(last) (first) (middle)
2. Other Names Used: N/A
(maiden) (other)
3. Residence Address: 1307 South Water #29 Silverton OR 97381
(number and street) (city) (state) (ZIP code)
4. Home Phone: (503) 373-5016 Business Phone: (503) 390-3886
5. *SSN: 541-02-2378 Place of Birth: Oregon Date of Birth: 12 / 20 / 1966
(state/country) (mm) (dd) (yyyy)
6. Sex: Male Height: 5' 10" Weight: 195 Hair Color: Brown Eye Color: Green
7. Driver License #: 4098407 State: OR Spouse's name: N/A

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

8. Do you currently hold or have you ever held a liquor license in this state? ☐ Yes ☒ No (If yes, when and where? _____)
9. List former and current employers or occupations during the past 10 years:
- | Date by Month/Year | Employer or Business | Occupation | City & State |
|---|--------------------------|------------------------------|--------------------|
| From: <u>Dec 98</u> To: <u>Present</u> | <u>James Treary Inc.</u> | <u>Gas Station Attendant</u> | <u>Keizer OR</u> |
| From: <u>July 98</u> To: <u>Sept 98</u> | <u>Walmart Foods</u> | <u>Selecter</u> | <u>Woodburn OR</u> |
| From: <u>Dec 96</u> To: <u>July 98</u> | <u>Oswego Drywall</u> | <u>Driver</u> | <u>Tigard OR</u> |

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

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

PART C - ARREST AND CONVICTION INFORMATION

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

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

Month/year	Employer or Business	occ.	City+stat
July 96-Dec 96	City of Woodburn	Parks Dept. Laborer	Woodburn, Oregon
Dec. 95- July 96	TNT market	Attendant	Silverton Oregon
Jan 93 - Oct 95	Blazer Industries	Laborer	Aumsville Oregon
92 - 93	Mt Angel Training Center	Supervisor Territorial Crew	Mt. Angel Oregon

OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY



Please Print or Type

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

Business Name: New Age Inc.
Business Location Address: 3510 River Rd North City: Keizer ZIP Code: 97303

PART A - PERSONAL INFORMATION

1. Name: Truax TAD Erickson
(last) (first) (middle)
2. Other Names Used: TAD Stuart Erickson
(maiden) (other)
3. Residence Address: 3155 NW Commanche Ct. Salem OR 97304
(number and street) (city) (state) (ZIP code)
4. Home Phone: (503) 364-4583 Business Phone: (503) 582-0455
5. *SSN: 540 - 19 - 9961 Place of Birth: OREGON / USA Date of Birth: 07 / 01 / 1970
(state/country) (mm) (dd) (yyyy)
6. Sex: Male Height: 6'3" Weight: 220 Hair Color: Brown Eye Color: Blue
7. Driver License #: 4558941 State: OR Spouse's name: N/A

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

8. Do you currently hold or have you ever held a liquor license in this state? Yes X No (If yes, when and where?)
9. List former and current employers or occupations during the past 10 years:

Date by Month/Year	Employer or Business	Occupation	City & State
From: <u>July 15 1990</u> To: <u>Current</u>	<u>Morrill W Truax</u>	<u>Agent</u>	<u>Salem Oregon</u>
From: <u>1995</u> To: <u>July 1996</u>	<u>Capekind's Sporting Goods</u>	<u>Ast. Manager</u>	<u>Portland Oregon</u>
From: <u>1994</u> To: <u>1995</u>	<u>Guilds Late Inn</u>	<u>Employee</u>	<u>Portland Oregon</u>
<u>1992</u> <u>1993</u>	<u>Combined Insurance</u>	<u>Insurance Agent</u>	<u>Portland, Oregon</u>

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

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

PART C - ARREST AND CONVICTION INFORMATION

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

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

INDIVIDUAL HISTORY - CONTINUED

PART D - ARREST AND CONVICTION HISTORY

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

Have you ever been convicted of any offense?

Convicted of: Speeding Conviction Date: 1991 City/State/County: Corvallis, OR Linn County
Convicted of: Speeding Conviction Date: 1991 City/State/County: Corvallis, OR Linn County
Convicted of: Speeding Conviction Date: 1998 City/State/County: Springfield, OR Lane County

Do you have any arrests or citations that have not been resolved? NO

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

Have you ever entered into a diversion agreement? NO

When: _____ Where: _____
When: _____ Where: _____

Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse? NO

When: _____ Where: _____
When: _____ Where: _____

Have you ever had a warning, violation, suspension, fine or cancellation as a licensee or service permittee? NO

When: _____ Where: _____
When: _____ Where: _____

PART E - APPLICANT SIGNATURE

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

Applicant Signature: DAVID F. TILLEY Date: 08/02/02

*SOCIAL SECURITY NUMBER DISCLOSURE

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

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

Applicant Signature: DAVID F. TILLEY Date: 08/02/02

OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY



Please Print or Type

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

Business Name: NEW AGE, INC

Business Location Address: 3510 River Rd N City: KEIZER ZIP Code: 97303

PART A - PERSONAL INFORMATION

1. Name: TRENNERY JAMES D
(last) (first) (middle)
2. Other Names Used: N/A
(maiden) (other)
3. Residence Address: 4180 Markham St SE Salem OR 97301
(number and street) (city) (state) (ZIP code)
4. Home Phone: (503) 370-7097 Business Phone: (503) 588-7872
5. *SSN: 543-60-5333 Place of Birth: OREGON Date of Birth: 4/10/51
(state/country) (mm) (dd) (yyyy)
6. Sex: M Height: 5'11" Weight: 250 Hair Color: BRN Eye Color: Hazel
7. Driver License #: 1600761 State: OR Spouse's name: LAUREL

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

8. Do you currently hold or have you ever held a liquor license in this state? ☒ Yes ☐ No (If yes, when and where? Currently in Springfield and Salem (2))
9. List former and current employers or occupations during the past 10 years:
- | Date by Month/Year | Employer or Business | Occupation | City & State |
|--------------------------------------|-------------------------------|--------------|------------------|
| From: <u>1985</u> To: <u>Current</u> | <u>JAMES B. TRENNERY, INC</u> | <u>Pres.</u> | <u>Salem, OR</u> |
| From: <u>N/A</u> To: _____ | _____ | _____ | _____ |
| From: <u>N/A</u> To: _____ | _____ | _____ | _____ |
10. List other cities and states where you have lived in the past 10 years other than that noted above:
- | City | State |
|----------------------------|-------|
| From: <u>N/A</u> To: _____ | _____ |
| From: <u>N/A</u> To: _____ | _____ |
| From: <u>N/A</u> To: _____ | _____ |

PART C - ARREST AND CONVICTION INFORMATION

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

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

INDIVIDUAL HISTORY - CONTINUED

PART D - ARREST AND CONVICTION HISTORY

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

Have you ever been convicted of any offense?

Convicted of: Harassment Conviction Date: 10/14/97 City/State/County: Troutdale, OR
Convicted of: M. I.P. ^{MINOR IN} POSSESSION ^{of ALCOHOL} Conviction Date: 6/10/69 City/State/County: Springfield, OR LANE
Convicted of: Speeding Conviction Date: 7/95 City/State/County: Eugene, OR LANE
Springfield, LANE

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

Arrested/Cited for: _____ Date: _____ City/State/County: _____
Arrested/Cited for: _____ Date: _____ City/State/County: _____
Arrested/Cited for: _____ Date: _____ City/State/County: _____

Have you ever entered into a diversion agreement?

When: _____ Where: _____
When: _____ Where: _____

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

When: _____ Where: _____
When: _____ Where: _____

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

When: 9/24/99 Where: Tobaccoville USA, Salem Oregon
When: _____ Where: _____

PART E - APPLICANT SIGNATURE

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

Applicant Signature: _____ Date: 8/2/02

*SOCIAL SECURITY NUMBER DISCLOSURE

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

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

Applicant Signature: _____ Date: 8/2/02



October 7, 2002

AGENDA ITEM 5a

VOLUNTEER OF THE QUARTER AWARD

CITY COUNCIL MEETING: October 7, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

SUBJECT: VOLUNTEER OF THE QUARTER AWARD

ISSUE:

The Volunteer Coordinating Committee has selected Judy Shaffer as the Volunteer of the Quarter for the third quarter 2002. Sgt. John Teague of the Keizer Police Department nominated Ms. Shaffer for this award.

Sgt. Teague reported that Ms. Shaffer developed the idea for an animal assistance group that would help residents find shelters for domestic pets in the event of a disaster. Over the past 12 months, Ms. Shaffer has formed a sub-group comprised of EVAK volunteers that now number over 30 people specifically dedicated to providing assistance and care for pets displaced by disaster. Since pets are not allowed in most shelters, it is important that all pet owners know that they can find a safe place for their pets. Formally, the group name is KARE – Keizer Animal Rescue in Emergencies.

In addition, the group has developed an informational brochure, obtained involvement of veterinarians in the area and has several businesses assisting in fund raising. At her own expense, Ms. Shaffer traveled to California to learn what similar action has been taken by other cities. Ms. Shaffer will say that she had a lot of help from others in her group, however it was her idea and she has been the catalyst behind this project and is very deserving of this recognition.

Ms. Shaffer will be present at the meeting to accept her volunteer award. Our thanks and congratulations to Ms. Shaffer.



October 7, 2002

AGENDA ITEM 5b

KEIZER PLANNING COMMISSION APPOINTMENTS

CITY COUNCIL MEETING: October 7, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

SUBJECT: KEIZER PLANNING COMMISSION APPOINTMENTS

ISSUE:

On September 30, 2002 the Keizer Planning Commission terms of Bruce Anderson and Stan Compton will expire. Both Mr. Anderson and Mr. Compton expressed their interest in being reappointed to another term and both are eligible to be reappointed. Mr. Anderson is currently serving as Chair of the Committee and each of their attendance records are exceptional.

At the September 12th meeting of the Volunteer Coordinating Committee it was unanimously recommended to reappoint Mr. Anderson and Mr. Compton each to an additional three-year term on the Keizer Planning Commission.

RECOMMENDATION:

It is recommended the Council accept the recommendation of the Volunteer Coordinating Committee and reappoint Bruce Anderson and Stan Compton to another three-year term on the Keizer Planning Commission.



October 7, 2002

AGENDA ITEM 5C

COMMUNITY POLICING REPORT – FALSE ALARM ORDINANCE

COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCILOR MEMBERS

FROM: CHRIS C. EPPLEY
CITY MANAGER

SUBJECT: ORDINANCE REGULATING FALSE ALARM SYSTEMS, REQUIRING PERMITS, AND PROVIDING PENALTIES FOR FALSE ALARMS, FEES AND PENALTIES FOR ORDINANCE VIOLATIONS

ISSUE:

In July 2001, the City Council adopted Ordinance No. 2001-459 Regulating False Alarm Systems, Requiring Permits, and Providing Penalties for False Alarms, Fees and Penalties for Ordinance Violations. In June 2002 staff brought a revised Ordinance before the City Council for consideration. (A copy of this staff report is attached)

On June 17th, the Council unanimously voted to refer the amended Ordinance to the Community Oriented Policing Committee for their review and recommendation. The Committee has now reviewed this Ordinance.

Ken Gierloff, Chair of the Community Oriented Policing Committee will bring forth the recommendation of the Committee. Mr. Gierloff requested the information from the City of Salt Lake Utah be included in this packet of information.

In addition, it should be noted that approximately 500 alarm permits are now on file. Upon implementation of the program a grace period was given to allow property owners an opportunity to obtain a permit free of charge. Since the expiration of the grace period, the City has collected \$1,520 (76 permits at \$20 each).

RECOMMENDATION:

It is recommended the City Council review the recommendation of the Community Oriented Policing Committee and direct staff how to proceed.

SALT LAKE CITY POLICE DEPARTMENT

THE FALSE ALARM SOLUTION: VERIFIED RESPONSE

Judge's Commentary

The Salt Lake City Police Department's verified response to alarms stands out for several reasons. Most obvious is the impact that verified response has had on reducing the amount of police resources consumed by highly unproductive responses to intrusion alarms. Verified response achieves reduction levels that no other response to the false alarm problem has even come close to achieving, while at the same time showing evidence that it improves the overall community response to the very problem that alarms are intended to address burglary.

Salt Lake City's experience with false alarms prior to adopting the verified response approach was typical of that faced by so many police agencies. Salt Lake City officials justified verified response by detailed documentation of the problem through hard data and professional expertise. They carefully explored and noted the limitations of alternative strategies for reducing the false alarm burden. They methodically built up internal, community, legal, and political support for making the dramatic shift in police policy. Perhaps most importantly, they continue to work closely with the private alarm and security industry to ensure that all aspects of verified response, from legislation to private security training to police operations, remain aligned to advance the community's ultimate interest, the protection of property from burglary.

SUMMARY

The Problem: False alarm calls were draining patrol resources, comprising 12 percent of all dispatched calls. They contributed to a significant backlog of calls for service. The

average police response time to alarm activations was up to 40 minutes, well beyond the time when police could reasonably hope to apprehend an intruder. More than 99 percent of all alarm calls proved false. Responding officers were getting increasingly complacent and they risked injury just driving to alarm calls.

Analysis: Past efforts to reduce the volume of false alarms through permits, warnings, fines, and suspensions had only modest effect. An examination of other approaches tried elsewhere, from cost recovery to alarm industry regulation to outsourcing alarm administration, similarly proved only moderate effectiveness. Police response to alarms was most effective and efficient if the police had verification that an alarm activation was indicative of suspicious activity. Private security guards were ideally suited to make this initial verification.

Alarm owners were receptive to the possibility of having private guards verify alarms once they realized how this option could improve response times and lower their costs. A few other jurisdictions had positive experiences with verified response. A legal opinion established that police were under no legal obligation to respond to all alarm activations. A sufficient number of alarm companies and private guard companies were willing and able to provide initial verification service in a timely fashion.

Response: The police department proposed a verified alarm response ordinance to the city council. A campaign to inform the public, elected officials, and the alarm industry about the purposes and advantages of verified response was undertaken. The city council passed the ordinance and the police department conducted training for private

guards to prepare them for their new responsibilities.

Assessment: The volume of alarm-related police calls for service dropped by 90 percent during the first nine months the verified response ordinance was in effect, compared to the same time frame one year prior. Average private guard response times to alarm activations has been much faster than the previous average police response times. Average police response time to other high priority calls for service dropped from five to three minutes. There has been no increase in the number of reported burglaries and the apprehension rate of burglars caught on site actually increased. Revenues for alarm companies and private guard companies have increased through collection of a modest additional monthly fee from alarm owners. Average costs to alarm owners have reduced due to reduced city alarm fines.

CANNING

The Salt Lake City Police Department (SLCPD) has struggled with the problem of false alarms for the past 20 years. False alarm calls were draining patrol resources and often created a significant backlog of calls. This problem had been apparent since 1980 when the department first began tracking false alarm statistics.

Police administrators were concerned that officers responding to alarm calls were getting increasingly complacent, knowing that 99 percent of alarm calls in Salt Lake City proved false. Complacency put officers hecking buildings at risk. Moreover, officers risked injury just driving to alarm calls. Concern was partially based on the awareness that at least four officers in the United States and Canada had been killed in accidents responding to alarm calls in the past 50 years.

Stakeholders

The Salt Lake City Police Department identified taxpayers without alarm systems, alarm

owners, alarm companies, city government and the police department as stakeholders in this problem. Stakeholders had different interests in the problem:

- Taxpayers without alarm systems were subsidizing the costs for police response to alarms, and those police resources were therefore not available to address other public needs.
- Alarm owners wanted a quick response to their alarm signal and wanted to minimize the costs they incurred from false alarm fines.
- City government tried to balance citizen welfare with consumption of municipal resources.
- The police department was interested in conserving resources by not responding to so many false alarms. They were also interested in ensuring that alarmed properties were adequately protected from burglary.
- Alarm companies were interested in maximizing their profit, which they believed they could do best by having police investigate alarm signals at public expense. Alarm companies' interests were summarized in a recent report on false alarms:

Alarm dealers view police as a gift to their business. They sell a system, charge monthly fees for managing effective response that is provided and paid by the general taxpayers. Dealers consider false activation to be an issue merely between the police and the customers. There is also little (apparent) interest by individual dealers to spend resources in order to solve their own and the communal problem.⁴

The Impact of False Alarms on City Resources

False alarms appeared to be a universal problem for police. Studies indicate that 97 to 99 percent of all alarm activations police respond to nationwide are false and they consume about 12 to 30 percent of patrol resources.¹⁴ Salt Lake City's false alarm problem did not appear to be unique. A number of important findings emerged from a local examination of the problem, including the following:

- In 1999, the Salt Lake City Police Department responded to 8,213 alarm activations. Only twenty-three cases, or three-tenths of one percent, of these calls justified a police report of any sort. Only a few of these reports were for actual burglaries.
 - False alarm calls comprised 12 percent of all dispatched calls.
 - Nearly \$500,000 of the police department's budget (1.2%) was attributable to false alarms. The personnel time alone was the equivalent of five full-time officers.¹⁵ This figure does not include the amount of time complaint takers and dispatchers spent handling incoming alarm activations and the 2,100 canceled false alarm calls for 1999.
 - \$150,000 in alarm fines was collected in 1999, which only partially offset the costs of alarm response, creating a net deficit of about \$350,000. Alarm permits were required, but were free of charge. (The SLCPD did not support charging for alarm permits because it created an unwritten promise that police would respond on alarm activations.)
 - Processing alarm permits and false alarm fines and adjudicating appeals created a significant workload for the
- police department alarm unit, the city treasurer's office, and the small claims court of appeals.
 - All taxpayers, regardless of whether they had alarm systems or not, were subsidizing alarm response for the 12 percent of the city's residences and businesses with alarms.
 - The average response time to an alarm activation was 40 minutes. Occasionally, alarm response took as long as two-and-a-half hours. Some aggressive alarm sales representatives were making false and unrealistic promises to their customers about how quickly the police would respond to alarms. Due to the tremendous number of alarm activations and the number of false alarms, the priority for alarm activations was downgraded in 1992 to preserve resources for higher priority calls for service such as domestic violence.
 - Locally, alarm owners expressed frustration over false alarms and the consequent fines. They vented their frustration at both the police department and their alarm companies. Sixty percent of the phone calls received by the police department's alarm unit were from frustrated citizens.
 - False alarms in Salt Lake City had three main causes: user errors due to insufficient training;¹⁶ inadequate verification by alarm company monitoring stations; and improper installation, inferior equipment and application at the alarm site.

ANALYSIS

Part I: Available Alternatives and Current Response

As early as 1980, Salt Lake City officials realized that preventive measures were needed to reduce false alarms. The city adopted a

false alarm ordinance in 1981 that required a permit, established fines for false alarms that exceeded specified limits, and required the alarm owner to disconnect the alarm after excessive false alarms. There were no means to enforce the disconnection provision, however. In 1994, a more stringent alarm ordinance was adopted allowing four "free" false alarms and charging a \$100 fine on the fifth alarm. Alarm owners were charged even for false alarms caused by faulty equipment or faulty alarm installation. This 1994 ordinance resulted in a 16 percent decrease in false alarms in the first year after it was adopted. However, the following year false alarms increased by 13 percent.

These ordinances were only marginally effective, and, considering the rising number of new alarm owners, the permit and fine approaches were like putting a finger in the dam to stop the flooding. These responses helped manage, but did not solve, the false alarm problem.

Alternative Responses to False Alarms

The SCLCPD researched other police departments' efforts to manage their false alarm problems, and found everything from smaller jurisdictions doing nothing to larger jurisdictions dedicating up to 12 employees to deal with false alarms. Police officers were being utilized for a variety of tasks, such as inspecting alarm systems and hanging notices on citizens' doors to increase awareness of the problem. Alarm unit staff were billing and tracking false alarms, and sponsoring false alarm awareness courses. Despite intense efforts by many police departments, alarm rates persisted at over 97 percent false and alarm calls constituted from 12 to 30 percent of total dispatched calls for police service.

Salt Lake City examined the following false alarm reduction efforts attempted in other agencies:

Traditional Regulatory Ordinance

Of the reduction efforts examined by SCLCPD, the most common was the regulatory ordinance, consisting of processing permits, warning letters, a certain number of "free" false alarm responses, fines, and suspension of police response to alarm systems with excessive false alarms.

Salt Lake City Police Department adopted this approach in 1981. This ordinance attempted to manage the problem, but had no significant long-term impact on reduction. It was very labor intensive for the alarm unit and the treasury department, and required an extensive software program. With four "free" alarms, alarm owners were often negligent about solving the problem until the fifth alarm was imminent. Alarm owners placed on suspension received no response to their alarm from the police department and usually had not selected an alternate provider to do so. Thus, when their alarm signaled, no response was forthcoming. Suspension provisions in this traditional ordinance dealt with the chronic false alarm abuser. However, new alarm owners who were poorly trained and unfamiliar with the use of their alarm system caused the bulk of false alarms. The fines seemed punitive to citizens, complaints were vigorous, and most alarm owners blamed their alarm company for their false alarms.

Cost Recovery

This method requires a permit with an annual renewal fee and is very labor intensive for the alarm unit, generally requiring additional personnel. There are usually no suspension features and police continue to respond to all alarm signals. In order to recover all costs of patrol response under this alarm response approach, the SCLCPD would have to significantly increase fees, imposing a financial burden on many alarm owners. Further, the police department would not likely retain the monies from alarm response, as fee revenue would go directly to the municipality's general fund.

Alarm Industry Regulatory

This seldom-used false alarm reduction effort requires the alarm company to collect false alarm fines from their customers and remit the revenue to the city. For example, The City of Toronto, Ontario charges \$73 for every alarm call coming into the communications center. Alarm companies typically resist this approach, even to the point of threatening legal challenges.

Another regulatory strategy has police agencies attempting to restrict the alarm monitoring stations' actions. It requires the alarm monitor to place a telephone call to the alarm site to determine if the alarm signal was in error and whether the person who answered the telephone knew the pass code. Another approach requires the monitoring company to receive signals from two different alarm zones before requesting a police dispatch. Alarm monitoring stations are not necessarily located in the same city as the customers they serve. They may be located hundreds of miles away, deal with thousands of police departments, and answer alarm signals for millions of alarm customers. Each police jurisdiction may require different specifications for alarm response, but that does not mean the monitoring company will comply. It is difficult for a police department in California, for example, to try to dictate an approach to alarm response to a monitoring company in Florida. The Salt Lake City police department were aware of at least one monitoring company that refuses to cancel a request for a police dispatch if the dispatch has aged more than 15 minutes, even if the alarm owner can verify the alarm is in error.

Outsourcing Collection Agency

In this approach, the police department responds to alarm calls, but the administrative tasks of issuing permits, sending out fine notices, and collecting fines is contracted to a private firm. Usually, the private firm returns a small percentage of the fines collected to the municipality. As with other

methods, the SLCPD officers gathered that this method merely manages the problem and does not solve it.

Conclusions from Alternative Response Analysis

The Salt Lake City Police Department's attempt to manage false alarms with ordinances consisting of warnings, fines, and permits had no significant long-term effect and only minimal short-term effect on the overall reduction of alarm activations or the percentage of false alarms. Nearly all alarm activations were false and the current system was yielding slow police response times that were of little value to either the police or alarm owners. The probability of catching burglars in the act after 40 minutes was slim. Even the alarm industry did not believe that police response added much value. Members of the Utah Alarm Association conceded to police that they believed signs and stickers posted on the premise indicating an alarm system provided far greater deterrent value than the value of a police response. The public costs of the current system far exceed the revenues recovered in fines. Continuing to waste police resources was not in the best interest of public safety.

The SLCPD concluded that police response to an alarm signal only made sense if some eyewitness could first verify the validity of the alarm signal. Private security guards were a logical fit for this role. The police department further concluded that the initial verification of alarm activation was a private sector responsibility. Consequently, Salt Lake City began to explore the feasibility of shifting the primary responsibility for verifying alarms signals from the police to the private alarm and security companies. This practice is termed "verified response."

Part II: The Feasibility of Verified Response in Salt Lake City

To explore the feasibility of implementing verified response, the SLCPD alarm unit

egan a campaign to increase alarm owners' awareness that they could contract first response to their alarm signal with a private guard company. Most alarm owners were otherwise unaware of this option. The first step was to include a listing of private guard services in the mailing with all new alarm permits issued in 1998 and 1999. The number of false alarms decreased by 7 percent from 1998 to 1999, perhaps partially due to offering alarm owners this private response option. Indeed, many alarm owners commented that they appreciated having the option of paying for the less expensive services of a private guard responder instead of paying false alarm fines to the city. Alarm owners also informed the SCLPD that they didn't want the department's officers wasting time on false alarm calls. Such comments reflected a preference among citizens that the city's officers be made available for response to genuine emergency calls.

The alarm unit concluded that alarm ownership is a private, personal choice, not mandated by law, the city, or the police department. An examination of verified response implementation in agencies in Las Vegas and Henderson, Nevada; Lane County, Oregon; and West Valley City and Yelpersville, Utah, found no legal challenges to these verified response ordinances and policies. According to the Salt Lake City attorney's Office, "Law enforcement did not have a legal liability to respond to alarms if the alarm contract is a civil contract between two private entities."¹ An article on verified response in the Las Vegas Metro Police Department concluded:

The police have no legal responsibility to respond to any given situation unless mandated by local law. Litigation aimed at forcing response compliance is unlikely to succeed because this law is so clearly stated and so well understood by judiciaries.²

Members of the Salt Lake City Police
Salt Lake City Police Department

Department's alarm unit examined costs associated with verified response and concluded that private alarm companies could feasibly recover the costs of responding to alarms from their customers. When West Valley City (located eight miles to the west of Salt Lake City, population 100,000) adopted their verified response policy in May 2000, alarm companies operating in that community began charging their customers an additional \$5 per month to cover the cost of private guard response.

To gauge availability of private guards responding to alarm activations, the police department sent a survey to all private guard firms listed in the Salt Lake City telephone directory. The survey asked if the firms would be interested in responding to burglar alarms and, if so, what they estimated their average response time would be. Nine companies responded positively, with estimates of average response times ranging from three to 15 minutes. As noted by several researchers, "Already private security guards fulfill most security functions and they number more than three times the total number of federal, state, and local law enforcement personnel."³

On the basis of the research, the SCLCPD concluded that enough private security companies were willing and able to respond to alarm signal activations and that a verified response policy was indeed feasible.

RESPONSE

In May 2000, the Salt Lake City Police Department proposed a new ordinance to the city council. The major elements of the proposed verified response alarm ordinance were:

- In all alarm activations, eyewitness verification of suspicious activity is required of alarm company personnel or a private guard prior to police department notification.

- Continued police response to human-activated alarms such as robbery, panic and duress^{viii} alarm signals. The first false alarm of these types incurs a \$50 fine, with subsequent fines based on an escalating fine structure.

- Alarm owners participation in a false alarm prevention course in lieu of one false alarm fine per year.

- False alarms that are caused by the alarm company technician charged to the alarm company rather than the alarm owner.

The police department realized that educating citizens, business owners, and the city council on false alarm issues would be crucial to passage of the verified response alarm ordinance. Police encounters with citizens had revealed many misperceptions of the police resources and taxpayer monies involved in false alarm response. The city council members were astonished to learn of the high percentage of false alarm calls.

Salt Lake City police contacted local television stations and newspapers to briefed them on the proposed policy and the rationale behind it. All were willing to cover the story and most reported favorably on the proposed policy.

Upon hearing of the proposed policy, some citizens called the alarm unit to express concern. When alarm unit staff explained that the public would receive faster response to their alarm activation from the private guard service than they could expect from the police, would pay a small fee rather than the \$100 ordinance fines, and, if the alarm was valid, would experience faster police response than they had in the past, a vast majority of the citizens became supportive of the ordinance. In the first month after the news stories broke, SLCPD received more than 100 phone calls, with only two callers remaining opposed to

the proposed policy.

The department approached the local alarm companies again to present the proposed verified response policy. Salt Lake City and several other local police agencies had been meeting with some of the alarm companies and members of the Utah Alarm Association for the past five years, so the industry was familiar with the verified response concept. One of the Utah Alarm Association's early objections to verified response was the cost to alarm companies of responding to and investigating false alarms. This concern was addressed when alarm companies realized they could pay for this added service by charging alarm owners a modest, additional \$5 monthly fee. One alarm company even allowed their customers three "free" responses before charging a fee.

The Salt Lake City Police Department offered a three-hour training course to all state licensed guard companies. Improving cooperation between police and the private guard sector was one of the goals of this training. The training stressed that the private guards' role was only to observe and report at the alarm activation scene, and not to enter or search the building or try to apprehend offenders. Guards were instructed that, if they discovered an open door, they were to contact the police department and not enter the premise. A call from a guard discovering an open door, broken window or any criminal activity would result in a "possible burglary in progress" call—a top priority call. Other subjects covered in the training included safety tactics, initial approach, cover and concealment, crime scene containment, and suspect identification. One of the most popular subjects was the review of Utah state statutes and codes governing the elements of the crimes of burglary and criminal trespass, and laws governing private guards' authority to use force to arrest and defend themselves and others. The Salt Lake City Police

Department attorney reviewed and approved the lesson materials.

A public hearing was scheduled one month after the initial briefing to give the alarm industry sufficient time to participate in the discussions involving the proposed ordinance changes. Police administrators briefed the city council on false alarm issues. The police union president wrote a strong letter of support for the verified response ordinance to the city council.

The ordinance was passed by the city council on a 4-2 vote on September 12, 2000. Some of the comments from city council members were:

The better argument supports taking the resources now being used to address situations which were not of the highest priority and use them to address needs of a higher priority.

No matter what side a person was on, it was an undisputed fact that there is a 99 percent false factor involved in alarm system calls. There is not a program in the City which, if only 1 percent effective, would survive scrutiny for even a moment. If properly implemented, an appropriate method of having security companies show up made a lot of sense. This would free up officers to do what they were supposed to do. The police department was not asking to change the ordinance because they did not want to serve the citizens; they were asking to change it because it was not effective and did not work.

The city council further decreed that the ordinance would take effect three months after it was enacted to allow the alarm companies time to mobilize their private guards and educate the public on the

upcoming changes. The police department provided a list of nine state-licensed and bonded guard companies to those alarm companies that needed to subcontract with guard companies in order to respond to alarm activations. The ordinance took effect December 1, 2000.

Certified letters were sent to all alarm and monitoring companies to inform them of the changes. In order to reach all citizens of Salt Lake City, an article explaining the drain on police resources caused by false alarms and the new requirements for private guard response was included in two issues of the water bill. This was an efficient way to reach all affected citizens.

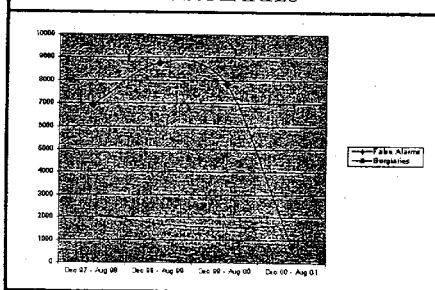
ASSESSMENT

Benefits to the Police Department

The Salt Lake City Police Department experienced a 90 percent decrease in alarm-related calls for service during the first nine months the verified response ordinance was in effect, from December 1, 2000 to August 1, 2001, compared to the same time frame one year prior (see Figure 1).

This represents 6,338 fewer calls for service, or the equivalent of five full-time police officers (valued at about \$400,000). This time and money is now available for higher priority police services. There are fewer backlogs of calls for service and

FIGURE 1:
FALSE ALARM RESPONSES AND
BURGLARIES



responses to high priority calls for service have dropped from five to three minutes. Said Salt Lake City Watch Commander Zane Smith, "In the first three months of enforcement, this alarm ordinance has returned more patrol hours to our department and helped to decrease the backlog of calls better than anything attempted in the past 15 years." There has been a corresponding decrease in the workload of police call takers and dispatchers, the alarm unit, the city treasury department, and the court of appeals. Today, the probability that a crime has in fact occurred when police are called to an alarm activation is much higher.

Initially, alarm company spokespersons said they believed that burglaries in the city would increase when police ceased to become the first responders to the alarm signal. Thus far, this has not proven to be the case in Salt Lake City. The number of burglaries have remained consistent over the past two years, and have decreased by 24 percent from burglaries in 1998. Passage of the ordinance on December 1, 2000 made no significant impact on the number of burglaries (see Figure 1).

Six burglars were arrested by police as a result of private security guards' response to alarms on 720 police responses during the first nine months of the ordinance enactment. By comparison, in 1999, prior to adoption of verified response, only five burglars were arrested on 10,200 police responses to alarm signals.

Benefits to Alarm Owners

The benefits of verified response to alarm owners include a six- to fifteen-minute alarm activation response time from private guard companies, far lower than the 40-minute average the police were able to provide. Further benefits include lower monthly fees than most alarm owners were paying in fines for false alarms and continued police response to human-activated alarms such as

robbery, panic or duress signals.

Benefits to the Alarm Industry

Under verified response, the alarm can now provide their customers with a valued quick response to alarm activations. They can also redirect time and effort into serving their customers rather than trying to appease police. Some alarm companies have actually increased their revenue from the additional monthly fees charged to customers.

Verified response has shifted the management of the false alarm problem from the police to alarm owners and the alarm companies they hire. Economic supply and demand will now govern the delivery and cost of private security responses to alarm activations. If a guard company's performance proves unsatisfactory, the competition will provide another company to take its place. Alarm company representatives indicated that their sales have not been impacted by the shift to private guard response. Citizens are continuing to purchase alarm systems.

Salt Lake City's verified response alarm ordinance is a long-term solution to the false alarm problem, a problem that the department had been struggling with for twenty years. By no longer attempting to manage a private sector problem, the Salt Lake City Police Department believes it has solved its false alarm problem.

END NOTES

i Erwin Blackstone, Simon Hakim and Uriel Spiegel. "Government Competes and Retreats, Public Gains:

Shedding Police Response to Burglar Alarms." January 23, 2001. Center for Competitive Government at Temple University: Philadelphia, Pa.

ii Jennifer Seelig. "Salt Lake City Council Office Audit on Comparable Cities Alarm Policies and Response." 20 July 2000.

ii Each alarm call requires two officers or an average half hour on each alarm call at an average wage of \$60 per hour. This figure includes salary, benefits, and the amortized costs of the police car, computer and equipment.

v Commercial intrusion alarms accounted for two-and-a-half times the number of residential alarms, mostly due to employees who did not have or remember the alarm code, and to clearing crews inadvertently setting off the alarm while working. Residential alarms tend to be activated by children and relatives who do not know how to use the alarm system, and by the notion of pets, insects, ceiling fans, and even floating balloons. The National and Burglar Alarm Association calculate that 76 percent of alarm activations are caused by user error.

v Salt Lake City Attorney's Office. Roger F. Cutler, City Attorney. Salt Lake City and County Building, Room 505, Salt Lake City, Utah 84111, Tel. (801) 535-7788.

vi "Las Vegas PD Gambles on No Response Policy and Wins." Donna Englander, Security Sales magazine, December 1998.

vii Erwin A. Blackstone, Simon Hakim and Uriel Spiegel. "Response to Alarms: A New Type of Club Good." March 2000. Drs. Blackstone and Hakim are professors of economics and members of the Center for Competitive Government at Temple University in Philadelphia.

viii "Duress" alarm signals occur when a code is entered that indicates the operator is not deactivating the alarm voluntarily.



June 17, 2002

AGENDA ITEM 7C

**ORDINANCE – REGULATING ALARM SYSTEMS, REQUIRING
PERMITS, AND PROVIDING PENALTIES FOR FALSE ALARMS, FEES
AND PENALTIES FOR ORDINANCE VIOLATIONS**

CITY COUNCIL MEETING: June 17, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

SUBJECT: REVISED FALSE ALARM ORDINANCE

Staff has been working to evaluate the false alarm ordinance that was adopted last year. Some difficulties arose in the implementation of the ordinance, particularly with the citation process for excess false alarms. Chief Adams has submitted a staff report which is enclosed detailing those issues.

At the direction of the City Manager, I have prepared a revised false alarm ordinance to address some of the concerns. The major differences between the current ordinance and the proposed new ordinance are set forth below:

1. Section 8. The first two sentences of Section 8(1) are modified to remove the grace period for payment of the alarm permit fee. This was done because many parties have in good faith applied within the original 90 day grace period, so it does not appear to be applicable at this point.
2. Section 11. Subsection (1)(c) was slightly modified to indicate that the false alarm fine is now a penalty and must be paid within thirty days of invoice. This ties in with the change set forth below.
3. Section 12. The major change in the ordinance is to change the citation process for false alarms. This had been a major concern to staff. The old process required a citation into municipal court for false alarms violations. The proposed new ordinance would allow for the invoicing of the permit holder and an allowance for the permit holder to either pay the invoice or request judicial review by the municipal court.

4. Section 13. A change was made at the beginning of this section to indicate that all of subsection (a) through (e) needs to be true in order to be an excusable false alarm. I believe that was the intent in the previous ordinance and this is a clarification.
5. Section 14. The new Section 14 in the proposed ordinance is also a major change. It provides for judicial review by municipal court of any decision of the administrator (Police Chief) with regard to an invoice for false alarm violations, suspension of permit or any other decision. The previous Section 14 (Appeals) was deleted. This allowed for an appeal of only the permit suspension to the City Council. I felt that it might be better to have all appeals decided by municipal court, however, this is a decision for the Council and the Council may wish to retain the review for permit suspension. If so, the ordinance could be modified to retain the Appeals section.
6. Section 15. The previous ordinance just provided for a general civil infraction. Since all items are determined through judicial review, the only reference needed was one for permits that were not acquired by alarm holders. There have been a few alarm holders who have not completed the permit application process though they have been notified to do so. The Council needs to make a decision on this dollar amount of the fine. I would suggest that it be fairly high as these violators are simply refusing to go through the permit process and are not arguing about whether a particular alarm was false or not.

RECOMMENDATION:

Determine an appropriate fine amount for Section 15 and adopt the enclosed ordinance.

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

ESJ/tmh
enclosure

COUNCIL MEETING: June 17, 2002
AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH : CHRIS EPPLEY
CITY MANAGER

FROM: H. MARC ADAMS
CHIEF OF POLICE

SUBJECT FALSE ALARM ORDINANCE

ISSUE:

The City of Keizer Ordinance regulating alarm systems, requiring permits, and providing penalties for false alarms, fees, and penalties for ordinance violations has proven to be inefficient. Ordinance No. 2001-459 requires that alarm owners/subscribers found in violation of the ordinance may be cited into Keizer Municipal Court. This action requires that a police officer track down the owner/permit holder and then issue them a citation to appear in Municipal Court.

FISCAL IMPACT:

The fiscal impact can vary depending on how much time is used by the police officer locating the owner or permit holder. This process can be more costly than responding to the original false alarm.

RECOMMENDATION:

Staff recommends the council repeal Ordinance Number 2001-459 and in its place pass a new version of the ordinance that allows that as a condition of any alarm system permit issued under the provisions of the new ordinance, the permittee be invoiced fees for false alarms generated (over two false alarms in calendar year). This process would allow the City to mail the invoice to the permit holder. The permit holder would have 14 days from receipt of the invoice to pay the invoice or appeal the alleged violation for judicial review in the Keizer Municipal Court.

1 BILL NO. ____

A BILL

ORDINANCE NO.

2

2002-_____

3

FOR

4

AN ORDINANCE

5

REGULATING ALARM SYSTEMS, REQUIRING PERMITS, AND

6

PROVIDING PENALTIES FOR FALSE ALARMS, FEES, AND

7

PENALTIES FOR ORDINANCE VIOLATIONS

8

The City of Keizer ordains as follows:

9

Section 1. DEFINITIONS. For purposes of this Ordinance, the following words

10 and phrases mean:

11

(1) "Administrator" means the Keizer Chief of Police or the person designated

12

by the Keizer Police Chief to exercise any power or duty conferred under this

13

Ordinance.

14

(2) "Alarm monitor." Any person, firm or corporation engaged in the business

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of receiving from alarm users and transmitting to the Willamette Valley Communication

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Center or the Keizer Police Department.

17

(3) "Alarm system." means a device or system of interconnected devices,

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including hardware and related appurtenances, designed to give warning of activities

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indicative of criminal conduct or unauthorized entry upon the protected premises.

20

(4) "Annunciator" means that part of an alarm system, other than an automatic

21

dialer, which communicates the fact that the system has been triggered.

- 1 (5) “Audible annunciator” means an annunciator which gives an alarm by
2 means of a bell, siren, buzzer, or other sound producing device mounted at some location
3 other than wholly within a building; or which is intended to be clearly audible at a
4 distance of 50 feet or more outside of any building in which it is mounted when
5 activated.
- 6 (6) “Automatic dialer” means a device which is programmed to select a
7 telephone number and deliver a verbal warning message or signal over standard
8 telephone lines to a called party who is using telephone voice communication
9 equipment.
- 10 (7) “Center” means the “911” emergency communications center serving the
11 City of Keizer.
- 12 (8) “Designated trunk line” means a telephone trunk line designated by the
13 administrator as available for selection by an automatic dialer.
- 14 (9) “Emergency trunk line” means a telephone trunk line having a number
15 listed and published in the Salem/Keizer Telephone Directory as being the emergency
16 phone for police, fire or ambulance service.
- 17 (10) “False Alarm” means any activation of an alarm system not resulting from
18 criminal activity or unauthorized entry, upon or following which communication is made
19 to the center that an alarm has been triggered. If the alarm, when communicated to the
20 center, is clearly identified to the center as resulting from authorized entry, authorized

1 system test, or other non-emergency cause, it shall not be considered as a false alarm.
2 If police units respond to an alarm and check the protected premises according to
3 standard operating procedure, and are unable to discover any evidence of unauthorized
4 entry or criminal activity, the alarm will be deemed false absent a preponderance of
5 credible evidence to the contrary.

6 (11) "Principal" means the person, firm, or corporation whose premises are
7 protected by an alarm system. For rented or leased dwelling units and other protected
8 premises having more than one tenant protected by a single alarm system, the term
9 "principal" means the building owner.

10 (12) "Protected premises" means all buildings, real property, and portions
11 thereof protected by an alarm system or systems at a particular street address.

12 (13) "Remote annunciator" means an annunciator located at a terminal on the
13 premises of the Keizer Police Department, Salem Police Department, an alarm
14 monitoring service, or other location not a part of the protected premises.

15 (14) "Sensor" means that part of an alarm system which is designed to detect
16 the happening of some event or designed to detect the happening of some event or
17 existence of some condition indicative of criminal activity or unauthorized entry.

18 (15) "Silent alarm system" means a alarm system having an automatic dialer,
19 a remote annunciator, or both, and having no audible annunciator.

1 Section 2. EXEMPT ALARM SYSTEMS. An alarm system which incorporates
2 neither an audible annunciator, a remote annunciator, nor an automatic dialer is exempt
3 from the requirements of this Ordinance. Alarm systems owned, maintained and
4 monitored by any government law enforcement agency in furtherance of law
5 enforcement duties are also exempt.

6 Section 3. INTENTIONAL ALARMS. It shall be unlawful for any person to
7 intentionally trigger an alarm system which incorporates an automatic dialer or a remote
8 annunciator except for testing in compliance with the conditions prescribed in this
9 Ordinance, or to signal an actual emergency involving criminal conduct amounting to
10 a felony or other condition threatening human life or major property loss and requiring
11 emergency response.

12 Section 4. EFFECT OF PERMIT ON EMERGENCY RESPONSE. The City of
13 Keizer shall not, by virtue of the issuance of an alarm system permit alone, be obligated
14 to respond or accord any additional priority in response to an alarm from a permitted
15 system.

16 Section 5. REQUIREMENTS FOR AUDIBLE ANNUNCIATORS.

17 (1) Each alarm system incorporating an audible annunciator shall be so designed
18 that each audible annunciator will automatically silence within fifteen minutes after
19 being activated and will not sound again unless a new act or circumstance triggers a
20 sensor.

1 (2) Except as provided in subsection (3) of this Section, no test of a alarm system
2 resulting in the activation of an audible annunciator shall be conducted between the
3 hours of 8:00 p. m. of any day and 7:00 a. m. of the following day. Nor shall any such
4 system be tested at any time without first notifying the administrator.

5 (3) Audible annunciators may be activated in conjunction with system testing
6 without notice provided that such activation is for no more than sixty seconds duration
7 each during any four-hour period. Alarm activation in compliance with this subsection
8 shall not be deemed a false alarm.

9 Section 6. REQUIREMENTS FOR AUTOMATIC DIALERS.

10 (1) No person shall program an automatic dialer to select any telephone line the
11 user of which has not previously given consent to such programming.

12 (2) No person shall conduct maintenance or testing on an alarm system which
13 incorporates an automatic dialer without first notifying the users of any telephone lines
14 the dialer is programmed to select.

15 Section 7. ALARM SYSTEM REQUIREMENTS - GENERAL.

16 (1) No alarm system shall be installed, used, or maintained in violation of any of
17 the requirements of this Ordinance or other Keizer City Ordinances, or of any applicable
18 statute, law, or administrative regulation of the United States of America, the State of
19 Oregon, or any administrative rule-making body thereof.

1 (2) The holder of an alarm system permit shall be responsible for training and
2 retraining all employees, family members, and other persons under control of principal
3 or permit holder who may make regular use of the protected premises and who may, in
4 normal course of their activities be in a position to accidentally trigger a sensor. Such
5 training shall include procedures and practices to avoid accidental alarms and steps to
6 follow in the event the system is accidentally triggered.

7 (3) The holder of an alarm system permit shall at all times, be responsible for the
8 proper maintenance and repair of the system and for the repair or replacement of any
9 component method of installation, design feature or like condition which may give rise
10 to a false alarm.

11 Section 8. PERMITS REQUIRED.

12 (1) All alarm users within the City of Keizer must apply for and receive alarm
13 system permits. Permits for any alarm systems with the City of Keizer, including any
14 activated after the effective date of this Ordinance, shall pay a fee of \$20.00 for
15 issuance. Permits shall remain in effect unless revoked or suspended under this
16 Ordinance or until the alarm system is dismantled or abandoned by the user. Permits are
17 not transferable; subsequent users on the same premises must obtain a new permit. The
18 City shall not, by the issuance of a permit alone, be obligated to respond or accord any

1 additional priority to an alarm from such system. It shall be unlawful for any person to
2 use or maintain any alarm system, monitored alarm system or universal alarm system
3 without first obtaining a permit therefor as provided in this Ordinance.

4 (2) No permit shall be required for an exempt alarm system as defined in the
5 provisions of this Ordinance.

6 Section 9. PERMIT APPLICATION. Each application for an alarm system
7 permit shall be made on a form prescribed by the City and shall contain the following
8 information:

9 (a) The name, address, and telephone number of the principal of the protected
10 premises.

11 (b) The type of premises (home, office, variety store, etc) and any business name
12 by which the premises is known.

13 (c) The address of the protected premises including if it is in a residential,
14 commercial or industrial complex (office building, apartment house, shopping center,
15 etc) and any name by which the complex is commonly known.

16 (d) The names, addresses, and telephone numbers including home phone
17 numbers, of the principal and at least one natural person who resides within ten miles
18 of the corporate limits of Keizer and who have immediate access to keys to the protected
19 premises, and who have agreed to come to the protected premises upon request of
20 emergency agencies when the principal cannot be contacted.

(e) The type of annunciators and automatic dialers which the alarm system incorporates, the location of all remote annunciators, and the names and phone numbers of all persons or businesses which are or may be preselected for automatic dialer contact.

(f) The application shall be accompanied by the fee prescribed in this Ordinance.

(g) The information provided by the applicant pursuant to subsections (a) through (e) of this Section and all updates thereof, shall be given and accepted in confidence and kept from public disclosure to the extent permitted by law. However, the City of Keizer shall not be liable for any types of claims, actions or suits if the City in good faith attempts to prevent disclosure of such information.

Section 10. CURRENT INFORMATION REQUIRED. Within ten (10) days following any change of circumstances which renders obsolete any of the information submitted pursuant to this Ordinance the permittee shall file with the administrator a written statement setting forth the currently accurate information. No additional fee shall be required unless the change has terminated the permit as provided.

Section 11. SUSPENSION OF PERMITS.

(1) The administrator may suspend any permit issued pursuant to this Ordinance upon any of the following grounds:

(a) Any false or incomplete statement made on the permit application.

(b) Any violation of Sections 3, 5, 6, or 7 of this Ordinance.

