CITY OF KEIZER MISSION STATEMENT

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

AGENDA

KEIZER CITY COUNCIL

REGULAR SESSION

Monday, October 2, 2017

7:00 p.m.

Robert L. Simon Council Chambers

Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **SPECIAL ORDERS OF BUSINESS**

5. **COMMITTEE REPORTS**

6. **PUBLIC TESTIMONY**

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

7. **PUBLIC HEARINGS**

   a. **ORDINANCE – Amending Keizer Development Code Regarding Section 2.309 (Site and Landscaping Design); Amending Ordinance No. 98-389**

8. **ADMINISTRATIVE ACTION**

   a. **RESOLUTION – Authorization for Supplemental Budget (ADA Transition Agreement with Mid Willamette Valley Council of Governments)**

9. **CONSENT CALENDAR**

   a. **Approval of September 5, 2017 Regular Session Minutes**

10. COUNCIL LIAISON REPORTS

11. OTHER BUSINESS

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

12. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

13. AGENDA INPUT

October 9 2017

5:45 p.m. – City Council Work Session

- **Canceled**

October 16, 2017

7:00 p.m. City Council Regular Session

November 6, 2017

7:00 p.m. City Council Regular Session

14. ADJOURNMENT

The City of Keizer is committed to providing equal access to all public meetings and information per the requirements of the ADA and Oregon Revised Statutes (ORS). The Keizer Civic Center is wheelchair accessible. If you require any service that furthers inclusivity to participate, please contact the Office of the City Recorder at least 48 business hours prior to the meeting by email at davist@keizer.org or phone at (503)390-3700 or (503)856-3412. Most regular City Council meetings are streamed live through the City's website and cable-cast on Comcast Channel 23 within the Keizer City limits. Thank you for your interest in the City of Keizer.

COUNCIL MEETING: October 2, 2017

TO: **MAYOR CLARK AND CITY COUNCIL MEMBERS**

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

FROM: **NATE BROWN**
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: **RE-OPENED PUBLIC HEARING ON KDC 2.309 (LANDSCAPING STANDARDS)**

BACKGROUND: At the September 18, 2017 meeting, Council directed the public hearing on Landscaping standards be re-opened to take additional testimony. The proper notice has been given and the issue is now before the Council to receive additional testimony on the proposed Text Amendment, with the language as directed by the Council at its September 5, 2017 meeting now before the Council.

Because the testimony was exclusively directed to the 1% assessment, staff has prepared a table showing various options that may be considered (Attachment 1) together with what staff sees as their pro's and con's and with what language would have to be changed. This is not intended to be exclusive to these options, but rather are given as examples of what the Council may choose to change. Of course the Council may wish to adopt the Ordinance as written, or conversely to not approve it at all.

This proposal has been created to give the City, absent any other, a tool to produce a general shift in the type of common development that currently exists along River Road and Cherry Avenue, and is intended to be very modest. This is a requirement that 1/100th of the cost of improvement projects be oriented to the community. This is generally to benefit the patrons of the businesses—which, in turn, would be an improvement in the business climate of our community.

There seems to be some strong misconceptions in the media and the community about what the proposed language establishes. These misconceptions include:

1. This is a Fee that would be assessed/collected by the City.
2. This would affect housing prices for Multi-family housing.
3. This would affect small business along River Rd more than the businesses at Keizer Station.
4. This would be under the control of the City.

The actual effect of this proposed text amendment is:

1. **This is not a fee.** The reason for this misconception is property owners may *choose* to contribute to the Public Art program if their amenity would be minimal (a $10,000 project would contribute $100), the site constraints are limiting, or it is more cost effective for small projects to choose to contribute rather than install amenities. Even a $100,000 project would create an amenity of only $1,000—a

single bench costs much more than that. This option was added by the Planning Commission as one way to provide greater flexibility for the businesses.

2. **Multi-Family is excluded.** Council specifically addressed this issue by removing multi-family in the scope.
3. **All businesses would be affected at the same rate.** Council received testimony about the concern that the larger businesses at Keizer Station would have a significant burden.
4. **Businesses would have complete control.** The only role the City would have is to provide accountability. It is the intent to give broad flexibility to property owners on how they meet this requirement.

RECOMMENDATION: Open the public hearing, receive public testimony, close the public hearing, and take action on the proposed Ordinance currently before the Council.

Attachment 1

Alternatives	**Pro's**	**Con's**	**Language Change to 2.309.04.E (page 4)**
Reduce amount to ½%	Less impacts to business	Would create minimal resources to accomplish meaningful change.	Change 1% to ½ % in section E
Stepped Rate--depending on project size-- ie: less than 10k exempt, 10-50k, ¼ %, 50-100k, ½ % >100k, 1 % (or reverse order)	Could create more specific targets for projects.	Equity—assuming a "break" for larger projects would place greater burdens on the average business. Assuming a "break" for smaller projects would exclude most of River/Cherry businesses and place greater burden on the few large projects.	Depends on council direction
Place a maximum cap	Would give a "break" to large projects.	Equity	Insert the language "up to a maximum of __ in value" after the phrase "or alteration of any commercial or industrial building"
Exclude small projects	Would lessen impact to small business	Impact of program would be lessened—most projects are anticipated to be small in overall scale.	Add "which exceeds __ in value" after the phrase "or alteration of any commercial or industrial building"
Eliminate 1% and develop specific Development Standards for future process	Less Confrontation now and would be site specific in its impacts	Likely more cost to individuals, would be more hidden to the public creating some "surprises" in the development process. Creates a lengthy process. Unsure of specific language.	Delete section "E" and direct staff to prepare Development Standards proposals creating Public amenities.
Create overlay zone structure for specific areas	Would be more specific	Would likely be more costly, would seem arbitrary, would be complex, add to development review process, and lengthy to establish.	Delete section E and direct staff to prepare an "overlay zone" process to obtain improvements in targeted areas.
Create incentives	Less confrontation	No existing resources, no latitude in such things as SDC's or Tax rates, no Urban Renewal District.	Delete Section E and direct staff to create incentives based on Council Direction

A BILL ORDINANCE NO. 2017-_____

FOR

AN ORDINANCE

AMENDING KEIZER DEVELOPMENT CODE REGARDING SECTION 2.309 (SITE AND LANDSCAPING DESIGN); **AMENDING ORDINANCE 98-389**

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

WHEREAS, the City Council held hearings on this matter on August 21, 2017 and September 5, 2017 and considered the testimony given and the recommendation of the Keizer Planning Commission; and

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

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

NOW, THEREFORE,

The City of Keizer ordains as follows:

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

Keizer City Attorney
930 Chemawa Road NE
PO Box 21000
Keizer, Oregon 97307
503-856-3433

Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption of the changes to Section 2.309 (Site and Landscaping Design) as set forth in Exhibit "B" attached hereto, and by this reference incorporated herein.

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

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

PASSED this _____ day of _____, 2017.

SIGNED this _____ day of _____, 2017.

_____
Mayor

_____
City Recorder

Keizer City Attorney
930 Chemawa Road NE
PO Box 21000
Keizer, Oregon 97307
503-856-3433

EXHIBIT "A"

Findings regarding the adoption of amendments to Section 2.309 (Site and Landscaping Design) of the Keizer Development Code (KDC).

The City of Keizer finds that:

1. General Findings.
   The particulars of this case are found within Planning file Text Amendment 2017-11. Public hearings were held before the Planning Commission on July 5, 2017 and before the City Council on August 21, 2017 and September 5, 2017.

2. Criteria for approval are found in Section 3.111.04 of the Keizer Development Code. Amendments to the Comprehensive Plan or Development Code shall be approved if the evidence can substantiate the following. Amendments to the map shall be reviewed for compliance with each of the following, while text amendments shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given that this is a text amendment Section 3.111.04 A is not applicable.

3. **Section 3.111.04.B - A demonstrated need exists for the product of the proposed amendment -**

   Findings: The proposed revisions to the zone code reflect a demonstrated need. The existing language in the Keizer Development Code (KDC) was unclear as to whether or not funds could be received in lieu of planting on-site replacement trees to mitigate the removal of significant trees. It has been found to be impractical in some situations for developers to accommodate the requirements for significant tree replacement on site, and therefore off-site mitigation has been allowed. Due to project timelines, immediate availability of appropriate locations, City staffing levels, and appropriate tree planting timeframes, it has proven necessary to allow developers to pay into a tree mitigation fund so that replacement trees can be placed within parks, public spaces, or other designated off-site locations as appropriate and desirable to the City. This amendment will clarify the ability for developers to pay into a tree replacement fund.

   The proposed revisions will establish a threshold that landscaping requirements must be adhered to for all commercial, industrial, or multi-family interior remodeling projects exceeding $100,000 in value. Whereas previously interior remodels have been exempt regardless of value. In addition, 1% of the total cost of any commerical or industrial development is to be devoted to providing amenities or art through the public art program, with an option to pay into the City public art fund in lieu of providing the amenities on site. These proposed changes will both clarify the landscaping standards and enhance the landscaping provided, which is consistent with the purpose of Section 2.309 of the KDC which in part states that *"…landscaping serves to enhance the appearance of not only the subject property but also that of the City…"*

Therefore this text amendment is found to be necessary to provide the appropriate level of clarity for landscaping requirements, and is also consistent with the purpose of Section 2.309 (Site and Landscaping Design). Therefore, this proposal complies with this review criterion.

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

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

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice, a public process involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizertimes newspaper. Public hearings were held before the Planning Commission on July 5, 2017, and before the City Council on August 21, 2017 and September 5, 2017. Citizens were afforded the opportunity to participate in the public process. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this proposed planning process as is required by this goal and with implementing administrative rules within Oregon Administrative Rules.

Goal 2 – Land Use Planning: This ordinance amends the Keizer Development Code. The city has an adopted comprehensive plan acknowledged by the state. The adoption proceeding was conducted in a manner consistent with the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. The proposed revisions to the Keizer Development Code are consistent with this statewide planning goal and administrative rules.