1 (c) Failure to pay a false alarm penalty within thirty (30) days of mailing of
2 invoice or final decision by municipal court.

3 (d) Maintenance, installation, or use of the alarm system in violation of any
4 applicable law, ordinance or regulation, including the requirements of this
5 Ordinance.

6 (e) Failure to provide current information as required.

7 (f) The occurrence of a false alarm which, added together with all other false
8 alarms, resulting from that system totals more than ten false alarms during a
9 calendar year.

10 (2) A suspension resulting from subsections (1)(a) through (1)(e) of this Section
11 shall remain in effect until the applicant demonstrates to the satisfaction of the
12 administrator that the ground for suspension no longer exists. A suspension under
13 subsection (1)(f) shall be in effect for a period of no longer than 180 days and may be
14 withdrawn by the administrator upon a satisfactory showing that the circumstances
15 which caused or contributed to the majority of the false alarms resulting in the
16 suspension no longer exist.

17 Section 12. FALSE ALARM PENALTIES. As a condition of any alarm system
18 permit issued under the provisions of this Ordinance, the permittee shall pay to the City
19 of Keizer upon and within fourteen (14) days of invoice, fees for false alarms generated
20 within a calendar year by the permittee's alarm system as follows:

- 1 3rd false alarm \$50.00
- 2 4th false alarm \$100.00
- 3 5th false alarm \$150.00
- 4 6th false alarm \$200.00
- 5 7th and subsequent false alarm \$250.00

6 Invoices for false alarm violations shall clearly and prominently state that a principal has
7 the right to request judicial review of the correctness of an invoice pursuant to Section
8 14 of this Ordinance.

9 Section 13. EXCUSABLE FALSE ALARMS. An alarm which is a false alarm
10 as defined in this Ordinance shall be excused upon a finding that subsections (a) through
11 (e) are all true:

12 (a) The alarm system has been responsibly and regularly inspected by
13 experienced and well-trained technicians familiar with its design and operation and the
14 environment in which it is installed.

15 (b) All repairs, replacements and preventive maintenance recommended by the
16 service personnel who inspected the system have been performed.

17 (c) The cause of the particular false alarm has either been positively identified and
18 corrected or has been determined not to be misuse or neglect in the use or maintenance
19 of the system and cannot be more precisely identified despite thorough inspection,
20 testing and analysis by technicians as described in subsection (a) of this Section.

1 (d) Technicians as described in subsection (a) of this Section have provided a
2 written opinion that the system is unlikely to produce another false alarm from the same
3 cause.

4 (e) The false alarm was not the result of user error or neglect. "User" includes
5 owners, employees, residents, family members and guests under control of principal or
6 permit holder of the protected premises.

7 (f) No more than two false alarms shall be excused during a calendar year unless
8 the permittee provides satisfactory evidence that each component of the alarm system
9 whose malfunction or failure is capable of producing the false alarm have been replaced
10 by competent technicians and the system has been found free of apparent fault after
11 inspection as provided in subsection (a) of this Section.

12 Section 14. JUDICIAL REVIEW.

13 (a) A principal may file a request for judicial review with the municipal court if
14 the principal disagrees with correctness of an invoice, suspension of permit, or any other
15 decision of the administrator. The person filing the request shall deliver a copy of the
16 request to the City Manager. The request shall be on a form supplied by the municipal
17 court. The request for judicial review shall stay action of the administrator until the final
18 judgment is issued.

1 (b) If a principal fails to request judicial review within fourteen (14) days
2 of mailing of invoice or other decision of administrator, then the principal waives their
3 right to any review or appeal.

4 (c) The Municipal Court shall hear the matter on an expedited basis, but in any
5 event, no less than ten (10) calendar days, nor more than twenty (20) calendar days
6 following receipt of the request for judicial review. The hearing date may be postponed
7 by agreement of the parties, or by order of the court for good cause shown.

8 (d) At the hearing the Court shall determine based on a preponderance of the
9 evidence, whether a violation or violations occurred, and if appropriate, whether Section
10 13 (Excusable False Alarms) applies. The Court shall then modify, affirm or reverse the
11 decision of the administrator. If the court allows any penalty amounts, such allowance
12 shall be entered as a money judgment against the principal.

13 Section 15. VIOLATION. Violation of Section 8 (Permits Required) is a civil
14 infraction punishable by fine not to exceed \$_____ per day.

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

17 PASSED this _____ day of _____, 2002.

18 SIGNED this _____ day of _____, 2002.

19
20
21
22

Mayor

City Recorder



October 7, 2002

AGENDA ITEM 6b

**OLD BUSINESS – GUBSER NEIGHBORHOOD TRAFFIC
MANAGEMENT PLAN**

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

SUBJECT: GUBSER NEIGHBORHOOD TRAFFIC MANAGEMENT PLAN

DATE: OCTOBER 3, 2002

BACKGROUND:

Council made a motion at the September 3rd Council meeting directing staff to investigate three items regarding Trail Ave (Attachment A). Staff has made contact with the affected property owner on two occasions. The property owner reviewed staff's proposed alignment ideas and feels it may jeopardize his future plans for development. At this time the property owner has no plans for development, but may in the not too distant future. Staff has ended dialog with the property owner. The current right of way on Trail Ave will accommodate the identical improvements as on McLeod Lane. Staff is proceeding with additional stop signs on Trail and Manzanita, which will include the TSC's recommendation of lane delineation as identified in Gubser Neighborhood Association Traffic Management Plan.

FISCAL IMPACT:

Funds have been allocated in the 2002/2003 Street Fund budget to accomplish the Signage changes.

RECOMMENDATION:

Staff recommends Council place the Gubser Traffic Management Plan on the October 21, 2002 agenda to discuss and determine the final Traffic Calming and Cut through design.

meet the collector standards of at least 1,600 cars per day.

Councilor Smith noted in discussions with COG that she was informed that the Council does have the authority to close Trail Avenue.

Councilor Lee urged seeking alternatives to closing Trail.

Councilor Lee moved to accept the Traffic Safety Commission's report and direct staff to meet with the Commission to explore other options prior to a closure of Trail Avenue.

Due to the lack of a second the motion died.

Council President Moir moved a motion to direct staff to come back with the following information: (1) Is there adequate right-of-way for the suggested improvements on Trail Avenue. (2) Explore opportunity to negotiate with the property owner to align Trail Avenue to allow for a signal at Lockhaven and Trail, (3) add four stop signs at Manzanita and Trail Avenue. Councilor McGee seconded the motion.

Councilor Smith spoke against the suggested improvements for Trail she indicated that these improvements would not reduce the cut-through traffic problems.

Responding to questions Mr. Kissler indicated that there were several driveways on Lockhaven that would be improved if traffic signalization were placed on a realigned Trail and Lockhaven.

Councilor McGee indicated that both proposals by the Commission and staff were assumptions, both with the intent of lessening the traffic issues. He went on to state that denoting one proposal over the other, as a cure-all would be premature.

After additional debate the vote on the motion was called for.



October 7, 2002

AGENDA ITEM 7a

ORDINANCE – ESTABLISHING SPECIFIC TAX ON DWELLING AND
COMMERCIAL UNITS TO MAINTAIN, OPERATE, AND ACQUIRE PARKS
RESOLUTION – SETTING THE EFFECTIVE DATE AND THE AMOUNT OF THE
SPECIFIC TAX ON DWELLING AND COMMERCIAL UNITS TO MAINTAIN,
OPERATE, IMPROVE, AND ACQUIRE PARKS

CITY COUNCIL MEETING: October 7, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: JOHN A. LIEN, CITY ATTORNEY 

SUBJECT: *SPECIFIC TAX ON DWELLING UNITS AND COMMERCIAL UNITS TO MAINTAIN, OPERATE, IMPROVE AND ACQUIRE PARKS*

The Ordinance and Resolution before you implement the proposed Charter amendment approving a specific tax on dwelling units and commercial units to maintain, operate, improve and acquire parks. The "Whereas" clauses of the Ordinance and Resolution establish the circumstances and your reasons for adopting the Ordinance and Resolution. The Council's goal was to impose a tax on those persons and entities benefitting most from the park system. The Council with advice from the City Parks and Recreation Advisory Board determined that the occupants of dwelling units in Keizer and the operators and customers of commercial units in Keizer benefit most from the park system and, therefore, should pay the tax funding the parks. However, the Council did not want a traditional ad valorem property tax or a tax that would be subject to constitutional property tax limitations. Consequently, the proposed Ordinance imposes the tax on the person responsible for paying the City water or sewer charges for a dwelling or commercial unit. Imposing the tax in this manner makes it clear that it is the use of the property and the user (dwelling occupant or retail operator) that pays the tax, not the property.

The definition of "dwelling unit" comes from the Keizer Development Code. That definition encompasses single family residential as well as multi-family residential uses.

The person responsible for paying the water or sewer charges pays this specific tax. That responsible party could be the owner or a renter in a single family dwelling or a small multi-family unit. The party paying the tax is likely to be the property owner in a large, multi-family complex. It is also likely that the owner of the multi-family complex will pass the specific tax on to the tenant through a rent increase. In the tax lexicon that is known as an

Specific Tax (Park)

Page 2

indirect tax on the tenants. However, that result is in keeping with the underlying philosophy of the specific tax because the tenant is the user of the park system the tax supports.

The definition of "commercial unit" is essentially the definition of retail trade from the Keizer Development Code. Again, the tax is imposed based upon the use of the property. By definition, undeveloped property is excluded from the tax. There may also be a small number of properties that are excluded from the tax because they do not receive sewer or water service from the City.

The Ordinance makes the Public Works Director responsible for identifying the responsible party and the dwelling and commercial units subject to this specific tax. The Public Works Director anticipates accomplishing that task through use of the Public Works water and sewer hookup records and the current billing system. A responsible party can appeal the Public Works Director's decision to the City Manager. A responsible party can only make one appeal every twelve months. The City Manager's decision is final.

The Ordinance establishes a dedicated parks fund to control the tax revenue raised by the specific tax. Assuming the Charter amendment passes, the Ordinance limits use of the funds to maintenance, operation, improvement and acquisition of parks. However, an equitable share of the revenue can be applied to the fund's administrative expenses.

The Ordinance establishes the local budget law process as the mechanism to determine expenditures from the park fund. Consequently, the amount of the specific tax will also be set during the budget process in order to provide the desired revenue for the fund. The amount of the specific tax will then be included in the resolution adopting the budget each year.

Collection of the specific tax is through the water and sewer billing system. That procedure is already established and very likely includes all the responsible parties and properties that will be subject to the tax. The enforcement mechanism included in the Ordinance is also a practical one. The Ordinance permits withholding sewer or water service for failure to pay the specific tax. This enforcement would be accomplished through Public Works Department rules already in place. The Ordinance also allows the City to sue the responsible party to collect the tax if the City elected to do so.

The Ordinance includes a provision stating that it is not a tax subject to the constitutional property tax limitation.

I have set the effective date for the Ordinance as January 1, 2003. I selected that date so that the Council will know the outcome of the election before the Ordinance becomes effective. The Council will then have two or three meetings at which it can take whatever action is deemed appropriate depending upon the election outcome. Though it is anticipated that the tax would not be imposed until later in the year, the January effective date does allow City staff time to prepare for implementation of the tax.

I have also prepared a companion Resolution setting the effective date and the amount of the specific tax. The Finance Director has determined April 1, 2003 to be the appropriate start date for the specific tax. The Finance Director indicates it is permissible to adopt the Resolution setting the tax at this time. However, formalizing the expenditure amounts will be incorporated into the budget process next spring for adoption in the fiscal year 2003-2004 budget.

RECOMMENDATION:

Adopt the documents in the following order:

1. Ordinance Establishing Specific Tax on Dwelling and Commercial Units to Maintain, Operate, Improve and Acquire Parks.
2. Resolution Setting the Effective Date and the Amount of the Specific Tax on Dwelling and Commercial Units to Maintain, Operate, Improve and Acquire Parks.

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

JAL/tmh
attachment

1 BILL NO. _____

A BILL

ORDINANCE NO.

2002-_____

3 FOR

4 AN ORDINANCE

5 ESTABLISHING SPECIFIC TAX ON DWELLING AND
6 COMMERCIAL UNITS TO MAINTAIN, OPERATE,
7 IMPROVE AND ACQUIRE PARKS

8 WHEREAS, the City Parks and Recreation Advisory Board and the City Council
9 determined that the property in Keizer used for dwelling units and commercial units
10 directly benefits from Keizer municipal parks because the dwelling unit occupants and
11 the commercial unit customers are the users of the parks. In addition, a good parks
12 system in Keizer also attracts people to the City who become dwelling unit occupants
13 and customers of the commercial units in Keizer; and

14 WHEREAS, upon the recommendation of the City of Keizer Budget Committee
15 and the City Parks and Recreation Advisory Board, the City Council has determined that
16 a specific tax on dwelling and commercial units is the best mechanism to provide funds
17 for municipal parks because it is imposed upon those persons and entities most
18 benefitting from the City parks; and

19 WHEREAS, the City Council of the City of Keizer referred a proposed charter
20 amendment to the electors that approves of the City establishing and collecting a specific
21 tax on dwelling and commercial units to provide funds to maintain, operate, improve and
22 acquire municipal parks; and

1 WHEREAS, the City Council is adopting this Ordinance establishing the specific
2 tax and related regulations in anticipation that the proposed charter amendment will be
3 approved by the electors;

4 NOW, THEREFORE, the City of Keizer ordains as follows:

5 Section 1. DEFINITIONS.

6 A. "Dwelling unit" means: One or more rooms designed for occupancy by
7 one family and not having more than one cooking facility.

8 B. "Commercial unit" means: A parcel or lot used for the process of selling
9 a product or service or both to the consumer for direct consumption and not for resale.

10 C. "Responsible party" means: A person, persons or entity who by ownership,
11 usage, occupancy or contractual arrangement is responsible to pay the City water or
12 sewer bill or both for a dwelling unit or commercial unit.

13 Section 2. ESTABLISH PARK FUND. A park fund to maintain, operate,
14 improve, and acquire municipal parks is hereby established. Revenues collected
15 pursuant to this Ordinance shall be dedicated to this park fund and used to maintain,
16 operate, improve and acquire municipal parks. In the event that the specific tax collected
17 for parks is insufficient to maintain, operate, improve, and acquire municipal parks,
18 additional funding may be allocated by the City Council from other non-dedicated City
19 funds provided, however, that the City Council may direct reimbursement to such other
20 fund if additional specific tax revenue for parks is collected. The revenue collected

1 pursuant to this Ordinance shall not be used for other governmental or proprietary
2 purposes of the City, except to pay for an equitable share of the City's accounting,
3 management and other overhead costs, incident to the maintenance, operation,
4 improvement and acquisition of municipal parks.

5 Section 3. SPECIFIC TAX IMPOSED. The City Council hereby establishes
6 and imposes a specific tax on the responsible party for each dwelling unit and each
7 commercial unit in the City of Keizer.

8 Section 4. DETERMINATION OF THE SPECIFIC TAX. The amount of the
9 specific tax imposed and the use of the revenue collected under this Ordinance shall be
10 determined as part of the City of Keizer's budgeting process pursuant to local budget
11 law. The amount of the specific tax and the effective date of the tax shall be adopted by
12 resolution of the City Council.

13 Section 5. ADMINISTRATIVE OFFICER DESIGNATED. The City of
14 Keizer Public Works Director shall be responsible for the administration of this
15 Ordinance. The Public Works Director shall determine and classify the property within
16 the City that is subject to this Ordinance and identify the responsible party for that
17 property.

18 Section 6. BILLING AND COLLECTION OF TAX. The responsible party
19 for any dwelling unit or commercial unit within the City of Keizer shall pay the specific
20 tax adopted pursuant to this Ordinance. Unless another responsible party has agreed in

1 writing to pay the specific tax and a copy of the writing is filed with the City of Keizer,
2 the person, persons or entity paying the City of Keizer's water bill shall pay the specific
3 tax for parks. In the event the dwelling unit or commercial unit does not receive City
4 water service, then the person, persons or entity paying the City sewer bill shall pay the
5 specific tax for parks.

6 The specific tax for parks established by this Ordinance shall be billed and
7 collected with and as part of the bi-monthly water and sewer bill for those dwelling units
8 and commercial units utilizing City water or sewer or both. All such bills rendered by
9 the City of Keizer shall become due and payable upon receipt. In the event funds
10 received from the responsible party for City water or sewer billings as described herein
11 are inadequate to satisfy in full all of the water, sanitary sewer, water administration fee,
12 sewer administration fee, water license fee, sewer license fee, and specific tax for parks,
13 then credit shall be given first to the specific tax for parks, second to the water license
14 fee, third to the water administration fee, fourth to the water charges, fifth to the sewer
15 license fee, sixth to the sewer administration fee, and seventh to the sewer charges.

16 Section 7. ENFORCEMENT. Any charge due hereunder which is not paid
17 when due may be recovered from the responsible party in an action at law by the City.
18 In addition to any other remedies or penalties provided by this or any other Ordinance
19 of the City, failure of any responsible party within the City to pay such charges promptly
20 when due including the specific tax for parks shall subject such responsible party and

1 the associated dwelling unit or commercial unit to discontinuance of any water or sewer
2 services or both provided by the City pursuant to Public Works Department rules. The
3 City's remedies are cumulative.

4 Section 8. ADMINISTRATION; REVIEW; APPEAL. Any responsible party
5 who disputes the identity of the responsible party or that the property associated with
6 that responsible party is a dwelling unit or commercial unit as defined in this Ordinance
7 may petition in writing for review of the Public Works Director's decision by the City
8 Manager or the City Manager's designee. Such petition may be filed with the City
9 Recorder only once in any consecutive twelve (12) month period in connection with any
10 specific identification or classification. The petitioner shall have the burden of proof.
11 The standard of proof shall be by a preponderance of the evidence. Petitions filed
12 pursuant to this Section shall be reviewed in a hearing before the City Manager or the
13 City Manager's designee. Within sixty (60) days of the filing of a petition under this
14 Section, the City shall make findings of fact based on relevant information, shall make
15 a determination based upon such findings, and if found appropriate, modify the identity
16 of the responsible party or the property classification accordingly. Such determination
17 by the City shall be filed with the City Recorder and be considered a final order. The
18 decision or determination of the City Manager or the City Manager's designee shall be
19 in writing and notice thereof shall be mailed or served upon the petitioner within seven
20 (7) days from the date of filing with the City Recorder. Service by certified mail, return

1 receipt requested, shall be conclusive evidence of service for the purpose of this
2 Ordinance.

3 Section 9. NOT SUBJECT TO TAX LIMITATION. The specific tax for
4 parks imposed pursuant to this Ordinance is not a property tax subject to the property
5 tax limitations of Article XI, Section 11b, of the Oregon Constitution.

6 Section 10. SEVERABILITY. The provisions of this Ordinance are severable.
7 If any portion of this Ordinance is held by a court of competent jurisdiction to be invalid
8 or unenforceable for any reason, such determination shall not affect the validity of the
9 remainder of the Ordinance or its application to any other Ordinance.

10 Section 11. EFFECTIVE DATE. This Ordinance shall take effect January 1,
11 2003.

12 PASSED this _____ day of _____, 2002.

13 SIGNED this _____ day of _____, 2002.

14 _____
15 Mayor

16 _____
17 City Recorder

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2002-_____

3 SETTING THE EFFECTIVE DATE AND THE AMOUNT OF THE
4 SPECIFIC TAX ON DWELLING AND COMMERCIAL UNITS TO
5 MAINTAIN, OPERATE, IMPROVE AND ACQUIRE PARKS

6 WHEREAS, in anticipation of approval of a specific tax on dwelling and
7 commercial units to maintain, operate, improve and acquire municipal parks, the Keizer
8 Budget Committee met and determined the proposed expenditures for the park operating
9 budget for fiscal year 2003-2004; and

10 WHEREAS, the Keizer Budget Committee estimated the number of dwelling
11 units and commercial units that would be subject to the proposed specific tax benefitting
12 parks; NOW, THEREFORE,

13 BE IT RESOLVED by the City Council of the City of Keizer that pursuant to
14 Ordinance No. 2002-_____, a specific tax in the amount of \$1.38 per month or any part
15 of a month is imposed upon the responsible party for each dwelling unit and each
16 commercial unit in the City of Keizer beginning on April 1, 2003.

17 ///

18 ///

19 ///

20 ///

21 ///

COUNCIL MEETING:

October 7, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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



SUBJECT: PARKS PROGRAM FINANCIAL PLAN

BACKGROUND:

Enclosed is the revised financial plan for the Parks Program as amended through a motion at the September 5, 2002 Budget Committee meeting. For your review and comparison, staff has also enclosed a "draft" copy of the motion. Please note that the motion passed by the committee was not a formal budget action. It does not obligate the Committee or the City nor does it prohibit further revisions. Such actions must be done through the regular budget process (scheduled in the spring of 2003) or through a supplemental budget which requires a public notice and a public hearing.

FISCAL IMPACT:

Currently, the Parks operating budget is supported by the General Fund. The fiscal year 2003 budget provides for \$129,000 in operating costs. The proposed financial plan for fiscal year 2004 provides for \$235,000 for operations and capital improvements.

ISSUES:

- A. The attached financial plan is based on the parks system operating in the General Fund through June 30, 2003. Staff has identified three alternatives for transitioning the Parks Program funding from the General Fund to a dedicated Parks Operating Fund.
 1. Transfer money from the General Fund (line 7) to pay salaries and operating costs until tax revenues are collected in July 2003. The new tax is to be assessed on the June billing (mailed the last week of June 2003). *This alternative will allow for a continuation of service.* The attached plan includes this alternative.
 2. Begin collecting taxes on the April 2003 water bill (mailed the last week of April 2003). This will generate sufficient funds in the Parks Fund to begin paying expenditures July 1, 2003. *This alternative will allow for a continuation of service.*

3. **Begin collecting taxes at the start of Fiscal Year 2004. The new tax is to be assessed on the July billing (mailed the last week of July 2003). The July 2003 billing should generate approximately \$9,000 to be received by August 23, 2003 (the date July bills become past due). No money will be transferred from the General Fund to pay salaries and operating costs. *This alternative will require an interruption of service from July 1, 2003 through late August 2003.***
- B. Staff reviewed and revised the amount of ending fund balance needed for cash flow purposes. The monthly cash flow will require approximately \$20,000 in fund balance for operating purposes. This is approximately one-half of the amount presented to the Budget Committee on September 5, 2002.
- C. The motion did not include the addition of a contingency line item in the budget (line 48). However, since it was discussed at the budget committee meeting and it is staff's recommendation to provide for a contingency, \$10,000 has been included for consideration. \$10,000 is approximately 5% of the proposed operating costs.
- D. The Budget Committee discussed the definition of business units and whether this would be addressed as individual businesses or by building status. Staff believe it may be difficult to identify and tract the number of businesses within a building at any given time.

RECOMMENDATION:

The attached financial plan is for information purposes and was created to support the Resolution before council this evening. The Council is not required to take further action on the Plan at this time. However, the council may address any of the issues identified above and provide staff direction on changes needed to the attached financial plan.

MINUTES
KEIZER BUDGET COMMITTEE MEETING

Thursday, September 5, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Chair Moir called the meeting to order at 5:35 p.m. Roll call was taken as follows:

Present:

Carl Beach
Art Bobrowitz
Mark Caillier
Lore Christopher
Cathy Clark
Charles Lee
Jerry McGee
Jacque Moir
Judy Smith
Richard Walsh

Absent:

Mark Atwood
Michel Gaynor
Pat Sparks-Tewell

Staff:

Chris Eppley, City Manager
Susan Gahlsdorf, Finance Director
Dianne Hunt, Human Resources Director
Rob Kissler, Director of Public Works
John Lien, City Attorney
Tracy L. Davis, City Recorder

**ADMINISTRATIVE
ITEM**

Finance Director Susan Gahlsdorf distributed and summarized the audit report pertaining to the City's 9-1-1 Audit findings and answered questions from the Committee.

**PUBLIC
TESTIMONY**

No public testimony was brought before the Committee.

**PARKS
OPERATING FUND**

1. Budget Scenarios and Level of service
2. Method of Collecting Tax

- Utility Bills
 - Property Tax Assessment
 - Other
3. Classes of Citizens to be Assessed

City Manager Eppley reported that the City Council had voted to place the issue on the ballot charging a specific flat tax for the acquisition and maintenance of the parks system.

City Recorder Tracy Davis read and explained the Ballot Title with the suggested changes in language as recommended by the Elections Office. The Committee had no issues with the language and it was noted that the Council would be ratifying these minor changes.

Public Works Director Rob Kissler provided a brief history of the work conducted by the Parks Board to address future budget funding for local parks. He presented two budget scenarios for consideration of the Committee.

Mr. Kissler indicated that Scenario #1 included two additional full-time employees. Scenario #2 recommended two full time employees, and three seasonal employees. A Capital Outlay line item was noted as a new line item for the park's budget. He summarized the remainder of each scenario, which included a reduction in contractual services.

The Committee expressed an interest in the youth recreation line item. Mr. Kissler indicated that he believed the Parks Board was interested in a summer recreation program with additional possibilities being considered.

Jerry McGee expressed concern with adding additional personnel for the creation of new programs.

Mr. Kissler stressed that an increase in manpower would enable a higher level of service versus the using contractual services.

The Committee discussed and debated the level of service that they believed would be appropriate for the area.

Lore Christopher moved a motion in Scenario #2 to

eliminate the Youth Recreation line item entirely, to remove the Municipal Utility Worker #1 and all associated benefits. Increase seasonal help by \$20,000 per year; increase contractual services by \$20,000 per year, eliminate the lead worker keeping this position status quo. Remove \$40,000 from the first year Capital Outlay reviewing on a yearly basis, adjust Working Capital/Ending Fund Balance accordingly and increase unemployment to \$4,000. Councilor McGee seconded the motion.

Mayor Christopher spoke strongly against the suggestion of hiring additional employees under the current budget situation.

The remainder of the Committee chimed in basic agreement of the motion. Some of the Committee members expressed their belief that the citizen's would not vote to fund the manpower for the levels of service in the scenarios presented.

Councilor Lee expressed concern with the bottom dollar amount being proposed. He believed even with the motion for reduction that the funds being requested were two and one half times greater than the current park's budget.

The Committee further debated the issue asking questions of staff and re-clarifying the motion. There was some discussion relating around the definition of business units and whether this would be addressed as individual businesses or by building status. Staff agreed that this would need to be addressed further.

Mayor Christopher noted that the adjustments in the motion would alter the bottom line to approximately \$244,292 or approximately \$1.56 per month in flat tax.

The motion passed as follows:

AYES: Beach, Bobrowitz, Caillier, Christopher, Clark, Lee, McGee, Moir, Smith and Walsh (10)

NAYES: None (0)

ABSENT: Atwood, Gaynor and Sparks-Tewell (3)

ABSTENTIONS: None (0)

Financial Operating Plan for Parks Program

	FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08
RESOURCES					
Working Capital Carryforward	\$ -	\$ 20,000	\$ 20,400	\$ 20,808	\$ 21,224
Park Reservation Fees	1,320	1,330	1,540	1,350	1,360
Taxes	215,776	220,648	224,973	229,648	234,478
Uncollectables 1%	(2,200)	(2,217)	(2,234)	(2,251)	(2,268)
Transfer from General Fund	20,000	-	-	-	-
TOTAL RESOURCES	\$ 234,896	\$ 239,761	\$ 244,479	\$ 249,555	\$ 254,794
EXPENDITURES					
PERSONAL SERVICES					
Public Works Superintendent	\$ 3,159	\$ 3,351	\$ 3,555	\$ 3,662	\$ 3,772
Municipal Utility Worker I	37,327	38,447	39,600	40,788	42,012
Administrative Staff**	7,800	8,190	8,600	9,030	9,482
Support Staff	5,599	5,879	6,173	6,482	6,806
Seasonal Help	40,085	41,288	42,527	43,803	45,117
Medicare	911	938	966	995	1,025
Retirement	9,104	9,559	10,037	10,539	11,066
Insurance Benefits	8,122	8,366	8,617	8,876	9,142
Unemployment	4,009	4,129	4,253	4,380	4,512
Workers Compensation	1,580	1,627	1,676	1,726	1,778
TOTAL PERSONAL SERVICES	\$ 117,696	\$ 121,774	\$ 126,004	\$ 130,281	\$ 134,712
MATERIALS & SERVICES					
Office Materials & Supplies	\$ 600	\$ 603	\$ 606	\$ 609	\$ 612
General Overhead**	3,000	3,015	3,030	3,045	3,060
Parks Materials & Supplies	16,000	16,080	16,160	16,241	16,322
Travel & Training	1,000	1,005	1,010	1,015	1,020
Legal Services	1,600	1,608	1,616	1,624	1,632
Contractual Services	40,000	40,200	40,401	40,603	40,806
Vehicle Maintenance	2,500	2,513	2,526	2,539	2,552
Equipment Maintenance	2,500	2,513	2,526	2,539	2,552
Youth Recreation	-	-	-	-	-
TOTAL MATERIALS & SERVICES	\$ 67,200	\$ 67,537	\$ 67,875	\$ 68,215	\$ 68,556
CAPITAL OUTLAY					
Park Improvements/Equipment	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
TOTAL CAPITAL OUTLAY***	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
TOTAL EXPENDITURES	\$ 204,896	\$ 209,311	\$ 213,879	\$ 218,496	\$ 223,268
Contingency	\$ 10,000	\$ 10,050	\$ 10,100	\$ 10,151	\$ 10,202
Undesignated Ending Fund Balance	20,000	20,400	20,808	21,224	21,648
TOTAL EXPENDITURES & ENDING FUND BALANCE	\$ 234,896	\$ 239,761	\$ 244,787	\$ 249,871	\$ 255,118
12,817 Dwellings/cost /month plus 218 business units = 13,035 units	\$ 1.38	\$ 1.40	\$ 1.42	\$ 1.44	\$ 1.45
Growth at 0.75% per year	13,035	13,133	13,231	13,330	13,430
Percent Rate Increase		101.49%	101.20%	101.32%	101.34%

- * 1% salary and benefits for City Mgr, HR, City Recorder, Finance, accounting & maintenance staff at 5% increase per year for cost of
 ** Overhead costs including audit, telephones, computers, dues & subscriptions, general legal council, postage & printing, utilities etc.
 *** Capital Outlay was set at \$20000 per year to show impact of other factors on annual rate increase



October 7, 2002

AGENDA ITEM 7b

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

To: Mayor Christopher and City Council

From: Maria Meier, Planning Director *mm*

Date: October 3, 2002

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

On September 9, 2002, the City Council requested staff to prepare complete revised copies of the proposed Keizer Station Plan and corresponding text amendments to the Keizer Development Code and Comprehensive Plan. Please find attached copies of the following:

- Memorandum from Keizer Public Works Department regarding 12-foot promenade proposal along Radiant Drive.
- Updated list of exhibits submitted to the record to date.
- Draft Keizer Station Plan as amended by Council.
- Draft text amendments to the Keizer Development Code as amended by Council.
- Preliminary Findings to the applicable Development Code criteria, Comprehensive Plan goals and policies, and Statewide Planning Goals.

Staff recommends the City Council review the draft amendments and findings and advise staff of any necessary changes.



Public Works Department

MEMORANDUM

DATE: October 2, 2002

TO: Maria Meier
Planning Director

FROM: Rob Kissler
Director of Public Works

SUBJECT: Keizer Station Draft Plan

BACKGROUND:

Council suggested in the recent deliberations on the Keizer Station Plan in Attachment C section 3.111.04 C, 7, that 12' pedestrian and bicycle promenades be constructed on both sides of Radiant Drive. Staff has concerns with this type of design if this is the only bicycle lanes provided in the development. Bicycles traveling on combined sidewalks or promenades with storefront accesses and cross streets create significant safety hazards. I have contacted the ODOT Bicycle and Pedestrian Manager regarding this design. He is willing to give comments in writing on specific designs when submitted. The timeline for developing a design and receiving comments is four weeks.

Staff recommends Council deliberate the suggested change in the Keizer Station Plan Area A in detail, so a final proposed design can be obtained and submitted to ODOT and the City Engineer for comments.

EXHIBITS

Exhibit "A"	Keizer Station Plan as proposed by Northwest National LLC
Exhibit "B"	Staff Recommended Alternative Plan – Keizer Station Plan
Exhibit "C"	Keizer Public Works Department
Exhibit "D"	Additional Information from Development Team for Northwest National - D.1 Memo: Additional Comprehensive Plan Findings - D.2 Map: Proposed Comprehensive Plan Map Amendments - D.3 Letter: Regarding Trip Generation Analysis - D.4 Memo: Methodology of Economics Analysis - D.5 Memo: Update Available Lands Inventory - D.6 Memo: Revised Industrial Needs Analysis - D.7 Memo: Adjusted Retail Needs Analysis for Staff Recommended Alternative Plan
Exhibit "E"	Marion County
Exhibit "F"	Oregon Department of Transportation
Exhibit "G"	Oregon Department of Land Conservation and Development
Exhibit "H"	City of Salem
Exhibit "I"	Community Solutions Team – Governor's Task Force
Exhibit "J"	Salem Area Transit – Two Letter Submitted
Exhibit "K"	Keizer Urban Renewal Board
Exhibit "L"	- L.1 Portland General Electric - L.2 Northwest Natural - L.3 Department of Keizer Police - L.4 AT&T Cable Services
Exhibit "M"	Cindy Gaty – No address
Exhibit "N"	Barbara Halliday – Salem, Oregon
Exhibit "O"	Keizer Council Resolution Initiating Current Review
Exhibit "P"	1995 Chemawa/I-5 Transportation & Land Use Study
Exhibit "Q"	City of Salem Actions Acknowledging 1995 Chemawa/I-5 Transportation & Land Use Study
Exhibit "R"	Adopted 1997 Chemawa Activity Center Plan
Exhibit "S"	Comments – Letter from Keizer Urban Renewal Board
Exhibit "T"	Comments – Letter from D. Condon & R. Straughan
Exhibit "U"	Comments – Letter from SEDCOR
Exhibit "V"	Comments – Letter from D. Engen
Exhibit "W"	Comments – Letter from Joe and Nancy Kuehn
Exhibit "X"	Comments – Memo from Keizer Equestrian Center, LLC
Exhibit "Y"	Comments – Email from Wendel Mann
Exhibit "Z"	Comments – Email from Art Bobrowitz
Exhibit "A-1"	Comments – 1000 Friends of Oregon
Exhibit "A-2"	Comments – Letter from Forrest Gill
Exhibit "A-3"	Comments – Letter with Attachments from the City of Salem
Exhibit "A-4"	Comments – Letter from Salem Downtown Association
Exhibit "A-5"	Comments – Letter with Attachments from Mary Hupy
Exhibit "A-6"	Comments – Memo from Aileen Kaye
Exhibit "A-7"	Comments – Letter from Roger Kaye
Exhibit "A-8"	Comments – Memo from Frank Angelo-Angelo, Eaton & Associates dated December 19, 2001
Exhibit "A-9"	Comments – Letter from Leslie Zaitz

- Exhibit "A-10" Comments – E-correspondence from Joan Power
- Exhibit "A-11" Land Needs Analysis Summary – Hobson Ferrarini Associates
- Exhibit "A-12" Comments – Memo from Frank Angelo-Angelo, Eaton & Associates dated January 4, 2002
- Exhibit "A-13" Comments – Memo from Frank Angelo-Angelo, Eaton & Associates dated January 4, 2002 RE: Commercial and Industrial Land Inventory
- Exhibit "A-14" Comments – Memo from Dorothy Cofield – Attorney at Law
- Exhibit "A-15" Comments – Memo from Christopher Stanley and Hermanus Steyn Kittelson & Associates, Inc.
- Exhibit "A-16" Comments – Memo from Steve Ferrarini - Hobson Ferrarini Associates
- Exhibit "A-17" Comments – Letter from David C. Leland-Leland Consulting Group
- Exhibit "A-18" Comments – Letter from Leon Laptook-Community Development Law Center
- Exhibit "A-19" Comments – Memo from Keizer Chamber of Commerce
- Exhibit "A-20" Comments – Letter from Mike Swaim, Mayor – City of Salem
- Exhibit "A-21" The Impact of Chain Stores on Community
- Exhibit "A-22" Comments – Letter dated January 9, 2002 from 1000 Friends of Oregon
- Exhibit "A-23" Letter dated January 9, 2002 from Chuck Sides – Northwest National LLC
- Exhibit "A-24" Comments – Letter with Attachments from Douglas Parrow
- Exhibit "A-25" Comments – Letter from Jean Johnson
- Exhibit "A-26" E-correspondence, Joanie Mann – Correction of Exhibit #)
- Exhibit "A-27" E-correspondence, Martin Doerfler
- Exhibit "A-28" E-correspondence, Joanne & Bill Sandhu
- Exhibit "A-29" E-correspondence, Caridad Brown
- Exhibit "A-30" E-correspondence, Molly Gehley
- Exhibit "A-31" Letter, 1000 Friends of Marion County
- Exhibit "A-32" Flier Delivered to Keizer City Hall with Written Comment, No Name
- Exhibit "A-33" Letter, David Philbrick
- Exhibit "A-34" E-correspondence, Steve Templar, No address
- Exhibit "A-35" E-correspondence, Vicky Rafn, No address
- Exhibit "A-36" E-correspondence, Bigdogtile@aol.com, No Name, No Address
- Exhibit "A-37" E-correspondence, Faye Weaver, No address
- Exhibit "A-38" Letter, Keizer Rural Fire Protection District
- Exhibit "A-39" Letter, Keizer Mayor Christopher to Congresswoman Darlene Hooley, US House of Representatives
- Exhibit "A-40" Letter, Keizer Mayor Christopher to Senator Ron Wyden, US Senate
- Exhibit "A-41" Documentation of Coordination Efforts, City of Keizer, Maria Meier, Planning Director
- Exhibit "A-42" City of Keizer December 2000 Residential Buildable Lands Inventory
- Exhibit "A-43" Memorandum of Questions and Considerations regarding Keizer Station Plan, Leland Consulting Group – Contracted Economic Analyst
- Exhibit "A-44" Letter to Oregon Department of Land Conservation & Development from Maria Meier City of Keizer dated January 9, 2002
- Exhibit "A-45" Letter to Maria Meier City of Keizer from Oregon Department of Land Conservation & Development dated January 14, 2002
- Exhibit "A-46" Letter to Salem Community Development Department from Maria Meier City of Keizer dated January 24, 2001

- Exhibit "A-47" Letter to Oregon Department of Transportation from Maria Meier City of Keizer dated February 8, 2002
- Exhibit "A-48" Letter to Marion County Board of Commissioners, Polk County Board of Commissioners and Salem City Council from Mayor Lore Christopher dated February 21, 2002
- Exhibit "A-49" Letter to Maria Meier from Vickie Hardin Woods City of Salem dated February 13, 2002
- Exhibit "A-50" Memorandum from E. Shannon Johnson, City of Keizer Attorney to Maria Meier City of Keizer dated April 16, 2002
- Exhibit "A-51" Letter to Dept of Land Conservation & Development from Maria Meier City of Keizer dated April 17, 2002
- Exhibit "A-52" Update of the Demand and Supply for Commercial and Industrial Land In Keizer from Hobson Ferrarini Associates dated May 1, 2002
- Exhibit "A-53" City of Keizer City Council Order Approving the Chemawa Activity Center Design Plan, Revised May 1088
- Exhibit "A-54" Ordinance No. 93-0263 - A Bill (No. 245) for Ordinance Adopting the Chemawa Activity Center Plan (Amending Ordinance No. 87-077)
- Exhibit "A-55" Letter to Maria Meier City of Keizer from Dale Morrison received February 8, 2002
- Exhibit "A-56" Email from Myron L. Knuth to Maria Meier City of Keizer sent January 16, 2002
- Exhibit "A-57" Email from the Leffler Family to Maria Meier City of Keizer sent January 17, 2002
- Exhibit "A-58" Signatures of people protesting the Keizer Station Plan received January 17, 2002
- Exhibit "A-59" Email from Blubuggy1@aol.com to Keizer City Council dated January 18, 2002
- Exhibit "A-60" Email from Joanne and Bill Sandhu to Maria Meier City of Keizer dated January 15, 2002
- Exhibit "A-61" Email from Caridad Brown to Maria Meier City of Keizer dated January 15, 2002
- Exhibit "A-62" Email from Bruce Lawson to Keizer City Council dated April 23, 2002
- Exhibit "A-63" Keizer Station Plan Planning Commission Recommendation Related Community Issues dated May 20, 2002
- Exhibit "A-64" Keizer Planning Commission Minutes dated Wednesday December 12, 2001
- Exhibit "A-65" Letter from Oregon Department of Land Conservation and Development to Keizer City Council and Maria Meier City of Keizer dated May 6, 2002
- Exhibit "A-66" Letter from SEDCOR to City of Keizer dated May 6, 2002
- Exhibit "A-67" City of Salem Council Agenda Item No. 4.2.u (Supplemental Comments regarding City of Keizer's proposed Amendments to the Chemawa Activity Center Plan, Zoning Map and Zoning Code)
- Exhibit "A-68" Letter from 1000 Friends of Oregon to Keizer City Council dated May 6, 2002
- Exhibit "A-70" Article "Better Models for Superstores – Alternatives to Big-Box Sprawl"
- Exhibit "A-71" Letter from Northwest National LLC to Keizer City Council dated May 20, 2002
- Exhibit "A-72" Memorandum (Presentation Outline for May 20th meeting) from Hobson Ferrarini Associates to Keizer City Council dated May 20, 2002
- Exhibit "A-73" SKAPAC PROCESS submitted by Wendy Kellington

- Exhibit "A-74"** Letter from Oregon Department of Transportation to Maria Meier City of Keizer dated June 3, 2002
- Exhibit "A-75"** Email from Klaus Schilde to Maria Meier City of Keizer dated June 3, 2002
- Exhibit "A-76"** Letter from 1000 Friends of Oregon to Keizer City Council and Maria Meier dated June 3, 2002
- Exhibit "A-77"** Map - Portland Area Shopping – Retail Centers and Speciality Shops
- Exhibit "A-78"** NW National LLC request to add new language to reflect an overall limitation of Retail Commercial uses in the Keizer Station Plan area
- Exhibit "A-79"** Letter from Salem Area Transit to Keizer City Council dated June 6, 2002
- Exhibit "A-80"** Memorandum from Keizer Equestrian Center, LLC to City of Keizer dated June 6, 2002
- Exhibit "A-81"** Letter from David Philbrick to the Keizer City Council dated June 6, 2002
- Exhibit "A-82"** Keizer Station Plan Comments by Confederated Tribes of Grand Ronde Community of Oregon and Confederated Tribes of Siletz Indians of Oregon dated July 1, 2002
- Exhibit "A-83"** Memorandum from Karen Trucke to Keizer City Council dated July 1, 2002
- Exhibit "A-84"** Letter from 1000 Friend of Oregon to Keizer City Council and Maria Meier City of Keizer dated July 1, 2002
- Exhibit "A-85"** Memorandum from Frank Angelo to the Keizer City Council dated July 1, 2002
- Exhibit "A-86"** Memorandum from Charles R. Matschek to Keizer City Council dated July 1, 2002
- Exhibit "A-87"** Email from Beth Daniel regarding the Keizer Station Plan
- Exhibit "A-88"** Comments on Keizer Station Plan Submitted by Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of Grand Ronde Community of Oregon and dated July 15, 2002
- Exhibit "A-89"** Memorandum from Steve Ferrarini (Hobson Ferrarini Associates) to Bob Thompson (NW National LLC) -Impact of Keizer Station Plan on River Road businesses dated July 15, 2002
- Exhibit "A-90"** Memorandum from Steve Ferrarini (Hobson Ferrarini Associates) to Bob Thompson (NW National LLC) - Interpretation of PGP retail vacancy rate dated July 15, 2002
- Exhibit "A-91"** Memorandum from Steve Ferrarini (Hobson Ferrarini Associates) to Keizer City Council - Revised economic analysis for the staff recommended alternate Keizer Station Plan dated July 11, 2002
- Exhibit "A-92"** Memorandum from Steve Ferrarini (Hobson Ferrarini Associates) to Bob Thompson (NW National LLC) concerning housing impact analysis dated July 11, 2002
- Exhibit "A-93"** Memorandum from Steve Ferrarini (Hobson Ferrarini Associates) to Bob Thompson (NW National LLC) -Justification of commercial and industrial land supply methodology dated July 15, 2002
- Exhibit "A-94"** Memorandum from Steve Ferrarini (Hobson Ferrarini Associates) to Bob Thompson (NW National LLC) – response to City of Salem May 6, 2002 supplemental comments regarding the Keizer Station Plan dated July 15, 2002
- Exhibit "A-95"** Memorandum from Steve Ferrarini (Hobson Ferrarini Associates) to Bob Thompson (NW National LLC) – response to 1000 Friends of

- Oregon in regards to the commercial land inventory in Keizer dated July 15, 2002
- Exhibit "A-96" Memorandum from Hobson Ferrarini Associates to Bob Thompson (NW National LLC) – Economic Opportunities Analysis for Keizer Oregon dated July 15, 2002
- Exhibit "A-97" Demand Analysis – City of Keizer prepared by Hobson Ferrarini Associates and prepared for NW National LLC dated July 15, 2002
- Exhibit "A-98" Letter from 1000 Friends of Oregon to Keizer City Council and Maria Meier City of Keizer dated July 15, 2002
- Exhibit "A-99" Memorandum from Christopher Stanley to Keizer City Council dated July 15, 2002
- Exhibit "A-100" Email from Dave Quillin to Keizer City Council dated July 16, 2002
- Exhibit "A-101" Memorandum from Keizer City Attorney E. Shannon Johnson to Maria Meier City of Keizer dated July 18, 2002
- Exhibit "A-102" Letter from Department of Land Conservation and Development to Maria Meier City of Keizer dated July 17, 2002
- Exhibit "A-103" Council Work Session on Keizer Station. July 8, 2002
- Exhibit "A-104" Memorandum from Jane and Mike Kirby to Mayor Christopher, Keizer City Council and City Manager dated July 31, 2002
- Exhibit "A-105" Letter from Douglas M. Parrow to Maria Meier City of Keizer dated July 31, 2002
- Exhibit "A-106" Letter from Department of Land Conservation and Development to Maria Meier City of Keizer dated July 31, 2002
- Exhibit "A-107" Memorandum from Maria Meier City of Keizer to Mayor Christopher and Keizer City Council dated July 31, 2002
- Exhibit "A-108" Memorandum from Rob Kissler City of Keizer to Maria Meier City of Keizer dated July 31, 2002
- Exhibit "A-109" Economic Opportunities Analysis for Keizer Oregon prepared by Hobson Ferrarini Associates dated July 31, 2002
- Exhibit "A-110" SKAPAC Record

- Exhibit 1 Planning Commission, City of Keizer Resolution
In the Matter of the Recommendation of the Keizer Planning Commission to the Keizer City Council in the Amendment of the Chemawa Activity Center Plan/Keizer Station Plan
- Exhibit 2 Letter from Vickie Woods City of Salem to Maria Meier City of Keizer dated February 13, 2002
- Exhibit 3 Letter from Mayor Lore Christopher to Marion County Board of Commissioners, Polk County Board of Commissions and Salem City Council dated February 21, 2002
- Exhibit 4 Agreement Establishing a Regional Comprehensive Plan Coordination Association
- Exhibit 5 Chemawa Activity Center – Proposed Plan and Text Amendments – Schedule Proposed by Staff Subcommittee
- Exhibit 6 Proposed Zoning Changes – Chemawa Activity Center
- Exhibit 7 Memorandum from Vicki Woods City of Salem to SKAPAC Staff Subcommittee dated March 19, 2002