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits the Exclusive Farm Use (EFU), Special Agriculture (SA), Urban Transition (UT), and Public (P) allow commercial agricultural uses. However, only the city's SA zone is a state recognized EFU qualifying zone. The amendments involve regulations affecting site design and landscaping and will not affect lands that are outside the city limits or any lawful uses occurring on those lands. The proposed amendments will comply with the Farm Land Goal and with implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands designated for commercial forest uses. There are no zoning districts specifically designated within the city limits that will allow for commercial forestry. Also, there are no commercial forest lands near, or adjacent to the city limits of Keizer. The amendments to the KDC do not involve any land which is designated as forest land, nor will it impact the use of any forest lands. The proposed amendments will comply with this Goal and with implementing administrative rules.

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city has a local wetland inventory of sites where wetland soils may be present. The city has an adopted Willamette River Greenway Overlay zone to protect resources along the Willamette River. There are no identified big game habitats within the city limits of Keizer. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. In addition, the city has been developing storm water regulations to protect water quality of the local water ways. The changes proposed will not affect or preclude any of the city's natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. Therefore, the proposed text amendments will be consistent with this goal and with administrative rules which implement this goal.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the city's air, water and land qualities. The city provides its residents with city water from groundwater sources. The quality of the water is monitored to ensure that it complies with all state and federal water quality standards. New construction is required to be connected to the established sanitary sewer system thereby reducing the potential of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are to maintain water quality in the Willamette River and local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city's development code regulations which limit certain types of uses and are enforced by appropriate state agencies which govern air emission standards. The revisions to the city's standards regarding site and landscaping design will comply with this goal and with the administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains within the city limits. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. While there are some steep slopes in the northwest quadrant of the city, there are no mapped areas of steep slopes in Keizer that might warrant any special engineering. The proposed text amendment will neither impact this goal nor any administrative rules.

Goal 8 – Recreation: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. The city has an adopted Parks and Recreation Master Plan that inventories parks, playgrounds, and recreational opportunities within the city limits and plans for the city's future

park and recreation needs. The proposed amendments will have no impact on the recreational activities that occur on any park land within the city and will not impact either this goal or any administrative rules that implement it.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The City has an adopted Economic Opportunities Analysis which addresses projected job needs based on both regional growth patterns and desired targeted industries. The growth forecast calls for a total of 3,774 new jobs over the next 20 years. The adopted Economic Opportunities Analysis identifies a net need for commercial and institutional lands amounting to 63.3 gross acres above and beyond what the City's remaining buildable employment lands can accommodate. The proposed text amendment will not have any adverse impact on the economic development activities or uses within the city. Therefore, the proposal is consistent with this goal.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The adopted Housing Needs Analysis found that for the upcoming 20-year period that there will be a need for 4,513 new units to house the future population. The inventory of buildable residential lands contain a supply of 315.2 acres which are vacant, partially vacant or re-developable and can accommodate an estimated 2,422 units resulting in 2,090 units which must be accommodated beyond the City's existing capacity. When this remaining land need is apportioned to Keizer's residential zones, the HNA estimates a 20-year need of 267 gross acres of residential land. The revisions to the city's standards regarding site and landscaping design will have no impact on this goal.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, an established street system, administrative services and police services. Sanitary sewer service is provided by the city of Salem through an intergovernmental agreement. Fire protection services are provided by the Keizer Fire District or Marion County Fire District #1. There is sufficient capacity in the municipal water delivery system and also within the sanitary sewer treatment system to accommodate planned growth within the upcoming 20 year planning period. The proposed text amendments will not impact any of the city's public facilities and services. Therefore, the revisions will comply with this goal and all administrative rules.

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit, bike, and pedestrian systems. It inventories the existing systems and contains plans for improving these systems. The proposed text amendment will not affect any transportation facility within the city limits and so is consistent with Section 3.111.05 regarding Transportation Planning Rule compliance. The

proposed text amendment will have no adverse impact on the city's transportation systems and so will not affect this goal nor any implementing rules.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed zone code text amendments will have no impact on this goal nor any of the implementing administrative rules.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The proposed text amendments will affect only land that is within the city limits and will not impact the use of any land being transitioned from rural to urbanized uses and is therefore consistent with this goal.

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

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources) govern areas along the ocean. Since Keizer is not located along the coast these goals are not applicable.

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

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

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

FINDINGS: The proposed text amendment will revise Section 2.309 (Site and Landscaping Design) of the Keizer Development Code. The proposed changes will: clarify general requirements and allowances for off-site tree mitigation; require landscaping be provided for commerical, industrial, and multi-family interior remodeling projects exceeding $100,00 in value; and will require 1% of the total project cost for commercial and industrial development be devoted to providing amenities or art. While there are no specific Comprehensive Plan goals or policies that offer guidance, it is determined that the proposed amendment to

the zone code represents a logical implementation of the Keizer Comprehensive Plan. The City Council has, by this adoption, determined that the text revisions are desirable, appropriate, and proper. As such, the proposal complies with this criterion.

2.309 SITE AND LANDSCAPING DESIGN

2.309.01 Purpose

The purpose of the site and landscaping design requirements is to provide standards that can be used in the development of property. A development design that incorporates landscaping serves to enhance the appearance of not only the subject property but also that of the City; provides shade and windbreaks where appropriate to conserve energy in building and site design; provide public amenities, and provides for buffering and screening of dissimilarconflicting land uses. (0706)

2.309.02 Scope

A. Landscaping Required. All new construction, as well as expansion of, or redevelopment of structures including interior remodeling over $100,000 in value as specified in Section 2.315, or any parking lots reconfiguration for commercial, multi-family, or industrial uses shall be subject to the site and landscaping requirements of this Section. (07/06)

B. Landscape Plan Review. Landscaping plans shall be submitted for review subject to procedures of this Section and subject to Type 1-A review procedures set forth in section 3.2. (07/06)

C. Tree Plan. A tree plan in accordance with section 2.309.04.B.7 is required with all Type II and III applications and the following Type I applications: Conditional Use and Partitioning. (5/98)

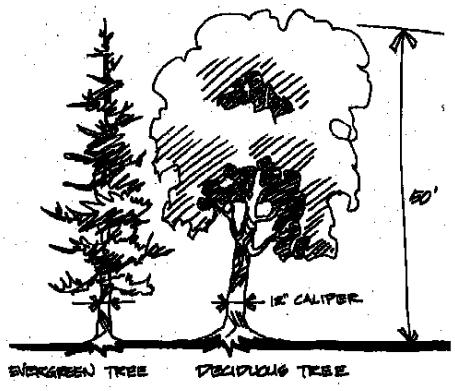
2.309.03 Minimum Area Requirements

Landscaped areas may include landscaping around buildings; open spaces and outdoor recreation areas; islands and perimeter planting areas in parking and loading areas; and areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance. The minimum areas devoted to landscaping are established within the applicable zone district the property lis located. (07/06)

Expansions. For addition(s) onto an existing development including interior remodeling as specified in Section 3.15, and parking lots, the minimum new landscaped area shall be determined by: first calculating the percentage of the increase of total floor area or parking area; multiplying the gross site area by this percentage of increase; multiplying the resulting area by the minimum percentage for the type of development, as noted above. This provision is not intended to include phase construction within a development. (07/06)

2.309.04 General Provisions

A. Landscaped Area. For purposes of satisfying the minimum requirements of this Ordinance, a "landscaped area" must be planted in a mixture of landscaping elements to include such things as lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements such as site furnishings, water features, artwork, or other similar features that provide aesthetic value and open space ~~as defined in this Ordinance~~. Landscaping shall be designed, planted, and maintained in accordance with professional landscaping standards. Landscaping installed over asphalt shall be prohibited. (07/06)



Significant Trees

B. Submittal Requirements. A submitted landscaping plan shall include the following: (5/98)

1. Type, variety, scale and number of plants used; (5/98)

2. Placement and spacing of plants; (5/98)

3. Size and location of landscaped areas; (5/98)

4. Contouring, shaping and preparation of landscaped areas; (5/98)

5. Use and placement of non-plant elements within the landscaping used as accents. Such elements may only be used minimally and shall total no more than 25 percent of the total landscape area. ~~.~~ (5/98)

6. Method of irrigation. (5/98)

7. Location, and identification of any trees, both existing and planned consistent with Section 2.309.04.C. (07/06)

   a. On the Landscaping Plan, the existing significant trees identified by their common names, along with the size of such significant trees. Existing significant trees shall include any trees which were removed within the two-year period prior to the date the application was first submitted shall be shown on the landscape plan. (07/06)

b. Which significant trees are proposed to be removed, or have been removed within the past two years. (07/06)

c. Which significant trees are to be left standing and what steps will be taken to protect and preserve those trees according to current best management practices. (5/98)

d. Location, size and type of replacement trees proposed to be added, if any. (5/98)

C. Significant Trees. As used herein, "significant ~~trees'~~ trees" are trees having a height of more than fifty (50) feet and/or having a trunk whose diameter is more than twelve (12) inches diameter at breast height(DBH) (5 feet above ground level). (07/06)

a. The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of significant trees. Depending on these factors, the removal of significant trees may be appropriate and approved as part of the landscaping plan. Development of the property shall be in conformance with an approved landscaping site plan that is a condition of a land use approval or a building permit. ~~The City may require that s~~Significant trees ~~that are~~ removed (including trees removed within the two years prior to the application) must be replaced at the rate of ~~up to~~ two new trees for each significant tree removed or less if a large tree specimen ~~which will result in an increased tree~~ size is planted. Replacement trees ~~shall have a trunk, when measured at six (6) inches above ground level, of at least two (2) inches when planted, and~~ shall be a type that will be at least twelve (12) inches (DBH)~~in diameter at ground level~~ when fully mature. At the time of planting, replacement trees shall be planted in accordance with the standards of section 2.309.06. In lieu of an on-site tree replacement plan, an off-site tree mitigation plan ~~that is~~ consistent with requirements within this section shall be submitted to the Community Development Director for approval. Such off-site location shall be within the the public right of way, on public property, or on private property if qualifying as a streetscape tree, ~~city limits or in a city park as~~ and must be approved by the City~~Community Development Director~~. If no suitable off-site location is identified for the immediate installation of replacement trees, a contribution to the City's landscape mitigation fund in the amount equal to the cost of a replacement tree (including installation) as determined by the City may be made for the City to install replacement trees at a later date, as determined appropriate. Such funds shall be used only for replacement tree planting. (07/07)

b. The above provisions include and apply to all significant trees located on the subject property or on any adjacent public right-of-way. These requirements shall be applied to both public and private development.