- Exhibit 8a** Memorandum from Maria Meier City of Keizer to SKAPAC Staff Subcommittee dated March 19, 2002
- Exhibit 8b** Memorandum from Brad Curs Hobson Ferrarini Associates to Maria Meier City of Keizer dated March 18, 2002
- Exhibit 9** Chemawa Activity Center zoning map
- Exhibit 10** Keizer Station Plan - Subareas Map
- Exhibit 11** Keizer Station Plan - Zoning Map
- Exhibit 12** Keizer Station Plan - Staff Recommendation Alternative Plan map
- Exhibit 13** Memorandum from Maria Meier City of Keizer to SKAPAC Staff Subcommittee dated April 4, 2002
- Exhibit 14** Salem- Keizer Planning Advisory Committee (SKAPAC) Elected Official Subcommittee
- Exhibit 15** Memorandum from Keizer City Council to City of Salem, Marion County and Polk County dated March 20, 2002
- Exhibit 16** Memorandum from Marion County Board of Commissioners to City of Keizer, City of Salem and Polk County dated March 18, 2002
- Exhibit 17** Email from James Allen to Maria Meier dated March 18, 2002
- Exhibit 18** Memorandum from Vickie Hardin Woods City of Salem to Maria Meier City of Keizer dated March 28, 2002
- Exhibit 19** Agenda April 10, 2002 Keizer Planning Advisory Committee (SKAPAC) Elected Official Subcommittee
- Exhibit 20** Agenda April 16, 2002 Keizer Planning Advisory Committee (SKAPAC) Elected Official Subcommittee
- Exhibit 21** Memorandum from Maria Meier City of Keizer to Chris Eppley, City Manager, City of Keizer dated April 16, 2002 - Land inventory data
- Exhibit 22** Memorandum from Maria Meier City of Keizer to Chris Eppley, City Manager, City of Keizer dated April 16, 2002 - Contact with DLCD
- Exhibit 23** Agenda May 23, 2002 Keizer Planning Advisory Committee (SKAPAC) Meeting of Governing Jurisdictions
- Exhibit 24** City of Salem Charter Section 55 - Regional Shopping Center
- Exhibit 25** City of Salem City Council agenda item No. 4.2.h dated March 11, 2002
- Exhibit 26** Memorandum from Vickie Hardin Woods City of Salem to SKAPAC Staff Subcommittee dated March 19, 2002
- Exhibit 27** Memorandum from Maria Meier City of Keizer to SKAPAC Staff Subcommittee dated March 19, 2002
- Exhibit 28** City of Salem City Council agenda item No. 4.2.i dated June 3, 2002
- Exhibit 29** Correspondence from LCDC dated 1993 and Periodic Review Order

Exhibit 30	Bill No. 232 – Ordinance No. 93-250 City of Keizer
Exhibit 31	Project 90: Safeguarding Salem's Future 1980-1990
Exhibit 32	Plan Amendment Tracking Sheet – amendment proposed: 4976
Exhibit 33	Notice of Periodic Review Work Program Submittal dated June 3, 1994
Exhibit 34	Memorandum from Oregon Department of Land Conservation and Development - Notice of Adopted Amendment dated July 28, 1994
Exhibit 35	Letter from Oregon Department of Land Conservation and Development to Kenn Battaile City of Salem and John Morgan City of Keizer dated August 26, 1994
Exhibit 36	Ordinance No. 1004 before the Marion County Commissioners for Marion County Oregon dated January 23, 1995
Exhibit 37	Email from Brenda Cansler to Mark Radabaugh and Anna Russo regarding Periodic Review
Exhibit 38	Memorandum from Mike Jaffe SKATS to Maria Meier City of Keizer dated June 5, 2002
Exhibit 39	City of Keizer – Infill and Redevelopment Master Plan
Exhibit 40	SKAPAC Process minutes March 8, 2002
Exhibit 41	SKAPAC Process minutes March 21, 2002
Exhibit 42	Email from Jennifer Wheeler to Maria Meier City of Keizer regarding Extension of record for SKAPAC dated June 7, 2002
Exhibit 43	Email from Mike Swain City of Salem to Maria Meier and others dated June 6, 2002 - SKAPAC Records Notice, Request from Extension
Exhibit 44	Email from Mayor Lore Christopher City of Keizer to Maria Meier City of Keizer dated June 6, 2002 - SKAPAC Records Notice, Request from Extension
Exhibit 45	Email from Mike Ryan to Maria Meier and others dated June 7, 2002 - SKAPAC Records Notice, Request from Extension
Exhibit 46	Memorandum from City of Keizer to Salem-Keizer Area Planning Advisory Committee dated June 7, 2002

Exhibit 30	Bill No. 232 – Ordinance No. 93-250 City of Keizer
Exhibit 31	Project 90: Safeguarding Salem's Future 1980-1990
Exhibit 32	Plan Amendment Tracking Sheet – amendment proposed: 4976
Exhibit 33	Notice of Periodic Review Work Program Submittal dated June 3, 1994
Exhibit 34	Memorandum from Oregon Department of Land Conservation and Development - Notice of Adopted Amendment dated July 28, 1994
Exhibit 35	Letter from Oregon Department of Land Conservation and Development to Kenn Battaile City of Salem and John Morgan City of Keizer dated August 26, 1994
Exhibit 36	Ordinance No. 1004 before the Marion County Commissioners for Marion County Oregon dated January 23, 1995
Exhibit 37	Email from Brenda Cansler to Mark Radabaugh and Anna Russo regarding Periodic Review
Exhibit 38	Memorandum from Mike Jaffe SKATS to Maria Meier City of Keizer dated June 5, 2002
Exhibit 39	City of Keizer – Infill and Redevelopment Master Plan
Exhibit 40	SKAPAC Process minutes March 8, 2002
Exhibit 41	SKAPAC Process minutes March 21, 2002
Exhibit 42	Email from Jennifer Wheeler to Maria Meier City of Keizer regarding Extension of record for SKAPAC dated June 7, 2002
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KEIZER STATION PLAN

INTRODUCTION

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

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

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

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

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

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

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

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

FIGURE 1: SUBAREAS

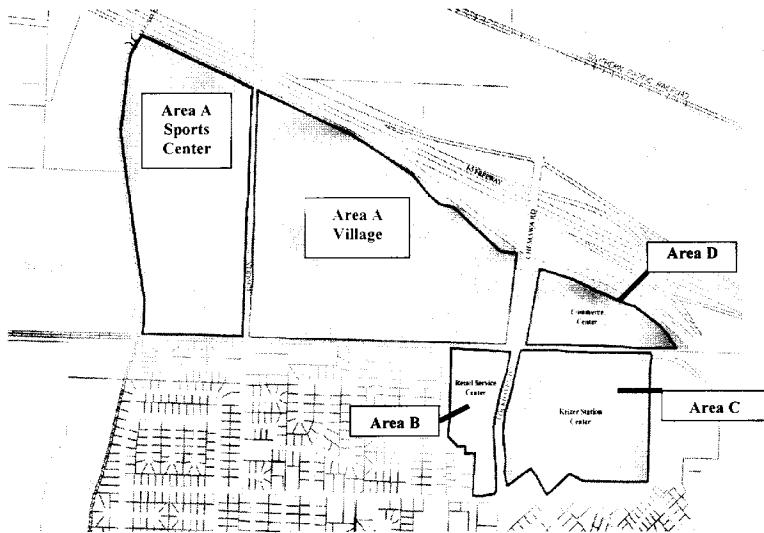


FIGURE ONE

KEIZER STATION PLAN -

SUBAREAS
SEPTEMBER 2001



ANKROM MOISAN
ASSOCIATED ARCHITECTS



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

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

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

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

KEIZER STATION PLAN LAND USE AND ZONING

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

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

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

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

Zoning District	Existing Acres	Proposed Acres	Change/Acres
Industrial Business Park (IBP)	124.2	51.6	-75.5
General Industrial	0	32.1	+32.1
Commercial Mixed Use (CM)	18.8	11.4	-7.4
Mixed Use (MU)	36	34.5	-1.5
Public (P)	35.7	0	-35.7
Commercial Office (CO)	12.5	0	-12.5
Commercial Retail (CR)	0	1.5	+1.5
Single Family Residential (RS)	0	1.1	+1.1
Employment General (EG)	0	95	+95
Total Approximate Acres	227.2	227.2	

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

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

Village Center Area A

Village Center

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

Entertainment and Sports Center Area A**Entertainment & Sports Center**

<u>Zoning</u>	<u>Existing Acres</u>	<u>Proposed Acres</u>
Industrial Business Park (IBP)	Including BPA 40.1 Not Including BPA 16.3	Including Ball Park 51.6 Not Including Ball Park 30.1
General Industrial (IG)	0	Including BPA 30 Not Including BPA 16.3
Public (P)	27.9	0

(BPA = Bonneville Power Administration)

Retail Service Center Area B**Retail Service Center**

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

Keizer Station Center Area C**Keizer Station Center**

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

Commerce Center Area D**Commerce Center**

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

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

FIGURE 2: ZONING MAP

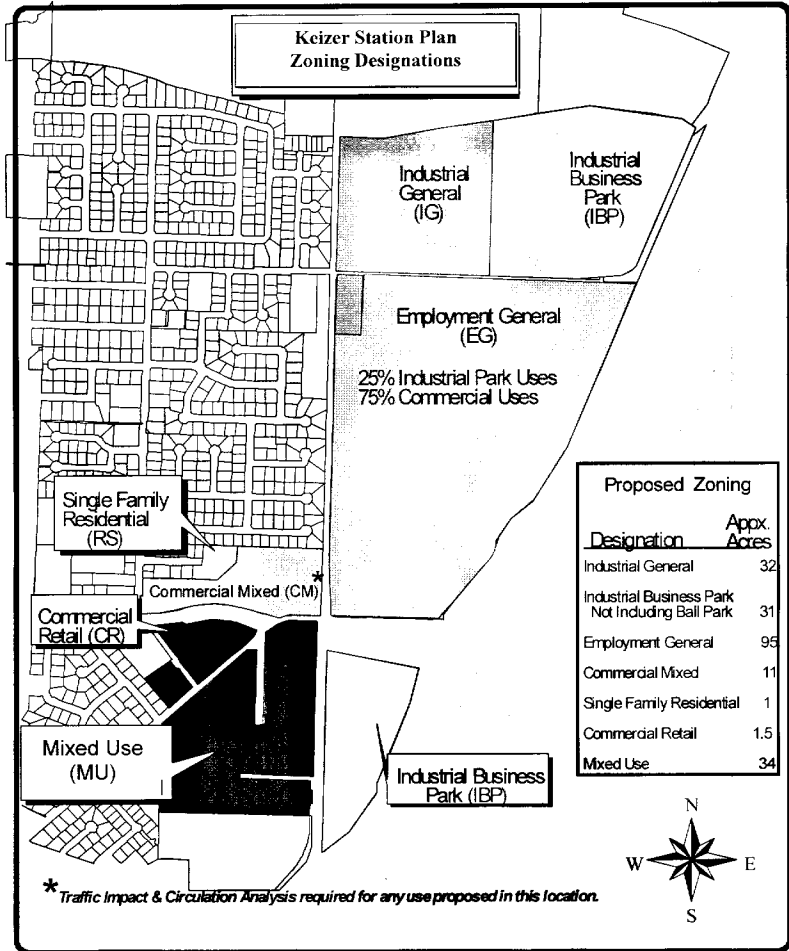
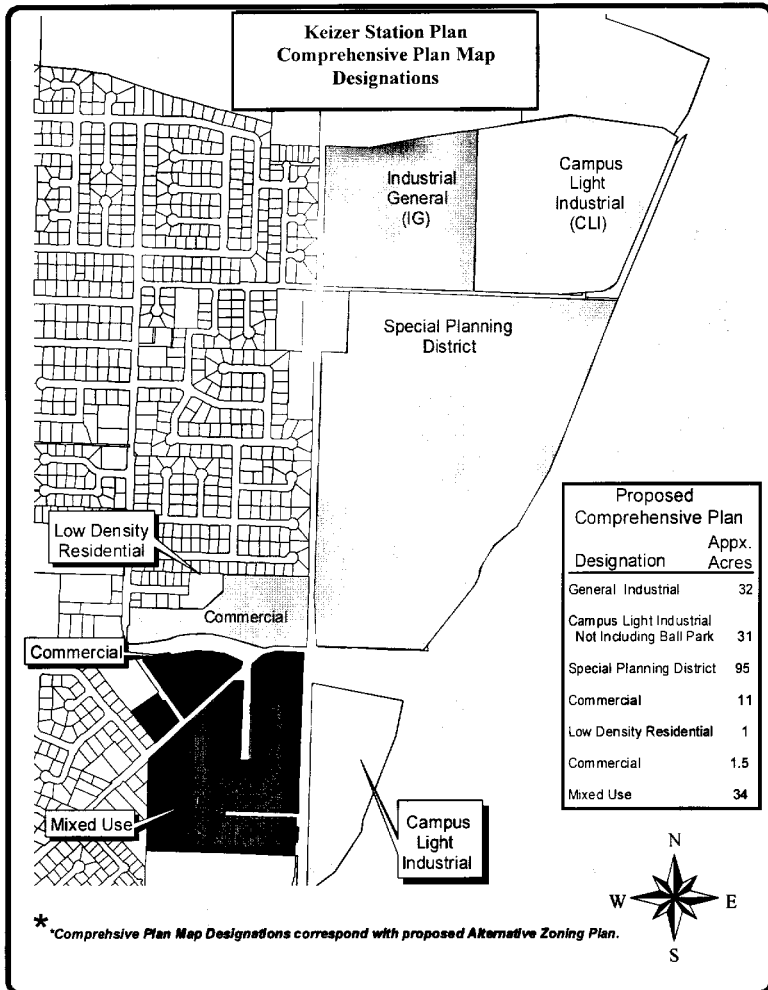


Figure 3: Comprehensive Plan Map Land Use Designations



SITE CHARACTERISTICS

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

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

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

KEIZER STATION PLAN SUBAREAS AND DESIGN GUIDELINES

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

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

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

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

KEIZER STATION PLAN IMPLEMENTATION PROCEDURES

Land Use Review Procedures

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

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

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

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

Transportation Review Procedures

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

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

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

Street right of way dedications and street vacations will be required. Prior to development, an overall preliminary plan shall be submitted for review and approval by

the Department of Public Works indicating the location of all proposed public and private streets to be dedicated and vacated. All new public streets shall be constructed to the requirements of the City of Keizer Department of Public Works Design and Construction Standards in place at the time of development. During the master planning process, circulation to and within the Keizer Station Plan shall be addressed to promote pedestrian and bicycle access to the site from all surrounding areas.

Utility Review Procedures

General:

- A. A street lighting master plan shall be developed during the "Concept Design Plan" phase of development of the subject property. A street lighting district shall be created while under the control of the developer to provide for adequate streetlights along the frontage of all new street rights of way. Decorative lighting shall be used.
- B. Construction permits are required by the Department of Public Works prior to any public facility construction. Contact the City Engineer's office at 390-7402 for the necessary permit information that is required.
- C. A Pre-design meeting with the City of Keizer Department of Public Works will be required prior to the Developer's Engineer submitting plans to either the city of Keizer or the City of Salem for review.
- D. Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.

Sanitary Sewer:

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

- A. Prior to development of the subject property, a master sewer plan for the proposed development shall be submitted to the Department of Public Works for review

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

Domestic Water:

- A. A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. Location of all meters shall be approved by the Keizer Department of Public Works. To provide for adequate peak consumption and fire protection requirements it is anticipated that new public wells and storage facilities will be required. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways. Dedication of property to the City shall be required for any wells or storage facilities developed. Any system development charges for water system improvements will be those in place at the time of individual service connections.

- B. Final development plans shall be reviewed by the Keizer Fire Department with regard to access and adequate location of fire hydrants prior to any issuance of public works construction permits by the City of Keizer.
- C. Existing wells on the subject property are to be located by the developer and reviewed by the Keizer Department of Public Works to determine if existing water rights can be transferred to municipal use. If so, the developer shall make the transfer at the request of the City. The City will be responsible for any fees charged by the State of Oregon associated with the transfer. If the wells cannot be incorporated into the city system, the developer shall abandon them in accordance with the rules of the Oregon State Water Resources Department.

Storm Sewer:

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

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

KEIZER STATION VILLAGE CENTER Area A – Village Center

I. PURPOSE AND OBJECTIVES

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

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

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

- B. **Objectives:** Development in ~~the Village Center~~ Area A – Village Center will be focused on achieving the following objectives:

- Provide a Northern Gateway to Keizer
- Develop a Variety of Employment Opportunities
- Create a Focal Point for Commerce and Community Activities
- Establish a Place for Multiple Activities
- Provide a Gateway to Entertainment and Sports Activities; and
- Be a Source of Employment Opportunities

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

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

II. ~~VILLAGE CENTER~~ AREA A - VILLAGE CENTER DESIGN STANDARDS

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

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

* **See Attachment D; Development Standards – Section 3.315 of the Code for reference.**

- B. **Additional Design Standards:** Development throughout ~~the Village Center~~ Area A - Village Center will be controlled by a set of design standards aimed at establishing an environment that promotes a coordinated approach to developing the entire 97.1 acres. The intent is to establish design standards in addition to the standards identified in Section 2.315 of the Code that will guide future development in a manner that will achieve the development objectives for ~~the Village Center~~ Area A - Village Center. In addition to the development standards in the EG zone – Section 2.119 and Development Standards – Section 2.315, the

following Design Standards shall apply to new development in ~~the Village Center~~
Area A – Village Center area:

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

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

III. ~~VILLAGE CENTER~~ AREA A – VILLAGE CENTER TRANSPORTATION SYSTEM

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

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

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

IV. UTILITIES

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

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

V. PARKING

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

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

VI. LANDSCAPE

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

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

ENTERTAINMENT AND SPORTS CENTER Area A – Sports & Entertainment Center

I. PURPOSE AND OBJECTIVES

- A. **Purpose:** ~~The Entertainment and Sports Center Area A – Sports Center~~ (71 Total 81.6 acres – See page 6 for details) is the location of the Keizer Stadium as well as the potential location for a variety of entertainment, recreation and sports-related facilities. A portion of this area is devoted to existing industrial uses – a power substation. ~~The Entertainment and Sports Center Area A – Sports Center~~ will be accessed via the extension of Radiant Drive through ~~the Village Center Area A - Village.~~ Key issues that will need to be considered as ~~the Entertainment and Sports Area Area A – Sports Center~~ develops include:
- Location and design of Radiant Drive;
 - Physical constraints that will influence the amount of buildable land and building locations;
 - Phasing of development;
 - Coordination with Keizer Stadium activities; and
 - Relationship to Lake Labish restoration improvements.
- B. **Objectives:** Development in ~~the Entertainment and Sports Area Center~~ Area A – Sports will be focused on achieving the following objectives:

- Providing development opportunities for recreation facilities while addressing building constraints;
- Creating a recreation and community center; and
- Providing compatible uses to the existing power transmission center.

B. ~~Base Zone:~~ In order to achieve the ~~Entertainment and Sports Center Area A – Sports~~ Development Objectives, the Comprehensive Plan designation for property within the ~~Entertainment and Sports Center Area A – Sports~~ shall be Campus Light Industrial and General Industrial. Property within the Entertainment and Sports Center shall be zoned as follows:

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

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

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

- A. Permitted Uses:** All permitted uses listed in the corresponding base zones are allowed in the ~~Entertainment and Sports Center area Area A – Sports~~.
- B. Development Standards:** In addition to the development standards in the underlying base zones, the following design standards shall apply:
1. The requirement in Industrial Business Park Section 2.113.05 H (Lot Coverage) for 20 percent of the gross area of a lot in the IBP district is reduced to 10 percent for the ~~Entertainment and Sports Center Area A – Sports Center~~.
 2. The requirement in General Industrial Section 2.114.05 B (Dimensional Standards – Structure Height) is amended to allow an additional one foot of height for every five feet of setback from residential areas in the ~~Entertainment and Sports Center Area A – Sports Center~~.

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

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

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

IV. LANDSCAPE

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

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

RETAIL SERVICE CENTER AREA B – RETAIL SERVICE CENTER

I. PURPOSE AND OBJECTIVES

- A. **Purpose.** ~~The Retail Service Center~~ Area B – Retail Service Center (12.5 acres) is envisioned to offer community supporting retail services such as a food store, personal services and specialty retail. In addition, the plan proposes the completion of Dennis Ray Avenue to complete the residential neighborhood nearby. Key issues that will need to be considered as ~~the Retail Service Center~~ Area B develops include:
- Site access;
 - Buffering between adjacent residential areas; and
 - Traffic operations on Lockhaven.
- B. **Objectives:** Development in ~~the Retail Service Center~~ Area B will be focused on achieving the following objectives:
- Complete residential neighborhood on Dennis Ray Avenue and provide a pedestrian and bicycle connection to nearby commercial activities;
 - Provide convenient retail opportunities for nearby residential areas;
 - Create a landscape buffer along the northern edge of the site; and

- Protect traffic operations on Lockhaven Drive and McLeod Lane.

- C. **Base Zones:** In order to achieve the ~~Retail Service Center~~ Area B Development Objectives, the Comprehensive Plan designation for property within the ~~Retail Service Center~~ Area B shall be Low Density Residential for those properties zoned Single Family Residential and Commercial for the property zoned Commercial Mixed Limited Use (CM-LU). Property within the ~~Retail Service Center~~ Area B shall be zoned as follows:

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

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

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

III. ~~RETAIL SERVICE CENTER~~ AREA B TRANSPORTATION SYSTEM

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

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

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

IV. UTILITIES

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

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

V. LANDSCAPE

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

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

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

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

KEIZER STATION CENTER AREA C – KEIZER STATION CENTER

I. PURPOSE AND OBJECTIVES

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

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

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

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

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

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

II. KEIZER STATION CENTER AREA C STANDARDS

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

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

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

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

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

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

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

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

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

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

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

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

IV. UTILITIES

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

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

V. LANDSCAPE

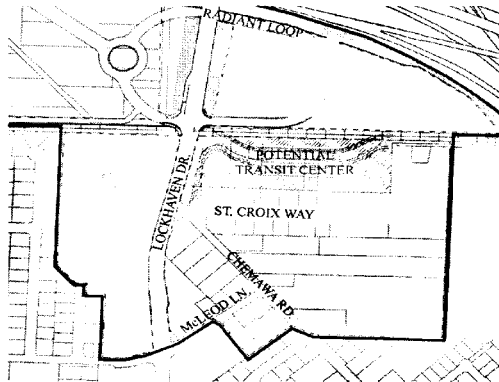
In addition to the development standards of Site and Landscape Design – Section 2.309 the following standard shall apply:

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

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

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

FIGURE 3: Potential Commuter Rail Transit Center



COMMERCE CENTER Area D – COMMERCE CENTER

I. PURPOSE AND OBJECTIVES

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

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

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

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

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

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

Zoning	Acres
Industrial Business Park (IBP)	15.0

II. COMMERCE CENTER STANDARDS

A. **Permitted Uses:** All permitted uses listed in the corresponding base zone are allowed in ~~the Commerce Center~~ Area D.

E. **Development Standards:** Development Standards the underlying base zone, Industrial Business Park – Section 2.113 and Development Standards – Section 2.315 shall apply. In addition, the following standard shall apply:

1. The requirement in Industrial Business Park Section 2.113.05 H (Lot Coverage) for 20 percent of the gross area of a lot in the IBP district is reduced to 10 percent for the Entertainment and Sports Center.

* **See Text Amendments in the Industrial Business Park (IBP) zone – Section 2.113 of the Code. Attachment H.**

III. ~~COMMERCE CENTER~~ AREA D TRANSPORTATION SYSTEM

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

A. Radiant Loop is may be established to bisect ~~the Commerce Center~~ Area D to provide a landscaped entry into ~~the Commerce Center~~ Area D and Village Center Area A – Village activities.

B. Access from a potential Radiant Loop to adjoining property shall be controlled. At a minimum, spacing between full access points shall be located no less than 600' apart. Limited access points (e.g. right-in/right-out) may be permitted based upon an assessment of traffic operations and the need to address internal circulation needs.

IV. UTILITIES

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

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

V. LANDSCAPE

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

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

2.119 GENERAL EMPLOYMENT (EG)

2.119.01 Purpose

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

2.119.02 Other Zoning Regulations

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

2.119.03 Commercial and Industrial Use Limitations

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

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

2.119.04 Permitted Industrial Park Uses

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

A. Manufacturing;

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

ATTACHMENT A

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

ATTACHMENT A

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

ATTACHMENT A

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

G. Office Uses:

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

H. Retail trade:

1. Eating and drinking places.

I. Services:

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

J. Transit stop shelters.

K. Flexible Space Uses

ATTACHMENT A

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

a. Food Stores (54). (5/98)

b. Apparel and Accessory Stores (56). (5/98)

c. Furniture, Home Furnishings and Equipment Stores (57). (5/98)

d. Miscellaneous Retail; BUT EXCLUDING used merchandise stores (59). (5/98)

e. Business Services. (5/98)

f. Miscellaneous Repair Services. (5/98)

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

a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection (a)(i)-(iv)(K)(1)(a) – (d). (5/98)

b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district acreage identified for IBP uses within the EG zone. The acreage identified for IBP uses within the EG zone is defined as parcel or area of land used for IBP use land development including building site, parking, landscaping, drainage facilities and any other development on site to support the use on site. "IBP district" is defined as contiguous IBP zoned property including any internal public streets. (5/98)

c. The area developed in all flexible space uses shall in the aggregate not exceed 30 percent of the gross area of the IBP district acreage identified for IBP uses within the EG zone. (5/98)

d. Any outdoor storage area shall:

i. Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building;

ii. Be enclosed with a sight-obscuring fence or wall;

iii. Have at least one side conterminous with the building that it serves;

iv. Have no opening within fifty feet and visible from any property boundary; and

v. Meet the other applicable requirements of this ordinance.

e. Loading doors shall have no opening within seventy five feet and visible from any street or property boundary.

ATTACHMENT A

f. Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall.

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

2.119.05 Special Permitted Industrial Park Uses

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

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

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

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

~~2. Office Uses:~~

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

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

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

~~2) Mutual Savings Bank.~~

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

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

A. Accessory structures and uses prescribed in Section 2.203.

2.119.06 Permitted Commercial Uses

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

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

B. Residential homes and facilities.

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

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

E. Landscape counseling and planning (0781).

ATTACHMENT A

F. **Offices** for any use listed in SIC Division C - Construction.

G. **Commercial printing** (275).

H. **Transportation, Communication and Utilities.**

1. **Public utility structures and buildings.**

2. **Post office** (43).

3. **Travel agency** (4722).

4. **Communications** (48).

I. **Retail Trade.**

1. **Building materials, hardware, retail nurseries, and garden supply** (52), BUT EXCLUDING mobile home dealers (527).

2. **General merchandise stores** (53).

3. **Food stores** (54).

4. **Apparel and accessory stores** (56).

5. **Home furniture, furnishings, and equipment stores** (57).

6. **Eating and drinking places** (58).

7. **Miscellaneous retail** (59), BUT EXCLUDING fuel and ice dealers (598).

8. **Electrical and lighting shops and office machines and equipment stores.**

J. **Business, Professional and Social Services.**

1. **Finance, insurance and real estate** (60, 61, 62, 63, 64, 65, 67).

2. **Hotels, motels and tourist courts** (701).

3. **Organization hotels and lodging houses on membership basis** (704).

4. **Personal services** (72) BUT EXCLUDING industrial launderers (7218).

5. **Business services** (73) BUT EXCLUDING disinfecting and exterminating services (7342).

6. **Parking lots** in accordance with Section 2.303.04 of this Ordinance. (7521)

7. **Miscellaneous repair services** (76).

ATTACHMENT A

8. **Motion pictures** (78), BUT EXCLUDING drive-ins (7838).
 9. **Amusement and recreation** (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996).
 10. **Health services** (80), BUT EXCLUDING hospitals (806).
 11. **Legal services** (81).
 12. **Elementary and secondary schools** (8211).
 13. **Correspondence schools and vocational schools** (824).
 14. **Schools and educational services** not elsewhere classified (829).
 15. **Social services** (83).
 16. **Museums, art galleries, botanical and zoological gardens** (84).
 17. **Membership organizations** (86).
 18. **Miscellaneous services** (89).
- K. **Public Administration** (91 - 97).

2.119.07 Special Permitted Commercial Uses

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

A. Any commercial use, as identified in Sections 2.119.06 I. and 2.119.07 C(4) below, structures that exceed 60,000 square feet in floor area in accordance with Section 2.119.08 A below. (CC 09-03-02)

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

C B. The following **special uses** subject to the applicable standards in Section 2.4 and shall be considered commercial uses in the EG zone:

1. **House of Worship** (Section 2.423).
2. **Veterinary services** (074) (Section 2.414).
3. **Funeral service and crematories** (726) (Section 2.415).
4. **Used Merchandise Store** (Section 2.417).
5. **Service stations** (554) (Section 2.419) except as provided in Section 2.119.07 below.
6. **Automobile services** (75) (Section 2.420) BUT EXCLUDING automotive rental and leasing, without drivers (751), automotive repair shops (753), automotive repair (754).

7. Commuter Rail Station

2.119.08 Use Restrictions

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

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

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

2.119.09 Development Standards

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

ATTACHMENT A

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

2.119.10 Dimensional Standards

A. Purpose. The lot size standards promote new lots with sizes and shapes that are practical to assemble and develop. The standards are intended to prevent the creation of small lots, which are difficult to develop or to aggregate with other lots. The standards also discourage narrow lots, which increase demand for curb cuts. The EG zone is specifically designed for the property described as follows: physically bound by Tepper Lane to the north, Interstate 5 to the east, Burlington railroad tracks to the west, and Chemawa Road to the south. Uses in the gross acreage described shall be developed as a maximum seventy-five percent (75%) commercial and a minimum twenty-five percent (25%) industrial park. Uses shall be established in conformance with this Section and all other applicable regulations within the Keizer Development Code. Therefore, the division of such ground shall be approved to the standards in subsection 2.119.09.B. below.

B. Minimum Lot Dimension Requirements.

1. Within the acreage identified for commercial uses, at least eighty percent (80%) of the lots must meet Standard A stated in the table within this subsection and the remainder lots must meet Standard B.
2. Within the acreage identified for industrial uses, at least eighty percent (80%) of the lots must meet Standard C stated in the table within this subsection and the remainder of the lots must meet Standard D.
3. Exempt Lots. Lots or tracts created for the purposes of providing a right-of-way or dedicated open space are exempt from the lot size and shape standards of this section.

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

2.119.11 Development Standards

- A. Setback from Residential Areas. ~~Where the EG zone abuts a residential district, except another industrial type zone, directly or across an alley or railroad tract, there shall be a minimum required yard of forty (40) feet in depth adjacent to the lot line separating the EG~~

ATTACHMENT A

~~zone from the abutting district. The 40-foot required yard shall not be varied and shall be landscaped in accordance with Section 2.309. [Alternative additional language: The 40-foot required buffer shall not be included in the minimum percentage for landscaping on a lot.]~~ (CC 09-03-02)

B. Height, Setback, Coverage, and Landscaping Requirements

Development Type	Building Standards			Building Setbacks				Minimum Landscaping
	Maximum Height	Maximum Building Size	Maximum Lot Coverage	Street-side		Side/Rear Not Adjacent to Residential zone	Adjacent to Residential zone	Percentage of Lot Area
				Min	Max			
Commercial	50-100 ft. (1)	60,000 sq. ft. (2) (6)	85% (2)	10 ft.	20 ft. (3) (4)	None	40 ft.	45% 10% (5)
Industrial Park	80 ft. 100 ft. / 15 ft. within 50' of any residential zone (1)	None (6)	80% (2)	25 ft. 20 ft.	None	None	40 ft. plus 2 ft. for each foot of bldg. height over 50 ft.	20% 10% (5)

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

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

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

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

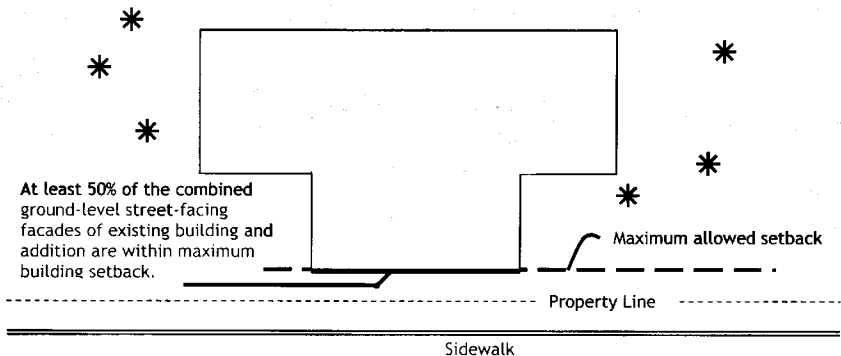
(3) Alternative maximum setback option for large commercial uses.

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

ATTACHMENT A

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

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



(5) Landscaping. All required yards, except driveways, are required to be landscaped; that portion within the required yard, which is landscaped, may be included in the calculation to meet minimum landscaping requirements. Landscaping shall meet all applicable standards identified in Section 2.309 of the Code.

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

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

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

1. Exterior Display, Storage, and Work Activities.

a. Exterior display and storage is **allowed**. Exterior display and storage shall not be located within required setbacks nor required landscaped areas. Exterior display and exterior storage areas shall not be located within 100 feet of any property line within 60 feet of a residential zone.

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

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

Section 2.125 Activity Overlay Zone
 Section 2.3 General Development Standards
 Section 2.301 General Provisions
 Section 2.302 Street Standards
 Section 2.303 Off-Street Parking and Loading
 Section 2.305 Transit Facilities
 Section 2.306 Storm Drainage
 Section 2.307 Utility Lines and Facilities
 Section 2.308 Signs
 Section 2.309 Site and Landscaping Design
 Section 2.310 Development Standards for Land Divisions
 Section 2.312 Yard and Lots Standards
 Section 2.315 Development Standards
 Section 2.4 Special Uses

3.101 SUMMARY OF APPLICATION TYPES

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

3.101.01 Type I Action - Summary

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

- A. Type I-A: A ministerial action reviewed by staff based on clear and objective standards. No conditions may be placed on the decision and notice of the decision is sent only to the applicant. Appeal is to the Hearings Officer, except that the Site Plan Review is appealed to the Planning Commission. The following actions are processed under the Type I-A procedure: (5/98)

1. Signs (excluding variances or conditional uses) (5/98)
2. Floodplain Development Permit (excluding variances or conditional uses) (5/98)
3. Greenway Development Permit (excluding variances or conditional uses) (5/98)
4. Temporary Use Permit (5/98)
5. Development Standards - Review (5/98)

- B. Type I-B: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Hearings Officer. The Zoning Administrator may refer any application to the Hearings Officer or the City Council for public hearing and decision. The following actions are processed under the Type I-B procedure: (5/98)

1. Variance (Major and Minor) (5/98)
2. Lot Line Adjustment (5/98)
3. Conditional Use (5/98)
4. Partitions (5/98)

3.101.02 Type II Actions - Summary

- A. Type II-A: A Type II action is a quasi-judicial review in which the Hearings Officer applies a mix of objective and subjective standards that allow considerable discretion. A Type II action follows the procedures found in Section 3.202.03. Staff has an advisory role. The Zoning Administrator may refer any application to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure: (5/98)

1. Subdivision (5/98)
2. Planned Unit Development (5/98)
3. Manufactured Home Parks (5/98)

- B. Type II-B: A quasi-judicial action in which the City Council applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The City Council shall hold a public hearing and make the decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure:

1. Keizer Station Master Plans, Subdivision and Partitioning

3.101.03 Type III Actions - Summary

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

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

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

3.101.04 Type IV Actions - Summary

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

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

LAND USE APPLICATION PROCESS

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

ATTACHMENT B

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

3.113 KEIZER STATION MASTER PLAN REVIEW

3.113.01 Area of Application

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

3.113.02 Review Procedures

Potential alternative language recommended by staff:

The Keizer Station Plan identifies different sub-areas for planned development. Each sub-area, area C, is required to approved through the Keizer Station Master Plan Review (Type II-B) application procedure.

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

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

3.113.03 Submittal Requirements

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

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

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

A. Area A – Sports (CC 09-09-02)

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

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

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

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

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

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

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

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

3.113.04 Review Criteria

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

- A. The master plan shall meet the purpose and objectives identified in the Keizer Station Design Plan.
- B. The master plan shall meet the following standards as identified in the Keizer Station Plan:
 1. Design standards
 2. Transportation system standards
 3. Utility standards
 4. Parking standards
 5. Landscape standards
- C. Development Strategies **for Area A – Village (Recommended by Staff)**
 1. Pedestrian Access, Safety and Comfort
 - a. If in the EG zone, the building(s) shall have at least one primary entrance facing every abutting street, or is /are directly accessed by a sidewalk or plaza within 20 feet of the primary entrance.
 - b. Building entrances in the EG zone open directly to the outside; every building has at least one entrance that does not require passage through a parking lot or garage to gain access; corner buildings have corner entrances whenever possible.

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

2. Vehicular Movement

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

3. Crime Prevention and Security

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

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

except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and

- c. Activity Support – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and
- d. Access Control – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or
- e. The proposal contains an equally good or superior way to achieve the above criterion and guidelines.

4. Reduced Parking

Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City.

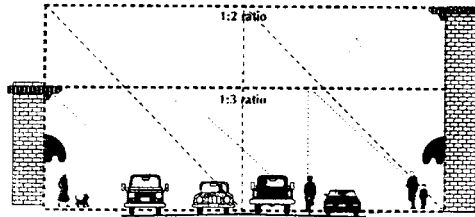
5. Creating and Protecting Public Spaces

- a. ~~The development provides at least 20 square feet of public space, in addition to required sidewalk(s), for every 10 off-street surface parking spaces or 1,000 square feet of floor space, whichever is greater. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping.~~ (CC 09-09-02)
- b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council.

6. Human Scaled Building Design

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

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



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

- b. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking.
- c. The City Council may determine a minimum distance along Radiant Drive that may require development to be constructed to abut Radiant Drive to the above referenced standards.
- d. The proposal contains an equally good or superior way to achieve the above criterion and guidelines.
7. The Village within Area A shall contain a public improvement design to include a 12 foot dual direction promenade on both sides of Radiant Drive. The promenade shall be separated from the street with a landscape belt, including decorative lighting and trees. (CC 09-09-03)

The proposal contains an equally good or superior way to achieve the above criterion and guidelines. (CC 09-09-03)

3.113.04 Conditions of Approval

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

- A. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require:
1. Orienting building and facilities towards transit services.
 2. Minimizing transit/auto conflicts.
 3. Encouraging transit supportive uses.

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

2.315 DEVELOPMENT STANDARDS

2.315.01 Purpose

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

2.315.02 Application of the Development Standards

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

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

2.315.03 Relationship to Other Regulations

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

2.315.04 Review Procedures

- A. No building permit will be issued for a use requiring Development Review until the application for Development Review is approved. (5/98)
- B. In instances where conformance to the standards is outside of the scope of a building permit, such as repainting a building, the owner shall be responsible for conformance with these standards. (5/98)
- C. When an applicant wishes to proposed an alternative to the Development Standards, they may apply for a Development Review. A Development Review application shall comply with the procedures for a Conditional Use Permit in Section 3.103, with the initial decision rendered by the Planning Commission (Section 3.103.06.C.). (5/98)

2.315.05 Applicability

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

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

2.315.06 Non-Applicability

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

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

2.315.07 Non-Conforming Buildings

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

2.315.08 Development Standards

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

A. Internal Pedestrian Circulation

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

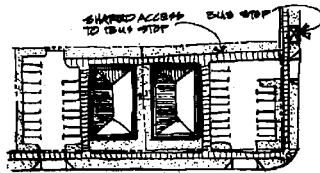


Figure 1 – Pedestrian Access Standards

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

B. Building Design

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

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

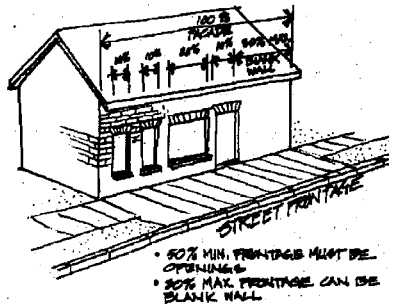


Figure 2 – Façade Standards

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

published 9/90 (or the equivalent color from another manufacturer) with the following numbers: 2001 - 2004; 2008 - 2011; 2015 - 2020; 2022 - 2027; 2029 - 2034; 2036 - 2097; 2099 - 2104; 2106 - 2111; 2113 - 2118; 2120 - 2125; 2127 - 2131; 2134 - 2139; 2141 - 2237; 2239 - 2250; 2253 - 2258; 2260 - 2265; 2267 - 2272; 2274 - 2279; 2281 - 2384; 2386 - 2391; 2393 - 2398; 2400 - 2405; 2407 - 2412; and 2414 - 2419.

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

E. Accessory Structures

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

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

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

2.110 COMMERCIAL MIXED USE (CM)

2.110.01 Purpose

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

2.110.02 Permitted Uses

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

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

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

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

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

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

2.110.03 Special Permitted Uses

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

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

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

2.110.04 Conditional Uses

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

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

2.110.04 Use Restrictions

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

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

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

2.110.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

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

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

B. Minimum Yard Setback Requirements

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

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

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

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

2.110.06 Development Standards

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

A. Off-street parking:

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

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

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

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

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

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

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

2.110.07 Design Standards

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

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

2.107 MIXED USE (MU)

2.107.01 Purpose

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

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

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

2.107.02 Commercial & Residential Regulations for Keizer Station

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

2.107.02 Permitted Uses

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

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

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

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

2.107.03 Special Permitted Uses

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

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

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

2.107.04 Conditional Uses

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

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

2.107.04 Use Restrictions

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

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

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

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

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

B. Minimum Yard Setback Requirements

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

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

property. In no case shall the setback be less than 10 feet, except there is no required setback adjacent to a non-residential zone. (5/98)

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

2.107.06 Development Standards

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

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

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

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

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

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

- I Density:**

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

2.429 TRANSIT STATION

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

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

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

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

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

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

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

2.113 INDUSTRIAL BUSINESS PARK (IBP)

2.113.01 Purpose and Uses

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

2.113.02 Permitted Uses. (5/98)

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

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

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

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

G. Services

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

H. Public administration;

1. Fire protection. (5/98)

I. Office Uses;

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

J. Retail trade;

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

K. Finance, Insurance, and Real Estate;

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

L. Services

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

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

M. Transit stop shelters. (5/98)

N. Flexible Space Uses

1. The following uses, when restricted, developed, and conducted as required in subsection 2 below, are permitted in the IBP district
 - a. Food Stores (54). (5/98)
 - b. Apparel and Accessory Stores (56). (5/98)
 - c. Furniture, Home Furnishings and Equipment Stores (57). (5/98)
 - d. Miscellaneous Retail; BUT EXCLUDING used merchandise stores (59). (5/98)
 - e. Business Services. (5/98)
 - f. Miscellaneous Repair Services. (5/98)
 - g. Within Area A "Sports" of the Keizer Station Plan boundary:**
 - 1) Recreational Vehicle Parks and Campsites (7033).**
 - h. Within Area D of the Keizer Station Plan boundary:**
 - 1) General Merchandise Stores (5399).**
 - 2) Gasoline Service Stations (554) in accordance with Section 2.419.**
2. In the Keizer Station Plan where **Flexible Space uses** are to be developed within the IBP district, the following development limits apply;
 - a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection (a)(i)-(iv). (5/98)

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

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

2.113.03 Prohibited Uses. (5/98)

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

1. Manufacturing of grain mill products (204)

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

2.113.04 Retail Use Restrictions within Keizer Station Plan.

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

2.113.05 Industrial Performance Standards. (5/98)

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

2.113.06 Development Standards

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

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

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

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

H. Lot Coverage.

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

I. Open Storage

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

J. Landscaping

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

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

Plant Type	Boundary of IBP District	Other Locations
Trees	2	1

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

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

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

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

- b. Loading docks and loading doors shall be screened from the street by landscaping and shall be offset from driveway openings. (5/98)
- L. **Lighting.** Exterior lights fixtures shall be so located and designed that the light source, viewed by an observer five feet above the ground and five feet outside the boundary of the IBP district, shall within 50 feet of the base of the light standard be either:
 - 1. Completely shielded from direct view, or. (5/98)
 - 2. Not greater than five foot candles. (5/98)

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

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

2.125.02 Application

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

2.125.03 Uses

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

2.125.04 Development Standards

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

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

2.125.05 Conditions of Approval

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

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

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

2.114 GENERAL INDUSTRIAL (IG)

2.114.01 Purpose

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

2.114.02 Permitted Uses

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

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

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

2.114.03 Special Permitted Uses

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

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

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

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

2.114.04 Conditional Uses

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

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

2.114.05 Prohibited Uses

- A. The following uses are prohibited on properties within the Keizer Station Plan boundary:
 1. Manufacturing of grain mill products (204)
 2. Manufacturing of biological products, except diagnostic substances (2836)
 3. Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (284)
 4. Miscellaneous plastic products (308)
 5. Motor freight transportation and warehousing (42)

2.114.06 Dimensional Standards

- A. Minimum Lot Dimension and Height Requirements

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

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

B. Minimum Yard Setback Requirements**ADJACENT PROPERTY USE**

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

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

2.114.06 Development Standards

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

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

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

1.103 ESTABLISHMENT OF ZONING DISTRICTS

1.103.01 Districts

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

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

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

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

1.103.02 Comprehensive Plan Designation and Zoning Districts

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

Comprehensive Plan Designation

Zone Classification

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

1.103.03 Boundaries

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

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

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

Keizer Comprehensive Plan Text Amendments

Recommended for Approval by City Council August 5, 2002

III. Findings & Policies

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

(2) Goals and Policies

(h) Activity Centers

**(Sections 1-8 not listed)*

(9) Special Planning District Designation

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

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

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

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

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

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

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

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

2.109 COMMERCIAL RETAIL (CR)

2.109.01 Purpose

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

2.109.02 Uses

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

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

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

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

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

2.109.03 Conditional Uses

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

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

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

2.109.04 Prohibited Uses

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

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

2.107.05 Use Restrictions

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

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

2.109.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

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

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

B. Minimum Yard Setback Requirements

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

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

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

2.109.06 Development Standards

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

A. Off-street parking:

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

- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)
- E. Accessory Structures: Accessory structures shall conform to requirements in Section 2.313. (5/98)
- F. Storage, Trash, and Service Functions: Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the

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

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

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

2.109.07 Design Standards

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

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

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

COMPREHENSIVE PLAN/ZONE CHANGE MAP AND TEXT AMENDMENT CASE NO. 01-50; PROPOSED KEIZER STATION PLAN

PRELIMINARY FINDINGS

*Preliminary Findings Supporting City of Keizer's Decision¹
Regarding the Chemawa Activity Center Planning Area*

I. INTRODUCTION

The Chemawa Activity Center Plan (CACP) area is entirely within the City of Keizer and consists of approximately 226 acres. This CACP area provides an important opportunity for the citizens of the City for employment, retail and service uses. The Chemawa Activity Center has been the subject of a number of land use and transportation planning actions since 1987. These actions were aimed at providing the land use and transportation framework to enable the area to develop as an economic activity center. The following provides a brief background and context of previous actions:

The Keizer Comprehensive Plan (1987) established two Activity Centers within the city – McNary Activity Center and Chemawa Activity Center. The Comprehensive Plan language regarding these Activity Centers provides the following:

h. Designate Activity Center overlay districts for:

- (a) McNary Activity Center*
- (b) Chemawa Activity Center*

¹ The references in these findings are to the tentative decision of the City of Keizer to amend its plan and zoning ordinance in the attachment. The attachment has gone through a lengthy public process. However, before that decision becomes final, the council wishes to take the decision through the SKAPAC process to determine whether there are serious concerns about the decision. The previous decision that went through the SKAPAC process was the planning commission recommendation in the matter. The council has made some adjustments to that recommendation in the attached after hearing public testimony from its citizens. As a courtesy, the Council wishes to provide an opportunity to the SKAPAC jurisdictions to comment before the attached decision is finalized. Therefore, while these findings refer to the city's "decision," that decision is necessarily fluid so that the city may respond to any serious concerns aired at SKAPAC.

1. *The purpose of the activity center overlay is to encourage a mix of intensive land uses emphasizing transit and pedestrian activity, and to allow flexibility of development regulations.*
2. *Require that design plans for each activity center are prepared and approved before specific development applications in the activity centers are approved. Development in this case includes subdivisions and partitionings where new vacant, developable lots are created, and the construction of new commercial or industrial buildings. The land use designations shown on Figure 2, and on the zoning map before a design plan is adopted, are generalized and will be refined during the development of design plans. Transfers of development rights within activity centers are allowed, and the use of planned development is encouraged. Design plans will be prepared for entire activity centers, not individual parcels or for individual lots. (amended version – Local Periodic Review Order, January 1992).*
3. *Assume a leadership role in preparing design plans. The planning process should involve property owners, interested developers, residents, and other affected jurisdictions. Once a design plan is prepared, adopt it as a part of the Comprehensive Plan.*
4. *Require that design plans include:*
 - a. *Market feasibility, phasing, and marketing plan for anticipated uses.*
 - b. *Development plan showing locations and amount of land uses, location of major transportation facilities, location of major public facilities, location of parks, open space, public lands and other public uses, phasing plan.*
 - c. *Design guidelines describing standards for public improvements, structures, landscaping, site development.*
 - d. *Implementation of a financing plan.*
5. *(McNary Activity Center)*
6. *Establish the following objectives for the Chemawa Activity Center:*
 - a. *The primary uses are regional service center, light industry, hotel/motel and supporting facilities, convention facilities, and retail shopping facilities.*

- b. *Improve access to the district and Lockhaven Drive. Coordinate transportation improvements with the industrial district to the north.*

CHEMAWA ACTIVITY CENTER PLAN (1993)

The Keizer City Council and Planning Commission focused on the Chemawa area in 1993, and adopted an interim plan. The plan achieved several objectives:

- It established a policy framework to guide land use decisions, seeking to establish the area as a commercial and light industrial opportunity center. These policies generally addressed land use type, transportation, and design issue..
- It removed the requirement that no development could occur until a Plan was adopted. With the new Plan, development proposals were to be processed as Conditional Uses and conform to the Plan's policies in order to be approved.
- It called for additional planning to address specific land use, transportation, and financing issues.

CHEMAWA ACTIVITY CENTER PLAN (1995)

In 1994, a Transportation and Growth Management (TGM) Grant jointly administered by the Department of Land Conservation and Development and the Oregon Department of Transportation, studied the land use and transportation opportunities and needs and potential for the Chemawa/I-5 interchange. This Interstate 5/Chemawa Road Urban Interchange Transportation and Land Use Study (hereinafter TGM Study) analyzed the physical and economic potential and constraints of the interchange area involving land use, transportation improvements, and financing.

The TGM Study's goals were to develop a land use plan that would result in viable economic outcomes and to encourage a well functioning transportation system by:

- Promoting a multi-modal transportation system;
- Preserving the existing transportation facilities level of service and design; and
- Assuring the transportation system will have the capacity to support proposed land uses, and efficiently move traffic.

The TGM Study explained, "There is tremendous development potential and interest in this interchange, as it represents one of the prime pieces of underdeveloped real estate along the Oregon Interstate 5 corridor." TGM Study page 1.

The TGM Study recommended, "**RECOMMENDED PLAN:** The recommended transportation and land use plan for the I-5/Chamawa Study Area includes the following primary land uses per quadrant:

Northwest Quadrant- Hotel/restaurant/retail and industrial

Southwest Quadrant – Mixed use, commercial and park n ride." TGM

Study page 18.

The conclusions from the TGM Study supplemented the 1993 version of the Chemawa Activity Center Plan and updated the Comprehensive Plan for the City of Keizer. The updated 1995 Chemawa Activity Center Plan continued to rely on the inventory, analysis, alternatives, and other studies used to develop the 1993 version.

The 1995 Chemawa Activity Center Plan served as a guide to private and public investment of the lands on the west side of the Chemawa Interchange recognizing the land is valuable due to sensitive location at the "gateway" to the City of Keizer.

CHEMAWA ACTIVITY CENTER PLAN (1997)

The 1997 version of the Chemawa Activity Center Plan provided for the future development of a mixed-use economic area incorporating housing, retail, office, service commercial, public and industrial uses. However, specific regulatory restrictions were imposed that stifled the CACP area's ability to deliver the desired economic uses. The community expected the Chemawa Activity Center to be an economic powerhouse fostering new businesses and providing many benefits to the citizens of Keizer. One of the most prominent elements of this 1997 CACP plan was the emphasis on creating an industrial business park and commercial mixed use center in what was referred to as "Area A".

However, as the planning process the City has just completed clearly demonstrates, the demand for industrial uses within Keizer generally, and at this location specifically, is minimal. As a consequence of reserving the prime developable area of the Chemawa Activity Center for industrial uses, no development activity in this area has occurred.

After several attempts to develop the Chemawa Activity Center, the Mayor, City Council, and the Keizer Urban Renewal Board appointed the Chemawa Activity Center Task Force to evaluate the plan. The citizen Task Force concluded that land use regulatory restrictions included in the 1997 Plan were overly burdensome such that the market would not respond with economic uses. Therefore, they recommended changes to the CACP to the City Council. The City Council referred eight issues to the Keizer Planning Commission including:

1. The appropriate amount of commercially zoned property in Area A and whether it is appropriate to change the eleven acre maximum or allow for more flexible zoning;
2. Landscaping requirements for the Activity Center and/or Area A property;
3. The street connection of Area A to Area D with an underpass loop or "jug handle" design;
4. The requirement that no single use be more than 50,000 square feet;
5. That the Design Plan is consistent with the Keizer Development Code;

6. The appropriateness of the Park and Ride lot in Area D;
7. The appropriateness of the 150 room hotel/motel requirement in Area A; and
8. Protecting the residential property to the west of Area A from traffic impacts.

The Planning Commission and City Council heard commercial development experts define the problems associated with the Plan. The experts informed the City that unless dynamic changes are made to the plan that reflect the original intent of the planning effort to create an economic center and simultaneously create a new gateway to the community the plan would not be feasible.

The City of Keizer and the Urban Renewal Agency of the City of Keizer entered into a "Non-Exclusive" Predevelopment Agreement with Northwest National LLC for the Chemawa Activity Center to conduct "certain predevelopment tasks needed ... prior to further agreement of the parties relating to development of the Property." Among the tasks in the agreement was the following:

2.1 Chemawa Activity Center Plan and Urban Renewal Plan Amendments.

Agency shall consider amendments to the Urban Renewal Plan and the City shall consider amendments to the Chemawa Activity Center Plan and implementing re-zonings to accommodate development of the Property. Amendments to both plans may include, but not necessarily be limited to, an expansion of the commercially zoned area within the Chemawa Activity Center area, as described in the Chemawa Activity Center Plan.

On May 21, 2001 the Keizer City Council approved a Resolution initiating the process to consider legislative amendments to the Keizer Comprehensive Plan and Keizer Development Code related to the Chemawa Activity Center. This action followed a City Council work session on May 14, 2001 where the Northwest National LLC project team presented the Keizer Station Plan Master Plan Concept. The applicant for the changes herein considered and adopted is the

City, by and through its City Council. Northwest National LLC is the City's choice of developer to bring the economic objectives of this decision to fruition.

The decision that the City Council has considered and adopted is the result of an effort by the City of Keizer to revisit the previous Chemawa Activity Center planning actions and to prepare a supplemented activity center plan that is less restrictive in its allowance of economic uses. The City's decision reflects the actions needed to establish the realistic opportunity to create a true economic activity center for the City at this location and to provide the appropriate zoning designations for the CACP area to meet both market demand and the documented need for commercial uses in the City of Keizer. This plan is also consistent with the TGM Study recommendations that the CACP area realize its significant potential as an economic center for retail commercial, light industrial and other economic uses.

The proposed amendments to the CACP establish the kind of flexible zoning to allow both retail and other commercial uses as well as light and other industrial uses that the TGM Study recommended as well as respond to current needs the Keizer Council has identified exist in the City. The Employment General (EG) zone that has been applied to a large portion of the CACP area has been developed to allow both commercial and light industrial and is a Goal 9 economic designation. It is flexible in that it allows the market to choose the specific economic uses to be situated in the CACP area within certain modest parameters. The parameters are that in addition to allowing certain commercial uses, at least 25% of Area A (Village Center) to which the EG zoning district is applied, must be developed with IBP uses. The IBP zoning district is one of the City's industrial districts.

The City's decision provides more opportunity for the market to respond to the commercial and industrial needs of the City. As noted, the City is accomplishing economic opportunity objectives in the CACP area by providing the opportunity for both viable commercial and industrial uses to be developed in this area, among other use types.

II. PROPOSED CITY COUNCIL DECISION

In Resolution 2001-1267, the City initiated a legislative review of the CACP area to identify opportunities to refine the zoning pattern in the CACP to more closely fit with actual market demand and to match the future economic needs of the City. The City as the applicant, applied for the decision herein adopted. The proposed decision is a result of that application and legislative review. The proposed decision is the culmination of examination, input and advice from City citizens, the City planning commission, City leaders, state agencies, SKAPAC and interest groups. The majority of input and testimony favored the proposed decision. Following several public hearings, the Keizer Planning Commission unanimously recommended approval of a decision similar to the proposed decision to the Keizer City Council.

The City of Keizer finds that it has the authority and responsibility to make the proposed decision to amend the zoning pattern, adjust the allowable employment related uses in the CACP area and to subject allowable uses within the CACP area to more appropriate development standards. The Council finds that the proposed decision is in the best interests of the citizens of Keizer.

The Council heard some objectors to the proposal. The objectors were principally from interests based outside of Keizer, such as Portland based 1000 Friends of Oregon, City of Salem and DLCD staff. Most of the objections expressed concern for Salem's commercial sectors and disagreement with the policy direction of facilitating the opportunity for "big box" retail use in this area. In this regard, the objections were principally policy disagreements, as well as complaints principally framed as Goal 9 issues. The Council notes that the TGM Study specifically identified the CACP area as one appropriate for "big box" retail uses. TGM Study 15.

Regarding policy, the City of Keizer retains policy-making autonomy and responsibility for land use decisions in Keizer. Keizer recognizes the obligation to coordinate this land use decision with others and has accomplished these coordination objectives. In this regard, the coordination framework for land use decision making is outlined in an agreement between the City of Keizer,

Marion County, Polk County and Salem. Unless its land use decisions are also amendments to Keizer Comprehensive Plan Urban Area Policies, Regional Policies or decisions involving Dual Interest Areas, Keizer's land use decision do not require the approval from the city of Salem, Marion County or Polk County. Keizer Comprehensive Plan IV(B)(2) (page 72). In this regard, the Keizer City Council interprets its own plan to establish that the proposal does not involve or amend an urban area policy or a regional policy and is not a decision involving a dual interest area. The City of Salem's urban area and regional area policies are similarly not being amended by the proposal, and no dual interest area is affected herein. The city of Salem has reinforced this view in its internal memorandum from "Curt" to Vicki Hardin Woods dated January 16, 2001:

"The area is not a 'dual interest' area in the (SACP). It also does not fall within the 'Regional Policies' of the SACP."

Moreover, the minutes of the Joint Meeting between the Salem Planning Commission and Marion County Planning Commission clearly state the City of Salem's position on the role of Keizer jurisdiction at the time of adoption of the initial CACP (1995) Study. (Exhibit Q, September 19, 1995 Minutes of Joint Meeting; Salem PC/Marion County PC pg. 5 & 6). The minutes state,

"Ken Battaile, (Salem) Long Range Planning manager, noted that this deals largely with jurisdictional levels. As this is not a regional issue, the City and County have no responsibility in Keizer's process, that it has independent jurisdictional prerogative to adopt any changes to its comprehensive plans. This was not identified in the comp plan as a regional issue."

"...Sterling Anderson, Marion County Planning, stated that Keizer has a separate comp plan and unless Keizer amends certain policies of their comp plan then the County would not be reviewing any plan as it has no jurisdictional authority."

The City of Keizer notes that during the SKAPAC meeting involving elected officials on May 23, 2002, Salem staff suggested their view that Urban Area Policies may be affected by the

proposal. Keizer staff pointed out that neither Keizer nor SACP Urban Area Policies will be amended by the proposal. When asked about which Urban Area Policies might be "amended" by the proposal, the Salem staff was unable to identify any.

In this regard, the Keizer Comprehensive Plan has no identified Urban Area Policies and the Salem Area Comprehensive Plan (SACP) identifies as its "Regional Policies" Urban Area Policies, apparently treating them interchangeably. There are no regional policies at issue here, as Salem stated in its internal memorandum above quoted Salem's SACP also includes a separate and wholly unrelated set of Urban Area Policies, none of which are being amended here. Salem did not explain or identify what, if any, Urban Area Policies it suggests might be amended by the proposal and the Keizer City Council determined there are no such policies being amended.

Policy choices about the conditions under which economic opportunities may be established in the CACP area, as contemplated under the proposed decision, are not Goal 9 or other issues that deprive the City Council of its authority to govern for the best economic interests of its citizens.

Therefore, while Keizer has coordinated the proposal with Salem, Marion County and Polk County, the City Council interprets Keizer's own Comprehensive Plan to provide the Keizer City Council with the right and responsibility to adopt the proposed decision, which accommodates the expressed concerns of Salem as much as reasonably possible.

Regarding the latter, the City of Salem expressed concern had to do with Keizer providing viable retail shopping opportunities in the CACP area. To accommodate Salem's concern in this regard as much as possible, Keizer has limited the ultimate amount of retail square footage allowable within the CACP area to no more than 975,000 square feet. In addition, the EG Zone in Area A requires that a minimum of 25% of the acreage of this designation be devoted to IBP uses – which are industrial uses under Keizer's acknowledged plan and code. Keizer believes this is well within the amount of retail that Salem's Charter states is not objectionable to Salem even for a regional shopping center, which the proposal is not in any case. *See Salem Charter Section (55)*², SKAPAC Record Exhibit 24. The limitation on retail square footage in the CACP area

² Specifically, the Salem Charter in this regard states:

means the kind of retail the City of Salem's own Charter says the city is empowered to worry about, won't occur here.

III. FINDINGS AND CONCLUSIONS

As noted above, the original KSP proposal (Exhibit A) has been modified three times in an effort to better address relevant Statewide Planning Goals, Keizer Comprehensive Plan goals and policies, agency comments, and public testimony. These modifications included the staff recommended alternative, the Planning Commission recommendation to the City Council, and now the City Council decision. The City Council considered all of the information and comments in the record to reach the final decision contained in Exhibit 111. The findings presented on the following pages pertain to this decision.

Comprehensive Plan Map Amendment

The approval criteria for a Comprehensive Plan Map Amendment are found in Sections 3.202.03 and 3.109.03 of the Keizer Development Code.

Section 3.202.03 Procedures for Type II and Type III

G. Conditions

Approvals of any Type II or Type III action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals. Conditions shall be designated to protect public health, safety, and general welfare potential adverse impacts caused by a proposed land

"The council shall enact no ordinance or enter into any intergovernmental agreement which prohibits the construction of a regional shopping center of less than one million square feet of leasable space outside the central

use described in an application. Conditions shall be related to the following: (a) protection of the public from the potential deleterious effects of the proposed use; or, (b) Fulfillment of the need for public service demands created by the proposed use.

FINDINGS: Although this decision does not include conditions of approval, the City Council has developed a package of Keizer Development Code amendments that will dictate how development must occur in the KSP area.

Section 3.109.03 Plan Map Amendment proposals shall be approved if the applicant provides evidence substantiating the following (Subsections A-G):

3.109.03A. *Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.*

FINDINGS: Findings regarding the applicable Comprehensive Plan goals and policies are presented later in this section.

3.109.03 B. *Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.*

FINDINGS: Findings regarding the statewide planning goals are presented later in this report.

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

business district. Any existing land use, comprehensive plan, ordinance, zoning provisions, and intergovernmental agreement that currently prohibits said construction shall be void."

FINDINGS: As demonstrated in the Hobson Ferrarini Associates Economic Analysis (Exhibit A-109), the Keizer Comprehensive Plan does not provide adequate land supply for retail commercial activities to support either existing or projected population within the city. Sufficient retail activity and available commercial land does not exist in Keizer currently to meet the projected need over the next five years (2006) or the next 20 years.

Hobson Ferrarini Associates provided several reports during the course of the city's review of the application to address questions and to correct methodologies to address planning requirements. An important issue revolved around population. The 2000 census population for Keizer was 32,203. Through the SKAPAC process, the cities of Keizer and Salem agreed that the 2006 population projection of 33,927 in the Keizer Transportation System Plan (KTSP) is a coordinated regional forecast allocation, which is appropriate to use for planning purposes.

The revised Hobson Ferrarini information in Exhibit A-109 represents the final information considered by the City Council using the accepted population figures. In this report, the analysis shows that based upon the accepted planning population figures and estimates (rather than the higher "real" population figures), Keizer is expected to have a 132-acre demand for additional commercial development in 20 years, but only 72.5 acres are currently zoned and available to support this growing demand. If nothing is done, the city is expected to have a 60.1-acre commercial land deficit 20 years hence. The report also indicates that during the same period, the demand for industrial land will be significantly less than the industrial land supply, yielding a surplus of 61 acres. Even in the next 5 years (2006), the demand for new commercial land will outstrip the supply by 30.5 acres+/-.

A significant amount of commercial acreage and development is located along River Road, and according to the Keizer Comprehensive Plan and the Chemawa Activity Center Plan (CACP), new commercial and employment uses are intended for the Chemawa Road/I-5 interchange. Given the information in the Hobson Ferrarini analysis, the City Council concludes that a shift in emphasis to more commercial activity than currently planned in the CACP is appropriate.

It is important to point out that the proposed amendments are not expected to alleviate the total projected commercial land deficit forecast in the next 20 years. Because of this deficiency, residents of Keizer must often shop outside the City, increasing vehicle miles traveled, pollution, congestion, and wear and tear on infrastructure. The Keizer Station Plan will help address this need by increasing the supply of retail land in Keizer. The increase will allow more retail development to occur in Keizer, thus providing improved opportunities for residents to shop locally and reduce vehicle miles traveled, pollution, and congestion.

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

FINDINGS: See response to 3.109.03 C. above. The Keizer Station Plan will provide additional commercial land to the city's land supply to meet the anticipated demand for commercial land within the city.

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

FINDINGS: The land use pattern in the vicinity of the proposal is established by the city's acknowledged comprehensive plan and zoning ordinance development code. The council interprets the term "vicinity" in this regard to mean parcels adjacent to the subject CACP area as well as the subject parcels affected by this decision. Parcels adjacent to the CACP area are zoned as summarized in the following table.

<i>Properties</i>	<i>Plan Designation</i>	<i>Zone Designation</i>	<i>Land Use</i>
North	Keizer UGB	EFU – Exclusive Farm Use	Lake Labish Ditch
East	Keizer UGB	NA	I-5
South	Keizer UGB Park	NA P - Public	I-5 City Park
West	Low Density Residential Commercial	RS – Residential Single Family CM – Commercial Mixed Use	Single family homes

The proposal affects land within the Chemawa Activity Center Plan area (CACP) zoned and planned for economic development uses. The council interprets the term “destabilization” as used in the city’s plan to refer to new plan/zones or uses being applied to property that are either beyond the contemplation of the existing planning and zoning on the subject parcels or beyond the plan/zones and uses contemplated on the adjacent parcels such that pressure is created to achieve untimely and unplanned uses on either the adjacent or subject parcels. In the subject case, the subject property has always been planned for economic development uses, which are primarily commercial and industrial. The adjacent parcels were planned to develop next to economic development uses. Because the CACP area will develop within the contemplation of the City’s acknowledged plan as an economic development area, the Council finds that there is no destabilization which will occur within the meaning of the plan in the vicinity of the subject parcels.

In this regard, the City's Comprehensive Plan Chapter III page 31 (h)(8)(a) regarding activity centers states:

"Establish the following objectives for the Chemawa Activity Center:

(a) The primary uses are regional service center, light industry, **hotel/motel and supporting facilities, convention facilities and retail shopping facilities.**"

The proposal relaxes the regulatory restrictions within the CACP area to allow the listed primary uses to be established. The proposal provides an augmented opportunity for all of the listed primary uses to be established within the CACP area. Specifically, the opportunity for light industry is protected by the IBP zoning district which applies to the CACP area under the decision or the allowed uses in which IBP zoning district are specifically carried forward in the new EG zoning district. Moreover, in addition to allowing light industrial uses from the IBP zoning district, the EG zoning district also provides greater regulatory allowance for retail shopping facilities as well as hotel/motel facilities, convention and support services.

Furthermore, the CACP area has not developed with economic development uses as the plan contemplates, thereby creating a situation where the adjacent residential uses lack needed retail, office and other job opportunities within easy bike, walking, or transit distance. In turn, this causes residents of these neighborhoods to be forced to commute beyond the contemplation of the plan.

Also, when the plan fails to produce the planned outcome of economic development uses in the CACP area, public facilities and services planned for the area do not develop as contemplated by the city's planning efforts. All of these planning programs are tied together in the city's comprehensive planning program. Therefore, it is destabilizing for the city's planned CACP area to fail to develop with economic development uses.

The proposed land use designations will stabilize the land use patterns for the subject and adjacent parcels by providing the realistic opportunity for such economic development uses to

actually develop on the CACP land because of relaxed regulatory restrictions. The proposal improves the potential land use balance of economic development uses to satisfy the projected need for commercial and industrial land within Keizer. As demonstrated in the Hobson Ferrarini Economic Analysis (Exhibit A-109), the city has both a short-term (5-year) and long-term (20-year) deficiency of commercial land available to support the project population growth within the community. The proposed land use designations will establish a land use pattern and will help provide sufficient industrial and commercial areas to support future community growth.

The proposed designations will provide needed commercial and industrial land that will offer residents of Keizer opportunities for jobs and shopping within the city, rather than requiring residents to leave the city for these purposes. This will have the affect of stabilizing the land use development pattern within the city and reducing the need for travel to other parts of the region for employment and commercial opportunities.

It is important to recognize that the current CACP calls for a mix of commercial, industrial, and residential uses in the area. The location and relative intensity of residential and nonresidential uses remain virtually the same under the CACP and the proposed KSP. The mix of nonresidential uses will be different, but the overall character of the future development so as to not be a destabilizing force in the area. As with the CACP, the most intense uses are proposed in Area A, which is separated from residential neighborhoods to the west by a railroad track and right-of-way. As noted elsewhere in this document, the anticipated impacts to public facilities, services, and transportation are very similar under either plan.

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

FINDINGS: In terms of potential impacts upon proposed or adjoining uses, the proposed uses in the Keizer Station Plan are generally similar to uses that would be allowed under the existing zoning. While the Keizer Station Plan includes additional commercial inventory, it proposes to reduce the amount of industrial property, which would potentially have a greater impact on

adjacent areas. The Keizer Station Plan and associated Keizer Development Code amendments include a series of development design standards aimed at minimizing impacts and creating an environment that is compatible with existing and planned land uses in the area (Exhibit 111, Attachments A - M).

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

FINDINGS: W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan (Exhibit A, Chapter V). The type of development allowed now under the CACP is very similar to what is proposed with the KSP in terms of the potential demands placed upon public facilities, services, and transportation facilities. A memorandum from the Keizer Public Works Department (Exhibit C) confirms that these facilities are either in place or can be provided during development of the area.

Based on the above findings, the City Council concludes the proposal complies with the Keizer Development Code decision criteria for the proposed change in Comprehensive Plan designation.

Zone Change: Section 3.110.03 Criteria for Approval

Section 3.110 Zone Change proposals shall be approved if the applicant provides evidence substantiating the following (Subsections A - F):

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

FINDINGS: The City Council plan in Exhibit 111 is completely consistent with applicable Comprehensive Plan designations for this area, as discussed later in this document.

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

FINDINGS: Findings related to public services and transportation demonstrate that the proposed uses in the Keizer Station Plan can be accommodated within the acreage of all subareas without exceeding the physical capacity of the land.

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

FINDINGS: The uses envisioned in the Keizer Station Plan can be established in a manner consistent with the development requirements of the Keizer Development Code. The Keizer Station Plan includes elements to enhance certain development standards in specified subareas of the Plan. These additional standards, unique to the Keizer Station Plan, are intended to provide a higher level of protection to and compatibility with adjoining properties. In addition, these supplemental standards are intended to require a higher level of design and development details than would be required by the base zone requirements.

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

FINDINGS: As noted above, W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates (and the Public Works Department confirms) that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan.

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

FINDINGS: The City Council amendment includes a small (1+ acre) change from CO to RS to allow completion of Dennis Ray Way in Area B with a cul-de-sac and several additional single family residential lots. This RS Residential Single Family zone is consistent with the existing residential development on the street and the purpose statement of the RS zone, which states the zone is intended for low density residential use on individual lots.

3.110.03 F. The following additional criteria shall be addressed:

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

FINDINGS: As indicated in information provided by Hobson Ferrarini Associates, there are currently 72.5 acres of land zoned and available for new commercial use in Keizer. The estimated 2006 demand for retail land is estimated to be 103 acres, resulting in a deficit of 30.5 acres (Exhibit A-109).

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

FINDINGS: The 2006 demand for retail land in Keizer is estimated to be 103 acres. The Keizer Station Plan will provide additional commercial land to help reduce the deficit of retail land noted above. By comparison, the city expects a 91.1-acre surplus of industrial land in 2006 with 99.5 acres of industrial land currently zoned and available.

3. *The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.*

FINDINGS: See the response to criteria 3.109.03 E. and F. above.

Based on the above findings, City Council concludes that the proposal complies with decision criteria for the proposed change in zoning.

Text Amendment – Section 311.03 Criteria for Approval

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

1. *Traffic generation and circulation patterns;*

FINDINGS: Kittelson & Associates has evaluated the Keizer Station Plan as originally proposed (Exhibit A, Chapter III) as well as the staff and Planning Commission recommended alternatives (Exhibits B and Exhibit A-15) from the perspective of the potential impact on the transportation system. Please refer to subsequent Kittelson and Associates materials in Exhibits A-15, A-74, and A-99). These analyses demonstrate that traffic generation will be comparable or less than traffic generation potential of the existing zoning supporting the CACP. Transportation facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan for the City Council decision, which calls for a land use types and densities that lies between the original proposal and the staff recommended alternative.

2. *Population concentrations this isn't really addressed below. It is also the contention of 1000 friends that this area isn't where growth and such population concentration are occurring;*

FINDINGS: The proposed land use designations will support the projected need for commercial and industrial land within Keizer. As demonstrated in the Hobson Ferrarini Economic Analysis (Exhibit A-109), the city has both a short-term (5-year) and long-term (20-year) deficiency in the amount of commercial land available to support the project population growth within the community. The proposed land use designations will create a better overall balance to the city's land use pattern and will provide sufficient industrial and commercial land inventory to support the growing community.

The proposed designations will provide needed commercial and industrial land that will offer residents of Keizer opportunities for jobs and shopping within the city, rather than requiring residents to leave the city for these purposes. This will have the affect of stabilizing the land use development pattern within the city and reduce the need for travel to other parts of the region for employment and commercial opportunities.

3. *Demand for public facilities and services;*

FINDINGS: W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates (and the Public Works Department concurs) that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan. As with traffic impact, it is important to recognize that the facility demands represented in the Chemawa Activity Center Plan and the proposed Keizer Station Plan are very comparable in terms of water, storm water, and sanitary sewer demands placed in the area.

4. *Maintenance of public health and safety;*

FINDINGS: As noted, public facilities necessary for public health and safety can be provided to the Keizer Station Plan area because public facilities and services can be provided as the area develops. In addition, the Hobson Ferrarini Associates Economic Report notes that tax revenue generated from the Keizer Station Plan is estimated to be \$2.6 million annually for the proposal in Exhibit A. This revenue is anticipated to be comparable for the City Council proposal in Exhibit 111. This is forecast by Hobson Ferrarini to exceed costs of service provision by more than \$2.0 million annually (stated in 2001 dollars). The benefit to the City will be additional revenue available to pay for capital improvements necessary for public health and safety.

5. *Level of park and recreation facilities;*

FINDINGS: The Keizer Station Plan includes the Entertainment and Sports Center subarea. The existing Keizer Stadium is included in this subarea. New sports and entertainment facilities (such as an aquatic center) are envisioned to occur within this subarea. These uses would be intended to compliment the activities occurring at the Keizer Stadium. The proposed Keizer Station Plan represents a potential change in the type of economic activity in the area, but little change regarding the number of residents and their potential impact upon city park and open space areas.

6. *Economic activities;*

FINDINGS: The Hobson Ferrarini Associates analysis shows the Keizer Station Plan will have a substantial positive economic impact on the City of Keizer, as well as Marion County as a whole. Over a ten-year period, the development is projected to contribute roughly \$700 million to the regional payroll (stated in 2001 dollars), based on the construction and ongoing operation of the development. The construction of the development is expected to generate over 2,700 full time equivalent jobs, contributing over \$85 million to the regional payroll. Once completed, ongoing operations will support 4,159 jobs and generate \$87 million in annual payroll. The

preceding figures are based upon the original KSP proposal (Exhibit A), however, these figures should be very similar to the City Council decision because the basic land use mix remains much the same.

7. *Protection and use of natural resources;*

FINDINGS: The city's Goal 5 inventory does not identify any resources within the Keizer Station Plan. Future development in the area will evaluate natural features as a part of master and development review.

8. *Natural hazards and constraints; and*

FINDINGS: No natural hazards or constraints have been identified within the Keizer Station Plan area.

9. *Compliance of the proposal with existing adopted special purposed plans or programs, such as public facilities improvement programs.*

FINDINGS: As noted in the information provided by W&H Pacific regarding the provision of public facilities, the Keizer Station Plan can be served by public facilities and future development will occur consistent with Keizer improvement programs. The Keizer Station Plan has been coordinated with City of Keizer staff to determine the best way to provide public facilities to the project area. In 1995, a coordinated planning effort between the City of Keizer and the City of Salem produced the Interstate 5/Chemawa Road Urban Interchange Transportation and Land Use Study (Exhibit "P"). This study was adopted by the City of Keizer by reference in the 1997 Chemawa Activity Center Plan (Exhibit R). Both Marion County Planning Commission and City of Salem Planning Commission formally accepted the study as a basis for future planning (Exhibit Q).

B. *A demonstrated need exists for the product of the proposed amendment.*

FINDINGS: The proposed land use designations will help support the projected need for commercial and industrial land within Keizer, as demonstrated in the Hobson Ferrarini Economic Analysis (Exhibit A-109).

The City Council finds that it is not necessary to make up all of the commercial shortfall in this area. Other areas of the city may be appropriate for plan an/or zone amendment in the future if this deficiency persists. In addition, some of the properties in the city's industrial land inventory are limited due to such characteristics as poor location/visibility, parcel size/configuration limitations, and natural hazards (e.g., 100-yr. flood plain).

C. *The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.*

FINDINGS: The goals and Oregon Administrative Rules are addressed later in this document.

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

- 1. *It corrects identified errors in the provision of the plan.***
- 2. *It represents a logical implementation of the plan.***
- 3. *It is mandated by changes in federal, state or local law.***
- 4. *It is otherwise deemed by the council to be desirable, appropriate and proper.***

FINDINGS: This amendment addresses three of the four criteria mentioned in this section:

- The Comprehensive Plan was based on a year 2005 population projection of 30,200 for Keizer. Through the SKAPAC process, it was agreed that the appropriate coordinated population forecast for Keizer in 2006 is 33,927. The 2000 census indicates that population within Keizer was 32,203. The population

estimate for 2001 is 33,298 (10.5% higher than the year 2005 Comprehensive Plan projection). Keizer has exceeded its year 2005 population projection, and it is close to exceeding the coordinated 2006 population estimate of 33,927. Although the population figures in the Comprehensive Plan are proving to be low, the demand for commercial services shows that even based on these conservative numbers, there is a deficiency of commercially zoned land in the city. This reflects an error in the population projection assumption upon which the original Comprehensive Plan was based.

- The Keizer Station Plan represents a logical implementation of the plan because it will establish a set of land uses in a location that has been targeted by the City as the future location for a dynamic activity center (Chemawa Activity Center). Previous efforts to establish an activity center at this location have not materialized because of a lack of demand for the types of uses the present zoning allows.
- Amendments to the CACP to foster economic development have been deemed to be desirable, appropriate, and proper by the council. After several attempts to develop the *Chemawa Activity Center*, the Mayor, City Council, and the Keizer Urban Renewal Board appointed the *Chemawa Activity Center Task Force* to evaluate the plan. The citizen Task Force concluded that land use designations included in the 1997 Plan were too restrictive and recommended changes to the City Council.

Conformity with LCDC Statewide Planning Goals

A comprehensive plan amendment must address the Department of Land Conservation and Development's (LCDC) Statewide Planning Goals to ensure consistency with those goals.

FINDINGS: The following findings demonstrate that this plan amendment request is consistent with LCDC's Goals.

Goal 1: Citizen Participation

In the Keizer Comprehensive Plan, Section III. F. Plan Administration, the city's citizen participation program findings, goals, and policies are presented (addressed later in this document). In addition Resolution R85-149 describes the city's public involvement program. Consistent with this program, public comments have been solicited in a number of different ways.

Meetings were held with affected neighborhood associations regarding the recommendations in the Keizer Station Plan. The Keizer Station Plan was then considered by the Planning Commission involving a series of public hearings where interested received multiple opportunities to testify and offer written material for the Planning Commission's consideration. This was followed by a second series of hearings before the City Council, again providing multiple chances for individuals to submit testimony. The Planning Commission and City Council hearings required property owner notification. In addition, the public has been informed in neighborhood meetings, Planning Commission work sessions, newspaper articles. The City Council hearings were also broadcast on the local cable access channel.

DLCD at the last evidentiary hearing before the Keizer Council, submitted a letter (Exhibit A-101) complaining that the Keizer Council's acceptance of evidence and argument from all sides to the proposal and the Council's consideration of the adoption of a decision along the lines attached herein, violates Goal 1 (Citizen Involvement). DLCD went so far as to suggest the City was required to start over with a new notice and decision making process, if it was considering adopting a decision other than one in strict obedience to the planning commission recommendation. DLCD misunderstands the principles of citizen involvement and also its own objections filed in the previous months.

First, DLCD *objected* to the planning commission recommendation. Therefore, it makes sense that the City would consider responsive measures to that planning commission recommendation as well as evidence and argument contrary to DLCD staff's views. It makes sense that the

Keizer Council would consider evidence and argument supportive of both the planning commission recommendation as well as against it. Second, the planning commission recommendation is a required step in the city's acknowledged Goal 1 (citizen participation) program. It is expected that the City Council will consider and respond to evidence and arguments advanced in hearings. This in fact is what the city's acknowledged Goal 1 process requires.

In the Keizer Comprehensive Plan, Section III. F. Plan Administration, the city's citizen participation program findings, goals, and policies are presented. This City citizen involvement program is acknowledged. The process has followed the acknowledged citizen involvement program as a legislative amendment to the City's plan and code. Consistent with this program, public comments have been solicited in a number of different ways.

Meetings were held with affected neighborhood associations regarding the recommendations in the Keizer Station Plan. The Keizer Station Plan was then considered by the Planning Commission involving a series of public hearings where interested parties received multiple opportunities to testify and offer written material for the Planning Commission's consideration. This was followed by a second series of hearings before the City Council, again providing multiple chances for individuals to submit testimony. The Planning Commission and City Council hearings required property owner notification. In addition, the public has been informed in neighborhood meetings, Planning Commission work sessions, and newspaper articles. The City Council hearings were also broadcast on the local cable access channel.

As we read this DLCD letter, it asserts the City and proponent responses to DLCD, Salem and 1000 Friends objections raised in evidence and oral testimony before the council are inappropriate. To the extent that DLCD is saying that proponents are not entitled to be involved in the process that is contrary itself to Goal 1 and the City's acknowledged Goal 1 provisions. All citizens are entitled to participate in this legislative decision making process. To the extent DLCD is saying it is inappropriate to respond to agency (DLCD) objections by considering an alternative economic opportunities analysis, this is also wrong. The point of a land use process is

to consider and respond to evidence presented regarding a proposal. To the extent DLCD feels that the proposal “differs to such a degree that the [notice] did not reasonably describe the nature of the local government final action” (ORS 197.620(2)) the remedy is in enhanced appeal rights – not that the City must start over or a citizen participant be forbidden from responding to DLCD objections. Respectfully, the proposal is well within the Notice submitted to DLCD, which stated generally, “Legislative Amendment to amend both text and map of the Keizer Comprehensive Plan and Keizer Land Development Code. Current Chemawa Activity Center Plan proposed to be amended to “Keizer Station Plan.” The Notice also included the proposed acres per Comprehensive Plan designation and Zone designation to be changed.

Goal 2: Land Use Planning

Goal 2 requires coordination between affected governmental units. Coordination is accomplished when the needs of all levels of governments, semi-public and private agencies and the citizens have been considered and accommodated as much as possible. ORS 197.015(5). Keizer has considered and accommodated the needs of all levels of government as much as it felt possible. Keizer has made an especially concerted effort to coordinate the proposed decision with its regional partners.

On February 21, 2002, the City of Keizer initiated the SKAPAC process to coordinate the decision proposed herein. It did this even though it is not required to do so by comprehensive plan provision or agreement. However, it was useful and convenient for all concerned that Keizer did so as the SKAPAC process acts as a strong Goal 2 coordination mechanism for the region. This is reinforced by the letter from the Department of Land Conservation and Development (DLCD) (Exhibit G) stating: “The department views utilization of the SKAPAC for review of the KSP proposal to be consistent with Statewide Planning Goal 2.”

SKAPAC unanimously determined that the acknowledged Keizer Transportation System Plan (KTSP) contains the regionally coordinated 2006 population projection for the City of Keizer. This 2006 coordinated population projection is 33,927 persons. This 2006 population projection is based on a growth rate of 2.0%.

Salem more recently asserted that the employment projections for the proposed decision have not been coordinated. However, the coordinated population figures were used to arrive at the projected employment figures. Moreover, the number of jobs created under the proposal is not substantially different from those that are theoretically possible under the current CACP. (See Goal 9 discussion below). Respectfully, this objection is not well-taken.

A majority of SKAPAC approved the City of Keizer's Planning Commission decision recommending to the Keizer City Council certain amendments to the Keizer comprehensive plan and zoning ordinance. Salem issued the lone objections.

The Keizer City Council heard testimony from its citizens, among others, regarding the planning commission recommendation. The Keizer City Council adjusted the planning commission decision to reflect such testimony and the impressions of the Council regarding the best interests of the City. The proposed decision attached is the culmination of that Council effort. The Keizer Council plans to take the proposed decision through the SKAPAC process to hear feedback from the counties and Salem and to accommodate any further concerns as much as possible.

The comprehensive plans of Keizer, Salem, Marion County and Polk County provide for regional policies and procedures. Though titled differently in the respective plans, the text of such regional policies and procedures is nearly identical. Keizer titles this section "Procedures for Amending the Keizer Comprehensive Plan" (p. 71- Keizer Comprehensive Plan). Those procedures call for a distinction between Regional Planning Actions and Non-Regional Planning Actions. Non-Regional planning actions are divided into Urban Area Policies and all other plan amendments. Regional policies are identified as follows: Urban Growth Boundary, Transportation, Willow Lake Treatment Plant, Solid Waste, Storm Drainage Policy, and Residential Density. The procedures also authorize Dual Interest agreements for areas identified by two or more jurisdictions. As explained in the introductory provisions above, the CACP is not one of the identified Regional Policies set forth in the jurisdictions' comprehensive plans. In

addition, it is not an identified Urban Area Policy, nor is it subject to a Dual Interest agreement as set forth in the regional policies and procedures section.

As noted above, the City has modified the proposal in an effort to accommodate Salem's concerns about viable retail occurring in the CACP area by limiting the leasable retail square footage to no more than 975,000 square feet distributed between Areas A, B, C, and D. While Keizer believes the retail will still be viable at 975,000 square feet, the amount of retail is voluntarily limited and it is thereby anticipated that this helps to meet Salem's concern.

It is hoped that Salem understands that the process has to result in a decision that is good for Keizer. While Keizer understands that Salem wishes to be the center of the regional economy. Whether that is a legitimate demand for Salem to make, especially by opposing Keizer's planning process, is unnecessary to be debated here. Keizer's proposal herein does not prevent Salem from achieving such a goal. The proposal simply allows Keizer to provide sufficient commercial and industrial land inventory to meet the needs of the City residents now and into the future. The proposal will also allow the City to provide for the retail and commercial service (as well as light industrial) needs of its residents who must now leave the city to fulfill many of those needs. This retail leakage is undisputed to exist (Demand Analysis for City of Keizer HF Analysis, Exhibit A-97). Finally, the proposal will provide an enhanced job base for its citizens and a well-rounded and integrated set of economically beneficial uses that generate property taxes in the CACP area. As has been demonstrated, the previous zoning pattern established a series of land use designations and development restrictions that, at a minimum inhibited development of extremely valuable freeway interchange lands.

The City of Salem states in SKAPAC Exhibit 25 (Salem November 26, 2001 memorandum pg. 6, attached to March 11, 2002 memorandum) that, "if an additional commercial retail center is built in Keizer, it may reduce the demand for retail space in Salem. These land allocations should be determined regionally, through the Salem Futures comprehensive planning process." In addition, the City of Salem claims the boundary for the lands analysis should include areas within the City of Salem and Marion County as well (SKAPAC Exhibit 26 {Salem March 19,

2002 memorandum, pg. 7, 11 & SKAPAC Exhibit 25 (Salem November 26, 2001 memorandum pg. 5, attached to March 11, 2002 memorandum)).

The Council finds that the comprehensive plans of Keizer and Salem function as separate plans, each complete in itself and containing its own local goals and policies. Procedurally, the Keizer Comprehensive Plan (KCP) was adopted as a post acknowledgment amendment to the Salem Area Comprehensive Plan (SACP). KCP I(D), Page 4. However, when Keizer incorporated, it became the local jurisdiction responsible for planning and land use decisions within its city limits. KCP I(D), Page 4.

The two plans operate independently of each other except for clearly defined areas of regional concern. This relationship between the KCP and SACP is set forth in Keizer's Plan. The section entitled "Procedures for Amending the Keizer Comprehensive Plan" clearly sets forth that only "regional policies" or "urban area policies" are subject to concurrence or formal coordination. All other actions are exclusively Keizer's jurisdiction. KCP IV(B)(2), Page 72. The Keizer Council finds this proposed decision falls in this category and does not require concurrence of other jurisdictions.

The maximum retail floor area of 975,000 square feet as proposed in this decision is substantially less than the Salem Charter provision. As stated previously, that expressed provision prevents an ordinance or agreement that prohibits regional shopping centers of less than 1,000,000 square feet outside the central business district.

Goal 3: Agricultural Lands

FINDING: Not applicable.

Goal 4: Forest Lands

FINDING: Not applicable.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

The city's Goal 5 inventory does not identify any resources within the Keizer Station Plan area.

Goal 6: Air, Water and Land Resources Quality

This action does not involve uses or activities which will have an adverse impact on the City's air, water, and land quality. Although some of the potential land uses on the property may change, the nature of the development, such as impervious surface, streets, and traffic, will remain very similar to the current planned activities for the site. Future development within the Keizer Station Plan area will comply with local, state, and federal regulations related to air and water quality standards.

Goal 7: Areas Subject to Natural Disasters and Hazards

The subject property is not located within any natural hazard area.

Goal 8: Recreational Needs

The Keizer Station Plan includes the Entertainment and Sports Center subareas. The existing Keizer Stadium is included in this subarea. New sports and entertainment facilities, such as a possible aquatic center, are envisioned to occur within this subarea. These uses would be intended to complement the Keizer Stadium.

Goal 9: Economic Development

A. Introduction

The City of Keizer currently has a total of three (3) Industrial and four (4) Commercial zoning districts that are all acknowledged as being in compliance with Goal 9. The City's Industrial zoning districts are General Industrial (IG), Industrial Business Park (IBP) and Agricultural Industrial (AI). The City currently has four (4) Commercial Districts and they are: Commercial Office (CO), Commercial Retail (CR), Commercial Mixed Use (CM) and General Commercial (CG).

The proposed decision adds a new zoning designation to the City's potential districts. This new district that will be added to the Keizer Development Code is called the Employment General (EG) zoning district. This EG zoning district is to be applied to the Keizer Station Area A – Village Center. The new EG zoning district allows a mix of industrial and commercial uses. It allows IBP uses, plus it also authorizes a variety of commercial uses. The EG zoning district is best thought of as an "Employment" zoning designation as it has elements of both a commercial and an industrial zoning district. It is designed to provide employment opportunities to Keizer citizens as well as to provide the opportunity for other needed and desired use types. The Keizer Council believes that the EG zoning district and its allowance of a wider range of uses than currently is allowed, will provide incentives to the market to deliver to the area of the city a variety of EG (employment) use types. Thus, the EG zoning district includes a blend of commercial and industrial zoning opportunities and, therefore, its breadth exceeds the possibilities in both designations in an effort to provide greater economic use flexibility to the market.

The following tables show the distribution of zoning for the entirety of Areas A-D under both the existing zoning and the proposal:

Keizer Station Plan Area Zoning (acres)

Zone	Existing Zoning	Proposed Zoning	Change
IBP	124.2	51.6	-75.5
IG	0	32.1	+32.1
CM	18.8	11.4	-7.4
MU	36	34.5	-1.5
P	35.7	0	-35.7
CO	12.5	0	-12.5
CR	0	1.5	+1.5
RS	0	1.1	+1.1
EG	0	95	+95
Total	227.2	227.2	0

The above listed acreage is based upon data from Marion County Assessor's Office, December 2001, updated by a site- specific survey of parcels within the city.

Keizer Station Plan Area Zoning by Subarea (acres)

Area A - Village- 97.1 acres

Existing:

Industrial Business Park – 86.1 acres

Commercial Mixed Use – 11.0 acres

Proposed:

General Industrial – 2.1 acres

General Employment – 95.0 acres*

* EG zone requires minimum of 25% of area (23.75 acres) for industrial use and maximum of 75% of area (71.25 acres) for commercial uses. Retail commercial uses as defined are further limited to a maximum total floor area of 800,000 square feet

Area A - Sports - 66.6 acres

Existing:

Industrial Business Park – 38.1 acres

Public – 28.5 acres

Proposed:

Industrial Business Park – 36.6 acres

General Industrial – 30.0 acres

Retail commercial uses are limited to a maximum total floor area of 15,000 square feet.

Area B – 12.5 acres

Existing:

Commercial Office – 12.5 acres

Proposed:

Commercial Mixed Use – 11.4 acres

Single Family Residential – 1.1 acres

* Retail commercial uses as defined are limited to a maximum total floor area of 25,000 square feet.

Area C – 36.0 acres

Existing:

Mixed Use - 36.0 acres

Proposed:

Mixed Use - 34.5 acres

Commercial Retail - 1.5 acres

* Retail commercial uses as defined are limited to a maximum total floor area of 65,000 square feet.

Area D – 15.0 acres

Existing:

Public – 7.2 acres

Commercial Mixed Use – 7.8 acres

Proposed:

Industrial Business Park – 15.0 acres

* Retail commercial uses as defined are limited to a maximum total floor area of 70,000 square feet.

Currently, there are a total of 124.2 acres of land within the CACP area that are zoned IBP. Specifically, under existing zoning, the IBP zoning in Area A – Village is 86.1 acres. The remaining 11 acres in Area A are currently zoned Commercial Mixed Use (CM). Area A (Sports) currently has the remaining zoned 38.1 acres of IBP zoned land and 28.5 acres of land zoned Public. The rest of the land within the totality of the CACP area is currently zoned as established on the chart above.

Under the proposal, the totality of the CACP land area will have a total of 83.7 acres of land that are specifically zoned for industrial purposes - IBP (51.6 acres) and IG (32.1 acres). However, the amount of land set aside for industrial types of uses is actually greater than the 83.7 acres noted above. This is because under the proposal, an additional 23.7 acres of land in the EG district in Area A - Village is required to be put to IBP uses, effectively increasing the amount of land within Area A devoted to IBP uses by an additional 23.7 acres. This increases the total area devoted to acknowledged industrial types of uses in the proposed decision to 107.4 acres. The 23.7 acres referred to in this regard are the acres in Area A - Village that are subject to the additional requirement that 25% of the land zoned EG also be put to certain IBP uses. The universe of IBP uses allowed was altered somewhat from what is currently allowed in the IBP district in deference to the concerns of the Gubser Neighborhood which expressed concern about heavier industrial types of uses being allowed on adjacent land.

With the exception of 1.1 acres within Area B being changed from Commercial Office to a Single Family residential zoning district, the proposed decision does no more than shift land among Goal 9 types of commercial and industrial land, creating greater flexibility in siting economic uses. In this regard, greater flexibility for developing retail uses is created by eliminating the 50,000 square foot limitation for retail commercial uses. An overall cap of 975,000 total square feet of retail commercial space as defined is established for the entirety of the CACP area (all subareas). Moreover, the EG zoning district applied to Area A – Village encourages a variety of uses for this prime economic use location, thus encouraging the development of the subject land. This greater use flexibility for Area A is believed to result in greater business interest in locating there.