D. Existing Vegetation. The landscape design shall also incorporate as much of the existing desirable vegetation on the site as is possible. (07/06)

E. One Percent for ~~Public~~ Amenities. One percent of the total cost of construction, reconstruction, refurbishment, remodeling, or alteration of any commercial or industrial building (not to include projects that are exclusively multi-family) shall be expended for the acquisition and installation of ~~public~~ amenities. Such amenities shall include such things as ~~public~~ site furniture, water features, ~~public art,~~ or other features specifically intended to be available to~~used by~~ the general public during the hours the business is open~~, even though they remain in private ownership~~. At the property owner's option, the owner may propose art for approval through the public art program. The value of the permanent art easement and artwork shall be credited against this requirement. In lieu of providing amenities, a property owner may choose, because of site constraints or minimal scope of a project, to pay into the City public art fund the amount so specified.

2.309.05 Screening and Buffering

A. Screening and Buffering. Screening and Buffering shall be used to mitigate visual impacts, dust, or noise, and to provide for compatibility between dissimilar adjoining uses. Screening and buffering shall be used to eliminate or reduce the impacts of the following uses: (07/06)

1. Commercial and industrial uses when abutting residential uses. (5/98)

2. Industrial uses when abutting commercial uses if necessary due to site conditions. (5/98)

3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas. (5/98)

4. Outdoor storage areas. (5/98)

5. Parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses. (5/98)

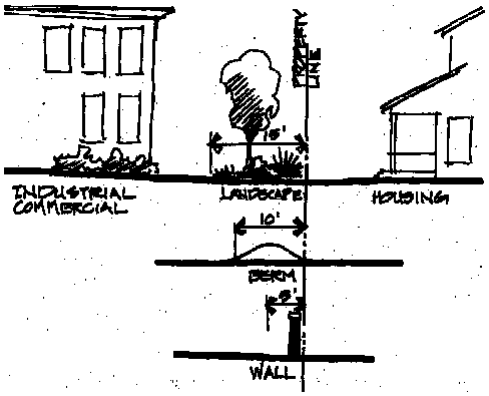
6. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners. (5/98)

7. Multifamily developments when abutting lower density residential uses. ~~Shall be used to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar adjoining uses~~. ~~(07/06)~~

B. Where screening or buffering is determined to be necessary, one of the following alternatives shall be employed: (07/06)

1. Width not less than 15 feet shall be planted with the following materials: (07/06)

   a. At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart. (5/98)



Alternative Buffering Techniques

   b. At least one row of evergreen shrubs that will grow to form a continuous hedge at least five feet in height within one year of planting. (5/98)

   c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area. (5/98)

2. Width not less than 10 feet shall be developed in accordance with the following standards: (07/06)

   a. Berm form should not slope more than 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary. (5/98)

   b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use. (5/98)

   c. The combined total height of the berm and hedge shall be not less than five feet. (5/98)

3. Width must not be less than five feet shall be developed in accordance with the following standards: (07/06)

a. A masonry wall or sight-obscuring fence not including vinyl slatted chain link fences not less than six feet in height. In addition, a fence shall be maintained in a safe and attractive manner. (07/06)

b. A mixture of lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area. (07/06)

4. Other alternative methods which produce an adequate screening or ~~buffering,~~buffering may be approved by the City. (07/06)

2.309.06 Planting and Maintenance

A. Planting Height. No sight-obscuring plantings exceeding 30 inches in height shall be located within any required vision clearance area in accordance with Section 2.312.09 of this Ordinance. (5/98)

B. Plant Materials. Plant materials shall not cause a hazard. Landscape plant materials over walkways, pedestrian paths and seating areas shall be pruned to a minimum height of eight feet and to a minimum height of 1~~3~~5 feet over streets and vehicular traffic areas. (5/98)

C. Utility Interference. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground. (5/98)

D. Installation. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic. (5/98)

E. Suitability. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems, and be sound, healthy, free from defects, diseases, and infections. (5/98)

F. Deciduous Trees. Deciduous trees shall have a minimum caliper of 2 inches (DBH), and a minimum height of 8 feet at the time of planting. (07/06)

G. Evergreen Trees. Evergreen trees shall be a minimum of 8~~6~~ feet in height and fully branched at time of planting. (5/98)

H. Shrubbery. Shrubs shall be supplied in a minimum 1 gallon containers or 8 inch burlap balls with a minimum spread of 12 to 15 inches. (5/98)

I. Ground Cover. Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container. (07/06)

J. Irrigation. All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over 1,000 square feet of landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials unless otherwise approved by the Zoning Administrator. Sprinkler heads shall not cause any hazard to the public. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks. (07/06)

K. Re-planting. Trees or shrubbery which die-off shall be replaced with a new plant of the same or similar type. Replacement is ~~ultimately~~ the responsibility of the property owner. (5/98)