As noted, the CACP was first established in 1988 and amended in 1997. The TGM Study) identified this land in Keizer, near I-5 (the CACP area), as a good location for retail, including larger retail store uses (Staff Report Exhibit P). When the City of Salem adopted planning actions after the TGM study on its side of I-5 in the Chemawa Road area, the City of Salem stated its expectations for the not yet adopted CACP:

“Retail commercial uses are integrated into the western, Keizer, quadrants of the interchange. The western quadrants, with their adjacent residential and proposed employment areas, *provide the best location for commercial uses within the interchange area.*” (Emphasis supplied). Staff Report Exhibit P at Salem Staff Report, October 14, 1996, page 6 of 16.

When Keizer ultimately adopted and applied zoning after the TGM Study to the CACP, it restricted retail opportunities. Under these restrictions, the property has not developed.

Keizer is interested in increasing its tax base, providing increased shopping and employment opportunities within the City, and providing a sufficient amount of commercial and industrial land inventory to meet the population and employment projections of the City. Therefore, the City policy choice is whether to establish the opportunity for the kinds of uses the market is likely to respond to favorably, in a manner that acknowledges the recommendations in the TGM Study and as further refined based on evidence in the record including the July 31, 2002 market and economic analyses in the Hobson Ferrarini report in the record (Exhibit A-109). In short, if the City wishes to see the CACP area develop with economic uses and provide the market with the tools to encourage such economic development, the proposed decision is required to do that. While the actual zoning on the subject property is not intensely different in kind, in the sense that it is Goal 9 economic uses zoning, the proposal imposes fewer restrictions on the conditions under which economic uses may develop and, in the Council’s judgment provides a greater and more realistic opportunity for the area to attract economic uses.

B. Goal 9 Issues Raised By Opponents

The City of Salem and others object to the proposal. These objections include a mixture of policy disagreements, as well as complaints framed as Goal 9 and other issues.

Regarding policy, the City of Keizer retains policy-making autonomy for its land use decisions that do not involve amendments to Urban Area Policies, Regional Policies or involving Dual Interest Areas. Keizer Comprehensive Plan IV(B)(2) (page 72). In this regard, the policy choices about the conditions under which economic opportunities may be established in the CACP, as contemplated under the proposed decision, are not Goal 9 issues that deprive the City Council of its authority to govern for the best economic interests of its citizens.

Moreover, as explained above, there is no dispute that the proposed amendments to the CACP do not amend Regional Policies or involve a Dual Interest Area. Moreover, also as noted, the Keizer Comprehensive Plan has no identified Urban Area Policies, and the Salem Area Comprehensive Plan (SACP) identifies the "Regional Policies" as Urban Area Policies. None of those are being amended here and Salem did not explain or identify what, if any, Urban Area Policies it suggests might be amended by the proposal. The Keizer City Council determines above that there are no such policies being amended.

As noted elsewhere, the existing zoning in theoretical planning terms could produce jobs and positive economic outcomes for the City. The problem is that the existing zoning has failed to do so, and the likely reasons are related to the restrictions on the zoning that currently exists. An additional problem with the existing zoning is that demand for industrial uses/employment in Keizer is very limited and is forecasted to remain limited. The existing zoning places too much emphasis on industrial uses that will not occur in Keizer. As a consequence, the existing inventory of industrial property dramatically overstates the forecasted demand for industrial uses. At the same time, the existing inventory of commercial and retail property dramatically understates the forecasted demand for retail uses. Theoretically, the total number of employees that are possible under the existing CACP are roughly equivalent to the number of employees that are possible under the proposed decision. However, the Council believes that the proposed

zoning is more likely than the current zoning to achieve such an outcome because it is more reflective of the actual demand for future uses in the City.

The City notes that Goal 9 has as its purpose:

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

"Comprehensive plans shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic activity after taking into consideration [a variety of factors.]"

"Comprehensive plans shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic activity after taking into consideration [a variety of factors.]"

The City of Keizer and its Urban Renewal Agency have expressed serious concern that the desirable CACP area despite its location, has failed to produce significant economic activities for Keizer citizens. The City, in the proposed decision, will amend its plan for this area to create an employment and economic activity center with broader appeal to a broad class of economic users in a manner that is consistent with the Keizer Comprehensive Plan.

The proposed decision in this regard is one that well meets the terms of Goal 9 and is the kind of leadership that City elected officials are supposed to supply when the City is faced with an economic problem within its boundaries that can be addressed with zoning. Nothing requires the City to maintain a static set of zoning rules or forecloses the City from responding to needs identified by the City's elected officials.. It is precisely the response of City planning like that in the proposed decision to the inactivity in the existing Chemawa Activity Center Plan, that is anticipated by land use planning and the City's own economic element of its acknowledged Comprehensive Plan.

The proposal increases the flexibility of the City's interchange lands to enable the City's elected officials and planning program to provide an economic land base that the market will respond to favorably by businesses locating there. This is the point of Goal 9.

Goal 9 includes four points that it works to achieve in local comprehensive plans. Amendments to acknowledged plans must establish the continued compliance of the City's economic program with those four points. Those four points are (1) a type of analysis of the community, (2) policies regarding economic opportunity, (3) provision of "at least an adequate" supply of sites for economic uses, and (4) limits on uses on or near economic sites such that those uses are compatible with economic uses.

Under the first point, the City has previously performed a City-wide analysis of its "economic patterns, potentialities, strengths and deficiencies as they relate to state and national trends" and this is reflected in Keizer's acknowledged comprehensive plan, particularly between pages 35 and 52. There is nothing that requires these analyses be performed wholly anew here, where the City is adjusting and enhancing its economic zoning and development opportunities in the CACP area. *See Opus Development v. City of Eugene*, 27 Or LUBA 670 (1995). This is particularly apparent, where as here, the proposal is consistent with the terms of the KCP pages 35-52, which are the result of such studies.

The City has acknowledged policies regarding economic opportunity. Thus, regarding Goal 9's second point, the City's plan contains policies regarding community economic opportunities, including anticipating that the CACP will be an employment center and be a place of commercial and industrial development for the City. *See for example* KCP pages 37(7)(b), (10); page 40(d)(2); page 41(d)(2)(b) and (c); page 49(h); page 51(8). The proposal is consistent with these objectives in the KCP and carries those objectives forward.

Moreover, under Goal 9, point 3, the City is to provide for at least an adequate supply of economic use lands. The analyses that have been provided show that the City has an inadequate supply of Commercial Lands. (D-5-7; A13, 14, 16, 52, 72, Hobson Ferrarini Analysis appended

to Keizer Station Plan and A-109).The proposed decision makes adjustments that increase commercial opportunities to provide the City with *at least an adequate* supply of Commercial Lands, and after the implementation of the proposed decision, there will still be *at least an adequate* amount of industrial lands as well. (D-5-7; A13, 14, 16, 52, 72; July 31, 2002 Hobson economic opportunities memo). All of these adjustments under the proposal occur on land already planned for Goal 9 uses. Therefore, basic planning assumptions regarding these lands as framed in the KCP remain valid.

In the analysis noted above, the City of Keizer currently has only a ten-year inventory of commercial land and a fifty-year inventory of industrial land. The proposed decision more rationally distributes the land inventory in Keizer so there are viable commercial development opportunities and the surplus of industrial land is reduced. The proposed adjustments provide the City with *at least an adequate* supply of commercial lands, and after the implementation of the proposed decision, there will still be *at least an adequate* amount of industrial lands as well.

The proposed decision changes from the planning commission recommendation only by (1) imposing the 975,000 square foot limitation on retail commercial as defined, (2) modifies the EG zoning district text, and (3) makes some minor adjustment to Area D (the Tribes land). The changes to the EG district simply increased the flexibility of that district to provide a land base for commercial and light industrial uses.

The changes to the EG zoning district have no effect on the fundamentals of the land supply analysis performed by Hobson Ferrarini Associates in the Goal 9 economic opportunities analysis. The EG zone continues to mandate that uses be developed as a maximum 75% commercial and a minimum of (25%) industrial park. The Hobson Ferrarini analysis assumed that of the 95 acres zoned EG, 25% were inventories as Industrial land and 71.25 acres (75%) were commercial land.. Under the 800,000 square footage maximum retail commercial limitation applied by this decision to the EG area, assuming a .25 FAR, means that 73.5 acres is the maximum retail commercial that will be allowed in the EG district. This is an assumption

that is only 2.25 acres more than the 71.5 acres of retail commercial assumed in the EG zone under the planning commission recommendation.

The Hobson Ferrarini analysis establishes that the City has a 7.8-acre deficit of commercial land in the 20 year forecast under the planning commission decision. Under the decision attached there is still a deficit of 5.55 acres. Hobson Ferrarini also notes that the EG area could develop 100% as industrial uses.

As noted, the City's IBP zoning district is an acknowledged Goal 9 economic district. The City could have a totality of IBP uses in the EG zoning district. This is because while there is an overall restriction on retail commercial, there is no corresponding restriction on industrial uses.

All of the adjustments to the planning designations under the proposed decision occur on the CACP area land that is already planned for Goal 9 uses. Therefore, basic planning assumptions regarding these lands as framed in the KCP remain valid.

City of Keizer
20 Year Commercial and Industrial Inventory Analysis

	Existing Inventory		Potential Inventory Post PROPOSED DECISION	
	Commercial	Industrial	Commercial	Industrial
Buildable Acres	72.5	99.5	124.8	54.2
20Year Demand	132.6	38.5	132.6	38.5
Surplus/(Deficit)	(60.1)	61.0	(7.8)	15.7
Inventory (years)	10.9	51.5	18.8	28.1

The proposal adjusts within Goal 9 land use categories to make viable economic opportunities available on the subject land and to make it more attractive to economic uses. The proposed decision is consistent with the Goal 9 inquiry of "at least an adequate supply of sites of suitable sizes, types, locations and service levels for a variety of industrial and commercial uses consistent with plan policies." As noted, the Hobson Ferrarini analyses (D-5-7, A-52, A-71 and economic opportunities analysis July 31 2002 – **Exhibit A-109**) the opportunity for economic uses of the subject land are greatly improved under the proposal.

The City notes that in Exhibit A-67, Salem May 6, 2002 memorandum, pg. 2, 3 Salem incorrectly suggests that the proposal will adversely affect Salem's supply of industrial lands. (W- took out the original example in your text because it was too esoteric – hope you agree) The consensus of reports published by Mid-Willamette Valley Council of Governments (MWVCOG), technical memorandums prepared for the City of Salem for Salem Futures, and the analyses completed by Hobson Ferrarini Associates (HFA) for the Keizer Station Plan all confirm that there is a lack of commercial land and a surplus of industrial land in the Salem-Keizer region, in the City of Salem, and in the City of Keizer. Pertinent sections from these reports are presented in EXHIBIT A-109, a memorandum prepared by Hobson Ferrarini Associates (July 15 – Response to the City of Salem May 6 memo...). All five reports cited in this memorandum show a lack of commercial land and an excess of industrial land throughout the Salem/Keizer region. While each report employed different methods to analyze land need, the outcome is the same in each case.

Regarding the fourth point of Goal 9, because the use types allowed under the proposed decision are rough equivalents to the use types that were theoretically allowed previously under the existing zoning, the basic compatibility of the subject area and adjacent uses remains unchanged under the proposed decision proposal.

Salem and other opponents seem to object most under the proposed decision to the proposal to remove the 50,000 square foot size limitation on retail structures. However, just as the imposition of a size limitation does not require a Herculean reanalysis of economic opportunity

under Goal 9, the removal of a size limitation similarly triggers no requirement for such an analysis. In *The Home Depot v. City of Portland*, 169 Or App 599 (2000), the Court of Appeals stated the following regarding Portland's imposition of a size limitation on commercial uses:

"Goal 9 does not require local governments to make land available for every specific kind of economically productive use that anyone wishes to conduct (let alone to make land for every use available in a particular zone or zones). The goal requires planning and provision for "a variety of industrial and commercial uses," not a Herculean--or quixotic--planning and zoning effort whereby every community assures that there are available sites for every conceivable kind of business activity. *Benjfran Development v. Metro. Service Dist.*, 95 Or.App. 22, 26, 767 P.2d 467 (1989); *Western PCS, Inc. v. City of Lake Oswego*, 33 Or. LUBA 369, 382 (1997).

"Petitioner relies on *Opus Development Corp. v. City of Eugene*, 28 Or. LUBA 670 (1995), and *Volny v. City of Bend*, ___ Or. LUBA ___, *aff'd* 168 Or.App. 516, 4 P3d 768 (2000). See also *Opus Development Corp. v. City of Eugene*, 30 Or. LUBA 360, *aff'd* 141 Or.App. 249, 918 P.2d 116 (1996).

In those cases, LUBA held that the local governments were required by Goal 9 to consider the adequacy of their inventory of lands that would remain available for industrial or commercial uses in the aftermath of decisions that would actually re-designate or divert existing industrially-or commercially-zoned lands from *all* industrial and commercial use." (Emphasis in original).

This observation that "quixotic" efforts are unnecessary in such circumstances is important to cities like Keizer that, due to size and tax base limitations, must be conservative with it's spending on land use planning studies, which can be extremely costly in terms of dollars and staff resources. The City has carefully reviewed its policies and is proposing to make relatively modest adjustments to improve the marketability and viability of its interchange lands and, thus, to improve the economic

condition of its people – all within the City's existing commercially and industrially designated lands.

The chief concerns expressed by opponents seem to have as their genesis that this program the City proposes may indeed work and attract such businesses to make the CACP area one that achieves economic outcomes for Keizer. However, zoning for the potential for economic success is not the equivalent of violating Goal 9.

Relatedly the proposal does not deplete the City's supply of lands available for commercial and industrial uses, as some of the opponents have asserted. In the existing CACP Area A, there are currently 124.2 acres of land for IBP (Industrial Business Park) uses. Under the proposal, there will be 75% or 71.25 acres of land for which the full spectrum of EG uses are allowed which includes both commercial and industrial opportunity. Further, another 25% or 23.75 acres of land in the EG zoning district of Area A (Village Center) that must be put to IBP use. This means that there will be a total of 75.6 acres of land put to IBP uses under the proposal. Finally, the new zoning district applied to Area A (Village Center), the EG zoning district, does not foreclose IBP uses. As noted above, it is a zoning district that blends both commercial and industrial uses in an effort to create an "employment" zone with flexibility to respond to the market.

Because the EG zoning district allows a number of IBP industrial uses itself, the new EG zoning district adds a flexible 95 acres that can be used for a variety of Commercial/Industrial uses.

Opponents have asserted that OAR 660-015-010 applies to the proposal, requiring Keizer to perform a parcel-by-parcel "economic opportunities" analysis for the entire Marion/Polk/Salem/Keizer UGB. Respectfully, the cited administrative rule includes no such requirement. It is well established that the OAR cited by these opponents to the proposal, applies to periodic review. A recent OAR amendment also reinforces that so long as a planning action is consistent with "the parts of [the city's] acknowledged plan which addresses the requirements of this division" the analysis the opponents demand is not required. OAR 660-009-0010(4)(a). The

City is not in periodic review. The proposal is consistent with the “parts of the [Keizer Comprehensive Plan] addressing the requirements of this division.” The proposal’s compliance with the KCP is evident. Following the findings regarding the Statewide Planning Goals and Oregon Administrative Rules, the applicable Keizer Comprehensive Plan goals and policies are identified and addressed.

The “requirements of this division” are the requirements of the OAR. The OAR and its divisional requirements have been largely in effect since 1986. The City’s Current Comprehensive Plan, was last amended to comply with the “requirements of this division” after periodic review was completed in 1993, and the compliance plan provisions are reflected in the KCP. This KCP provisions adopted “to meet the requirements of this division” after periodic review are the KCP provisions adopted at pages 35-52.

As part of that periodic review, there was an economic opportunities analysis performed, and an economic opportunities analysis is a “requirement of this division” (OAR 661-015-010). See Proposed Periodic Review Order 1988, Working Paper 10. The Working Paper 10 analysis, updated to 2002 using the same Working Paper 10 methodology, makes clear that there is a deficit of commercially zoned lands.

This updated Working Paper 10 analysis extrapolated to Keizer in a manner that is consistent with the KSP, makes clear there is an inadequate supply of commercial land in Keizer and the proposal solves for that inadequacy in a manner that is consistent with the KCP, which was adopted “to satisfy the requirements of this division.”

Moreover, the 1993 final periodic review order “analyzes the economic trends of the community and finds that the existing plan is adequate in addressing them.” Keizer City Council Staff Report, May 4, 1992, page 2. This establishes that the cited portions of the KCP met “the requirement of this division.” Therefore, under the terms of OAR 661-015-010, the City is free to adopt the proposal so long as it is consistent with the KCP. In other words, the City has the power to adopt a program as proposed without having to perform new OAR 661-015-010 – 025

analyses, so long as the proposal is consistent with the KCP provisions at pages 35-52. As noted elsewhere, the proposed decision is consistent with those provisions.

The City's acknowledged provisions designed to comply with Goal 9 and the goal 9 rule are found in the KCP at Pages 37 – 52. All portions of these Keizer Goal 9 policies have been duly acknowledged. This has occurred either through the original acknowledgment of the Keizer Comprehensive Plan or through the periodic review process. The DLCD/LCDC 1993 periodic review orders, together with other supporting documents are set forth in the "City of Keizer Response to Final Salem-Keizer Area Planning Advisory Committee (SKAPAC) Recommendation" (June 7, 2002). SKAPAC Record Exhibit 46. (See particularly the chronology and reference to other exhibits as set forth beginning on Page 22.)

The Keizer Council finds that all portions of the Goal 9 policies have been duly adopted and properly acknowledged, and further incorporates herein as if fully set forth the information and findings set forth in SKAPAC Exhibit 46.

The history of the City's periodic review is explained below.

SKAPAC Exhibit 29

July 15, 1993 DLCD Letter from Director

Letter to City of Keizer and City of Salem stating,

"On June 10, 1993, the Land Conservation and Development Commission (LCDC) reviewed Salem and Keizer's periodic review for compliance with statutory requirements.

Enclosed are two LCDC orders resulting from that review. The first order (93-AFFIRM-889) finds that portions of the periodic review orders meet state requirements. These portions are affirmed, and are no longer subject to periodic review.

The second order (93-RA-890) specifies the required amendments to the county's plan and land use regulations that require additional work in order to meet periodic review requirements..."

Furthermore, Order 93-RA-890 required three primary issues for the cities to resolve compliance with state requirements. Those issues included 1) Amending regional policies regarding Urban Growth Boundary (UGB) amendments, (2) Adopting policies and measures relating to industrial lands, (3) Adopt clear and objective review process for needed housing types.

The second order relating to industrial land supplies specifically stated:

"In order to comply with Periodic Review Factor Two, Goal 2 and OAR 660-09-000 "Industrial and Commercial Development" the Cities of Salem and Keizer, and Marion County and Polk County must:

- a. Adopt policies and implementing measures which regulate divisions of large industrial sites provided under the recommendations of Project 90 remain available for their intended use.*
- b. Adopt measures, which prevent the rezoning of large industrial sites in the UGB. Alternatively, jurisdictions may assure simultaneous replacement of rezoned large industrial sites, using surplus lands in other uses already in the UGB.*
- c. The jurisdictions may reevaluate the need and supply of industrial land in the regional UGB, consistent with the requirements of the statewide goals and address a and b, above, based on that analysis. In the interim, up to 100 acres of large industrial sites may be re-designated."*

SKAPAC Exhibit 30

Keizer Ordinance No. 93-250

The City of Keizer complied with the first section DLCD Order 93-RA-890 (a) adopting policy and implementing measures regarding the divisions of large industrial sites. The second half of the requirement of 93-RA-890 (a) relating to Project 90 sites is addressed below.

SKAPAC Exhibit 31

Project 90 – Salem Area Study for 1980-1990

Project 90 was a study conducted of the greater Salem Area including Keizer in 1981. Project 90 identified two areas in the current City of Keizer city limits. One site location included a single parcel owned by Larry Epping (C.A.W.S. Inc.) on River Road [This site exceeded 20 acres]. A second area of properties included a section of the Chemawa Activity Center along with properties that extended to HWY 99 and back down to the intersection of 99 & I-5. This area was referred to as the "Chemawa Economic Development District. The boundary is shown in page 137 of the document. The Chemawa Activity Center is noted on the map of the district to have uses including mixed use, office, and industrial.

On page 142 of the document, the NW quadrant of I-5 and Chemawa Road is described to have ½ employment to be non-manufacturing service jobs of retail, motel and office. The remaining half is suggested to be manufacturing. The proposed decision implements these suggestions. The proposed decision provides a total of 108 acres to be zoned industrial. This equates to approximately half of the NW quadrant of I-5 and Chemawa Road – in accordance with the Project 90 recommendation. In addition, the Alternative KSP includes the rezoning of the SW quadrant of I-5 and Chemawa to be Industrial Business Park. It should be noted that no single parcel in the NW quadrant of I-5 and Chemawa exceeded 20 acres in size.

SKAPAC Exhibit 32

Plan Amendment Tracking Sheet – DLCD File Form

This form was used by DLCD to track two proposals by Keizer in 1993 to amend comprehensive plan designations on separate pieces of properties. The second referenced proposal is the amendment for the River Road property (C.A.W.S. property) to change its comprehensive plan designation from Campus Light Industrial to Mixed Use and rezoning from Urban Transition to Mixed Use for 67 acres. Affected jurisdictions that were noticed included City of Salem, Marion County, Polk County, etc.

SKAPAC Exhibit 33

June 3, 1994 DLCD Notice of Periodic Review Work Program Submittal

This DLCD notice was sent to the City of Salem and City of Keizer. The notice includes the DLCD approved Work Program for the four jurisdictions (Salem, Keizer, Polk County and Marion County). This document includes two attachments. The first is a letter from the City of Salem, dated February 15, 1994, to DLCD and described the attached Work Program. This letter states, "The work program addresses one issue that we have in common with Keizer, i.e., the Urban Growth Boundary policies and procedures. The other two issues (industrial land and multi-family housing) relate specifically to the three jurisdictions (Salem, Marion and Polk Counties) in the Salem Urban Area. As is our practice, we will also coordinate with Keizer on these issues."

Furthermore, the attached work plan for completing Periodic Review in the Salem Urban Area clearly identifies that Keizer was only required to take additional final action on the issue regarding UGB policies. The issues relating to industrial land and multi-family residential only had to be further complied by Salem, Marion and Polk Counties.

SKAPAC Exhibit 34

July 1994 DLCD Notice of Adopted Plan Amendments

This notice includes two notice of adoptions for changed Comprehensive Plan designations. The second specifically is the local notice to DLCD of adoption of the re-designation of the C.A.W.S. property that is described above. The 67 acre parcel was changed from Campus Light Industrial (CLI) to Mixed Use (MU). Keizer Ordinance 93-265 is attached to the notice. Findings attached to the adopted ordinance discuss Project 90 and the substantive reasons to warrant a re-designation of the comprehensive plan designation from CLI to MU.

Notice: Refer back to Exhibit A-67, Salem May 6, 2002 memorandum page 7, refer to correspondence by DLCD dated July 19, 1989. Second paragraph, "There are at least two pending requests to re-designate Project 90 sites for other uses, and we should anticipate additional requests in the future. If the City of Keizer re-designates its large site, this would leave the city with no role in accommodating large industrial development in the region.

Following the approval of the re-designation of the C.A.W.S. property, the City of Keizer was no longer required to meet the second portion of the DLCD 93-RA-890 Order relating to reservation of sites identified in Project 90 because the C.A.W.S. property was the only parcel in Keizer over 20 acres that would have been required to be protected from division. Again, the properties within the Chemawa Activity Center did not contain individual parcels over 20 acres.

SKAPAC Exhibit 35

August 26, 1994 DLCD Approval of Periodic Review Work Program (Order 00117)

DLCD confirmed approval of the Work Program submittal for the City of Salem and City of Keizer as submitted on June 3, 1994.

SKAPAC Exhibit 36

January 23, 1995, Marion County Commission Ordinance No. 1004

Marion County Board of Commissioner ordinance approving the Keizer UGB boundary amendments as required by DLCD. The ordinance has attached Keizer Ordinance No. 94-311. This was the last DLCD identified issue by DLCD for Keizer compliance with Periodic Review.

February 26, 2002 DLCD E-mail Correspondence indicating Keizer requirements for Periodic Review

This is a series of three e-mails by DLCD staff, which confirms that the City of Keizer is required to initiate Periodic Review by October 2005. DLCD did not issue a termination order, however the record clearly shows Keizer completed all requirements for periodic review in accordance with Order 93-RA-890. The proposal is consistent with the city's acknowledged Goal 9 elements that implement Goal 9.

In the alternative, the City notes that an economic opportunities analysis was performed within the city. That economic opportunities analysis is in the Hobson Ferrarini July 31, 2002 Memorandum and Attachments (**Exhibit A-109**) That analysis confirms that the City has an inadequate supply of land for commercial development. That analysis also confirms that the City has an overabundance of industrial land. The proposal creates a more rational allocation of land; it creates more opportunities for commercial development while reducing the oversupply of industrial land. As noted previously, the City of Keizer currently has approximately a 10 year inventory of commercial land, far short of the 20 year supply required by Oregon law. At the same time the industrial land supply in the city is excessive and would not be built out form more than 50 years. The proposal would better balance the city's inventory. The commercial land inventory would increase to a 19 year supply and provide for more economic development opportunities. The industrial land inventory would be reduced to 28 year supply. It is noted that this enhanced opportunity provided under the proposal is one that is consistent with the recommendations on the TGM Study, explained above.

The City also noted that objectors invited the City to leave its restrictive zoning in place and try to attract businesses using the State Economic Development Department. This is a policy choice the City can make; it can chose to do nothing other than to work with a state bureaucracy under restrictive zoning for the interchange area. However, there is no requirement that the City fail to act to remedy its inadequate supply of commercial lands or fail to make the CACP area more attractive to business or wait to exercise its discretion about what is the best zoning proposal for

this area – awaiting a decision or analysis from the State Economic Development Department. The City can chose to make the policy choices reflected in the proposed decision. The proposed decision and its policy choices do not foreclose the City from working with the state Economic Development Department to market the area. However, the zoning framework for such work is enhanced by the proposal.

The choice to relieve restrictions on retail uses in the CACP area and to work under the directive of the Keizer Urban Renewal District to redevelop the CACP area in a manner that increases the City's flexibility to improve its economic condition is the choice reflected in the proposal. As noted, there is nothing in any law that prevents the City from working with the State Economic Development Department with the more flexible zoning contemplated under the proposed decision. The proposed decision simply increases the tools available to the City and others who wish to market the CACP area to businesses and the types of businesses that may occupy the property. This is consistent with Goal 9 and, in the City's view, it more consistent with that Goal's purpose of providing at *least* an adequate supply of land for business to locate on.

Finally, there are concerns expressed about the proposal because it will actually achieve its goals and work to attract retail businesses and indeed create an economic and employment center. As noted, Salem has stated an objection that it prefers its downtown be the economic center of the mid-Willamette Valley. With all due respect, Keizer is entitled to continue to make its employment and commercial lands work to attract employers and retailers. Keizer has autonomy under the explicit terms of both the KCP and the SACP to make its own individual land use decisions, such as the proposal, to improve the condition of the people of Keizer.

Goal 10: Housing

Goal 10 requires that the city have an "adequate number of needed housing units at price ranges and rent levels, which are commensurate with the financial capabilities of Oregon households." Keizer has an acknowledged housing inventory for low, medium, and higher density housing for its citizens

over the planning horizon. The city continues to have land available under a variety of residential zones, thereby maintaining appropriate housing opportunities for city residents.

When proposed amendments do not affect a city's acknowledged Goal 10 inventory, the goal is satisfied, and the city is under no obligation to conduct a new housing/jobs analysis.

The amendments in the attached decision will not adversely impact the City's housing inventory or availability of residential land for future growth. The recommended amendments primarily occur on lands already zoned for non-residential uses (e.g., Office Commercial to Retail Commercial and Industrial Business Park to Commercial Mixed-Use). There is one minor (1.5 acre) amendment from Mixed-Use, which allows residential development, to Retail Commercial, which does not.

The proposal also includes the conversion of approximately 1 acre from CO to RS, which is an increase of 1 acre of residential zoning to allow completion of Dennis Ray Way in Area B. Thus there is only an insignificant 0.5 acre difference in the amount of residential land under the proposal. This difference, however, is largely offset by the existing MU Mixed Use zone designation in Area C. This zoning district provides the potential for higher density housing in the city, which typically provides more affordable housing opportunities. The proposal's allowance of greater commercial opportunities also facilitates the ability of the mixed use area to produce viable high density housing because of the job and shopping amenities that will be within walking distance of the high density housing offered in the MU zone.

The theoretical number of employees possible under the existing and proposal proposed zoning for the subject property are rough equivalents. Therefore, there can be no affect under the proposal on the City's housing inventory.

The potential employment estimated by the COG under the current Chemawa Activity Center Plan is 3,127 (SKAPAC Exhibit 38, June 5, 2002 memo from Mike Jaffe). The corresponding employment estimated under the staff recommendation was 2,930 YES (Source: Hobson Ferrarini Assoc. applying the same methodology to the staff recommended alternative as for the original Keizer Station Plan proposal, which yielded the 3,304 job estimate). This will yield a potential

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

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

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

Other Housing-Related Issues

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

As addressed above, Salem’s assertions are wrong; the proposal is expected to have 200 fewer jobs than the existing Chemawa Activity Center Plan.

In several memorandums Salem has also compared the total number of jobs in the CAC to the proposal. These comparisons, however, have contained faulty information:

In its May 6, 2002 memo (EXHIBIT A-67) Salem notes that the direct employment forecast for the Keizer Station Plan is 3,304 for the plan area, and that an additional 855 indirect and induced jobs for a total of 4,159 new jobs (Exhibit A-67, May 6, 2002, Supplemental Comments from Vickie Hardin Woods). The 4,159 figure referenced by Salem is a full development estimate that includes indirect and induced employment. The Salem staff then compares it to the 1,090 employment figure, which is a 10-year employment forecast (less than full development) that does not include indirect and induced employment. In other words, this is not an "apples to apples" comparison. The COG staff was asked to clarify the employment forecasts that apply to the area under the existing zoning. They are a full development forecast of 3,127 employees and a 1,089-employee estimate by 2025 (June 5, 2002 memo from Mike Jaffe). These figures do not include indirect or induced employment.

It is important to understand that indirect and induced jobs pertain to employment that is related to serving businesses that locate within the plan area. An induced job can be in Chicago, and while many of the indirect and induced employees will generally be located in the area they will not necessarily be located in Keizer as assumed by the Salem staff. For example, a wholesale supplier in Portland or Salem may hire more employees to serve a new business that locates in the plan area.

In a later memo (SKAPAC Exhibit 28, June 3, 2002, Salem Response to Joint Meeting of SKAPAC by Vickie Hardin Woods), Salem states that the Keizer Station Plan will generate 3,034 new jobs along with 1,125 indirect and induced jobs for a total of 4,159 new jobs in the city. The source of the second set of figures in the June memo is not indicated, and it is not clear if they are intended to refer to the original proposal, as the May memo does, or the recommended staff alternative.

Again, the staff recommended alternative was estimated to result in 2,930 employees (not counting indirect or induced employment) at full development. The City believes this number is correct under the proposal attached as preliminarily accepted by the City Council. The 2,930 full development employment forecast for the proposal is closely comparable to the COG full development forecast of 3,127 employees.

In several memos written by DLCD and Salem (DLCD memo from November 20, 2001 EXHBIT G; Salem Memo from May 6, 2002 Exhibit A-67) have stated that wages expected at the Chemawa Activity Center will be higher than they are for the proposal since the Chemawa Activity Center contains more industrial land.

First, such analysis is irrelevant to Goal 10. The City has an adequate inventory of land for a variety of housing types. Second, developing a comparison between average potential income estimates for the Chemawa Activity Center Plan and for the staff recommendation are speculative at best because income levels can vary drastically depending upon the specific industrial or commercial employers that ultimately locate here. So while the evidence in the record indicates that industrial employment generally features higher wage levels, commercial employment can also offer similar incomes.

As shown in the following table, retail average wages are not as low as generally perceived. Wages range from approximately \$20,000 to \$32,000 annually. In fact, some retailers pay wages that are similar or higher than the industrial sector. For example, industrial employment includes divisions such as Apparel and Other Textiles (\$21,799), Transportation Services (\$23,693), and Local Trucking (\$14,466). These wage levels are below many of the retail sectors, as shown below.

Table 1
Full-Time Equivalent Average Annual Pay in the Retail Sector
Marion County, 2001

Sector Name	SIC Code	Full-Time Equivalent Pay
Total Retail Trade	52-59	\$21,879
Bldg. Material	52	\$31,395
Gen Merchandise	53	\$21,425
Food Stores	54	\$25,518
Auto Dealer and Parts	55	\$34,686
Apparel and Accessories	56	\$18,596
Furniture and Home Furnishings	57	\$31,941
Eating and Drinking	58	\$13,559
Misc. Retail	59	\$20,301

Note: 1999 covered employment statistics, made current to 2001 using changes in the CPI. Also adjusts for part-time employment in this sector.

SOURCE: Oregon Employment Department

The proposal has nothing to do with Goal 10. The proposal is not contrary to Goal 10.

Goal 11: Public Facilities and Services

W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan.

Goal 12: Transportation

As demonstrated in the Kittelson & Associates Transportation Analysis (Exhibit B, Appendix B), the original Keizer Station Plan proposal (Appendix A) would generate 210 fewer net new trips during the weekday p.m. peak hour than is currently allowed under the existing zoning pattern and assumed in the KTSP. Kittelson & Associates performed a second analysis for the staff recommended alternative, which had a higher industrial component than the original proposal. Kittelson concluded this option would have 115 fewer net new trips during the weekday p.m. peak hour (Exhibit A-15). ODOT reviewed this information and concurred with the analysis and conclusions (Exhibit A-74).

The transportation elements of the CACP are unchanged under the proposal. In addition, the proposal is consistent with the acknowledged Keizer TSP because: the underpass or comparable facility improvement continues to be assumed, the potential traffic impact of the proposal is less than what is anticipated with the CACP, the .87 v/c ratio is maintained for the ODOT facilities, and the street designations identified in the KTSP will be incorporated as part of the master plans that are required prior to development.

Opponents to the proposal have indicated that the transportation analysis conducted by Kittelson and Associates is inappropriate for a number of reasons, including assuming an unrealistic

“worst case” level of traffic attributed to the existing zoning and taking a 10% credit, as permitted by the Oregon Transportation Planning Rule (TPR – OAR 660-0012-0060(5)), for mixed-use, pedestrian-friendly development. The evaluation, according to the opponents, has led to artificially low traffic volume forecasts for the original proposal and the staff recommended alternative.

Goal 12 and the TPR (OAR 660-0012-0060(1) require that any plan or land use regulation amendment, which significantly affects a transportation facility, must be mitigated in one or more of four ways specified in the rule. OAR 660-0012-0060(2) describes when a plan or land use regulation significantly affects a transportation facility. LUBA has held that when proposed amendments do not cause traffic impacts greater than the existing zoning, the proposed amendments do not have a significant impact and Goal 12 and the TPR are satisfied (ODOT v. City of Klamath Falls, LUBA No. 2000-147, slip op at 5, April 17, 2001).

The City finds that the proposed amendments satisfy Goal 12 and the TPR and importantly the City’s acknowledged TSP. Kittelson and Associates has properly conducted a traffic study for the proposal according accepted industry standards and methodology (Exhibit A-15 and A-74). The proposal has been found to generate slightly fewer weekday p.m. peak hour traffic compared to what is possible with the existing zoning associated with the Chemawa Activity Center Plan. The proposal is also consistent with the KTSP.

Moreover, ODOT, the agency with jurisdiction over the Chemawa interchange and the expertise to conduct an independent analysis, has reviewed the Kittelson and Associates reports for both the original proposal and the planning commission decision. The proposal is functionally the same for traffic generation purposes as the planning commission decision.

ODOT concurred with the findings of the Kittelson studies, and in its letter to the City (Exhibit A-74) presented a comparative traffic analysis for the current zoning, original proposal zoning, and the staff alternative zoning. ODOT concluded that the potential p.m. peak traffic generation from the plan area would be 3,425 – existing zoning, 3,215 – original proposed zoning, and 2,744 – staff

recommended zoning. It should be noted that the ODOT analysis included the 10% credit for mixed-use, pedestrian-friendly development for all three alternatives.

Goal 13: Energy Conservation

The proposed designations will provide needed commercial and industrial land that will offer residents of Keizer opportunities for jobs and shopping that will not require residents to leave the city for these purposes. This will have the affect of reducing the need for travel to other parts of the region for employment and commercial opportunities.

Goal 14: Urbanization

Some of the objectors assert that the proposal is contrary to Goal 14. However, the subject property is located within the City's UGB and has been planned and Zoned for commercial and industrial urban uses since 1988. The proposal continues those urban Goal 9 economic planning assumptions.

The TGM Study recommended the CACP have more retail opportunity and noted it was an excellent area for larger retail stores. There is simply no Goal 14 issue that the proposal raises. The Goal 14 issue raised as an objection to the proposal is too tenuous to be explained. The proposal, that adjusts commercial and industrial zoning among lands already zoned and planned for commercial and industrial uses and that have been zoned for a spectrum of commercial and industrial uses since 1988, is not foreclosed by the terms of Goal 14. The City cannot understand how there is a Goal 14 concern in any respect under the proposal.

Goal 15: Willamette Greenway

Not applicable.

Goal 16 to 19: Estuarine Resource, Coastal Shorelands, Beaches and Dunes, and, Ocean Resources

Not applicable.

Conformity with Goal 9 Rule (OAR 660-009-0010(4) – effective October 2, 2001

Effective October 2, 2001, LCDC amended its Goal 9 administrative rule at 660-009-0010(4). Because the proposed Keizer Station Plan is being considered through the legislative process, the new rule amendment applies to the Keizer Station Plan pursuant to ORS 197.646. The proposed Keizer Station Plan will amend designations of land in Keizer to or from commercial or industrial use in excess of two acres.

OAR 660-009-0010

- (4) Notwithstanding paragraph (2), above, a jurisdiction which changes its plan designations of lands in excess of two acres to or from commercial or industrial use, pursuant to OAR 660-Division 18 (a post acknowledgement plan amendment), must address all applicable planning requirements; and***
- (a) Demonstrate that the proposed amendment is consistent with the parts of it acknowledged comprehensive plan which addresses the requirements of this division; or***
- (b) Amend its comprehensive plan to explain the proposed amendment, pursuant to OAR 660-009-0015 through 660-009-0025; or***
- (c) Adopt a combination of the above, consistent with the requirements of this division.***

FINDINGS: The amendments approved by the City Council (shown as Exhibit 111) includes zoning that requires a mixture of commercial and industrial lands in a method, which is consistent with current Comprehensive Plan goals and policies. The Keizer Station Plan

provides extensive findings demonstrating how the proposed amendments are consistent with all applicable elements of the Keizer Comprehensive Plan. In addition, the following findings are provided to demonstrate compliance with OAR 660-009-0010 (4)(a).

Hobson Ferrarini Associates prepared an Economic Analysis for the Keizer Station Plan (July 2001). The complete report is included in Appendix A of the Keizer Station Plan. The Hobson analysis corresponds to the Economic Opportunities Analysis requirements of OAR 660-009-0015. This analysis evaluated a number of economic factors to demonstrate compliance with the Keizer Comprehensive Plan, including:

1. Economic opportunities within Keizer over the next 20 years in the commercial and industrial land use categories;
2. An inventory of existing commercial and industrial land in the city;
3. Estimates of the amount of commercial and industrial activity that could reasonably be expected to occur in Keizer over the next twenty years; and
4. A comparison of anticipated commercial and industrial demand with available commercial and industrial land inventories.

Retail and Industrial Land Supply

With regard to the Plan Amendment and Zone Change criteria in the Keizer Development Code, the Hobson Ferrarini Associates report determined the following:

- A. The proposed amendments for the Keizer Station Plan meets the City of Keizer's criteria analyzed in this report:
 - There is not an adequate supply of vacant retail commercial land in the City currently to meet the needs of its residents. The proposed Keizer Station Plan would help alleviate this shortage in the short-term. The findings in this document as well as the Hobson Ferrarini information contained in the exhibits, describe both the existing and

projected demand for retail services in Keizer in terms of retail space and retail acreage.

- There is an extensive supply of vacant industrial land currently, based on a twenty year planning horizon. The proposed zone change would reduce this excess supply while still providing the City with enough land to accommodate future industrial development over the next twenty years. The Hobson Ferrarini information indicates that the city presently has a supply of 83.4 acres of industrial land and a forecast 2021 cumulative demand for 38.5 acres of industrial land. Therefore, some shift from industrial to commercial use is consistent with applicable Comprehensive Plan provisions as described in this report.

B. The proposed amendments for the Keizer Station Plan would better allocate land given the current and forecasted need:

- There is an immediate need for more retail commercial development in the City. Retail leakage exists:
 - Forcing households to shop outside the market area;
 - Increasing traffic congestion at existing retail locations;
 - Increasing the length of shopping trips, thus taxing existing infrastructure and increasing vehicle miles traveled (VMT); and
 - Making shopping more inconvenient and expensive due to additional time and transportation costs.
- There is an excessive amount of industrial land in the City that will not be fully absorbed for more than 40 years. The proposed amendments would leave the city with a 20-year supply of industrial land while allowing needed retail development to occur immediately. The proposed amendments will not limit industrial development opportunities in the City.

C. The subject property is better suited for retail development than industrial development:

- The location of the subject property off of Interstate 5 is better suited for retail establishments who need the high visibility to compete effectively. Industrial land users do not need the high level of visibility that exists at the subject property.
- ③ The subject property is in an ideal location to serve current and the future residents who live on the north side of Keizer. There is currently no conveniently located retail for these households. Furthermore, recent and future population growth has occurred and will continue to occur in the northern sector of the City.

Conformity with the Transportation Planning Rule

660-12-60 Plan and Land Use Regulations Amendments

- (I) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:*
- (a) *Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;*
 - (b) *Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;*
 - (c) *Altering land use designation, densities, or design requirement to reduce demand for automobile travel needs through other modes; or*
 - (d) *Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote*

mixed use, pedestrian friendly development where multimodal travel choices are provided.

- (2) *A plan or land use regulation amendment significantly affects a transportation facility if it:*
- (a) *Changes the functional classification of an existing or planned transportation facility;*
 - (b) *Changes standards implementing a functional classification system;*
 - (c) *Allows types of levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
 - (d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

FINDINGS: The relevant inquiry under OAR 660-012-0060(2) is whether the proposed amendment “would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.” Therefore, the first issue to determine is whether the City’s existing transportation facilities are adequate to handle, throughout the relevant planning period, any additional traffic that the proposed amendment will generate. If the proposed amendment does not generate additional traffic beyond what was assumed in the Keizer TSP (KTSP), then it can be concluded that the level of service in the KTSP will continue to be met and the proposed amendment will not significantly affect the transportation system. No further analysis is necessary at this planning stage.

Development is not being proposed as a part of this amendment. Therefore, the significance test can be analyzed based on a comparison of the trip generation of the existing zoning pattern (which the adopted TSP is based on) and the proposed zoning pattern.

As demonstrated in the Kittelson & Associates Transportation Analysis (Exhibit B, Appendix B), the original Keizer Station Plan proposal (Appendix A) would generate 210 fewer net new trips

during the weekday p.m. peak hour than is currently allowed under the existing zoning pattern and assumed in the KTSP. A second analysis was performed by Kittelson & Associates for the staff recommended alternative, which had a higher industrial component than the original proposal. Kittelson concluded this option would have 115 fewer net new trips during the weekday p.m. peak hour (Exhibit A-15). ODOT reviewed this information and concurred with the analysis and conclusions (Exhibit A-74).

The City Council decision represents a minor modification of the staff alternative, which continues to feature the same general mixture of potential uses. In particular, the 25% minimum of the EG Zone acreage devoted to industrial uses would be retained, and a new total commercial retail floor area limitation of 975,000 square feet would be imposed for the KSP area. As confirmed by Kittelson & Associates, the City Council decision will have traffic impacts that are between those of the original and staff recommended alternatives (Exhibits A-15 and A-74). In addition to these findings, the Keizer Station Plan retains the 0.87 V/C level of service standard as previously adopted in the Chemawa Activity Center Plan as noted under the Goal 12 Transportation findings. The Kittelson analysis was reviewed by both the Keizer Public Works Department and ODOT, which both agreed with the analysis and conclusions. Therefore, the proposed amendment will not play a causative role in reducing the applicable performance standard below the minimum acceptable level, because there is a net decrease in new trips generated by the proposed amendment when compared to the new trips generated under the current zoning. Therefore, the amendment does not significantly affect a facility under OAR 660-012-0060(2)(d).

Compliance with the Keizer Comprehensive Plan – Chapter III: Findings and Policies

The following findings address the applicable Keizer Comprehensive Plan Goals and Policies.

A. *SIGNIFICANT NATURAL AND CULTURAL FEATURES* (pp. 20-22)

2. *GOALS AND POLICIES*

f. Energy Conservation

- 1. Consider and foster the efficient use of energy in land use and transportation planning.*
- 4. Encourage renewal and conservation of existing urban neighborhoods and buildings, and create a multi-centered land use pattern to decrease travel needs. In-filling of passed over vacant land should be encouraged. Emphasis on close locational relationships among developments for living, working, shopping and recreation should be encouraged through planned mixed-use zones.*
- 5. Provide for higher density and more economical residential developments as an alternative to single-family detached housing.*
- 6. Plan for commercial, office, retail and service facilities, including schools, churches, public and semi-public uses at both the community and neighborhood level, and within walking distance of residential areas.*
- 7. Encourage cluster developments of mixed uses to promote energy conservation and to allow more efficient centralized energy systems.*

FINDINGS: The above policies that are relevant to the proposal all have the same underlying theme of intelligently mixing and orienting land uses to promote energy efficiency, especially for transportation. The CACP calls for a mix of commercial, industrial, and residential land uses. The KSP, although different in a number of ways, continues to call for a very similar mix and location of commercial, industrial, and residential activity near the Chemawa Road/I-5 interchange. In addition to the location of uses, the Keizer Development Code will continue to feature development and design requirements, which will continue to encourage walking, bicycling, and transit. The proposed designations will provide needed commercial and industrial land that will offer residents of Keizer opportunities for jobs and shopping within the city, rather

than requiring residents to leave the city for these purposes. This will have the affect of reducing the need for travel to other parts of the region for employment and commercial opportunities.

The Keizer Station Plan is located where most new population growth in the city of Keizer has occurred, and will continue to occur for the foreseeable future. The City of Keizer has grown and continues to grow primarily within the northern sector of the City, north of Lockhaven Drive.

B. URBAN GROWTH AND GROWTH MANAGEMENT (pp. 27-31)

2. GOALS AND POLICIES

a. General Goals

2. Within the urban growth boundary:

- (a) Ensure adequate buildable land is available for all uses.***
- (b) Provide for the orderly and efficient provision of public facilities and services.***
- (c) Encourage development in areas already served by major public facilities before extending services to unserved areas.***

FINDINGS: The proposed land use designations will support the projected need for commercial and industrial land within Keizer. As demonstrated in the Hobson Ferrarini Economic Analysis (Exhibit A-109), the city has both a short-term (5-year) and long-term (20-year) deficiency in the amount of commercial land available to support the project population growth within the community. The proposed land use designations will create a better overall balance to the city's land use pattern and will provide sufficient industrial and commercial land inventory to support the growing community.

With regard to industrial land, there is an excessive amount of industrial land in the City that will not be fully absorbed for more than 40 years. The proposed amendments would leave the city with a 20-year supply of industrial land while allowing needed retail development to occur immediately. The proposed amendments will not limit industrial development opportunities in

the City. The plan approved by the City Council (Exhibit 111) includes zoning designations that allow a mixture of commercial and industrial lands in a manner, which is consistent with current Comprehensive Plan goals and policies.