L. Maintenance. Landscaping shall be continually maintained. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property. This requirement applies to existing, as well as new development. (5/98)

M. Plant Protection. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods. (5/98)

CITY COUNCIL MEETING: October 2, 2017

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: TIM WOOD, FINANCE DIRECTOR

SUBJECT: AUTHORIZATION FOR SUPPLEMENTAL BUDGET – ADA Transition Agreement with Mid-Willamette Valley Council of Governments

ISSUE:

The City is in contract negotiations with the Mid-Willamette Valley Council of Governments for the creation of an ADA Transition Plan. The ADA Transition Plan outlines the City's strategy for complying with the Americans with Disabilities Act (ADA). The Transition Plan will identify barriers for persons with disabilities and a schedule to remove those barriers over time. The ADA Transition Plan project is anticipated to be completed by December 31, 2018.

FISCAL IMPACT:

At the time the 2017-18 budget was developed it was not anticipated that the City would be entering into an agreement for the development of the ADA Transition Plan with the Mid-Willamette Valley Council of Governments. The total cost of the project is estimated to be approximately $28,500 of which $13,500 is anticipated to be due and payable in 2017-18. The General Fund has sufficient resources in excess of what was budgeted for 2017-18 to provide for the project.

RECOMMENDATION:

Staff recommends the City Council approve the attached resolution authorizing a supplemental budget to provide appropriations of $13,500 in the General Fund for the 2017-18 portion of the ADA Transition Agreement with the Mid-Willamette Valley Council of Governments.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON
Resolution R2017-_____

AUTHORIZATION FOR SUPPLEMENTAL BUDGET - ADA Transition Agreement with Mid-Willamette Valley Council of Governments

WHEREAS ORS 294 provides that a supplemental budget may be adopted when an occurrence or condition which had not been ascertained at the time of the preparation of a budget for the current year which requires a change in financial planning.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keizer, that the following appropriations be made for fiscal year ending June 30, 2018:

	Adopted/ Amended Budget	Adjustment		Revised Budget
		Increase	Decrease	
General Fund Resources	11,912,200	13,500		11,925,700
General Fund - Non-Departmental	2,090,400	13,500		2,103,900
To provide appropriations for the ADA Transition Agreement with Mid-Willamette Valley Council of Governments				

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

PASSED this ____ day of _____, 2017

SIGNED this ____ day of _____, 2017

_____
Mayor

_____
City Recorder

MINUTES
KEIZER CITY COUNCIL
Tuesday, September 5, 2017
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:
Cathy Clark, Mayor
Marlene Parsons, Councilor
Laura Reid, Councilor
Bruce Anderson, Councilor
Kim Freeman, Councilor
Amy Ryan, Councilor
Roland Herrera, Councilor
Youth Councilor Samuel Hernandez

Staff:
Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community Development
John Teague, Police Chief
Tim Wood, Finance Director
Tracy Davis, City Recorder

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

SPECIAL ORDERS OF BUSINESS

a. Constitution Week Proclamation

Mayor Clark thanked all first responders working on controlling the fires in Oregon and helping victims of Hurricane Harvey and asked everyone to keep in their hearts and prayers the people in the path of Hurricane Irma.

Ruby Pantalone, Keizer, and *Charlene Devine*, Salem, shared information about the Daughters of the American Revolution. Mayor Clark then read the proclamation and presented it to Ms. Pantalone and Ms. Devine.

COMMITTEE REPORTS

a. **Recommendation from Volunteer Coordinating Committee for Appointments to the Keizer Planning Commission and Mid-Willamette**

City Manager Chris Eppley announced that following publication of notice of vacancies on the Planning Commission and the Mid-Willamette Valley Community Development Partnership and acceptance of testimony from the applicants, the Volunteer Coordinating Committee unanimously recommended Crystal Wilson and Garry Whalen to fill the vacancies on the Planning Commission and John Morgan to fill the vacancy on the Mid-Willamette Valley Community Development Partnership.

Councilor Parsons moved that the Keizer City Council accept the Volunteer Coordinating Committee recommended appointments: Crystal Wilson and Garry Whalen (Positions 4 & 5 of the Planning Commission respectively) and John Morgan to the Mid-Willamette Valley Community Development Partnership. Councilor Freeman seconded. Motion passed unanimously as follows:

Valley Community Development Partnership

AYES: Clark, Reid, Parsons, Ryan, Freeman, Herrera and Anderson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

PUBLIC TESTIMONY

None

PUBLIC HEARINGS

Mayor Clark re-opened the Public Hearing.

a. Proposed Text Amendment Relating to Landscaping Requirements – Keizer Development Code (KDC) Section 2.309 (continued hearing from 8-21-17)

City Attorney Shannon Johnson reminded Council that this Public Hearing began at the last meeting but was extended to provide opportunity for additional testimony and questions. He pointed out changes that he had made for clarification. Community Development Director Nate Brown explained how the proposed 1% would be used to meet business owner obligations. He asked for Council direction on whether or not this requirement should apply to multi-family developments and fielded questions regarding flexibility, industry standards, maintenance and new development on River Road.