W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan. (Exhibit A, Chapter V).

b. Urban Growth Policies

1. *Contain urban development within planned urban areas where basic services such as sewers, water facilities, police and fire protection can be efficiently and economically provided.*
2. *Conserve resources by encouraging orderly development of land.*
4. *Make more economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the urban growth area.*
5. *Provide property owners greater security in long-range planning and investments.*
6. *Make it possible for utility extensions, transportation facilities, and schools to be designed and located so as to more closely match population growth.*
7. *Preserve and enhance the livability of the area.*
8. *Use public facilities and services as a framework for urban development.*

FINDINGS: The Keizer Station Plan provides for an orderly transition of vacant, urban land to uses that will support the future growth of the community. Public facilities are available to the site and can be provided efficiently and economically as demonstrated in the analysis prepared by W&H Pacific. Public services, including police, emergency services, and transit all are available or can be made available to serve the area. It is important to recognize that although the zoning requirements are being modified, the service demands will remain comparable between the CACP and the KSP.

c. Growth Management Policies

4. Establish as a medium priority the extension of public facilities to the Chemawa Interchange area.

- (a) Develop a plan and implementation program for public facility financing.**
- (b) Encourage the consolidation of existing parcels. Discourage further subdivision of existing parcels.**
- (c) Retain agricultural zoning until long-term public facilities are planned or available. Once facilities are planned or available, actively recruit new commercial and industrial development.**

FINDINGS: The Keizer Station Plan includes plan and zoning designations for the area covered by the CACP plus the land included in the Entertainment and Sports Center addition to Area A. Prior to development of land within the activity center, public services will be provided to the site. As the Public Facilities assessment prepared by W&H Pacific for the KSP indicates, public services are available to the property and can be extended as development occurs.

It is likely that consolidation of existing parcels will occur when development is proposed in the Keizer Station Plan area. Future subdivision and parcelization patterns will be established when development is proposed for the site. According to the amended Development Code criteria (Exhibit A-111, Attachment C), a master plan must be approved prior to any development. This will further discourage parcelization of properties.

Prior to development in the Keizer Station Plan area, agricultural uses that are occurring on property within the plan area may continue. Plans for the extension of public facilities to the property within the plan area will occur in conjunction with future commercial and industrial development.

6. *Support public facility extensions when new development provides its own financing. The cost of new growth should, to the extent possible, be borne by the new growth itself.*
7. *Establish as a high priority construction of public improvements in areas where sewer and water facilities are already provided, particularly storm sewers and streets.*

FINDINGS: The Keizer Station Plan will implement these policies for public facility improvements. The Plan will result in the provision of public facilities to the Chemawa Interchange area through a cooperative approach between the city and the property owners. This partnership for providing public facilities is described in the memorandum from the Public Works Department (Exhibit C).

C. LAND USE AND ECONOMIC DEVELOPMENT (pp. 32-37)

2. GOALS AND POLICIES: RESIDENTIAL DEVELOPMENT

a. General Goals

1. *Provide residential land for a variety of housing types, sizes densities, locations and costs.*
2. *Encourage the location of residential development where full urban services, public facilities, and routes of public transportation are available.*
3. *Provide housing opportunities for all types of housing needs.*
4. *Encourage development of housing units for low and moderate-income households.*
6. *Conserve the existing sound housing stock.*
9. *Protect existing and proposed residential areas from conflicting non-residential land uses while providing for compatible mixed-use development (residential and non-residential).*

FINDINGS: The Keizer Station Plan will not impact the availability of housing opportunities in the city. Existing areas within the Keizer Station Plan area that are currently planned for residential use will not be changed as a result of this proposal.

The extent of commercial development in Retail Service Center (Area B) is proposed to allow the completion of the existing residential neighborhood on Dennis Ray Way. Completing a cul-de-sac and platting 3 to 6 additional lots will greatly enhance the livability of this neighborhood, particularly once commercial uses are located to the south and east. The MU designation in Area C is also amended to include a cap of 25,000 square feet of commercial floor area. The remaining area must be devoted for residential uses.

b. General Policies

2. *Plan for low, medium and high density residential uses consistent with 20-year projections of demand. Periodically monitor and analyze the population and dwelling unit projections to provide a reliable basis for land use decisions and to assure sufficient residential land to maintain a positive balance between supply and demand.*
5. *Provide for and promote generally higher residential densities to encourage a compact urban form.*
6. *Encourage higher density residential development near industrial and commercial centers.*
7. *Encourage in-filling of existing undeveloped lots.*
13. *Discourage through traffic in residential neighborhoods.*
19. *Investigate and, when advisable, implement mixed use zoning, particularly in established neighborhoods where compatible and functional mixes of land uses are desirable.*

FINDINGS: The Keizer Station Plan will not impact the availability of housing opportunities in the city. Existing areas within the Keizer Station Plan area that are currently planned for residential use will not be changed as a result of this proposal. As noted above, the proposed

code amendments will provide additional assurance by expanding the residential zoning to allow completion of Dennis Ray Way are a residential neighborhood and by limiting the amount of commercial development in Area C to ensure a significant amount of residential development. The Keizer Station area will continue to be planned for mixed-use zoning and will allow a variety of housing types.

The KSP and related Development Code provisions will require evaluation of the proposed street and other transportation facilities as part of the development master plan stage to ensure they are adequate to handle the demands of new development in the area. This evaluation will also include a review of the street system to discourage or eliminate through traffic in nearby neighborhoods.

3. Findings: Economic, Commercial and Industrial Development

a. General

7. Keizer has three major opportunities for economic development.

- (a) Mixed-use development (office, retail, government) in the area north of Olson Street and generally west of North River Road.*
- (b) Commercial and industrial development in the area adjacent to the Chemawa Interchange on I-5, primarily to the north of Lockhaven Drive, secondarily to the south.*
- (c) Redevelopment and in-filling of commercial development along the North River Road and Cherry Avenue corridor from the southern City limit to Olson Street.*

FINDINGS: The Keizer Station Plan supports this policy by promoting the commercial and industrial development activities envisioned in the area adjacent to the Chemawa Interchange. The plan supports the economic development opportunity at this location that the Comprehensive Plan identifies and provides a more appropriate balance of land use designations to meet the documented demand for industrial and commercial activity in Keizer over the next 20 years.

- 10) *There exists both general and specific support for commercial and industrial development at the Chemawa Interchange. Property owners owning a majority of the vacant and largely vacant land northwest of the interchange have indicated their desire to have the land zoned for industrial and commercial uses.*

FINDINGS: The Keizer Station Plan supports implementation of this policy by providing for industrial and commercial uses on the vacant land in the vicinity of the Chemawa Interchange. The Keizer City Council adopted a Resolution in May 2001 initiating the review and amendments to the Chemawa Activity Center Plan. Property owners at the May 2001 public hearing on the Resolution testified in support of amending the Chemawa Activity Center Plan to change the existing zoning to support demonstrated market demand for industrial and commercial uses.

4. GOALS AND POLICIES: ECONOMIC, COMMERCIAL AND INDUSTRIAL DEVELOPMENT (pp. 37-40)

a. General Goals

1. *Broaden, improve and diversify the Keizer economy while maintaining or enhancing its environment.*
2. *Supply an adequate amount of land to accommodate new and existing businesses.*
3. *Reserve enough remaining large parcels for special developments requiring large lots.*
4. *Ensure compatibility between commercial and industrial lands and lands adjacent to them.*
5. *Provide for limited mixing of office, commercial, and industrial land uses when such mixing does not reduce the suitability of the site for the primary land use designated in the plan.*

6. *Provide the necessary public facilities and services to allow economic development.*
7. *Encourage public and private efforts to increase economic development in Keizer. To the extent possible, such development should use local capital, labor, and management.*
8. *Reduce unemployment, in the resident labor force.*
9. *Improve the level, stability and distribution of per capita (income) for residents.*

FINDINGS: The proposed land use designation and Development Code amendments will support the projected need for commercial and industrial land within Keizer by utilizing land, which is currently identified for a mix of commercial, industrial, and residential uses. Much of the area consists of small parcels, but the master plan requirement in the Development Code will promote consolidation of properties and/or the unified development of them. As noted elsewhere in this document, the plan for this area continues to be based upon compatibility between land uses, provision of public facilities to support development, and providing economic development and employment opportunities for city residents and businesses.

The Hobson Ferrarini analysis indicates that the average annual income resulting from the type of commercial development contemplated will result in average annual incomes that may be less than industrial employment. However, because the range of commercial and industrial wages vary widely by business, there is a significant overlap between commercial and industrial incomes as noted by Hobson Ferrarini (Exhibit A-16).

c. Commercial and Industrial Developments

1. *Provide for commercial and industrial developments.*
 - (a) *Undeveloped land zoned for light industrial and commercial uses, consistent with forecasts of the likely future demand for such land.*
 - (b) *Sufficient land adjacent to existing industrial and commercial facilities where future expansion is anticipated.*

- (c) *Convenient access to arterial or collector streets for traffic generated by industrial and commercial uses.*

FINDINGS: See Response to Policy 4. **GOALS AND POLICIES:** ECONOMIC, COMMERCIAL AND INDUSTRIAL DEVELOPMENT above.

2. *Require from commercial and industrial developments:*

- (a) *Outdoor storage facilities to be screened from view of the public road and from adjacent residential uses.*
- (b) *Adequate landscaping and appropriate setback from adjacent residential uses.*
- (c) *Exterior lighting to be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties.*
- (d) *Roof equipment to be screened from view of nearby residential uses.*
- (e) *Adequate disposal of any hazardous wastes generated (as defined by ORS 459.410).*
- (f) *Large expanses of blank walls in residential areas to be avoided.*
- (g) *Compliance with DEQ noise and other environmental quality standards.*

FINDINGS: These policies are related to development applications. Future development within the Keizer Station Plan area will address and demonstrate compliance with these policies. These policies are implement through the Activity Center Overlay district.

3. *Encourage for commercial and industrial developments:*

- (a) *Innovative designs for public spaces such as open plazas, pedestrian malls, and tot lots by making sure zoning regulations are flexible.*
- (b) *The expansion of existing and the location of new light manufacturing activities, especially those which generate little pollution.*

- (c) *Industrial park development for appropriate business activities. Examples of activities are warehousing and distribution, and research and development.*

FINDINGS: The Keizer Station Plan provides for industrial park development through the Industrial Business Park (IBP) plan designation. While no specific uses are proposed at this time, the examples of potential uses identified in this policy would be permitted to occur within the Keizer Station Plan area.

4. Discourage in(compatible) commercial and industrial developments:

- (a) *Major customer traffic from outside the immediate neighborhoods from filtering through nearby residential streets.*
- (b) *Other land uses in districts that have been designated for industrial use, except when it can be demonstrated such uses will have minimal negative impacts on industrial uses now and in the future.*
- (c) *Placement of loud or obnoxious equipment adjacent to residential streets or areas.*
- (d) *Deliveries or loud outside activities adjacent to residential streets or areas.*

FINDINGS: These policies will primarily be addressed through design treatments and through the master planning process. In addition, the uses permitted in the EG and IBP zones were carefully scrutinized to eliminate those uses with the highest potential for causing compatibility issues with other land uses in the vicinity.

5. Permit in commercial and industrial developments:

- (a) *Commercial offices to be mixed with compatible residential or commercial retail uses in the same structure.*

- (b) *Transit services and shelters to be provided in lieu of some off-street parking.*

FINDINGS: Opportunities for both mixed use development and transit service will be considered during the master planning process.

6. *Maintain a supply of industrial and commercial land with necessary public services, adequate size and suitable location.*

FINDINGS: See Response to Policy B. URBAN GROWTH AND GROWTH MANAGEMENT above.

7. *Recognize the vital role of neighborhood commercial facilities in providing services and goods to a particular neighborhood.*

FINDINGS: The proposed designations will provide needed commercial land that will offer residents of Keizer opportunities for jobs and shopping within the city, rather than requiring residents to leave the city for these purposes. This will have the affect of reducing the need for travel to other parts of the region for commercial opportunities. The Keizer Station Plan is located near the Gubser Neighborhood and is accessible to other Keizer neighborhoods via Lockhaven Drive.

9. *Concentrate major commercial and industrial development along major arterials. Allow neighborhood shopping and convenience stores in residential areas, providing such developments meet compatibility standards described in the implementing ordinances. Such standards shall be clear and objective and not have either the intent or the result of precluding all such development.*

FINDING: The Keizer Station Plan is located adjacent to a major arterial (Lockhaven Drive).

10. *Designate on a plan diagram commercial and industrial land sufficient to meet projected needs through 2005.*

FINDINGS: See Response to Policy 4. **GOALS AND POLICIES:** ECONOMIC, COMMERCIAL AND INDUSTRIAL DEVELOPMENT above.

d. *Area-Specific Policies*

2. *Encourage industrial and commercial development on vacant and largely vacant parcels near the Chemawa Interchange.*

FINDINGS: The Keizer Station Plan encourages both industrial and commercial development to occur on the largely vacant parcels near the Chemawa Interchange through the proposed plan designations. The proposed zoning pattern is supported by the Hobson Ferrarini materials in Exhibit A-109, and it will be in compliance with the City's commercial and industrial land inventory. While this policy does not specify how much of each type of use is desirable, the City Council decision, shown in Exhibit A-111, includes a proposed zoning that requires a mixture of commercial and industrial lands in two ways. First, the EG Zone requires that a 25% minimum of the total acreage be developed with industrial uses. Second, overall commercial floor area limitations are placed on Areas A, B, C, and D totaling a maximum of 975,000 square feet will apply. These methods, along with the specific uses allowed in each zone within the KSP, are consistent with current Comprehensive Plan goals and policies.

D. PLAN DIAGRAM AND SPECIAL LAND USE POLICIES (pp. 42-47)

2. GOALS AND POLICIES

a. *General Goals*

1. *Provide appropriately designated vacant buildable land in adequate quantities to meet the forecast needs of Keizer to 2005.*
2. *Provide a development pattern which:*

- (a) *Encourages stabilization of existing neighborhoods.*
- (b) *Encourages affordable housing.*
- (c) *Creates a new town center for Keizer.*
- (d) *Creates new employment opportunities in Keizer.*

FINDINGS: Neighborhood stabilization will primarily be accomplished by completing Dennis Ray Way with a cul-de-sac and several new single family residential lots. This will complete this small neighborhood and create improved opportunities for successful coexistence with the proposed commercial development to the south and east.

Because the amendments do affect affordable housing because 1) they not involve any "pure" residential zones, 2) the Dennis Ray Way modification only involves 3-6 single family units, and 3) the MU Zone in Area C will now have a maximum commercial floor area limitation to ensure some residential development.

The Keizer Station Plan will create new employment opportunities for residents in the city of Keizer and establish an activity center in the location that the Comprehensive Plan envisions as the location of future employment and commercial activity.

d. Commercial

2. Provide for an employment area service center:

- (a) *Allowed uses are retail, service and office uses related to nearby industrial districts, and area commercial uses serving the traveling public such as restaurants, hotels, conference centers and shopping facilities.*
- (b) *An employment area service center should:*
 - (1) *Be from 20 to 50 acres in size.*
 - (2) *Have direct access from I-5 and an arterial street.*
 - (3) *Provide facilities and services to adjacent industrial areas and to the traveling public.*

- (4) *Not encourage traffic through residential neighborhoods.
a unified district with coordinated circulation, parking and
landscaping, not a collection of small unrelated commercial
developments.*

FINDINGS: The Keizer Station Plan provides the opportunity to establish an employment area service center within the activity center's boundary. As this policy notes, an employment area service center is envisioned to be a part of the overall development approach within the Chemawa Activity Center. The plan envisions the mix of uses that are identified in this policy and contains design guidelines to provide for a unified development approach in the activity center. The specific location of the employment area service center is not known at this time, but the mix of uses that are considered to be a part of such a center are allowed within the proposed zoning and the area of the Keizer Station Plan is sufficient to allow a 20 – 50 acre employment area service center within its boundary.

This "employment center" is intended to have a significant industrial component, through the use of code provisions notes above. The City Council decision (Exhibit A-111) includes a proposed zoning that requires a mixture of commercial and industrial lands in a method that is consistent with current Comprehensive Plan goals and policies. The recommended outcome of the Interstate 5/Chemawa Road Urban Interchange Transportation and Land Use Study (Exhibit P) also recommends the same ratio of industrial and commercial development as proposed in the City Council decision.

e. Industrial

1. *Provide for industrial development located with good access to the interstate freeway system, arterial streets, and rail facilities.*
2. *Locate industrial districts in the northeast sector of Keizer.*

3. *Ensure that industrial development adjacent to existing or planned residential areas will not cause adverse effects:*
 - (a) *The specific proposed use will be compatible with adjacent uses.*
 - (b) *The design of the facility and its site will not place visual or physical burdens on the surrounding areas.*
 - (c) *The operational characteristics of the facility will be compatible with surrounding uses and include consideration of: 1) hours of operation, 2) delivery and shipping characteristics, 3) noise, 4) lighting, and 5) other use characteristics.*
4. *In general industrial areas, allow uses involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling and warehousing.*
5. *In campus light industrial areas, allow uses involved in the secondary processing of materials into components, the assembly of components into finished products, research and development activities, and supporting office-based commercial development when planned to compliment the primary intent of the campus light industrial district.*

FINDINGS: The Keizer Station Plan includes General Industrial, Industrial Business Park, and the new Employment General plan designations, which all allow industrial uses. The primary industrial locations in Areas A and D will have good access to the transportation system because the property has north/south access to I-5 as well as access to the City of Salem via the Salem-Keizer Parkway. The plan and code include design guidelines aimed at minimizing potential impact of future industrial development within the plan area. Specific industrial uses are not proposed at this time. During the required master planning process, future industrial development will be designed with adjacent properties in mind to will address any potential impacts through the design review process.

Policies 1 and 2 above describe the subject site for industrial development. As indicated above, specific acreages were not assigned. As noted above, the City Council decision includes

requirements to ensure the presence of industrial activities as part of the land use mix in the KSP area.

h. Activity Centers (pp. 49-51)

1. Designate Activity Center overlay districts for:

(a) McNary Activity Center

(b) Chemawa Activity Center

The purpose of the activity center overlay is to encourage a mix of intensive land uses emphasizing transit and pedestrian activity, and to allow flexibility of development regulations.

2. Require that a design plan for each activity center is prepared and approved before specific development applications in the particular activity centers are approved. The lands use designations shown on Figure 2 (p. 46 of the plan), and on the zoning map before a design plan is adopted, are generalized and will be refined during the development of design plans. Transfer of development rights within activity centers are allowed, and encourage the use of planned developments. Activity center plans will be prepared for entire activities centers, not individual parcels or for individual projects, however developers shall be required to submit master plans for individual parcels or projects.

3. Assume a leadership role in preparing activity center design plans. The planning process should involve property owners, interested developers, residents, and other affected jurisdictions. Once an activity center design plan is prepared, adopt it as a part of the Comprehensive Plan.

4. Require that activity center design plans include a minimum:

(a) The activity center design plan shall provide for a coordinated approach to area planning and development and shall provide policies and other standards for development within the activity center.

(b) The activity center design plan shall show the general proportion of land uses, location of major public facilities, location of parks, open space, public lands and other public uses. It is anticipated that the land use

designations and zoning shown in the Comprehensive Plan and on the Zoning Map will be used as a general guide only, and the activity center design plan may change such land use designations. However, the exact location of the uses need not be shown in the activity center design plan.

5. *The following provisions apply in development of the activity center design plan.*
 - (a) *For purposes of calculating overall density, the mix of land use designations shown in the Comprehensive Plan shall not be varied by more than 20%.*
 - (b) *Transfer of development rights within the Activity Center is permitted when the property with reduced development rights is donated to the City, or permanently dedicated for public open space.*
 - (c) *When transfer of development rights is used, the receiving areas shall be designated with zoning classifications consistent with the density and use of development proposed. Standards and other requirements of these zones shall be met.*
 - (d) *The use of Planned Developments for residential areas in Activity Centers is encouraged.*
6. *The activity center design plan may require the provisions of, or participation in, the development of public facility improvements to implement the activity center design plan. Such improvements may include, but are not limited to, the following:*
 - (a) *Road dedications and improvements;*
 - (b) *Signalization;*
 - (c) *Sidewalks and bikeways;*
 - (d) *Crosswalks and/or overpasses;*
 - (e) *Storm drainage facilities;*
 - (f) *Sewer and water service lines and improvements;*
 - (g) *Underground utilities;*
 - (h) *Street lights;*

- (i) *Transit stops and bus shelters;*
 - (j) *Transit information displays;*
 - (k) *Park and Ride facilities;*
 - (l) *Public restrooms;*
 - (m) *Street tree and median landscaping and development; and*
 - (n) *Open space, pedestrian plazas.*
8. *Establish the following objectives for the Chemawa Activity Center:*
- (a) *The primary uses are regional service center, light industry, hotel/motel and supporting facilities, convention facilities, and retail shopping facilities.*
 - (b) *Improve access to the district and Lockhaven Drive. Coordinate transportation improvements with the industrial district to the north.*

FINDINGS: The Keizer Station Plan is intended to replace in full the previously adopted Chemawa Activity Center Plan. The Keizer Station Plan has been designed to encourage a mix of intensive land uses that can support transit and pedestrian activity as development occurs. The plan includes design guidelines to allow flexibility during development, but at the same time requiring higher standards for new development that will promote the establishment of a dynamic activity center. The land use pattern in the Keizer Station Plan is intended to allow a wide range of uses, similar to those uses identified in this policy.

The Keizer Station Plan includes implementation policies and standards designed to require a unified approach to development within the activity center boundary. The implementation policies require that, prior to development within Areas A, B, C, and D of the Keizer Station Plan, a master plan for the specific subarea be prepared. The master plan will indicate how future development within a subarea will occur, how overall vehicular, pedestrian and bicycle circulation will be designed, and how public facilities will be coordinated and provided to the area.

E. PUBLIC FACILITIES TO SUPPORT DEVELOPMENT (pp. 53-54)

2. GOALS AND POLICIES: GENERAL

a. General Goals

- 1. Plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.**
- 2. Provide and encourage a safe, convenient and economic transportation system.**

FINDINGS: W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan. (Exhibit A, Chapter V).

To support Goal a.2. above, the Keizer Transportation System Plan (KTSP) was developed and adopted to more clearly articulate the City's overall strategy for meeting its transportation needs. The City Council decision is consistent with the KTSP because the planned street designations are to remain the same, and the traffic impact of the KSP has been demonstrated to be slightly less than what is possible under the current CACP. Kittelson & Associates has evaluated the proposed zoning recommended in the original Keizer Station Plan proposal and the staff recommended alternative from the perspective of providing transportation facilities and the potential impact on the transportation system. Although the City Council decision differs in some ways from the staff recommended alternative, the fundamental land use mix continues to be very similar. The Kittelson analysis, therefore, continues to be valid for the City Council decision. This analysis demonstrates that traffic generation will be comparable or less than traffic generation based on existing zoning patterns. Transportation facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan. (Exhibit A-15). ODOT concurs with the analysis (Exhibit A-74).

b. General Policies

- 1. Reduce generally the amount of public subsidy for public utilities, services and facilities in new development.**
- 3. Require that long-term planning for major public facilities based on logical, functional boundaries. These boundaries may be outside the urban growth boundary, but such lands will not be needed for development until after 2005.**
- 4. Encourage development in areas already served by major public facilities before extending services to unserved areas.**
- 7. Establish as a medium priority the extension of public facilities to the Chemawa Activity Center.**
- 9. Ensure that sewer and water services are provided at an urban level of service comparable to similar services provided throughout the Salem/Keizer urban area.**
- 10. Continue to cooperate and participate with other jurisdictions in the region for the provision of regional services such as sewage treatment, solid waste disposal, public transportation, and other services of regional concern.**
- 11. Ensure that public facility and service planning and implementation are consistent with the Urban Growth and Growth Management policies of this Plan.**

FINDINGS: Prior to development of within the activity center, public services will be provided to the site. As the Public Facilities assessment prepared by W&H Pacific for the Keizer Station Plan indicates, public services are available to the property and can be extended through the development process. W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan. (Exhibit A, Chapter V).

Coordination with other service provider and participation will occur throughout the master planning/implementation process.

4. GOALS AND POLICIES: TRANSPORTATION (PP. 55-59)

a. General Goals

1. *Adopt the goals and objectives of the Salem Area Transportation Plan as the goal statements for the City of Keizer. The goals are:*
 - (a.) *Implement the type and level of transportation services to different parts of the urban area that are most compatible with desired development pattern and achieve the orderly implementation of the Comprehensive Plan.*
 - (b.) *Provide for the safe and efficient movement of people and goods throughout the metropolitan area.*
 - (c.) *Develop a transportation system that avoids or reduces an undesirable reliance upon any one form of transportation.*
 - (d.) *Minimize the undesirable environmental, social, aesthetic and economic impacts produced by transportation facilities.*

FINDINGS: As demonstrated in the Kittelson & Associates Transportation Analysis (Exhibit A-15) the Keizer Station Plan will generate fewer net new trips than is currently allowed under the existing zoning pattern and assumed in the city's Transportation System Plan. The findings that address this portion of the Comprehensive plan are found under the discussion of Goal 12 Transportation.

c. Roadways

1. *Adopt as the Keizer functional highway classifications, and recommend these modifications to the SATS Functional Classification roadway network:*
 - (b) *Radiant Drive up-grade from collector to minor arterial.*
 - (e) *North River Road/Radiant a new collector.*

4. *Ensure that Lockhaven Drive from North River Road to the Chemawa Interchange is carefully studied to determine the need for future widening, noise buffering, and for pedestrian crossing and safety improvements near the Whiteaker Middle School. Require that existing and planned residential areas be protected from excessive noise levels resulting from an increase in traffic.*
6. *If the City voluntarily undertakes a street improvement project, which will increase traffic noise levels, it is the policy of the City of Keizer to protect existing residential uses from traffic noise levels that exceed those noise levels which are typical of residential areas. Traffic noise levels below Leq67dBA are considered typical in an urban area and no mitigation of them shall be required.*

FINDINGS: The Keizer Station Plan will not change the functional classifications of the roadways serving the area. Future site development activities will analyze Lockhaven Drive to determine the need for future widening, noise buffering, and pedestrian safety improvements.

d. Transit

2. Continue to work closely with the Salem Area Transit Districts:

- (c) *Increase transit service to the Chemawa Center.*
- (d) *Ensure that major new developments provide transit facilities, and are designed in such a way to make transit service efficient and convenient.*

FINDINGS: The Keizer Station Plan will support transit opportunities through the master planning and development review procedures. Future development will be coordinated with the Salem Area Transit District to promote transit accessibility to the site, including techniques suggested by the agency (Exhibit A-79). The Keizer Station Plan includes the potential for a Commuter Rail Station and provides implementation steps should Commuter Rail be extended to Keizer.

6. GOALS AND POLICIES: SANITARY SEWER, WATER AND DRAINAGE (p. 61)

a. General Goals

- 1. Provide and maintain public utilities, services, and facilities in an orderly and efficient manner.**
- 2. Support public facility extensions when new development provides its own financing. The cost of new growth should, to the extent possible, be borne by the new growth itself.**

FINDINGS: W&H Pacific has evaluated the proposed zoning recommended in the Keizer Station Plan from the perspective of providing public facilities (sanitary sewer, storm sewer, and domestic water). This analysis demonstrates that public facilities are either in place or can be provided to support the proposed levels of development in the Keizer Station Plan. (Exhibit A, Chapter V). The Keizer Department of Public Works responded to the proposed Keizer Station Plan in two memoranda dated November 26, 2001 (Exhibit C) and July 31, 2002 (Exhibit A-108) indicating that adequate facilities and services are available or can be provided to serve the area.

8. GOALS AND POLICIES: PARKS AND RECREATION (p. 63)

a. General Goal

- 1. Provide for the recreation needs of the City of Keizer through the acquisition and development of adequate parks and recreation facilities, and through requiring park dedication as part of the development process.**

FINDINGS: The Keizer Station Plan includes the Entertainment and Sports Center subarea. The existing Keizer Baseball Stadium is included in this subarea. New sports and entertainment facilities (such as an aquatic center) are envisioned to occur within this subarea. These uses would be intended to compliment the activities occurring at the Keizer Stadium.

F. PLAN ADMINISTRATION (pp. 65-66)

2. GOALS AND POLICIES: CITIZEN INVOLVEMENT

a. General Goals

- 1. Provide for widespread citizen involvement.**
- 2. Assure effective two-way communication with citizens.**
- 3. Provide the opportunity for citizens to be involved in all phases of the planning process.**
- 4. Assure that technical information is available in an understandable form.**

FINDINGS: Meetings have been held with affected neighborhood associations regarding the recommendations in the Keizer Station Plan. The Keizer Station Plan will be considered by the Planning Commission and City Council and will require property owner notification.

4. GOALS AND POLICIES: COORDINATION (p. 66)

a. General Goal

- 1. Participate with other jurisdictions in the region to ensure appropriate land use and related issues are coordinated.**

b. General Policies

- 2. Encourage and assist Mid-Willamette Council of Governments in identifying regional needs and priorities and implementing functional plans.**

FINDINGS: Coordination with state, regional and local agencies has occurred during the preparation of the Keizer Station Plan. In 1995, the City of Keizer and the City of Salem jointly received an ODOT/DLCD Transportation and Growth Management Program grant to conduct a land use and transportation study for the Interstate 5/Chemawa Road interchange. More recently this year, the City of Keizer worked with the State of Oregon Community Solutions Team – Governor’s Task Force in an effort to coordinate with state agencies. The City of Keizer has worked with the Mid-Willamette for the transportation modeling for this project. The voluntarily agreed to follow the SKAPAC process even though the question at hand is not a regional issue as defined by SKAPAC and the Keizer Comprehensive Plan.

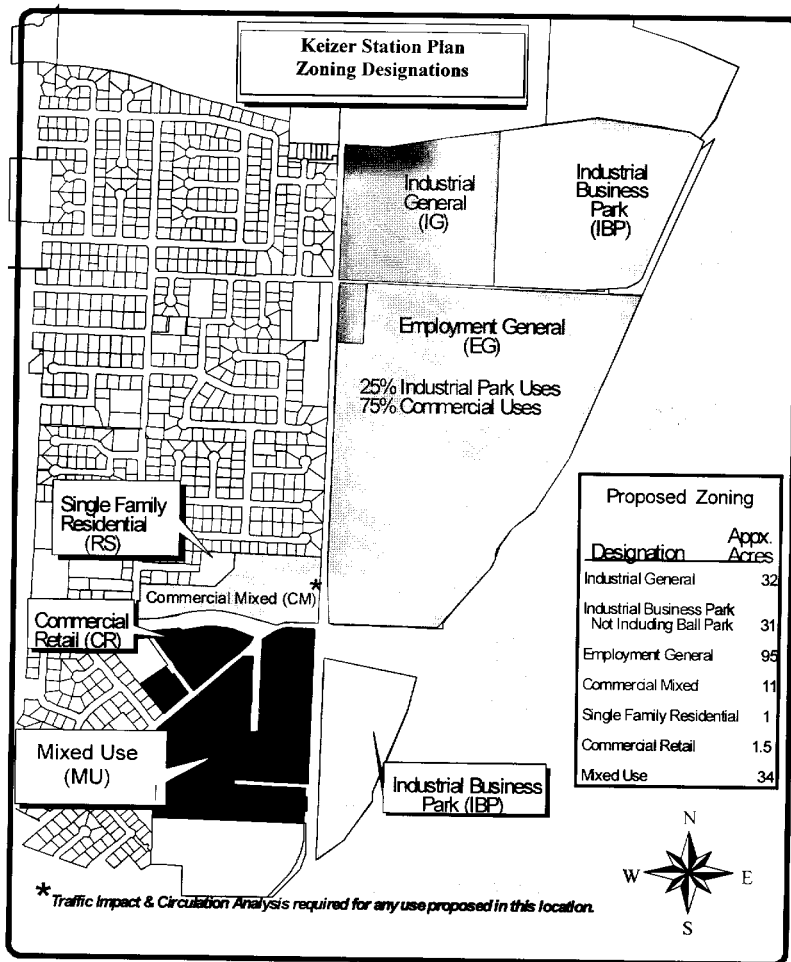
6. GOALS AND POLICIES: PLAN REVISIONS AND IMPLEMENTATION (pp. 67-68)

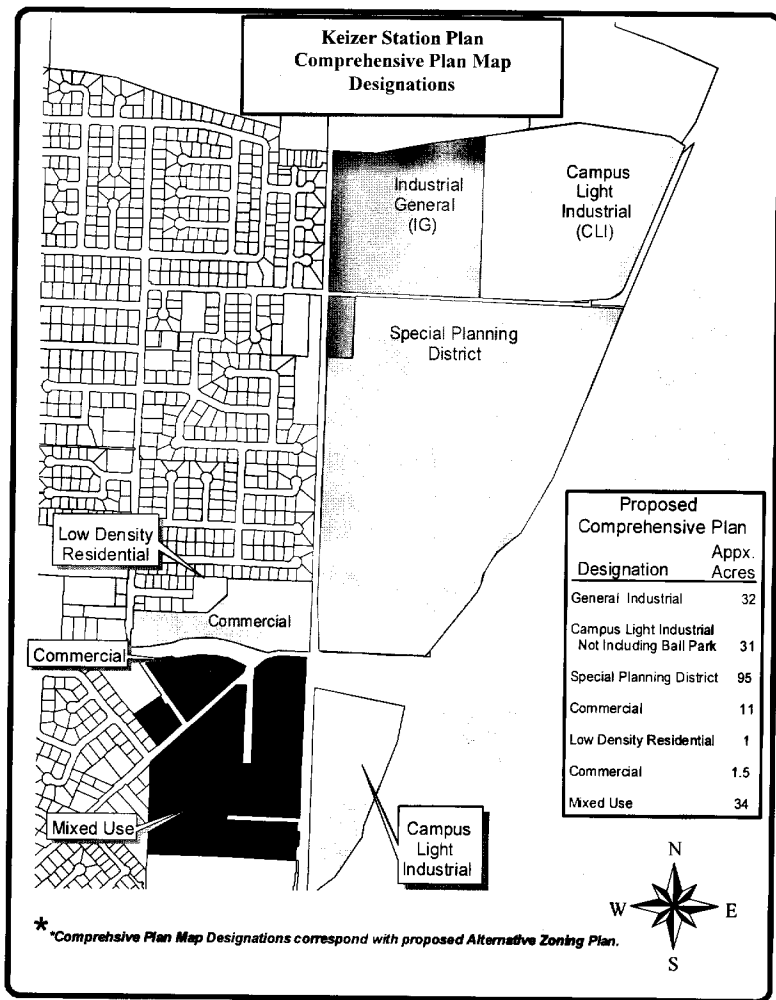
a. General Goals and Policies

- 1. Assure that policies in this plan are implemented.**
- 2. Establish plan review and revision procedures which include provisions for participation by citizens and affected governments.**
- 3. Assure an adequate factual base for decisions and actions.**
- 5. Assure that the comprehensive plan is regularly reviewed, revised and amended.**
- 6. Evaluate proposed comprehensive plan amendments according to the following criteria:**
 - (a) Compliance with the statewide land use goals and related administrative rules is demonstrated.**
 - (b) Conformance with the Comprehensive Plan goals, policies and intent is demonstrated.**
 - (c) Public need is best satisfied by this particular change.**
 - (d) The change will not adversely affect the health, safety and welfare of the community.**
 - (e) Adequate public facilities, services and transportation networks are in place, or are planned to be provided concurrently with the development of property.**

FINDINGS: Compliance with statewide land use goals and the Comprehensive Plan criteria are addressed above.

- 7. Implement this plan through appropriate ordinance and action.**
 - (a) Adopt new ordinances to carry out the policies of this plan.**
 - (b) Apply zoning in a timely manner which is consistent with this plan.**
 - (c) Require all zoning and subdivision ordinance to be consistent with the intent and to be based on this comprehensive plan.**







October 7, 2002

AGENDA ITEM 7C

ORDINANCE – RESTRICTING PRIVATE STREETS

CITY COUNCIL MEETING: October 7, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

SUBJECT: *ORDINANCE RESTRICTING PRIVATE STREETS*

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

RECOMMENDATION:

Adopt the attached Ordinance.

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

ESJ/tmh
attachment

1 BILL NO. ____

A BILL

ORDINANCE NO.

2
3 FOR

2002-____

4 AN ORDINANCE

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

7 The City of Keizer ordains as follows:

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

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

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

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

EXHIBIT "A"

DEVELOPMENT CODE TEXT AMENDMENT RESTRICTING PRIVATE STREETS

FINDINGS

KDC Section 3.111.03

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

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

1. Traffic generation and circulation patterns.

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

2. Population concentrations.

FINDINGS: The amendments do not affect population concentrations.

3. Demand for public facilities and services.

FINDINGS: The amendments will not increase demand significantly for public services and facilities beyond what is already planned for.

4. Maintenance and public health and safety.

FINDINGS: The amendments will enhance pedestrian and vehicular safety by way of required street improvements.

5. Level of park and recreation facilities.

FINDINGS: This criteria is not impacted by these amendments.

6. Economic activities.

FINDINGS: These amendments shall have no impact on economic activities.

7. Protection and use of natural resources.

FINDINGS: These amendments maintain the protection and use of natural resources in the city.

8. Natural hazards and constraints.

FINDINGS: These amendments do not affect or impact natural hazards and constraints.

9. Compliance with the proposal with existing adopted special purpose plans and programs, such as public facilities and improvement programs.

FINDINGS: The amendments are in compliance with any special purpose plans, including the Keizer Transportation System Plan.

B. A demonstrated need exists for the product of the proposed amendment.

FINDINGS: The amendments are needed to allow development such that it is efficient, compatible with existing neighborhoods and administratively efficient. The City Council of the City of Keizer finds that a demonstrated need exists for these amendments.

C. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.

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

Goal 1 - Citizen Participation: Consistent with local and state requirements, the amendments were developed with citizen participation. The amendments were considered at public hearings with the final decision resting with the City Council. Citizens had an opportunity to comment and testify.

Goal 2 - Planning: The amendments were reviewed consistent with the procedures in the acknowledged Comprehensive Plan and Keizer Development Code.

Goal 3 - Farm Land: The proposal does not impact properties utilized for farm land.

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

Goal 5 - Natural Resources: The proposed amendments maintain the protection and use of natural resources of waterways in the city.

Goal 6 - Air, Water and Land Quality: The proposed amendments do not impact uses or activities which could have an adverse impact on the city's water and land quality.

Goal 7 - Natural Hazards: The amendments do not affect natural hazards.

Goal 8 - Recreation: The proposed text amendments do not have an impact on recreational activities or uses within the city.

Goal 9 - Economic Development: The amendments may improve economic activities in the city in that the regulations proposed in the amendments regarding private streets will allow clearer development options for property owners.

Goal 10 - Housing: The amendments do not impact housing.

Goal 11 - Public Facilities: The amendments will not increase demand significantly for public services and facilities.

Goal 12 - Transportation: The amendments will not impact the transportation goal because private street or public streets will still accommodate any future transportation demand.

Goal 13 - Energy Conservation: The amendments are generally neutral as to energy conservation.

Goal 14 - Urbanization: The amendments do not affect this Goal.

Goal 15 - Willamette Greenway: The proposal does not impact this Goal.

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

D. The amendments are appropriate as measured by at least one of the following criteria:

1. They correct identified error(s) in the provisions of the Plan.
2. They represent a logical implementation of the Plan.
3. They are mandated by changes in federal, state, or local law.
4. They are otherwise deemed by the Council to be desirable, appropriate, and proper.

FINDINGS: The amendments regarding private streets is a logical implementation of the Keizer Comprehensive Plan (KCP). The regulations will allow for infill development in a logical manner without causing congestion due to lack of parking that can occur on private street developments.

In addition, it corrects an identified error in the Plan by clarifying previous Council action regarding private streets.

It is desirable and proper to adopt the amendments to clarify the restrictions and allowance for private streets in the City.

Based on the above findings, the proposal complies with Statewide Goals, administrative rules, and the decision criteria for the proposed text amendment in the Keizer Development Code.

2.201 GENERAL STANDARDS

2.201.01 Minimum Requirements

In interpreting and applying this Ordinance, these provisions shall be considered the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. (5/98)

2.201.02 Building Permits

- A. Building Permits Required. No building shall be constructed or structure erected without receiving the appropriate building permit. Building permit shall include electrical, mechanical, structural, foundation and similar types of permits issued by the appropriate building codes agency. (5/98)
- B. Completion of a Structure. Public, commercial or industrial structures shall receive a Certificate of Occupancy within two years of beginning construction. A structure not completed within the required time period of beginning construction shall constitute a violation of this Ordinance and is subject to the violation provisions in Section 1.102.05. (5/98)

2.201.03 Lots of Record

- A. Legal Lot. A parcel is a legal lot of record for purposes of this Ordinance when the lot conforms to all zoning requirements, subdivision requirements, and Comprehensive Plan provisions in effect on the date when a recorded deed or contract creating the separate lot or parcel was signed by the parties to the deed or contract. (5/98)
- B. Separate Legal Lot. A lot or parcel which is a separate legal lot or parcel prior to the adoption of this Ordinance shall remain a separate legal lot regardless of ownership. (5/98)
- C. Development of a Lot of Record. The use or development of any legal lot of record shall be subject to the regulations applied to the property when such development or use begins, irrespective of the lot width, street frontage, depth or area, but subject to all other regulations. (5/98)

2.201.04 Access to a Public Street

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

2. Private Street. A private street not less than 20 feet of unobstructed width designed and maintained to support the imposed loads of fire apparatus and providing all-weather driving capabilities and open for use to the property prior to the date this ordinance is adopted and connecting with a public street qualifying under 1, above. (5/98)

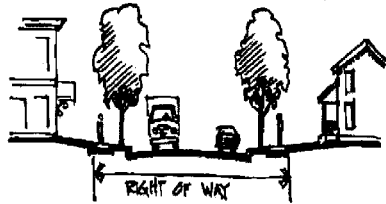


Figure 1 - Public Street Right of Way

3. Planned Unit Development Street. A private street in a planned development owned by the homeowner's association where the roadway connects the property to a public street, and the street is improved to the minimum standards of this Ordinance. (5/98)

2. Private Street. A private street may be used to access a public street when compliance with Section 2.302.02.F is demonstrated.

EXISTING 20' FOR TWO OR MORE HOUSES
PRIVATE 16' FOR TWO OR MORE HOUSES
SETBACK 5' FROM BUILDING FRONT EASEMENT

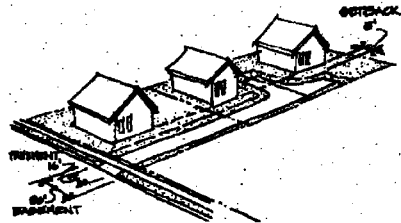


Figure 2 - Access Easement

3. Private Access Easement. A private access easement of not less than 14 feet where the access easement connects the property to a public street and the easement is improved to the minimum standards of Section 2.302.08. (5/98)

2.201.05 Solar Devices

- A. Solar Devices Permitted. The use of solar energy systems including solar collectors, storage facilities, and distribution components for space heating and cooling and domestic water heating is permitted within all zones. (5/98)
- B. Height Exceptions. Solar collectors and the equipment used for the mounting and operation of such collectors, where necessary, may be elevated above the height limitation in residential zones. (5/98)

2.302 STREET STANDARDS

2.302.01 Purpose

- A. Safety. To provide for safe, efficient, and convenient vehicular movement in the City of Keizer. (5/98)
- B. Access. To provide adequate access to all proposed developments in the City of Keizer. (5/98)
- C. Public Facility Access. To provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-way. (5/98)

2.302.02 Scope

The provisions of this Section shall be applicable for the following: (5/98)

- A. Land Divisions. The creation, dedication or construction of all new public or private streets in all subdivisions, partitions or other developments in the City. (5/98)
- B. Street Expansion. The extension or widening of existing public or private streets or rights-of-way, easements, or street improvements including those which may be proposed by an individual or the City, or which may be required by the City in association with other development approvals. (5/98)
- C. Utility Improvements. The construction or modification of any utilities or sidewalks in public rights-of-way, existing private street, or private access easements. (5/98)
- D. Street Trees. The planting of any street trees or other landscape materials in public rights-of-way. (5/98)
- E. Exceptions. Provisions of this Section do not apply in existing developed areas of the City. Improvements in these areas shall be based on standards adopted by the Department of Public Works. (5/98)
- F. **Private Streets. Private streets and improvements on private streets are allowed only in the following situations:**
 - 1. **Improvements and/or widening of existing and allowed private streets.**
 - 2. **Creation of new private streets within an existing subdivision or PUD already containing approved private streets.**
 - 3. **Creation of new private streets in a new proposed subdivision, or PUD, or partition only if the only access to the proposed subdivision, or PUD, or partition is via existing and approved private streets.**

2.302.03 General Provisions

The following provisions shall apply to the dedication, construction, improvement or other development of all public streets in the City of Keizer: (5/98)

- A. General Requirement. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. (5/98)

2.302.05 Modification of Right-of-Way and Improvement Width

The City, pursuant to variance approval, may allow modification to the public street standards of Subsection 2.302.04, when the following criteria are satisfied: (5/98)

- A. Modification Permitted. The modification is necessary to provide design flexibility where: (5/98)
 1. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
 2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 2.302.04; or
 3. A modification is necessary to preserve trees or other natural features determined by the City to be significant to the aesthetic character of the area; or
 4. The modification of street standards is necessary to provide greater privacy or aesthetic quality to the development. (5/98)
- B. Vehicular Access Maintained. Modification of the standards of Section 2.302.04 shall only be approved if the City finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes. (5/98)

2.302.06 Construction Specifications

Construction specifications for all public **and private** streets shall comply with the standards of the most recently adopted public works/street standards of the City of Keizer. **Construction permits are required by the Public Works Department.** (5/98)

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

Private streets may be constructed to the same or greater width of the existing connecting private street.

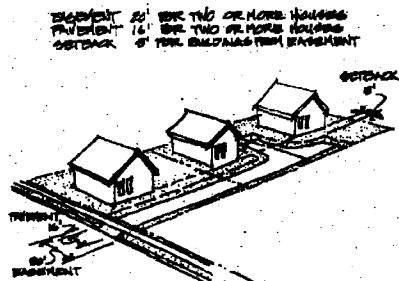


Figure 3 - Easement Standards

2.310 DEVELOPMENT STANDARDS FOR LAND DIVISIONS

2.310.01 Purpose

To provide for the orderly, safe, efficient and livable development of land within the City of Keizer. (5/98)

2.310.02 Scope

- A. Application. The provisions of this Section shall apply to all subdivisions and partitions within the City of Keizer. (5/98)
- B. Modification. The design standards in this Section may be modified, provided, findings are established which indicate compliance with these standards is infeasible due to parcel shape, terrain, or location of existing structures. (5/98)

2.310.03 Standards for Lots or Parcels, Lot Line Adjustment Required

- A. Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. (5/98)
- B. Lot Line Adjustment. Any adjustment of a lot line between two adjacent parcels in a RS, RH, RM, RH, or RC zone shall require approval of a Lot Line Adjustment in accordance with the standards of Chapter 3.1 and the procedures of Chapter 3.2. (5/98)
- C. Lot width and depth. The depth of a lot or parcel shall not be more than 3 times the width of the parcel, with the following exceptions: (5/98)
 - 1. Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet with no dimension less than 6 feet of semi-private outdoor living space for each unit. (5/98)
 - 2. Individual lots for single-family attached dwelling units shall be designed so that lot depth is not greater than 3 1/2 times lot width. (5/98)
 - 3. Parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions. (5/98)

D. Access. All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. The following exceptions shall apply: (5/98)

1. Residential lots or parcels, excluding ~~including~~ townhouse developments and Planned Unit Developments, may be accessed via an private street or access easement developed in accordance with the provisions of Section 2.302.07 ~~and 2.302.08, when the City finds that public street is not necessary to provide for the future development of adjoining property.~~ (5/98)

2. Lots or parcels in townhouse developments or Planned Unit Developments may be accessed via public or private streets, in accordance with the following standards: (5/98)

a. Internal local streets or drives may be private if allowed in Section 2.302.02F and shall be subject to the provisions of Section 2.302. (5/98)

b. Collector and arterial streets shall be public and shall comply with the applicable provisions of Section 2.302. Collector or arterial streets may be determined either by design or anticipated traffic volumes. (5/98)

c. Local streets that are needed to provide access to adjoining properties shall be public and shall comply with the applicable provisions of Section 2.202. (5/98)

3. ~~Commercial or Industrial uses located in a campus or park-like development may be accessed via private streets when developed in accordance with Subsection 2.302.08.~~ (5/98)

4. Cul-de-sac lots shall have a minimum frontage of 25 feet. (5/98)

5. Flag lots, as permitted in Subsection 2.310.03, E. (5/98)

E. Flag Lots. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed and when in compliance with Section 2.302.03.B. If a flag-lot is permitted, the following standards shall be met: (5/98)

C. Connectivity. To achieve the objective in B., above, the Director may require the following: (5/98)

1. Stub Streets: Where the potential exists for additional residential development on adjacent property. (5/98)
2. Pedestrian/Bicycle Accessways: Public accessways to provide a safe and efficient connection from a residential area to nearby residential areas, transit stops, neighborhood activity centers, including schools, parks, shopping centers, other community services and other commercial and industrial areas when such connections are not available by streets and when a pedestrian must go at least one quarter of a mile out of his or her way to make that connection using the street system. (5/98)

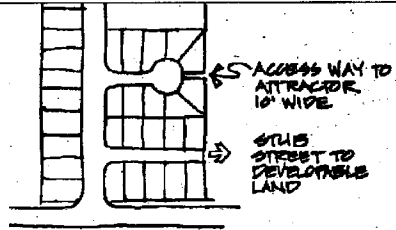


Figure 4 – Connectivity Standard Examples

D. Design Standards. Pedestrian/bicycle accessways shall meet the following design standards: (5/98)

1. Minimum dedicated width: 10 feet
2. Minimum improved width: 10 feet
3. Maximum length: 250 feet. A clear line of vision for the entire length of the accessway shall be required. (5/98)
4. Lighting shall be provided illuminating any walkway exceeding 150 feet in length to a level where the system can be used at night. Lighting shall be included in the lighting district(s) established for the subdivision. (5/98)
5. The accessway shall be designed to prohibit vehicle traffic. (5/98)

2.310.05 Improvement Requirements - Partitions

During the review of partition proposals, the City shall require, as a condition of approval, the following improvements: (5/98)

- A. Private Access. Private driveways serving flag lots, or **private streets and access easements**, shall be surfaced per the requirements of this Code. (5/98)

B. Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 and 2.316 only if sidewalks currently exist along the connecting street.