With no further testimony, Mayor Clark closed the Public Hearing.

Councilor Parsons moved to direct staff to prepare an ordinance for adopting the proposed text amendment relating to landscaping requirements with the exclusion of multi-family in the 1% requirement. Councilor Freeman seconded.

Discussion followed regarding the mandate on businesses and the cost of installation and maintenance, the effect this would have on attracting new businesses, quality of life, and enhancing and beautifying the community.

Motion passed as follows:

AYES: Clark, Reid, Parsons, Freeman and Herrera (5)
NAYS: Anderson and Ryan (2)
ABSTENTIONS: None (0)
ABSENT: None (0)

ADMINISTRATIVE ACTION

a. ORDINANCE – Amending Keizer Development Code Regarding Section 2.110 (Commercial

Mr. Johnson reminded Council that this matter had come before them on July 17 when they directed staff to prepare an ordinance allowing an adjoining 450 square foot sales area convenience store. The restroom/backroom area is approximately the same size; the overall structure is 900 square feet. This is included in the amended ordinance. He also explained that this is a text change allowing a conditional use in the restricted zone.

Councilor Parsons moved that the Keizer City Council adopt a Bill for an Ordinance Amending Keizer Development Code Regarding Section 2.110 (Commercial Mixed Use); Amending Ordinance 98-389 as amended. Councilor Freeman seconded.

Mixed Use); Amending Ordinance 98-389

Discussion followed regarding attracting businesses and intensifying development.

Motion passed unanimously as follows:

AYES: Clark, Reid, Parsons, Ryan, Freeman, Herrera and Anderson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

b. Soccer Field at Country Glen Park

Public Works Director Bill Lawyer reminded Council that Wayne Frey had requested permission from Council to build and maintain a soccer field at Country Glen Park with the Keizer Soccer Club providing back up maintenance and Salem Kiwanis Club providing supplies up to $500 for three years. This will be a neighborhood community soccer field. Staff supports this proposal and recommends Council approval. Mr. Johnson added that this is an allowed use in the current parks master plan.

Wayne Frey, Keizer, explained that he loved Keizer and wanted to make it even better by contributing to the community and creating and maintaining this soccer field. He provided details regarding maintenance and commitments from Keizer Soccer Club and Salem Kiwanis Club and fielded questions regarding parking and signage.

Councilor Parsons moved that the Keizer City Council accept the creation of a first-come, first-served neighborhood, community practice soccer field at Country Glen Park. Councilor Freeman seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Parsons, Ryan, Freeman, Herrera and Anderson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

A. RESOLUTION – Authorizing Finance Director to Enter Into Purchase Agreement with Trebron Company Inc. for Purchase of Sophos Email Protection
B. Approval of August 7, 2017 Regular Session Minutes
C. Approval of August 14, 2017 Work Session Minutes

Councilor Parsons moved for approval of the Consent Calendar. Councilor Freeman seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Parsons, Ryan, Freeman, Herrera and Anderson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

COUNCIL LIAISON REPORTS

Councilor Anderson reported on the August Chamber lunch and announced the upcoming Salem-Keizer Education Foundation Awesome Awards. He added that McNary Youth Football kicks off this weekend and stated that he would not be at the next Council meeting.

Councilor Herrera reported that he had volunteered for the Little League World Series softball tournament. He commended the amphitheater free concerts and the LDS Church for their community efforts, announced that this is the 20th anniversary of McNary's first state championship and urged community support for the McNary football team.

Councilor Parsons announced the Parks Tour, Parks Board and Planning Commission meetings and the Commissioners breakfast. She noted that she would miss the next Council meeting.

Councilor Reid added to Councilor Anderson's Chamber Lunch report and announced McNary Band Day and that McNary students are collecting bottles, cans and cash donations. She added that her goal is to fill all the student liaison positions on City committees and urged home and private school students to contact her or find the information on the City website.

Councilor Freeman congratulated the Volcanoes, welcomed Youth Councilor Sam Hernandez, announced upcoming West Keizer Neighborhood Association and Traffic Safety/Bikeways/Pedestrian Committee meetings and openings on various City committees, and added that she would not be at the next Council meeting due to work commitments.

Councilor Ryan congratulated the Volcanoes, McNary football team, the Ducks and the Beavers, commended first responders, and announced the upcoming concert at the Keizer Rotary Amphitheater.

Youth Councilor Sam Hernandez introduced himself, announced the results of the 50/50 raffle, noted that school had started for freshmen, and encouraged everyone to donate recyclable cans and bottles for the benefit of the McNary Band.

Mayor Clark announced opportunities to participate in Habitat for Humanity builds and the next Coffee with Cathy and noted that she had met with Gator & Denise along with Colleen Busch from the Transit Board. She reviewed upcoming meetings including the Mid-Willamette Area Commission on Transportation, 9/11 Remembrance, Strategic Economic Development Corporation and the Bike Repair Station dedication.

OTHER BUSINESS

Chief Teague reminded everyone that the 'Distracted Driving' law goes into effect on October 1. This law prohibits holding a cell phone while driving.