B.C. Street Frontage Improvements. The following improvements shall be required: (5/98)

1. If the street frontage of the subject property is less than or equal to 250 feet, the applicant shall sign a non-remonstrance agreement with the City of Keizer. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. (5/98)
2. If the street frontage of the subject property exceeds 250 feet, or extends and existing dedicated right-of-way, the applicant shall improve the following: (5/98)
 - a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities. (5/98)
 - b. Sidewalks, meeting City standards, along public street frontage. (5/98)
 - c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve lots accessing off of the new street. (5/98)

C.D. Completion Requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section shall be completed or assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat of the partition. At the discretion of the Public Works Director, certain improvements may be further postponed through a non-remonstrance agreement, or other performance agreement. (5/98)

2.310.06 Improvement Requirements - Subdivisions

The following improvements shall be required for all subdivisions in the City of Keizer: (5/98)

- A. Frontage Improvements.** Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.302 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood. (5/98)
- B. Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 and 2.316 only if sidewalks currently exist along the connecting street.**
- B.C** Project Streets. All public or private-streets within the subdivision shall be constructed as required by the provisions of Section 2.302. (5/98)
- G.D** Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines. (5/98)
- D.E** Bench Marks. Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure. (5/98)
- E.F** Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas. Drainage shall be designed to avoid impacts on adjacent property. (5/98)
- F.G** Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided. (5/98)

If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the City may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is equitable to assure financing his share of the construction and to provide for appropriate reimbursements of costs above those directly attributable to the subdivision. (5/98)

The City may require that the subdivider construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the subdivider as is desirable to assure his share of the construction. (5/98)

G.H **Water System.** Water lines with valves and Fire District approved fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed and operating prior to start of combustible construction. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the developer will be responsible for water main sizes necessary to meet minimum fire flow requirements per Uniform Fire Code. The City will not expect the developer to pay for the extra pipe material cost of mains exceeding 8 inches in size. (5/98)

H.I **Sidewalks.** Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks (e.g. pedestrian walkways) or sidewalks fronting public property shall not be deferred. (5/98)

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

J.K **Street Signs.** The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type required by City standards. Each street sign shall display the one hundred block range. Street signs shall be installed prior to obtaining building permits. (5/98)

- K.L** **Public Works Requirements.** All facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works. (5/98)
- L.M** **Curb Cuts.** Curb cuts and driveway installations, excluding common drives, are not required of the subdivider, but if installed, shall be according to the City standards. (5/98)
- M.N** **Street Trees.** Street tree planting is mandatory where a planting strip is part of the street design. Plantings shall conform to Section 2.302.03(M). (5/98)
- N.O** **Grading & Fills.** All grading which results in fills in excess of 3 feet located within the identified building envelope on a subdivision lot or parcel must be **engineered**. (5/98)
- O.P** **Financial Requirements.** All improvements required under this Section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision. (5/98)

faces onto a public street. Otherwise the minimum setbacks of the underlying zone do not apply. (5/98)

- E. Attached Dwellings. Buildings sharing common walls are permitted within a planned unit development. (5/98)
- F. Height. The maximum building height shall in no event exceed those building heights prescribed in the zone in which the planned unit development is proposed, except that a greater height may be approved if surrounding open space within the planned unit development, building setbacks, and other design features are used to avoid adverse impact of the greater height. (5/98)
- G. Street Dedication. Designated arterial or collector streets or streets designed as collector or arterial streets shall be dedicated to the public and shall be constructed to their normal width with the normal right-of-way. (5/98)
- H. Private Streets. ~~Local streets may be dedicated to the public or remain in the ownership of the owners association. All streets shall conform to the City's street construction standards except as noted below.~~ (5/98)

STREET TYPE	CURB-TO-CURB WIDTH
1-way, less than 200'	12 feet
2-way, less than 200'	16 feet
2-way, greater than 200'	20 feet

~~Parking need not be provided on street; however when parallel parking is provided, six feet shall be added to the above for each side of the street on which parking will be allowed. Additional curb to curb width is not required for on-street parking when the parking space angle exceeds 45 degrees.~~ (5/98)

Streets. All streets must meet provisions in Section 2.302. Private streets must meet service area, improvement width, and curb height standards in Section 2.302.04 as well.

- I. Parking. Parking will be required in accordance with the provisions of Section 2.303; ~~however, if no parking is to be allowed on street, the overall parking requirements for the planned unit development will be increased 50 percent.~~ (5/98)
- J. Walkways. Sidewalks along private streets will not be required adjacent to private streets; however, shall may be required only if sidewalks currently exist to the connecting private street. Sidewalks shall be developed in accordance with applicable provisions in Sections 2.302 and 2.316. The overall plan for the planned unit development shall include an acceptable pedestrian circulation system. (5/98)

- r. All areas to be offered for public dedication. (5/98)
 - s. Future Street Plan. Applicants for a subdivision, planned unit development, or manufactured home park shall submit as a part of their application, a future street plan. The future street plan shall show the pattern of existing and future streets from the boundaries of the proposed land division and shall include other parcels within 500 feet of the proposed land division property line. The City may determine future neighborhood street connections. A future street proposal may be modified when subsequent development proposals are submitted. (01/02)
- C. Supplemental Information. The following supplemental information shall be required for all PUD Preliminary Plan applications: (2/01)
- 1. Calculations justifying the proposed density of development. (5/98)
 - 2. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses. Clearly indicate the purpose, conditions and limitations of such reservations. (2/01)
 - 3. The approximate location and dimensions of all commercial or multi-family structures proposed to be located on the site. (5/98)
 - 4. Written statement identifying improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed. (2/01)
 - 5. Written statement outlining proposals for ownership and maintenance of all open space areas, **private** streets and any commonly owned facilities. (5/98)

3.108.05 Review Procedures

- A. Hearings Officer. All Preliminary Plans for subdivisions, PUDs, and manufactured home parks shall be heard by the Hearings Officer pursuant to the procedures set forth in Section 3.202.04. (2/01)
- B. Time Limit. Approvals of any preliminary plans for a subdivision, PUD, or manufactured home park shall be valid for one year after the date of the written decision. A Final Plat for a subdivision shall be recorded within this time period or the approvals shall lapse. PUDs or manufactured home parks, which do not involve the subdivision of property, shall show substantial progress toward the construction of the project within the one year period or the approval shall lapse. (2/01)

3. The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties. (5/98)

3.110.05 Zone Change Conditions

- A. Imposition of Conditions. Approval of a zone change application may be conditioned to require provisions for buffering or provision of off-site public facilities. In order to impose conditions on a zone change, findings must be adopted showing that: (5/98)
 1. The zone change will allow uses more intensive than allowed in the current zone; and (5/98)
 2. The conditions are reasonably related to impacts caused by development allowed in the proposed zone or to impacts caused by the specific development proposed on the subject property; and (5/98)
 3. Conditions will serve a public purpose such as mitigating the negative impacts of allowed uses on adjacent properties; and (5/98)
 4. The conditions are based upon policies or standards in the Comprehensive Plan or other standards adopted by the City of Keizer. (5/98)
- B. Conditions. Conditions that could meet the criteria in A., include, but are not limited to: (5/98)
 1. Dedication of right-of-way for public streets, utility easements, etc. (5/98)
 2. Improvement of private roadways or public streets, including bike paths, curbs, and sidewalks. (5/98)
 3. Provision of storm drainage facilities. (5/98)
 4. Extension of public sewer, storm drain, and water service including over-sizing to permit development on other lands. (5/98)
 5. Provision of fire suppression facilities and equipment. (5/98)
 6. Provision of transit and traffic control facilities. (5/98)
 7. Special building setbacks, orientation, landscaping, fencing, berming, and retention of natural vegetation. (5/98)
 8. Special locations for truck loading, parking, access routes, or any outdoor activity that could impact adjacent property. (5/98)



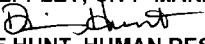
October 7, 2002

AGENDA ITEM 7d

COMPENSATION SURVEY – REQUEST FOR PROPOSALS

CITY COUNCIL MEETING: October 7, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS
THRU: CHRIS EPPLEY, CITY MANAGER
FROM:  DIANNE HUNT, HUMAN RESOURCES DIRECTOR
SUBJECT: COMPENSATION SURVEY – REQUEST FOR PROPOSALS

BACKGROUND:

The City's Compensation Policy states:

“...It is the policy of the City of Keizer to provide a compensation package, that includes salary and benefits, which is consistent and fair for represented and unrepresented employees (within the constraints of ratified union contracts) and is a wise use of taxpayer funds.

Salary surveys for all classifications will be performed on a schedule of no less than every three (3) years.

All salary surveys will be conducted by an independent contractor selected by the Council through the RFP process...”

The Compensation Policy in its entirety is included as Appendix ‘C’.

The last Salary Survey completed for all classifications was conducted in February 2000 by Hire by Design, a human resources consulting firm. A follow-up survey was conducted in December 2000 to clarify challenged salaries. The recommendations made in Hire by Design's reports for salary and range adjustments were implemented in January and July of 2001.

Staff recommends the compensation study be initiated at this time. A Request for Proposal has been prepared and is attached for your review.

The intent is to have this information available for discussion during the 2003-04 budget process. In addition, the contracts for the City's two collective bargaining units, Keizer Police Association and Public Works Laborers International Union of North America, Local 320, expire on June 30, 2003. The salary and benefit information gathered during this compensation survey will be used during negotiations.

The following time frame was developed to ensure the information is obtained prior to the 2003-04 budget process and union negotiations. Council is scheduled to approve the contract at the December 3, 2002 meeting.

◆ Distribution of Request for Proposals	October 10, 2002
◆ Final Proposals Due by 3:00 p.m.	November 8, 2002
◆ Evaluate Proposals	November 11-15, 2002
◆ Interviews (if necessary) Conducted by	November 22, 2002
◆ Deadline to complete contract terms	November 30, 2002
◆ Present Contract to Council for approval	December 3, 2002
◆ Conduct Survey	Dec. 3, 2002 - Jan. 15, 2003
◆ Expected Date for Submittal of Draft Final Report	January 31, 2003
◆ Expected Date for Submittal of Final Report	February 11, 2003
◆ Final Report submitted to City Council	February 17, 2003

FISCAL IMPACT:

Telephone calls were made to three human resources consulting firms, Local Government Personnel Institute, the personnel section for League of Oregon Cities, Cascade Employers Association and HR Northwest, to ascertain the potential cost of the compensation study. Based upon the quotes received, \$7,000 was appropriated for the 2002-03 fiscal year.

RECOMMENDATION:

It is recommended Council direct staff to proceed with the Request for Proposal process.

REQUEST FOR PROPOSAL

CITY OF KEIZER, OREGON CONSULTING SERVICES FOR COMPARATIVE COMPENSATION STUDY



**Proposals Due By
3:00 p.m. November 8, 2002**

Issued by

**City of Keizer
Human Resources Department
930 Chemawa Road N.E.
Keizer, Oregon 97303
(503) 390-3700**

TABLE OF CONTENTS

- I. Overview**
- II. City Background**
- III. Project Background**
- IV. Scope of Work**
- V. Proposal instructions**
- VI. Requirements of Proposal**
- VII. Schedule for Project**
- VIII. Proposal Submittal**
- IX. Appendix**
 - A. Sample Professional Services Contract**
 - B. The Benefits Program**
 - C. The Compensation Policy**



CITY OF KEIZER REQUEST FOR PROPOSALS COMPENSATION STUDY

I. Overview

The City of Keizer is seeking proposals from human resources compensation consultants to provide professional services to the City in the completion of a compensation study for all positions. The compensation study is expected to start December 3, 2002, with a desired completion date of January 31, 2003.

II. City Background

The City of Keizer, Oregon was incorporated in and currently has an estimated population of 33,000. The City is bordered on the western edge by the Willamette River, southern edge by the city of Salem, eastern edge by Interstate 5, and the northern edge by rural portions of Marion County. Keizer is approximately 35 miles south of Portland.

The City of Keizer operates under a Council-Manager form of government. The City Council consists of a Mayor and six Councilors. The Mayor's term runs two years and the Councilors serve four-year staggered terms. The City Manager is the administrative head of city government and is appointed by the City Council.

Presently there are 78 city employees working in seven departments: Administration, Finance, Human Resources, Public Works, Community Development, Municipal Court and Police Services. All departments are lead by a department director. The City has 32 classifications – 23 classifications for non-represented employees and 9 classifications for represented employees, and an annual personal services budget of \$5,452,061.

There are two labor unions representing police and public works – Keizer Police Association representing 34 employees and Construction and General Laborers' Union, Local Number 320 representing 10 Public Works utility workers. The remaining regular employees are not represented. Any changes in salary or total compensation for represented employees must be negotiated with their authorized representatives.

III. Project Background

The City's Compensation Policy states:

It is the policy of the City of Keizer to provide a compensation package, that includes salary and benefits, which is consistent and fair for represented and unrepresented employees (within the constraints of ratified union contracts) and is a wise use of taxpayer funds.

The Compensation Policy requires:

1. Salary surveys for all classifications will be performed on a schedule of no less than every three (3) years.
2. Individual classifications may be surveyed by request of the majority of incumbents within that classification in intervals of no less than twelve (12) months. Individual classifications may also be surveyed at the discretion of the City Manager.
3. All salary surveys will be conducted by an independent contractor selected by the Council through the RFP process. Surveys will compare position descriptions and duties.
4. These comparables, based on jurisdictions that are within the recruitment basin who are considered viable recruitment competition, and/or which have comparable size, will be:

Albany	Milwaukie	State of Oregon
Lake Oswego	Newberg	Tigard
Marion County	Oregon City	Tualatin
McMinnville	Salem	Woodburn

The Compensation Study shall include a comparison of salaries and benefits, for a total compensation package study.

The chosen consultant will be provided a folder with the following information:

- ◆ 2002-03 Salary Schedule
- ◆ Most recent job descriptions
- ◆ Concerns/issues that managers would like the consultant to address

IV. Scope of Work

The consultant shall conduct the study under the following guidelines:

- ◆ Conduct at least one meeting with each department manager to insure his/her classification and compensation concerns are addressed.
- ◆ Review the current classification system by examining job descriptions and classification specifications to determine accuracy and consistency.
- ◆ Determine which classifications and duties are to be used for market survey and analysis. The duties must be compared to classifications within the comparable cities having similar duties and responsibilities, taking into consideration the unique structure of our classifications, that is, duties that may fall into two separate classifications.
- ◆ Conduct compensation survey: collect data on compensation/benefits from comparable cities; analyze information; develop recommendations for appropriate pay structure and allocation of classifications to pay ranges.
- ◆ Recommend revision to existing salary schedule, if necessary.
- ◆ Recommend revisions, if any, to the City's compensation policies to reflect the changes recommended in the study.
- ◆ Establish a system to review compensation periodically.
- ◆ Provide updates to the Human Resources Director every two weeks until completed.
- ◆ Allow for a review of the final draft by representatives of the City before a final report is completed.

V. Proposal Instructions

The following instructions apply to the City of Keizer's RFP for Compensation Study.

1. **Required Information.** Each item in the following section, **Requirements of Proposal**, must be responded to, preferably, in the order requested. Incomplete proposals may be rejected as being unresponsive. The City reserves the right to waive minor defects or technicalities.
2. **Interpretation and Amendment of RFP.** Interpretation of the RFP and amendments to the RFP may only be made by the City Manager or the Human Resources Director. Amendments may only be made in writing. Copies of amendments will be mailed to each person who has requested a copy of the RFP from the Human Resources Department.

3. **Public Record.** During the evaluation of proposals and the selection of the consultant, the proposals shall be confidential. After the selection process has been completed, the proposals shall be open to public inspection. Proposals should not contain any information that the consultant does not wish to become public. If it is necessary to submit confidential information in order to comply with the terms and conditions of this RFP, each page containing confidential information should be marked "NOT FOR PUBLIC DISCLOSURE CONFIDENTIAL TRADE SECRETS." The City accepts no liability for the inadvertent or unavoidable release of any confidential information submitted, and claims arising out of any public record request for such information shall be at the consultant's expense.
4. **Economy of Preparation.** Proposals should be prepared simply and economical, providing a straightforward, concise description of the consulting firm's capabilities to satisfy the requirements of the City. Emphasis should be on completeness, brevity, and clarity of content.
5. **Evaluation of Proposals.** Proposals will be evaluated by a committee of the City's choosing. The City reserves the right to accept or reject any or all bids. The decision of the City to accept or reject proposals will be final, and no appeal may be made therefrom. Recommendations will be based upon a combination of experience, qualifications, capabilities of the consulting firm, scope and cost of services offered, and references. The criteria will be given equal consideration in selecting a consultant.
6. **Pre-bid Costs.** Any costs associated with bid preparation, pre-bid conferences, selection interviews, and any other consultant activity prior to award of a contract shall be at the consultant's expense.
7. **Acceptance of Proposal Content.** The contents of the proposal become contractual obligations upon acceptance of the proposal by the City and notice to the successful consulting firm thereof. Failure of the successful consulting firm to accept those obligations may result in the cancellation of the award. If any information in the proposal is falsified, automatic cancellation is the City's option.
8. **Contract Form.** A sample of the City's Professional Services Contract form is included in this RFP (See **Appendix A**). When a proposal is accepted by the City, it is anticipated that the final contract will closely resemble this sample. Attachments will include this RFP, the consulting firm's proposal, and insurance documentation. Any exceptions or objections to the contract must be noted in the proposal.
9. **Selection/Interviews.** It is the intent of the City to select from the proposals submitted. Interviews of selected consulting firms may be held at the City's option. The City may negotiate the contract terms (which shall be in substantially the same format as the attached sample agreement) with the selected consultant. The City may also reject any or all proposals.

10. Eligibility and Minimum Qualifications of Consulting Firms. The ability to listen, to communicate effectively, to integrate viewpoints, to synthesize information, and to provide recommendations and guidelines that are responsive to the City's culture are important qualifications of the consultant selected for this project. In order to be eligible to submit a proposal in response to this RFP, consulting firm must have the following minimum qualifications:

- (a) Three years experience providing services similar to those described in this RFP.
- (b) Experience providing services similar to those described in this RFP in a public sector organization of similar or larger size.
- (c) Consulting experience in workplaces with labor union representation.
- (d) Familiarity with Senate Bill 750 and how it affects overall compensation and selection of comparable.
- (e) **Insurance coverage.** Evidence of Professional Liability insurance in the amount of \$50,000 and the ability to add the City of Keizer as an additional insured.

VI. Requirements of Proposal

Proposals must include, at a minimum, the following:

- 1. The name of the firm followed by the name and signature of the officer authorized to negotiate and sign any contract which may result. The address of the office that will be providing the service, the telephone number, fax number, federal and state tax ID numbers, and state of incorporation, if applicable.
- 2. Verification that the proposer is a resident proposer as defined in ORS 279.029, of the State of Oregon, and is in compliance with all Oregon tax laws described in ORS 305.380(4).
- 3. A brief overview of the history and structure of the firm. Attach an organizational chart of the office that will be providing the service to the City.
- 4. A brief resume outlining the experience and qualifications of the person who would be directly responsible for this project. Indicate the number of other projects that will be managed by this person during the time s/he would be managing this project.
- 5. A listing of other individuals on the team that would support the completion of this project, with a summary of each teams member's area of responsibility, expertise, experience and qualifications for this work.
- 6. A description of the consultant's approach and methodology to researching and making recommendations. Describe the tests and standards to be used in performing the work.

7. A detailed work plan that describes how the consultant will organize and conduct the study. This plan must include all major phases of the project, with targeted completion dates for each phase of the project as well as for each required report. If the project can be completed in a shorter time frame than the Schedule for Project Section outlines, please indicate the proposed schedule.
8. Description of consultant's capacity to complete the work within the required time.
9. A description of the range of services the firm can provide, the baseline services that are proposed to the City to complete this project, and the cost thereof. In order to better recognize costs for management purposes, the City prefers to compensate the consulting firm on the following basis:
 - ◆ A guaranteed maximum or flat fee for a **package of baseline services necessary to complete the scope of work**. Provide a detailed breakdown of the services to be provided for the guaranteed maximum.
 - ◆ An hourly fee schedule for optional services plus a guaranteed maximum.
10. A list of the last three projects Consultant has conducted relative to compensation plans complete with summaries of that work demonstrating the ability to conduct this project. Please include the name, address, phone number and fax number of the contact person for each reference. Other projects the Consultant has conducted may also be included.
11. A description of any other facets of the firm and its experience that are relevant to this RFP that have not been described previously that the City should take into consideration in the selection process.

VII. Schedule for Project

◆ Distribution of Request for Proposals	October 10, 2002
◆ Final Proposals Due by 3:00 p.m.	November 8, 2002
◆ Evaluate Proposals	November 11-15, 2002
◆ Interviews (if necessary) Conducted by	November 22, 2002
◆ Deadline to complete contract terms	November 30, 2002
◆ Present Contract to Council for approval	December 3, 2002
◆ Conduct Survey	Dec. 3, 2002 - Jan. 15, 2003
◆ Expected Date for Submittal of Draft Final Report	January 31, 2003
◆ Expected Date for Submittal of Final Report	February 11, 2003
◆ Final Report submitted to City Council	February 17, 2003

VIII. Proposal Submittal

Dianne Hunt, Human Resources Director, will lead the project for the City of Keizer.

A review committee of the City's choosing will evaluate proposals received in response to this RFP. The review committee results and recommendations will be presented to the City Council, who will make the final recommendation.

Submit one (1) original and three (3) copies of the proposal, in a sealed envelope clearly marked, **"Proposal for Compensation Study."**

Proposals will only be accepted by mail, personal delivery or overnight courier service. Proposals must be received by **3:00 p.m., Friday, November 8, 2002**. Submissions received after that date and time will not be accepted or considered.

Deliver proposals to:

**Dianne Hunt
Human Resources Director
City of Keizer
930 Chemawa Road N.E.
P.O. Box 21000
Keizer, OR 97307-1000**

An interview/oral presentation may be required of some or all of the prospective consultants whose proposals are under consideration. Prospective consultants may be informed that an interview/presentation is desired and will be notified of the date and time that the interview/presentation is to be conducted.

The City of Keizer reserves the right to reject any or all proposals received and to negotiate with any or all prospective contractors on modification of proposals.

Refer questions to Dianne Hunt at hunt@keizer.org, Phone: (503) 390-3700 or Fax: (503) 393-9437.

PROFESSIONAL SERVICES CONTRACT

THIS AGREEMENT made this ____ day of _____, 2002, by and between the **city of Keizer, Oregon**, a municipal corporation (hereinafter referred to as "City"), and _____, an independent contractor, hereinafter called "Consultant".

WHEREAS City wishes to employ the services of Consultant to prepare a **Comparative Compensation Study**; and

WHEREAS Consultant wishes to serve in that capacity; and

WHEREAS City and Consultant believe it is important to define this relationship under a contractual format to provide for a clear understanding of the terms and conditions of their agreement in this Professional Services Contract ("Contract").

THEREFORE City and Consultant hereby agree to the following terms and conditions:

- 1. EFFECTIVE DATE AND DURATION.** This Contract shall become effective on the date shown above. Unless earlier terminated, this Contract shall remain in full force and effect until _____. This Contract may be reevaluated and renewed if agreeable by all parties mentioned above.
- 2. SCOPE OF WORK.** The Consultant shall act as a classification and compensation consultant to the City.
 - 2.1** The Consultant shall conduct the study under the following guidelines:
 - ◆ Conduct at least one meeting with each department manager to insure his/her classification and compensation concerns are addressed.
 - ◆ Review the current classification system by examining job descriptions and classification specifications to determine accuracy and consistency.
 - ◆ Determine which classifications and duties are to be used for market survey and analysis. The duties must be compared to classifications within the comparable cities having similar duties and responsibilities, taking into consideration the unique structure of our classifications, that is, duties that may fall into two separate classifications.
 - ◆ Conduct compensation survey: collect data on compensation/benefits from comparable cities; analyze information; develop recommendations for appropriate pay structure and allocation of classifications to pay ranges.
 - ◆ Recommend revision to existing salary schedule, if necessary.
 - ◆ Recommend revisions, if any, to the City's compensation policies to reflect the changes recommended in the study.

- ◆ Establish a system to review compensation periodically.
- ◆ Provide updates to the Human Resources Director every two weeks until completed.
- ◆ Allow for a review of the final draft by representatives of the City before a final report is completed.

3. COMPENSATION.

City shall pay Consultant fees relating to Consultant's performance under this Contract, as follows:

3.1 A guaranteed maximum or flat fee for a package of baseline services necessary to complete the scope of work.

3.2 Consultant shall submit monthly billings for work performed. The billings shall describe all work performed. Billings are to be made to the City in three (3) equal amounts with the final payment held until acceptance of final report. Optional services should be detailed and billed on a monthly basis with particularity, by whom it was performed and shall itemize and explain all expenses for which reimbursement is claimed, including the date and manner in which City rendered its prior authorization for such reimbursement. No payment will be made for any services performed before the beginning date and after the expiration date of this Contract.

3.3 City shall pay Consultant for the amount billed each month within thirty (30) days after receiving Consultant's billing. City shall not pay any amount in excess of the compensation amounts set forth above nor shall City pay consultant any fees or costs which City reasonably disputes or which Consultant fails to provide in the proper format and manner as required under paragraph 3.2.

- 4. CHANGES.** Neither this Contract, including any of the contract documents, shall be waived, altered, modified, supplemented, extended or amended, in any manner whatsoever, except by written instrument, executed by both parties.

- 5. INDEPENDENT CONTRACTOR STATUS.** Consultant shall be free from direction and control over the means and manner of providing the labor or service, subject only to the specifications of the desired results. Consultant is responsible for obtaining all assumed business registrations or professional occupational licenses required by state or local law. Consultant shall furnish the tools or equipment necessary for the contracted labor or services.

5.1 Consultant agrees and certifies that

5.1.1 Consultant is engaged as an independent contractor and will be responsible for any federal or state taxes applicable to any payments made under this Contract.

5.1.2 Consultant is not eligible for any federal social security, unemployment insurance payments. Consultant is not eligible for any PERS or workers' compensation benefits from compensation or payments made to Consultant under this Contract.

5.1.3 Consultant has filed federal and state income tax returns in the name of the business as part of the personal income tax return, for the previous year, for labor or services performed as an independent contractor in the previous year.

5.1.4 Consultant agrees and certifies that it is a corporation in good standing and licensed to do business in the State of Oregon.

6. **PROFESSIONAL LIABILITY INSURANCE.** Consultant shall provide city evidence of professional liability insurance in the amount of not less than \$50,000 combined single limit. Consultant shall keep in force and effect the professional liability policy throughout the duration of this Contract.
7. **CONFIDENTIALITY.** No reports, information and data given to or prepared or assembled by Consultant under the Contract documents shall be made available to any individual or organization, except City of the applicant, by Consultant without the prior written approval of City.
8. **TERMINATION.** The Contract may be terminated by the mutual consent of both parties, or by either party upon thirty (30) days' written notice, delivered by certified mail at the address listed in this Contract, or in person.

CITY OF KEIZER, an Oregon Municipal Corporation

By: _____,
City Manager

Date: _____

Address: 930 Chemawa Rd. N.E., Keizer, OR 97303

Phone: (503) 390-3700

Consultant Name

By: _____,

Date: _____

Address: _____

Phone: _____

Fax: _____

Social Security Number: _____

Federal Tax Identification No.: _____

APPENDIX 'B'

Summary of Benefits Program

City's Contribution Program.

In 1999, the City developed a contribution program that established a CAP on medical, dental, life, short-term disability and long-term disability. July 1st of each year, the CAP increases by the previous year's Portland CPI-W.

Medical Insurance.

The City offers all employees medical insurance coverage. Effective August 1, 2002, three options for medical coverage are offered. Plans are through ODS and includes vision and prescription. A mail order pharmacy is available. Medical coverage is part of the City's Contribution Program.

Dental Insurance

Dental insurance is offered through ODS with no deductible. There is a \$1500 lifetime maximum for Orthodontic service and \$1000 maximum per member per calendar year. Dental coverage is part of the City's Contribution Program.

Life Insurance.

Coverage is \$40,000 for full-time employees. It is provided through Standard Life Insurance Co., and is part of the City's Contribution Program. There is an option to purchase additional life insurance for the employee and family through payroll deduction.

Short-term Disability.

The City provides coverage of up to \$700 per month in benefits for the first 90-days of disability. The plan is through Standard Insurance and is part of the City's Contribution Program.

Long-term Disability.

The City provides coverage of up to 66.66% of an employee's salary following a 90-day waiting period. This plan is through Standard Insurance and is part of the City's Contribution Program.

Additional Optional Insurance

The City offers, through payroll deduction, additional insurance coverage for cancer care, intensive care and disability. The plans are administered by AFLAC and Colonial Insurance Co.

Workers' Compensation Insurance

Workers' Compensation Insurance is provided in accordance with Oregon Revised Statutes through City/county Insurance Services. Pinnacle Risk Management, Portland, administers the claims.

Flexible Spending Plan.

Through an IRC Section 125 plan, employees may use tax-free dollars to pay for a wide array of expenses, which are not covered through other benefit programs. The Personal Choice Account allows for participants to contribute to: a) Employee Insurance premium Contribution; b) Health Care Spending Account – up to \$3,000 per plan year; c) Dependent Care Spending Account.

Social Security/Medicare.

The City does not participate in the Social Security Program. No funds are collected from the employee nor are funds paid on behalf of the City. The City does participate in the Medicare program.

Retirement. The City's offers the following retirement program:

During the first six months of employment, the City contributes 7.5% of salary to a Section 457 Deferred Compensation Plan through either ICMA or Nationwide Retirement. This applies to all employees. After six months of employment, the City's 7.5% contribution stops.

At the start of the seventh month, the City contributes to a Defined Contribution Plan through either PERS or ICMA(a).

Employees eligible for PERS are a) city manager; b) 2 Public Works employees; and c) all sworn officers (chief, captains, sergeants and police officers).). The city pays the employer contribution of 7.96%. The city also picks up the 6% employee contribution, for a total contribution of 13.96%.

Employees eligible for ICMA(a) are all other employees, including members of the Local 320. The City's total contribution is 11%.

Deferred Compensation Program.

Commencing with the start of employment and continuing until termination, employees may voluntarily contribute to their Section 457 Deferred Compensation Plan. The City will match up to 6% of an employee's contribution.

Employees are not eligible to contribute to either PERS or ICMA(a) Defined Contribution Plan.

Employee Assistance Program

The EAP is a confidential counseling and referral service that can help employees and their family members and dependents develop the life management skills needed to enjoy life more fully.

Credit Union

Membership with the Oregon Territory Federal Credit Union is available and provides services such as checking and savings accounts, loans, certificate account or IRA programs, and refinancing programs.

Direct Deposit

The City offers employees to directly deposit their payroll check into a checking or savings account.

Holidays

The City of Keizer recognizes 10 paid holidays during the calendar year for non-represented employees, members of the Local 320, and some members of the KPA. Some members of the Keizer Police Association and Sergeants receive 12 paid Floating Holidays throughout the year.

Personal Leave Days

Employees are allowed 16 hours of personal leave days per fiscal year to be used at their discretion with supervisory approval.

Vacations

Employees accrue vacation leave on a monthly basis, depending upon the length of employment. Vacation leave may be taken after an employee has completed six continuous months of employment.

Sick Leave

Sick leave accrues at a rate of eight hours per month for full-time employees.

APPENDIX 'C'

City of Keizer
Personnel Policies
Policy No. 100.000

SECTION:	Compensation	
TOPIC:	Salary	Effective Date: July 1, 2000

It is the policy of the City of Keizer to provide a compensation package, that includes salary and benefits, which is consistent and fair for represented and unrepresented employees (within the constraints of ratified union contracts) and is a wise use of taxpayer funds.

I. The City Council recognizes that fluctuations in the state's economy will effect the market value of salaries. The salary matrix shall automatically be amended each calendar year in July to reflect these fluctuations by incorporating any increases necessary into the matrix as determined by the CPI-W (Consumer Price Index-w) for the prior year (January-December). If the CPI-W indicates a reduction, no change will be made to the matrix. The initial salary matrix shall be constructed by using the current minimum wage for Range 1/Step 1 and allowing for three percent (3%) increases between Steps and five percent (5%) increases between Ranges.

II. All unrepresented employees will be placed within a range and step within the salary matrix as determined by the average comparison of a like position in a comprehensive salary survey of corresponding governmental jurisdictions. The initial placement of employees within the salary matrix shall be made by the Human Resources Manager as approved by the City Manager and the Personnel Committee.

(A) These comparibles, based on jurisdictions that are within the recruitment basin who are considered viable recruitment competition, and/or which have comparable size, will be:

Albany	Milwaukie	State of Oregon
Lake Oswego	Newberg	Tigard
Marion County	Oregon City	Tualatin
McMinnville	Salem	Woodburn

(B) Salary surveys for all classifications will be performed on a schedule of no less than every three (3) years.

(C) Individual classifications may be surveyed by request of the majority of incumbents within that classification in intervals of no less than twelve (12) months. Individual classifications may also be surveyed at the discretion of the City Manager.

(D) All salary surveys will be conducted by an independent contractor selected by the Council through the RFP process. Surveys will compare position descriptions and duties.

- III. **Salaries of all new hires can be authorized by the City Manager up to the median range of the salary matrix for each position. New employees hired at a salary above the median range (Steps 6 – 10), the City Manager will make a report to the City Council Management Committee.**
- IV. **Employees may receive increases in their salary by;**
 - (A) receiving annual cost of living increases based on 100.000 (I)
 - (B) receiving annual step increases, based on satisfactory job performance until they reach the maximum step (10).
 - (C) discretionary merit increases as approved by the City Manager and City Council.
 - (D) re-class of their position into a higher range within the salary matrix based on the most recent salary survey. The salary recommendations from the initial survey shall be retroactive to January 1, 2000. Based on the initial salary survey, the placement of employees within the salary matrix shall be made by the Human Resources Manager as approved by the City Manager and the Personnel Committee. Placement of employees shall be done based on subsequent surveys in the same manner.
- V. **All bargaining unit employees salaries will be determined based on the terms of their current contract.**
- VI. **Any city employee (represented and un-represented) is eligible to receive a second language differential of 2.5% if they are required to acquire this skill or if the City Manager determines that the second language is of benefit to the City. Employee must be fluent in the language as determined by the City Manager, based upon a standard and testing program in assistance with local area colleges and/or court approved translators.**



October 7, 2002

AGENDA ITEM 7e

RESOLUTION – ADOPTING SENIOR PLANNER CLASSIFICATION

Memo To: Mayor Christopher and City Council
From: Maria Meier, Planning Director *mm*
Through: Chris Eppley, City Manager
Date: October 3, 2002
Re: Creation of Classification for Senior Planner Position

BACKGROUND

The City of Keizer has experienced change in the form of significant land use growth. Increased awareness of the impacts of the growth on public infrastructure, the environment, and the quality of life for Keizer residents establishes the need for additional City resources to be dedicated to the Community Development Department. Significant land use and transportation planning issues that need to be effectively addressed are unable to be met with current staffing levels within the department. The creation of a Senior Planner position within the Community Development Department will assist the City to meet the following needs of the community:

- ❖ Salem-Keizer Area Transportation System (SKATS) – Regional Transportation Systems Plan (RTSP) – Staff level participation to the Technical Advisory Committee.
- ❖ Land Use and Transportation Forum – Staff level participation to both the forum and community of Keizer to develop land use and transportation strategies to meet the Transportation Planning Rule and associated administrative rules.
- ❖ Regional Planning – Staff level participation to coordinate with adjacent jurisdictional projects (i.e. Marion County Growth Management, Salem Futures, etc.).

- ❖ City of Keizer Long Range Planning – Staff level participation to coordinate and administer public planning process for development of long range plans, including the integration of land use, transportation, and economic development (i.e. River Road Corridor Master Plan).
- ❖ Review of Comprehensive Plan and Development Code – Staff necessary to efficiently continue review of Comprehensive Plan goals and policies and the Keizer Development Code.
- * Senior Planner position will play significant role in city of Keizer Periodic Review – Required Oregon State community planning process to certify compliance with current Statewide Planning Goals.
- ❖ Natural Resource Management – Staff level participation to RIVERR/Willamette River Trails; to effectively analyze Statewide Planning Goal 5 (Open space, Scenic and Historic Areas, and Natural Resources) (i.e. protection of wetlands).

ISSUE

On June 17, 2002, the Keizer City Council approved the Fiscal Year 2002-2003 budget to include the potential to create a new planner classification within the Community Development Department. The Senior Planner position was budgeted for six months of this fiscal year (January 1 – June 30, 2003) as follows:

Salary (6 mo.)	\$28,248
Benefits (Assumes full family medical/dental)	9,235
Total Personal Services	\$37,483
 <u>Materials and Services</u>	
Computer	\$2,000
Training	250
Furniture	3,000
Total Material & Services	\$5,250

Based on the salary survey conducted by the Human Resources Department (See attached memorandum), the classification for a Senior Planner is recommended to be placed on the City's Salary Matrix at Range 24 (Step 1, \$3,770 – Step 10, \$4,920). The survey was based upon the attached job description and evaluated to eight comparable cities.

RECOMMENDATION

Staff recommends the City Council to approve the attached resolution to create the new classification of Senior Planner to be placed on the City Salary Matrix at Range 24, with a salary range from \$3,770 to \$4,920.

ATTACHMENTS

- ❖ Resolution to Create the Position of Senior Planner
- ❖ Memorandum from Human Resources Department regarding Salary Survey for Senior Planner
- ❖ Job Description for Senior Planner

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MEMORANDUM
Human Resources Department

DATE: October 2, 2002

TO: Maria Meier, Planning Director

Cc: Chris Eppley, City Manager

FROM:  Dianne Hunt, Human Resources Director

SUBJECT: Salary Survey – Senior Planner

Per your request, this department conducted a salary survey for the new classification of Senior Planner. The results are to be presented to Council at their October 7, 2002 meeting. On October 2, eight comparable cities were contacted (State of Oregon and Marion County were not contacted) and asked to provide pay ranges.

The results of the seven cities who responded are attached for your information and staff report to council. Based upon the data received, I recommend this new classification be placed on the City's Salary Matrix as follows:

Range 24 Senior Planner \$3,770 - \$4,920

I also recommend this classification be included in the upcoming compensation survey and the range and salary be adjusted, if necessary, based upon the results.

Maria, please let me know if you need additional information.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2002-_____

3 IN THE MATTER OF CALLING UP THE APPLICATION
4 OF RICHARD LEWIS FOR DEVELOPMENT REVIEW
5 (CASE NO. 2002-59)

6 WHEREAS, Richard Lewis has applied for development review for property
7 located at the northeast corner of Cade Street and River Road North;

8 WHEREAS, it is appropriate that the City Council hear this case initially;

9 NOW, THEREFORE,

10 BE IT RESOLVED by the City Council of the City of Keizer that Development
11 Review Case No. 2002-59 is hereby called up before the City Council for initial public
12 hearing;

13 BET IT FURTHER RESOLVED that the public hearing be set for October 21,
14 2002 at 7:00 p.m.

15 PASSED this _____ day of _____, 2002.

16 SIGNED this _____ day of _____, 2002.

17 _____
18 Mayor

19 _____
20 City Recorder



October 7, 2002

AGENDA ITEM 8a

RESOLUTION – SETTING HEARING FOR RICHARD LEWIS (CADE STREET) DEVELOPMENT REVIEW CASE NO. 2002-59

CITY COUNCIL MEETING: October 7, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS
THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER
FROM: E. SHANNON JOHNSON, CITY ATTORNEY 
SUBJECT: *SETTING HEARING FOR RICHARD LEWIS (CADE STREET)*
DEVELOPMENT REVIEW CASE NO. 2002-59

Richard Lewis has applied to have the redesigned parking lot at the old LaBrisa (northeast corner of Cade Street and River Road) reviewed. Staff recommends that this matter be heard by the City Council directly because there is a high likelihood of appeal to the Council and the decision involves matters of pedestrian and vehicular safety that warrants the Council's review. The attached Resolution sets the hearing date for October 21, 2002.

RECOMMENDATION:

Adopt the attached Resolution.

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

ESJ/tmh
enclosure



October 7, 2002

AGENDA ITEM 8b

KEIZER HERITAGE FOUNDATION AUDIT PROCEDURES

COUNCIL MEETING:

October 7, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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



SUBJECT: KEIZER HERITAGE FOUNDATION AUDIT PROCEDURES

BACKGROUND AND ISSUE:

The Second Amendment of the Keizer Heritage Foundation Ground Lease agreement, dated 9/28/01, requires an examination of the Foundation's accounting records by an independent certified public accountant.

Last year's audit procedures included the following:

- Review listing of tenants provided by Foundation and traced rent receipts on a test basis to the general ledger
- Review items charged to repairs and maintenance for the year.
- Review transactions in the sinking fund and balance at fiscal year end.

FISCAL IMPACT:

There is no direct fiscal impact to the City. The cost of the audit procedures are to be paid directly by the Keizer Heritage Foundation.

RECOMMENDATION:

Staff recommends Council approve the audit procedures identified above, if it so desires, and to direct staff to forward this information to the Keizer Heritage Foundation.



AGENDA ITEM 8C

October 7, 2002

APPROVAL OF SEPTEMBER 3, 2002 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Tuesday, September 3, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:03 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Michel Gaynor, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Staff:

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

PUBLIC TESTIMONY None

**COMMITTEE
REPORTS**

a. Planning Commission Appointment

City Manager Eppley reported that the Volunteer Coordinating Committee met on August 6, 2002 to review applications to fill the position vacated by John Preston. The Committee reviewed applications and listened to brief oral presentations by those in attendance.

It was the Committee's recommendation to appoint Mike Hart to fill the vacancy on the Planning Commission.

Staff recommended that the City Council follow the Volunteer Coordinating Committee's recommendation to appoint Mike Hart to fill the vacancy.

Councilor McGee moved to accept the recommendation of the Volunteer Coordinating Committee and appoint Mike Hart to fill the vacancy on the Planning Commission. Councilor Gaynor seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher welcomed Mr. Hart and read a proclamation regarding his appointment to the Planning Commission.

b. Keizer Police Cadet Academy Graduation Certificates

Chief Adams summarized the Cadet Program and introduced the Cadets who participated and graduated from the 90-hour academy. Those Cadets included: Crystal Biffle, Ben Jolliff, Ethan Postrel, Patrick Sieng, James Woodside, Amanda White and Ryan Saltalamachia. Chief Adams supplied a brief background for each of the Cadets. He commended the group for their work.

OTHER BUSINESS

Salem Future's Project

Councilor Walsh provided a brief outline of the Salem Future's draft implementation strategy and his wish to respond via a letter to the intergovernmental portion of the draft.

Councilor Walsh moved to suspend the rules. Council President Moir seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Walsh moved a motion to direct the City

Manager to respond to the intergovernmental portion of the implementation strategy draft. Councilor Gaynor seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Tree Laws

Council President Moir provided a copy of an article from the Statesman Journal pertaining to Salem strengthening their tree laws. She requested that staff review the law to see if implementing this type of law for Keizer would be appropriate.

It was the consensus of the Council to direct staff to look into this issue.

PGE/Portland City Council

City Manager Eppley addressed the Portland City Council's interest in making PGE a public utility. He requested input from the Council.

Mayor Christopher noted that Councilor Walsh would be attending the Governmental Affairs meeting to hear Portland's lobbyist regarding this issue. Councilor Walsh indicated he would report his findings during the next Council meeting.

Police Uniforms

Chief Adams reported that the Uniform Committee had designed a new badge, which was paid for with the trading card project.

PUBLIC HEARINGS

a. Gubser Neighborhood Traffic Management Plan (cont. from 8/19/02)

City Manager Eppley reported that staff had requested that the Traffic Safety Commission address traffic concerns in the Gubser Neighborhood. A copy of the recommendation was provided to the Council with staff's respond to some of the recommendations.

Staff recommended that the Council review the Commission's recommendations, as well as staff's comments, taking public testimony and determine the appropriateness of the recommendations.

Councilor's Lee and Smith provided a background of the Commission's work and dedication on the project.

Mayor Christopher opened the public hearing.

Public Testimony

Dennis Chocalas, 1196 Harmony Drive NE, Keizer- urged the Council to divert the volume of traffic traveling along Harmony Drive.

Anne O'Rourke, 1266 Harmony Drive NE, Keizer- addressed the traffic problems along Harmony and the Commission's review of the issues. She expressed support of the Commission's recommendation to close Trail at Manzanita, adding stop signs on Manzanita at 11th and 13th Streets.

Rick Weddle, 1245 Harmony Drive NE, Keizer- spoke in favor of the Commission's recommendation to lessen the traffic and speeds along Harmony Drive.

Alan Bennett, 1226 Manzanita Way NE, Keizer- spoke in support of city staff's recommendations pertaining to the Commission's final plan.

Responding to questions Mr. Bennett indicated that altering the traffic signal at McNary Estates Drive and Manzanita could reduce the amount of traffic going through the neighborhood. He believed closing Trail would only push the problem from Harmony to other streets in the neighborhood.

Jerry Watson, 1237 Manzanita Way NE, Keizer- spoke in opposition to the Commission's plan. Mr. Watson supplied copies of his comments to the Council for their review. He urged the Council to hold additional public hearings to possibly obtain alternatives to the plan, which would not significantly, impact the neighborhood.

Hank Kimble, 6326 13th Avenue, Keizer-spoke in support of staff's recommendation, mirroring comments made by the last two individuals. He requested that the Council consider other options before closing Trail.

Responding to questions from Council Mr. Kimble indicated that volume and speed were both significant problems along Manzanita.

Karen Trucke, 6330 14th Avenue, Keizer-spoke in opposition to the Commission's proposal to close Trail Avenue. She suggested closing Manzanita at River Road. Ms. Trucke urged the Council to approve the Commission's proposal as the most viable means to alleviate some of the traffic problems in the Gubser Neighborhood.

Susan Lett, 1355 Harmony Drive NE, Keizer-urged the Council to correct the traffic problems along Harmony.

Gary Horowitz, 1266 Harmony Drive NE, Keizer-agreed with the Commission's recommendation to close Trail Avenue. He urged the Council to consider and implement this plan.

Garry Whalen, 4095 Rivercrest Drive North, Keizer-spoke in favor of staff's recommendation. He expressed concern that implementing closure of the area would set precedence for the future.

Kimberly Garlock, 1025 Harmony Drive, Keizer-outlined the traffic problems along Harmony Drive expressing concern for her family's safety. She implored the Council to take action.

Victor Garlock, 1025 Harmony Drive, Keizer-expressed sympathy for other streets within the Gubser neighborhood, but stressed his agreement with the Commission's recommendation to close Trail Avenue.

Teresa Amen, 5625 Trail Avenue, Keizer-urged the Council to accept the Commission's recommendation of closing Trail to protect families along Harmony Drive.

Larry Thies, 1286 Harmony Drive, Keizer-agreed with closing Trail, but noted as an option for residents on

Manzanita that center medians on 14th and Trail had been suggested to reduce cut-through traffic.

With no further testimony Mayor Christopher closed the public hearing.

Councilor Smith moved a motion that the Council accepts the recommendation of the Traffic Safety Commission as submitted.

Due to the lack of a second the motion died.

Responding to questions Public Works Director Rob Kissler noted during the last budget process that funds had been allocated to widen Trail north of Harmony and to add bicycle lanes. Funding for traffic signal improvements had also been earmarked at the intersection of River Road and Lockhaven Drive.

Mr. Kissler addressed further questions regarding the possibility of realigning Trail and signaling this intersection. He noted that portions of Trail and Lockhaven were within the Urban Renewal District, which may heighten the funding possibilities for this possible development.

Councilor Smith announced a potential conflict of interest since she resided in the area being discussed.

Council discussed whether to offer the Commission the additional opportunity to speak after the public hearing was closed. Council agreed to allow Councilor Smith to provide a synopsis of what the Commission had analyzed.

Councilor Smith summarized the Commissions' review of the area and the concerns of the neighborhood for the benefit of the audience.

The Council and staff discussed the history of Trail Avenue and Harmony Drive their functions prior to the construction of Lockhaven and their uses today.

Responding to questions Mr. Kissler indicated that it would be difficult to determine whether Trail would

meet the collector standards of at least 1,600 cars per day.

Councilor Smith noted in discussions with COG that she was informed that the Council does have the authority to close Trail Avenue.

Councilor Lee urged seeking alternatives to closing Trail.

Councilor Lee moved to accept the Traffic Safety Commission's report and direct staff to meet with the Commission to explore other options prior to a closure of Trail Avenue.

Due to the lack of a second the motion died.

Council President Moir moved a motion to direct staff to come back with the following information: (1) Is there adequate right-of-way for the suggested improvements on Trail Avenue. (2) Explore opportunity to negotiate with the property owner to align Trail Avenue to allow for a signal at Lockhaven and Trail, (3) add four stops signs at Manzanita and Trail Avenue. Councilor McGee seconded the motion.

Councilor Smith spoke against the suggested improvements for Trail she indicated that these improvements would not reduce the cut-through traffic problems.

Responding to questions Mr. Kissler indicated that there were several driveways on Lockhaven that would be improved if traffic signalization were placed on a realigned Trail and Lockhaven.

Councilor McGee indicated that both proposals by the Commission and staff were assumptions, both with the intent of lessening the traffic issues. He went on to state that denoting one proposal over the other, as a cure-all would be premature.

After additional debate the vote on the motion was called for.

The motion passed as follows:

AYES: Christopher, Gaynor, McGee, Moir and Walsh
(5)

NAYS: Lee and Smith (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. Text Amendment Case
No. 02-21 (Private Streets)**

Planning Director Maria Meier reported that on March 18, 2002 the City Council initiated a text amendment to review Section 2.311.03H and other references that allow the development of private streets.

The Planning Commission was charged with reviewing language in the Development Code pertaining to private streets under the assistance of staff. The Commission recommended to disallow private streets for standard developments, however to allow existing private streets to be extended at the same width as existing on any connecting private street.

Staff provided copies of the recommended changes and advocated conducting a public hearing to assist the Council in making their final recommendation.

Mayor Christopher opened the public hearing. She suggested due to the time that deliberations pertaining to this issue take place at the next Council meeting.

With no one wishing to testify Mayor Christopher closed the public hearing.

Deliberations were continued until September 16, 2002.

Mayor Christopher recessed the meeting at 8:55 p.m. and reconvened at 9:05 p.m.

**ADMINISTRATIVE
ACTION**

**a. Chemawa Activity
Center/Keizer Station
Plan-Text
Amendment/Comprehensi
ve Plan Change/Zone
Change Case No. 01-50**

Planning Director Maria Meier reported that copies of the Planning Commission recommended Keizer Station Plan and amendments to the Keizer Development Codes were part of the packet provided to Council. Mrs. Meier indicated that documents noted that the Council must formally acknowledge Exhibit 107 for

(cont. from 8/19/02)

adoption if the Council decides to adopt the Keizer Station Plan in place of the Chemawa Activity Center Plan.

Mrs. Meier reviewed the sub-area materials, which were analyzed by the Council at the last meeting.

Staff recommended review and discussion of the remaining attachments.

Councilor Moir indicated she had viewed tapes of the last Council meeting and would be participating in the discussion and the vote.

Mayor Christopher noted for the record that the Council was working with information that was part of the current record.

Mrs. Meier went through the changes as submitted in attachment "A" on pages one through page six. The Council agreed with the changes noted on these pages.

Councilor Walsh addressed page five, Section 2.119.05(A). He believed as part of the last meeting that this section would be removed. After a brief discussion the Council agreed that this was the intent and directed staff to remove this Section A from the Code, moving subsections (a) and (b) pertaining to fire and medical under the section for Permitted Uses.

Planning Director Meier addressed the Special Permitted Commercial Uses on page eight of attachment "A". Responding to questions she indicated that the only building size limitation was in the EG Zone as recommended by the Planning Commission.

Council President Moir moved a motion to cap Commercial Retail uses up to 975,000 square feet and to direct staff to come back with a recommendation regarding the methodology to accomplish this. Councilor McGee seconded the motion.

Staff requested clarification of total retail space versus the footprint of retail space.

City Attorney Johnson believed it was important to review the total retail area due to the intent is to limit the retail impact.

Adding further clarification to the issue City Manager Eppley indicated Council would need to make the distinction of whether they would want the language to relate to retail to building size versus retail space.

City Attorney Shannon Johnson noted the definition of floor area as written in the Development Code. He did not feel this difference would be major when comparing it to gross leasable space.

Mayor Christopher believed that the issues of the footprint and capping the amount of retail space were two separate issues to be addressed in separate motions.

Councilor McGee withdrew his second to the motion, as he would not vote for the net restriction of retail space.

Mayor Christopher seconded the motion.

Councilor Walsh spoke in favor of Councilor McGee's comments and suggested that the motion be withdrawn.

Council President Moir withdrew her motion. Mayor Christopher withdrew her second.

Council President Moir moved a motion to cap retail uses up to 975,000 square feet. Councilor Gaynor seconded the motion.

Responding to questions City Attorney Johnson indicated the motion pertained to net floor area and not footprint.

Councilor Walsh indicated he would vote against the motion, due to the limiting characteristic it would cause.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee and Moir (4)

NAYS: McGee, Smith and Walsh (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Moir moved to direct staff to come back with a methodology of the allocation of 975,000 for all areas of the Chemawa Activity Center. Councilor Gaynor seconded the motion.

Responding to questions City Manager Eppley indicated that this process would take place during the master planning level.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Moir moved a motion to eliminate 2.119.08(A) Use Restrictions in the EG Zone on Maximum Building Size Restrictions. Councilor McGee seconded the motion.

Councilor Walsh spoke in favor of the motion to assist in the development of a pedestrian friendly development.

City Manager Eppley cautioned the Council that by eliminating this section that they could potentially eliminate the potential of having any uses other than big box stores in that area. He urged objective criteria be included in the Development Code that would set expectations prior to the master planning process.

Councilor Smith agreed with City Manager Eppley's comments. She questioned if staff could draft language that would eliminate the possibility of this happening.

Planning Director Maria Meier outlined the purpose of this section and Council's ability to suggest changes to the section as comfortable.

Councilor Moir expressed uneasiness that including this section would reduce the abilities of a development, which might have met the Council's intent.

Councilor McGee urged passage of the motion. He expressed concern that the section contained a false standard and should be removed.

With further debate City Manager Eppley cautioned the Council if their belief regarding big box stores had changed that this was different than what the Planning Commission had forwarded to the Council and should be discussed.

Mayor Christopher believed aesthetics of the building was more of a concern rather than retail use.

Councilor Lee concurred that aesthetics was important but he stressed that the potential development should not be limited due to size.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

To keep the document consistent is was the consensus of the Council to remove Section 2.119.07(A) from the document.

Planning Director Maria Meier referred to page nine, Development Standards. She noted that the change in this section allowed standards to be reviewed by Council.

It was the consensus of the Council to agree with this section.

Council discussed Page ten, Section 2.119.10 Development Standards.

Planning Director Maria Meier answered questions pertaining to landscaping requirements, buffering options and storm water retention.

Council President Moir expressed concern that any buffering solutions added between the neighborhood and the development is sound absorbing as to not reflect the noise from the trains into the neighborhood.

Councilor McGee proposed that the wording for this section not include the suggested alternative additional language. He urged consistency between the Development Code and the Chemawa Activity Center Plan.

Planning Director Maria Meier went through the setback and buffering requirements as currently written in the Development Code. She answered questions regarding the definitions for buffers and setbacks.

Councilor McGee moved a motion to eliminate Section 2.119.10(A). Councilor Walsh seconded the motion.

Councilor Walsh agreed with the intent of consistency between the Development Code and the Chemawa Activity Center Plan.

Responding to questions Planning Director Meier explained the minimum requirements in the Development Code for buffering and requested that the Council identify what the setback for the structure should be and intent for the area landscaped.

The motion passed as follows:

AYES: Christopher, Gaynor, McGee, Moir, Smith and Walsh (6)

NAYS: Lee (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Pertaining to the chart on Page 11 Councilor McGee requested that staff come back with options for Council to review pertaining to setbacks.

Councilor Walsh suggested as an option the consistency of the IBP adjacent to Residential.

Planning Director Meier addressed the Maximum Height and Maximum Building size requirements on the Building Standards Chart on Page eleven. She answered questions from the Council and the following motion was made.

Councilor Walsh moved a motion to use the same standard for IBP in the EG Zone as the IBP in the Development Code. Councilor McGee seconded the motion.

Responding to questions regarding his motion Councilor Walsh indicated that it pertained to Maximum Height.

Councilor Smith expressed concern that the height limits would include buildings along the highway where building height may be more desirable.

Councilor Walsh explained his motion pertained to the industrial uses in the IBP.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Walsh addressed the Maximum Height requirements for Commercial Buildings.

Councilor Smith moved a motion that Commercial is increased from 50-feet to 100-feet under Building Standards for Maximum Height. Councilor Walsh seconded the motion.

The motion passed as follows:

AYES: Gaynor, Lee, McGee, Moir, Smith and Walsh (6)

NAYS: Christopher (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council addressed further the chart on Page eleven pertaining to Maximum Lot Coverage, Minimum Landscaping Area and green space.

Councilor Walsh moved a motion to made Commercial and Industrial Minimum Landscaping consistent at 20-percent. Councilor Smith seconded the motion.

Councilor Gaynor disagreed with having both of these areas consistent with each other. He urged remaining with the percentages as currently written in the Code.

Mayor Christopher believed an arbitrary percentage for this was not as important as the overall look.

Councilor Smith argued that the 20-percent requirement would increase the green space reducing the amount of asphalt in those areas.

Councilor Walsh agreed with Mayor Christopher's comments and suggested language requiring 20-percent landscaping or the equivalent to that aesthetic value.

Planning Director Meier indicated that what was being described was street scaping and that language could be formed to meet this intent.

After further debate regarding this issue Councilor McGee suggested that staff be directed to bring back definitions of street scaping alternatives.

Councilor Walsh withdrew his motion. Councilor Smith withdrew her second.

Councilor Walsh moved a motion to refer the matter to staff to come back to the Council with street scaping standard alternatives. Councilor McGee seconded the motion.

For the purpose of clarifying the Council's wishes
Planning Director Meier referred to the Orenco Station.

She asked if this type of street scaping was what the Council was interested in.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Planning Director Meier noted the Alternative (4) language on Page 12 of Attachment "A".

Responding to questions Planning Director Meier indicated that this language does not address separate leasable space.

The Council was in agreement with the alternative language on Page 12 and the remaining language on Page 13.

Mayor Christopher noted that the Council would continue discussions on the Chemawa Activity Center on September 9th at 6:00 p.m.

b. Final Report on Air Quality/Facility Cleanup

Human Resources Director Dianne Hunt reported that the final report was before the Council for their review.

City Manager Eppley expressed appreciation for the work conducted to improve the quality of the air in the City Hall and Police Department facilities.

Council President Moir moved a motion to accept the Final Report on the Air Quality/Facility Cleanup.
Councilor Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

c. Municipal Court Judge

Human Resource Director Dianne Hunt reported that in

Evaluation Report

December 2001 the Council approved an extension of the contractual agreement between the City of Keizer and A. Carl Myers for Judicial Services for the Keizer Municipal Court. An hourly rate increase from \$60 to \$70 per hour was granted for the remainder of the 01-02 fiscal year.

A salary comparison study was conducted resulting in an average hourly rate of \$73.00 per hour. The City Council also adopted R2002-1351, which outlined the evaluation criteria and process evaluation performance evaluation.

Staff recommended based upon a satisfactory performance evaluation that the Municipal Court Judge hourly pay be increased to \$73.00 per hour for the remainder of the contractual agreement.

Councilor McGee indicated that the Municipal Court Judge's evaluation was reported as satisfactory.

Councilor McGee moved a motion to direct the City Manager to initiate a contract with A. Carl Myers at a rate of \$73.00 per hour for the services of Municipal Court Judge. Mayor Christopher seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

- a. RESOLUTION-Authorizing Expenditure for Specific Purpose/Police Vests
- b. Approval of August 5, 2002 Regular Session Minutes
- c. Approval of August 12, 2002 Work Session Minutes

Councilor Smith pulled item "c" from the Consent Calendar.

Council President Moir moved for approval of items "a"

and "b" on the Consent Calendar. Councilor Lee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Smith noted she would be abstaining from the vote on item "c" due to her absence at this meeting.

Councilor Gaynor indicated he would also be abstaining from the vote on item "c".

Council President Moir moved for approval of the August 12, 2002 Work Session Minutes. Councilor Lee seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir and Walsh (5)

NAYS: None (0)

ABSTENTIONS: Gaynor and Smith (2)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

Mayor Christopher noted a letter from Wayne Trucke requesting the Public Hearings be moved on the Council Agenda from item six to item four.

Councilor Smith moved a motion to reorder the agenda as follows:

1. Call to Order
2. Roll Call
3. Public Testimony
4. Public Hearings
5. Committee Reports
6. Other Business
7. Administrative Action
8. Consent Calendar
9. Written Communications
10. Agenda Input

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

AGENDA INPUT

September 9, 2002

6:00 p.m. City Council special Session

- Chemawa Activity Center/Keizer Station Plan-Text Amendment/Com Plan Change/Zone Change Case No. 01-50

September 16, 2002

7:00 p.m. City Council Meeting

- Water Task Force Final Report and Recommendation
- Private Streets **Deliberation**

September 23, 2002

6:00 p.m. City Council Special Session

- Chemawa Activity Center/Keizer Station Plan-Text Amendment/Comp Plan Change/Zone Change Case No. 01-50

October 1, 2002

7:00 p.m. City Council Meeting

Councilor Gaynor noted he would not be in attendance at the September 9th meeting.

Councilor McGee noted he would not be in attendance during the September 16th meeting.

City Manager Eppley noted he would be attending the National City Manager's Conference the first week of October.

Mayor Christopher noted the remainder of the agenda items.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:14 p.m.



AGENDA ITEM 8d

October 7, 2002

APPROVAL OF SEPTEMBER 9, 2002 SPECIAL SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, September 9, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 6:03 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor (arrived at 6:05 p.m.)

Absent:

Michel Gaynor, Councilor

Staff:

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

PUBLIC TESTIMONY

No public testimony was brought before the Council.

**ADMINISTRATIVE
ACTION**

**A. Chemawa Activity
Center/Keizer Station Plan-
Text
Amendment/Comprehensive
Plan Change/Zone Case No.
01-50 (Cont. From 9-3/02**

Planning director Maria Meier recommended that Council discuss the remaining attachments and the Keizer station plan. Staff would make available the recommended changes to the document during the first meeting in October.

Planning Director Meier reviewed the changes in Attachment "B".

It was the consensus of the council to accept this language.

Attachment C

Attachment "C" was noted as a new proposed chapter for the Development Code.

Mayor Christopher asked for consensus from the Council regarding the sections in the Keizer Station Plan noted as centers (i.e.: Village Center, Retail Center, Commerce Center etc.). She requested that these areas be referred to as "A/Village", "A/Sports" "b", "c" and "d".

It was the consensus of the Council to accept Mayor Christopher's suggestion.

Public Works Director Rob Kissler answered questions regarding the traffic impact analyses and the areas the triggers that would require this analysis.

Planning director Meier commented on Section 3.113.03 Submittal Requirements. She indicated that number eleven might not be necessary for Development Code purposes. She requested that the Council reviewed this.

City Attorney Johnson indicated that this was listed in the development agreement and he agreed with staff's comments that it was not necessary to have as part of the development code.

The Council briefly discussed this and came to the consensus to add to section 3.113.03 (a-1), after proposed roads, **Transportation Facilities (including proposed right of way)**, remove section 3.113.03 (A-11), approve section 3.113.03 (A-12)

Council debated 3.113.04b(2). It was suggested that the wording for this section be "*transportation system standards current and future right of way needs*".

City manager Eppley spoke strongly in favor of this wording noting the difficulty in acquiring right of way once development had taken place.

Councilor Smith suggested stipulating a set amount of right of way for the main streets in the development. She expressed uneasiness with the

vagueness of using the wording "future needs".

Councilor's Walsh and McGee debated this issue. Mitigation versus the .87 standard was discussed and whether this should be addressed now or during the master planning process.

Councilor Walsh urged prudent planning for future right of way need.

City Attorney Shannon Johnson summarized the authority of the Council pertaining to right of way standards. He indicated that regulating the standards for collectors and arterials as written in the transportation system plan was allowable, but mandating above and beyond these standards could be challenged.

Public Works Director Rob Kissler noted some of his visions for radiant drive. He indicated that staff had been able to create some innovative processes in this area that had allowed for greater right of way width.

Responding to questions Mr. Kissler indicated that if Radiant was to be used was a pass through that it might be appropriate to review making a change to its current designation. He believed that the needs of the area could be served under the current designation, but this could change depending upon the final use of the area.

City Attorney Johnson indicated that he believed additional language was not necessary if the council's concern was regarding impacts of the development. He indicated that there were sufficient criteria to address this concern.

Council President Moir moved a motion to leave Section 3.113.04b(2) Review Criteria as written.
Councilor Lee seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir and Smith (5)

NAYS: Walsh (1)

ABSTENTIONS: None (0)

ABSENT: Gaynor (1)

Staff recommended that the submittal requirement (3.113.03) for Area A/Sports be the same as area A/Village Center.

Planning Director Meier responded to questions pertaining to development requirements for Area A versus the other areas of the development. She noted that the Planning Commission at the request of the developer could review development review standards. She further noted that a master planning process was not required for routine development throughout the city as it was with the Keizer Station Plan.

Council President Moir moved a motion to make Area A/sports to contain the same submittal requirements as Area A/village. Councilor Walsh seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Gaynor (1)

Mayor Christopher read the new language added to 3.113.04 review criteria(c) development strategies. (Page four, attachment c) as discussed by the council at previous meetings. *Vehicular movement* on page four was also discussed.

It was the consensus of the council to accept page four, attachment c as submitted.

Page five, attachment c was discussed. It was the consensus of the council to eliminate from 3(a) the sentence reading, "*generally, people protect and maintain territory that they feel is their own and have a certain respect for the territory of others.*"

Page six *Creating and Protecting Public Spaces* was briefly discussed and the following motion was made.

Council President Moir moved to eliminate *Creating and Protecting Public Spaces* item 5, Attachment C. Councilor McGee seconded the motion.

Councilor McGee expressed concern about removing 5(b).

Councilor McGee moved to amend the motion to not eliminate 5(b). Council President Moir accepted the amendment.

Councilor's Smith and McGee debated green space. Councilor Smith believed the amount of green space was being reduced more than necessary, whereas Councilor McGee believed the reduction was only in areas where the addition of trees or shrubbery could cause vision and/or enforcement problems.

City Manager Eppley interjected that eliminating item "a" would make item "b" difficult to understand.

Mayor Christopher suggested a friendly amendment for (a) to read, "the development provides an appropriate amount of public space, in addition to required sidewalk(s) and landscaping." Council President Moir and Councilor McGee accepted the friendly amendment.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Gaynor (1)

Mayor Christopher read page six, *Human Scaled Building Design*.

Responding to questions City Manager Eppley cautioned the Council that this section acted as a guideline for development. He indicated the intent

was to create a development that does not oppose pedestrians.

It was the consensus of the Council to approve page six, Attachment C.

Planning Director Maria Meier explained the activity overlay zone and how it pertained to pages 7-8, Attachment C.

Mayor Christopher suggested under *Pedestrian and Bicycle Circulation* that 12-foot promenades are placed for the use of multi-modal transportation, also adding landscaped barriers between the promenade and the roadway.

City Attorney Johnson noted if this was used that it should be placed in the section pertaining to standards.

Councilor Smith questioned the ability of the council to require the development to adhere to this because of the "takings" rule.

Consultant Keith Liden indicated if the bicycle facility would be used as part of the multi-modal transportation that doing this would not be increasing the amount of property used, but moving the bike lanes off of the streets.

ODOT standards for multi-modal transportation were discussed along with a green way barrier between the walkway.

Councilor McGee moved to accept the concept of a 12-foot promenade with some type of landscaping barrier between the walkway and the street.

Due to the lack of a second the motion died.

Public works Director Rob Kissler indicated that there were standards for dual direction bike paths of which the minimal standard was 12-feet without pedestrians.

Mayor Christopher moved a motion to direct staff to come back with 12-foot promenades on both sides of the street with an appropriate landscape safety barrier determined by staff. Council President Moir seconded the motion.

Mayor Christopher indicated her main goal was to get bicycles off the roadways to increase the safety of bicyclists and pedestrians. She agreed that the promenade could be considered part of the landscaping requirements.

The Council discussed the issue of safety along the promenade. Mayor Christopher questioned whether it would be appropriate to suggest that the landscaping include light fixtures and trees inside of the barrier.

It was noted that there were additional things that enabled for the creation of safety.

Council discussed the motion with staff noting that standards could be developed understanding the intent of the council.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Gaynor (1)

Mayor Christopher recessed the meeting at 7:45 p.m. And reconvened the meeting at 7:55 p.m.

Attachment D

Planning Director Maria Meier noted the minor changes to this attachment that included inclusion of the EG Zone.

The color chart in the Development Code was discussed. Planning Director Meier answered questions from the council regarding these

standards.

Councilor Walsh believed that the current color standards were too harsh. He suggested more flexibility in this area.

City Manager Eppley suggested one possibility would be to use a "better than or equal," clause similar to homeowner standards.

Council President Moir moved a motion to accept the color standards as in Attachment D. Councilor Smith seconded the motion.

Council President Moir indicated if the Council believed it was important to review that this could be forwarded to the Planning Commission at a later date for further analysis.

Councilor Smith recommended a friendly amendment that the color standards are forwarded to the Planning Commission for review. Council President Moir did not accept the friendly amendment.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Gaynor (1)

Attachment E

Councilor Smith expressed an interest in limiting the boat, RV and recreational storage in the CM zone.

Planning Director Meier noted some of the use restrictions in Section 2.110.04. She indicated an item C12 could be added reflecting this.

Councilor McGee expressed concern regarding spot zoning.

Planning Director Meier addressed section 2.110.04(c) and the location restrictions. She indicated these restrictions were placed because of traffic concerns in these areas.

After further discussion it was the consensus of the Council to add to section 2.110.04 (c) number twelve to include, boat and RV storage area and Recreational Vehicle Storage Space.

Council discussed section 2.110.06 Development Standards.

Councilor Smith noted concern with Section 2.110.06a (3) *off street parking*. She suggested that the requirement be increased from one to two spaces per unit.

Councilor Smith moved a motion to change 2.110.06a(3) off-street parking requirements for residential uses from one space per unit to two spaces per unit for the Keizer Station Plan. Councilor Walsh seconded the motion.

City Manager Eppley noted as part of this requirement the intent was to make this area more pedestrian friendly by limiting the amount of off-street parking available. He discouraged the standard in a mixed use setting because of the size of the lots and the compact development.

After a brief discussion Councilor Walsh suggested a friendly amendment to the motion to add traffic management plan language. Councilor Smith did not accept the friendly amendment.

The motion failed as follows:

AYES: McGee And Smith (2)

NAYS: Christopher, Lee, Moir And Walsh (4)

ABSTENTIONS: None (0)

ABSENT: Gaynor (1)

Planning Director Meier noted the changes on page

eight of Attachment E.

It was the consensus of the council to accept the changes as written on page eight of Attachment E.

Attachment F

Planning Director Meier noted language in section 2.107.02. She recommended that council discuss the use of minimum/maximum language to alleviate the exactness of the 75/25 split.

Mayor Christopher moved a motion to change 2.107.02 commercial and residential regulations for Keizer Station to read, "property located within the MU Zone in the Keizer station plan must be developed to a minimum of 75% residential and a maximum of 25% commercial in use. Residential development shall meet minimum density requirements as identified in this section. A master plan shall be required for any development in this sub-area as defined by the Keizer station plan." Councilor McGee seconded the motion.

Councilor McGee expressed concern with concept of the Mixed-Use zone. He believed that the MU Zone was not practical for this area.

Planning Director Meier noted that the Mixed-Use Zone in the development code as it is currently written does not require a percentage mix.

Councilor McGee agreed with the idea of urging mixed use rather than mandating it.

The motion failed as follows:

AYES: None (0)

NAYS: Christopher, Lee, McGee, Moir, Smith and Walsh (6)

ABSTENTIONS: none (0)

ABSENT: Gaynor (1)

Councilor McGee moved a motion to strike 2.107.02 from Attachment F. Council President Moir seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir and Walsh (5)

NAYS: Smith (1)

ABSTENTIONS: None (0)

ABSENT: Gaynor (1)

Planning Director Meier requested direction from the Council to verify that the language for the commuter transit station to be listed as a special permitted use.

Mayor Christopher moved a motion to include under 2.107.03 number 12 to add Transit Station as a Special Permitted Use. Council President Moir seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Gaynor (1)

The Council reviewed Attachment F, page seven, Section 2.107.06(i) Density.

The maximum unit requirement for this section was questioned.

Councilor Walsh moved a motion to eliminate the maximum requirement for density on Attachment F, page seven. Councilor McGee seconded the motion.

The motion failed as follows:

AYES: McGee, Smith and Walsh (3)

NAYS: Christopher, Lee and Moir (3)

ABSTENTIONS: None (0)

ABSENT: Gaynor (1)

Council President Moir moved to eliminate 2.107.06(i)(1) allowing consistency with the Development Code. Mayor Christopher seconded

motion.

The motion passed as follows:

AYES: Christopher, Lee, Moir and Walsh (4)

NAYS: McGee and Smith (2)

ABSTENTIONS: None (0)

ABSENT: Gaynor (1)

Attachment G

Planning Director Meier noted that this attachment was a new proposed section.

The Council by consensus accepted Attachment G as written.

Attachment H

Mayor Christopher requested that the Council consider adding gasoline service stations to 2.113.02(l) services opposed to 2.113.02(n) flexible space uses.

Planning Director Meier indicated the reason for gasoline service stations being listed in 2.113.02(l) it would affect all IBP properties. As listed in sub 2.113.02n(1)(2) were permitted uses only in area d of the plan.

The Council was in consensus to accept the amendments on Attachment H, pages five and six.

Councilor McGee expressed some concern with the exclusion of the manufacturing of grain mill products and certain types of plastic products.

Councilor Walsh indicated that variance type language be included to allow for the review of these types of industries.

Responding to questions regarding special permitted uses Planning Director Meier noted under this set of criteria that a conditional use would be more appropriate.

Council discussed further whether it would be advantageous to have staff review this issue further.

Councilor Smith moved a motion to accept Attachment H pages six and seven as submitted by staff. Mayor Christopher seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Gaynor (1)

Councilor Smith questioned Attachment H pages 8-4(c) *Height*. She did not believe that the council changed the height maximum height of 15 feet within 50 feet of any residential zone.

Pages eight through eleven of Attachment H were reviewed with no additional changes suggested from council.

Planning Director Meier noted that no changes had been made to Attachment I.

Mayor Christopher noted the recommended changes in Attachment J. No additions were suggested.

The Council reviewed the Planning Commission's recommended alternative Keizer Station Plan document dated march 20, 2002.

Noted changes included pages two, five, six and nine indicating the renaming of the Areas A-D.

Planning Director Meier noted a change to page four of the proposed plan. She recommended that the *staff's recommendation* language be changed to the *proposed Keizer development code changes in attachment a* and to include the reference of *Attachment J*.

Page eleven, paragraph two was scrutinized. Planning Director Meier suggested that this language

be changed to match what the public works department had recommended. The paragraph read; *"the transportation requirements of the Keizer station plan may include an underpass of Chemawa road. The underpass is one of several optional elements of the overall transportation system needed to provide safe access to and from the development areas of the Keizer station plan. Provisions for construction of the underpass and/or other improvements shall be in place so as to not allow the intersection of Radiant Drive with Chemawa Road to fall below a volume to capacity ratio of .87 as calculated by the critical movement analysis methodology as development occurs."*

The Council was in consensus with the suggested language.

Councilor Walsh believed it was important to revisit transportation review procedures and criteria for future needs.

Councilor Walsh moved a motion for Council to review this section for the inclusion of the appropriate language to address the criteria for future needs.

Due to the lack of a second the motion died.

On page 12 of the document Mayor Christopher expressed an interest in making the lighting fixtures at the development consistent to those along river road.

Mayor Christopher moved a motion to recommend on page 12, general a; that the street lighting be consistent with and/or equal or better than the decorative lighting along river road. Councilor McGee seconded the motion.

City Manager Eppley indicated the concept of decorative lighting was important, but cautioned the council against specifying a certain type of lighting.

Public Works Director Rob Kissler suggested that the decorative lighting be of a type that would aim the lighting down. Mayor Christopher agreed with this.

The motion passed as follows:

AYES: Christopher, McGee, Moir, Smith and Walsh
(5)

NAYS: Lee (1)

ABSTENTIONS: None (0)

ABSENT: Gaynor (1)

Planning Director Meier recommended removal of the map on page 15. It was the consensus of the Council to do so.

On page 16 Planning Director Meier suggested that the second bullet point under I (A) be to,
Transportation Facilities."

Mayor Christopher moved a motion to recommend the second bullet point under I (A) be changed to, Transportation Facilities. Councilor McGee seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Gaynor (1)

Councilor Walsh addressed page 19 under *Parking*.

Planning Director Meier noted that this sentence might be more appropriately worded by stating,
"location of parking-if the building is located within 20-feet of the right of way or property adjacent to the street, there shall be no parking or maneuvering between the building and the street."

Council was in consensus with this suggested language.

Mayor Christopher recommended on pages 22 and 25, V (a) landscape; that language be included that no trees be removed until the final approval of the

master plan.

Council was in consensus to have this language included.

Planning Director Meier noted figure 3 on page 25. Staff suggested that the map be amended to not specifically show radiant loop until further transportation facility designs were created.

The Council was in agreement with this suggested amendment.

Councilor Walsh requested that language be included to include pedestrian connectivity.

It was the consensus of council to specify connection with the existing path if this is possible.

The remainder of the document was reviewed.

Mayor Christopher expressed her intent to retain the significant trees on the site until completion of the master planning process.

Planning Director Meier indicated that staff would bring back language to meet this request.

Mayor Christopher expressed an interest in language being added to demonstrate that transportation evaluation and alignment should be considered for Chemawa road.

Public Works Director Rob Kissler recommended that this issue be reviewed during the reexamination of the Transportation System Plan.

Mayor Christopher believed it was important to include this language in the plan as an option.

Staff agreed to work on language for the Council to review.

Council President Moir moved to direct staff to come back with a final draft of the Keizer Development

Code Amendments and Proposed Keizer Station Plan. Mayor Christopher seconded the motion.

Public hearing requirements were discussed.

The motion passed as follows:

AYES: Christopher, Lee, McGee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Gaynor (1)

Mayor Christopher requested consensus of the Council to direct staff to contact the elected official sub-committee to develop a timeline for SKAPAC bypassing the staff subcommittee.

It was the consensus of the Council for staff to do this.

Council President Moir expressed an interest in a licensed arborist inventorying the trees to determine which are viable.

City Manager Eppley indicated that this process would be more beneficial during the master planning process.

Councilor Lee addressed the related community issues brought to the Council via the Planning Commission. He suggested that it might be beneficial to respond to the Commission pertaining to these issues.

City Manager Eppley indicated the Council's findings would be prepared whereupon most of the answers to the Commission's questions would be answered.

OTHER BUSINESS

There was no other business to come before the Council.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 9:52 p.m.



October 7, 2002

AGENDA ITEM 8e

APPROVAL OF SEPTEMBER 16, 2002 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, September 16, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:04 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Michel Gaynor, Councilor
Charles E. Lee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Absent:

Jerry McGee, Councilor

Staff:

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

PUBLIC TESTIMONY

Susan Lett, 1355 Harmony Drive, Keizer-spoke in opposition to the Council's suggested changes to the Gubser Traffic Management Plan. She believed the suggestion of aligning Trail with Verda would cause greater traffic along Harmony Drive. Ms. Lett urged the Council to take into consideration the well being and safety of all residents in the area and noted some comments allegedly made by Council President Moir to another resident.

Council President Moir rebutted Ms. Lett's comments noting for the record that she made no comment regarding the condemnation of property or the concern of her neighbors pertaining to the plan.

Debbie Kennedy, 5253 Verda Lane, Keizer-expressed concern regarding information she received pertaining to Verda Lane.

For the benefit of the audience **Council President Moir** read the motion that was made during the last Council meeting. "Council President Moir moved a motion to direct staff to come back with the following information

1. *Is there adequate right of way for the suggested improvements on Trail Avenue?*
2. *Explore opportunity to negotiate with property owners along Trail Avenue to allow for a signal at Lockhaven and Trail Avenue.*
3. *Add four stop signs at Manzanita and Trail Avenue*

Council McGee seconded the motion."

Mayor Christopher explained that no decision had been made at this point and that the motion was for staff to bring back this information to the Council for further review.

To help alleviate citizens concerns **City Manager Eppley** noted that issues that may effect Verda would go through a public process which the residents would be notified about.

Dave Worthington, 5253 Verda Lane, Keizer-spoke against any future suggestion of Trail and Verda being aligned. He expressed concern regarding the speeding that currently takes place on Verda.

Anne O'Rourke, 1266 Harmony Drive, Keizer-spoke against the suggestion of widening Trail. She urged the Council to reconsider the closure of Trail Avenue, adding stop signs at Manzanita. Ms. O'Rourke also suggested that a three-way stop be placed at Harmony and Trail along with speed bumps on Harmony, and a stop sign at Mandarin and 13th Avenue.

Donna Bosler, 5950 Trail Avenue NE, Keizer-asked the Council for a plat map illustrating the proposed connection of Trail and Verda.

Mayor Christopher reiterated the earlier quoted motion. She stated that no decisions had been made other than

the placement of stop signs at Trail and Manzanita.

Ms. Bosler questioned why Trail Avenue could not be closed. She also expressed an interest in the name of the City Engineer.

Mayor Christopher noted that there were a number of options, which needed to be review prior to the closure of a public street.

City Manager Eppley offered to address Ms. Bosler's questions outside of the Council meeting at her convenience.

Councilor Smith offered to supply copies of the draft Gubser Traffic Management Plan to interested citizens.

Victor Garlock, 1025 Harmony Drive NE, Keizer- expressed thanks to the members of Council that recommended that the draft plan is left open for additional consideration. He questioned the residence of the city's traffic engineer.

City Manager Eppley responded by noting that the traffic engineer's service was a contracted service and that this individual lives in Keizer and Arizona on a rotating basis. Responding to additional questions Mr. Eppley indicated that the traffic engineer had not attended any of the Traffic Safety Commission meetings pertaining to the Gubser Traffic Management Plan.

Public Works Director Rob Kissler answered questions regarding the Transportation System Plan and the designations of Verda and Harmony as currently written in the plan.

Mr. Garlock went on to implore for the use of a temporary barrier on Trail to see if this would alleviate the traffic problems in the area.

City Manager Eppley indicated the proposal which staff accepted incorporated all aspects of the Traffic Safety Commission's recommendations with the exception of the closure of Trail Avenue.

Councilor Smith rebutted City Manager Eppley's comments. She believed that the only portion of the plan, which was accepted, was stated in the earlier motion as read by Council President Moir.

Public Works Director Rob Kissler noted some of the improvements that would take place to assist with alleviating some of the problems with traffic in the neighborhoods.

Councilor's Gaynor, Walsh, and Mayor Christopher expressed appreciation to the citizens for their comments and the overall decision that would need to be made for the benefit of the community.

Councilor Lee clarified his "no" vote pertaining to the motion. He indicated he was not necessarily in favor of closing Trail Avenue, but believed it was important to review all the options available.

For the benefit of the audience Councilor Smith provided a background of the Commissioner's on the Traffic Safety Commission and the work conducted on the proposed plan.

Kimberly Garlock, 1025 Harmony Drive, Keizer-requested that the radar reader board be placed along Harmony.

Chief Adams indicated there was a waiting list for the use of radar reader board and that he would contact the Garlock's regarding when this could be placed on their street.

Rick Weddle, 1245 Harmony Drive, Keizer-questioned why the Traffic Safety Commission was not allowed to speak to the Council at the last meeting outside of the public hearing.

Mayor Christopher responded that the Commission was given the opportunity, but chose not to address the Council during the public hearing.

Mr. Weddle expressed dismay with the Council's decision regarding the plan.

Lowell Gunselman, 911 Chemawa Road, Keizer- suggested using a physical barrier to urge citizens not to use Trail/Harmony as a cut-through.

Mayor Christopher thanked everyone for his or her testimony.

None

PUBLIC HEARING

COMMITTEE REPORTS

a. Volunteer of the Quarter Award-Paul Pfnister

City Manager Eppley reported that Paul Pfnister was selected by the Volunteer Coordinating Committee as the Volunteer of the Second Quarter for 2002. He noted Mr. Pfnister's accomplishments, including the development of a "sand bag training video" and the organization and development of the Transportation Assistance Project for use during a disaster.

Mr. Pfnister summarized some of the additional accomplishments made by EVAK and the importance of volunteers.

Mayor Christopher presented Mr. Pfnister with the volunteer award and thanked him for his volunteer efforts.

Mayor Christopher briefly recessed the meeting while the Task Force organized their presentation.

b. Water Rate Task Force Final Report and Recommendation

Public Works Director Rob Kissler summarized the staff report and the attachments provided. He introduced Karyn Johnson and Jim Seagraves with Black and Veatch Corporation.

Staff recommended that a public hearing be conducted on October 7, 2002.

Responding to questions Mr. Kissler summarized the proposed Capital Improvement Program.

Karyn Johnson provided a Power Point presentation pertaining to the organization options and proposed

rate structures within the Water Rates and Charges Study.

Ms. Johnson and the Public Works Director answered questions from the Council.

It was the consensus of the Council to direct staff to notice a public hearing on the issue for October 7, 2002.

c. Keizer Chamber of Commerce Governmental Affairs Report-Councilor Walsh

➤ Karen Lee-Portland General Electric

Ms. Lee was unable to attend the meeting. Councilor Walsh provided a summary of the meeting regarding Portland possibly taking over PGE. His understanding was that if PGE were run by a governmental agency they would not fall under the limitations set by the PUC. There was still a question about how this would effect Keizer.

Staff and Council agreed to continue to monitor the situation.

d. Keizer Budget Committee Appointments

City Manager Eppley reported that on August 30, 2002 the terms of Mark Caillier, Roy Duncan and Pat Sparks-Tewell expired. Mr. Caillier and Ms. Sparks-Tewell expressed an interest in an additional term. Mr. Duncan requested he not be reconsidered for reappointment.

On September 12, 2002 the Volunteer coordinating Committee reviewed five applications and recommended the appointment of Sheila Martinak to fill the vacancy on the Budget Committee. In addition the Committee recommended the reappointment of Mark Caillier and Pat Sparks-Tewell to the Budget Committee.

It was recommended that the Council accept the recommendation of the Volunteer Coordinating Committee and appoint Sheila Martinak to fill the vacancy and the reappointment of Mark Caillier and Pat Sparks-Tewell.

Council President Moir moved to accept the recommendation of the Volunteer Coordinating

Committee and appoint Sheila Martinak to fill the vacancy on the Budget Committee and to reappoint Mark Caillier and Pat Sparks-Tewell for an additional three-year term. Councilor Gaynor seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee (1)

OTHER BUSINESS

a. New Business

Bicycle Safety Rodeo

Councilor Smith supplied a report on the upcoming Bicycle Safety Rodeo and provided a flyer with pertinent information.

Willamette River Run

Councilor Walsh reported that this effort was successful and would be repeated again next year.

Country Glen Park

Mayor Christopher noted a letter of thanks from the neighborhood association regarding the development of the park in their area.

McNary Golf Tournament

Mayor Christopher noted the purpose of the tournament was to raise funds for the golf team to participate in high school tournaments.

Mid-Willamette Area on Transportation

Mayor Christopher reported that MWACT would be holding a forum to discuss transportation issues on Thursday, October 3, 2002 of which Councilor Smith would be attending.

City Manager's Conference

City Manager Eppey reported he would be in attendance at this conference the first week in October.

Recruitment

Human Resources Director Dianne Hunt reported that recruitment was taking place to fill the vacancy, which opened for the front desk receptionist.

Ad Hoc Committee

Public Works Director Rob Kissler requested that the Council appoint an Ad Hoc committee to deal with the regulations mandated under the Clean Water Act.

Mayor Christopher recommended suggested that the format for the appointments to this committee be the same as before.

City Manager Eppley suggested that an additional Council be part of this committee.

Councilor's Moir, Gaynor and Smith agreed to participate on this committee.

b. Old Business

Gubser Neighborhood Traffic Management Plan-Status Report

Public Works Director Rob Kissler reported that during the last Council meeting staff was directed to investigate the possibility of widening Trail Avenue with full improvements similar to McLeod Lane. Staff had been unable to meet with the affected property owner and had not finalized cost estimates. Mr. Kissler indicated a meeting had been scheduled with the property owner on September 16, 2002. Additional information would be provided during the October 7, 2002 City Council meeting.

Qwest

City Attorney Shannon Johnson supplied a brief update in the Qwest case and offered to supply a copy of the submitted report to the Council.

ADMINISTRATIVE ACTION

a. Text Amendment Case No. 02-21 (Private Streets)

Planning Director Maria Meier reported on March 18, 2002 that Council initiated a text amendment review to repeal Section 2.311.03H and any other references that

allow the development of private streets. Staff further identified proposed deletions and language recommendation for the Planning Commission to consider as part of an endorsement to the Council.

Mrs. Meier indicated that staff described to the Commission the Council's intent to eliminate private streets in future construction. The Commission's recommendation included to disallow private streets for standard developments, however to allow existing private streets to be extended at the same width as existing on any connecting private street.

Staff recommended that the Council consider the Planning Commission's recommendation and to deliberate the issue.

Planning Director Meier responded to questions from the Council pertaining to Development Code Standards regarding private streets.

Councilor Walsh spoke in favor of the recommendation made by the Planning Commission.

Councilor Smith spoke in opposition to the recommendation expressing concern that extending the use of private streets would not eliminate the problems seen with this type of development.

City Attorney Johnson interjected that the Planning Commission's reason behind allowing the extension of a PUD would allow for contiguous development without altering a street standard within a small development that had no additional access to a public street.

Planning Director Meier further clarified the Commission's intention.

Councilor Walsh moved a motion to accept the Planning Commission's recommendation for Text Amendment Case No. 02-21; Private Streets. Councilor Gaynor seconded the motion.

The motion passed as follows:

CONSENT CALENDAR

AYES: Christopher, Gaynor, Lee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee (1)

- a. RESOLUTION-Initiating Rickman Crossing Street Lighting District
- b. RESOLUTION-Amending Council Procedures to Change City Council Meeting Agenda
- c. RESOLUTION-Ratifying Referred Charter Amendment and Explanatory Statement Language
- d. Approval of August 19, 2002 Regular Session Minutes

Council President Moir pulled item "d" from the Consent Calendar.

Council President Moir moved for approval of items "a", "b" and "c" on the Consent Calendar. Councilor Walsh seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee (1)

Council President Moir chose to abstain from voting on item "d" inasmuch as she was not in attendance at the meeting.

Councilor Walsh moved for approval of item "d" on the Consent Calendar. Councilor Gaynor seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Smith and Walsh (5)

NAYS: None (0)
ABSTENTIONS: Moir (1)
ABSENT: McGee (1)

WRITTEN COMMUNICATIONS

None

AGENDA INPUT

October 7, 2002

7:00 p.m. City Council Meeting

- False Alarm Ordinance Amendments
- River Road Shell Liquor License Application Public Hearing
- Chemawa Activity Center/Keizer Station Plan-Text Amendment/Comprehensive Plan Change/zone Change Case No. 01-50
- Staff recommendation regarding Gubser Traffic Plan

October 14, 2002

5:30 p.m. Budget Committee Work Session

October 21, 2002

7:00 p.m. City Council Meeting

Mayor Christopher noted the agenda items.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 10:14 p.m.

Cindy Perry
Recording Secretary

APPROVED:
MAYOR:

Lore Christopher

TREE AND VEGETATION PRESERVATION REGULATIONS PROPOSED CODE AMENDMENTS TO THE EXISTING REVISED CODE:

The following proposed Code amendments have been identified by staff as recommended changes to the Salem Revised Code (SRC) as a result of the draft amendments to SRC 68, the Tree and Vegetation Preservation regulations. The proposed amendments to the SRC are listed in order of chapter reference followed by a number. You will find the new code language in the **proposed change** column, with strike-outs for language proposed to be deleted and shaded text for language proposed to be added. Columns are included that indicate the **current wording** and one that briefly indicates the **reason for change**. The following SRC Chapters are identified:

SRC Chapter 132 - Landscaping

No.	SRC	CURRENT WORDING	REASON FOR CHANGE	PROPOSED CHANGE
132	132.120	132.120. DEFINITIONS. (f) Landscaping: A combination of living plants, such as trees, shrubs, vines, ground covers, flowers and grasses; natural features such as streams, wetlands, rocks, stone, bark chips and shavings; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, and benches.	Reason: Provides a consistent definition between SRC 68 and SRC 132	132.120. DEFINITIONS. (f) Landscaping: An area that continues to be managed to provide human-oriented benefits and is comprised of, but not limited to, a combination of living plants, such as trees, shrubs, vines, ground covers, flowers and grasses, natural features such as streams, wetlands, rocks, bark chips, cinders, terraces, ven-table or flower gardens, trellises, pathways or structural features including but not limited to fountains, reflecting pools, outdoor art work, screen walls, fences and benches, which reasonably required and contribute to reasonably require human management to distinguish the area from a natural area.



DATE: October 7, 2002 TIME: 7:00 p.m. AGENDA ITEM # 4a

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

[illegible]

PUBLIC TESTIMONY

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

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

Name: Alan Roodhouse

Address: 2653 High Heaven
McMinnville, OR
97128

Subject or Agenda Item Number: 7 B
Kerr Station Plan

Your Comments:

Proponent ☒ Opponent ☐ General ☐

Date 10/7/02

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: LARRY BROWN

Address: 1067 KEYSTONE LP NE
KEIZER, OR

Subject or Agenda Item Number: MANZANITA -
TRAIL AVE

Your Comments:

Proponent _____ Opponent _____ General ✓

Date 10/9/02

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: ANNE O'Rourke

Address: 1266 Harmony Dr

Subject or Agenda Item Number: _____

Subser Traffic

Your Comments:

Proponent _____ Opponent _____ General _____

Date 10/7/02