Public Works Director Bill Lawyer announced that the Big Toy would be closing Friday, September 8 until October 15 for removal of woodchips and installation of the rubber fall surface. Chips from the Big Toy will be used in

other area parks.

Community Development Director Nate Brown gave a progress report on the Education Outreach and Keizer Revitalization Plan grants.

WRITTEN COMMUNICATIONS

Mayor Clark read a note thanking Keizer employees Andrew Copeland, Tyler Wampler, Shane Witham and Ben Crosby and citizen Ken Gierloff for their efforts in resolving a neighborhood issue.

AGENDA INPUT

September 11, 2017

5:45 p.m. - City Council Work Session

- Parks Tour

September 18, 2017

7:00 p.m. City Council Regular Session

October 2, 2017

7:00 City Council Regular Session

ADJOURNMENT

Mayor Clark adjourned the meeting at 8:38 p.m.

MAYOR: APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

Councilor #2 – Kim Freeman

Councilor #5 – Amy Ryan

Councilor #3 – Marlene Parsons

Councilor #6 – Bruce Anderson

Minutes approved:_____

Written Communications/Testimony and Submitted Documents

Bob Devore
handout
10-2-17

Definition of a Senior Citizen
http://legal-dictionary.thefreedictionary.com/Senior+Citizens

Elderly persons, usually more than sixty or sixty-five years of age.

Senior age requirements for a senior reduced rate at:

National parks
Senior Citizens (**62**)

State of Oregon Property Tax Deferral Program
Senior Citizens **62** years old or older

When comparing to similar fees charged by other cities and governmental agencies I found on their websites.

Silverton, **Oregon** Marine Park & Reservoir
Seniors (**60** and older) 25% fee discount

Dallas Oregon
Senior (**60+**) 18% fee discount

Stayton, Oregon
Senior (**59+**) 33% fee discount

Salem, Oregon offers a discount on the wastewater portion of a persons utility bill to senior citizens at the age of (**62**) 15.5% fee discount

Salem-Keizer Area Public Transit "Cherriots"
Senior **(60)** 50% fee discount

10-2-17
CC

Exhibit A

Alternatives	**Pro's**	**Con's**	**Language Change to 2.309.04.E (page 4)**
Develop a valuation Cap to even out the disparity between "expensive" construction and others.	Would create less burden for expensive construction (ie Dental offices)	Would not capture as much resources	Insert "up to $0.70 per square foot" after the phrase "or alteration of any commercial or industrial building"
Exempt Keizer Station	Would acknowledge the public amenities already created in KS	Equity—all businesses in Keizer have shared in such things as the Urban Renewal District (though to a lesser degree)	Insert "except for Keizer Station Area A, and Area A Sports and Activity Center"
Establish an Exemption granted by Council based on adopted Criteria	Would create more flexibility and would give the ability for Council to pursue specific targets.	Equity. (All economic development is beneficial difficult to distinguish between).	Delete section "E" and direct staff to prepare a proposal for criteria to exempt the public amenities and return with new language.
"Marry" the 1% to costs of compliance with other Standards	Would acknowledge impact of other costs required.	Would give the appearance of ranking standards one above another. Introduces subjectivity.	Delete Section "E" and direct staff to prepare a proposal to identify which standards would be appropriate.

10-2-17
CC

From: Darren Bloch [mailto:darren@blochproperties.com]
Sent: Monday, October 02, 2017 2:57 PM
To: Brown, Nate <brownn@keizer.org>
Cc: Johnson, Shannon <JohnsonS@keizer.org>
Subject: 1% Landscaping assessment

Nate,

As you know I'm the Landlord of Schoolhouse Square. I'm emailing you regarding today's council hearing on the 1% assessment you're considering imposing on tenant improvements. I understand the city's position on trying to get property owners to improve landscaping. Applying a tax based on the value of T.I.'s is a flawed approach which will have unintended consequences. Here are the problems with it:

- **Wrong party footing the bill** - Most commercial tenant improvement work is paid for by business owners. Most of the T.I. work performed at Schoolhouse Square was paid for by the tenant, including all permitting costs. Assessing this 1% fee to the tenant is unfair because the city is requiring the tenant to make a capital improvement for the benefit of the Landlord.
- **Anti-Business** – Adding a tax can only discourage businesses from wanting to locate to Keizer. This is also very unfortunate timing for Schoolhouse Square. I'm currently working with a prospective national tenant for the Roth space and they are in the process of space planning and estimating how much it will cost to convert this space to their use. I'm competing with other locations (none of which are in Keizer). The potential cost of these improvements could be in excess of $2.5M. This 1% tax would equate to a fee of around $25K which is not going to help this tenant want to locate in Keizer.
- **Arbitrary** – I can't see the logic in requiring an exterior improvement based on the value of an interior improvement.
- **Existing conditions** – All real estate is different. This code should take the existing conditions of the landscape improvements into consideration when determining any fee. Taking Schoolhouse Square for example. We just finished paying for substantial landscape improvements and we were very accommodating to the city's desires during the construction of a new pad building on our property. If you pass this new code, I feel like we would be double taxed and forced to make unnecessary improvements.

Thank you for taking this into consideration.

Sincerely,

Darren Bloch
425 451-3660