

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
URBAN RENEWAL AGENCY
OF THE CITY OF KEIZER

Monday, October 1, 2001

6:15 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

This time is provided for citizens to address the Urban Renewal Agency on any matter not scheduled for public hearing.

4. PUBLIC HEARING

5. ADMINISTRATIVE ACTION

- a. City Monument/Focal Point Proposal for Corner of River/Chemawa Roads
(former Unocal Site)**

6. CONSENT CALENDAR

- a. Approval of Urban Renewal Agency Minutes of September 4, 2001**
b. Approval of Urban Renewal Agency Minutes of September 17, 2001

7. OTHER BUSINESS

This time is provided to allow Urban Renewal Agency members the opportunity to bring matters before the Agency that are not on tonight's agenda.

8. ADJOURN

Upon request, auxiliary aids and/or special services will be provided to participants with disabilities. To request services, please contact us at (503) 390-3700 at least two working days (48 hours) in advance.

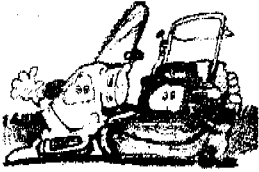


URBAN RENEWAL AGENCY BOARD

October 1, 2001

AGENDA ITEM 5a

**CITY MONUMENT/FOCAL POINT FOR CORNER OF
RIVER/CHEMAWA ROADS (FORMER UNOCAL SITE)**



KEIZER OUTDOOR POWER EQUIPMENT

"Your Complete Source for Lawn & Garden Equipment"

120 Chemawa Rd. N

(503) 393-6471 -- (503) 393-3035 fax

Keizer, OR 97303

September 27, 2001

Mayor Lore Christopher
City of Keizer
P.O. Box 21000
Keizer, OR 97307-1000

Dear Mayor Christopher,

With this letter I am asking the Mayor and the City Council to give me an opportunity to present what I believe to be a valid option for the purchase of a portion of the property located at the corner of Chemawa Road North and River Road North.

In the past, there may have been several misconceptions, misunderstandings, and inaccurate reports regarding my attempts to purchase this property. For the benefit of anyone that may be unaware of the history of my transactions, I would like to present a little background information.

In early 2000, I approached then City Manager, Wally Mull, about the possibility of purchasing the corner lot for the much-needed expansion of my growing business. Over time Wally and I had several conversations regarding a purchase. It was my understanding that he had spoken with some of the councilors and we eventually agreed upon a proposal that I felt would be acceptable and beneficial to my business and the City of Keizer. At Wally's request I provided professionally produced landscape architect's drawings to show what I envisioned for the property. Wally retired before the transaction was completed and it was stated by some, that I had been attempting an underhanded deal to circumvent the rules of the City. This could not have been farther from the truth. I was unaware that any of the administrative procedures had not been followed until later. I had intended and assumed that my proposal was in accordance with the rules and regulations set forth by the City. Unfortunately, the newly seated council felt they needed to re-open the offer of the property to ensure all city regulations and administrative procedures would be followed.

My second attempt to purchase this property began in April 2001 when the City's Urban Renewal Agency distributed a request for bids to purchase the property. The bid package specifically stated that any modification to the Sale Agreement would render the bid void. While this bid package may have made sense to the authors, it left many unanswered questions that needed to be clarified before a sound proposal could be submitted. Knowing that my bid could be rejected, I did not feel comfortable submitting a proposal with so many unknowns. I submitted my bid, with an addendum, in an attempt to gain clarity while still showing a sincere desire to purchase the property, not to make additional, unjustified demands on the City. Although my bid was rejected, City Attorney, Shannon Johnson, did suggest in his memo to the Urban Renewal Agency dated May 7, 2001, that staff should consider negotiating a sale with me outside the bid process.

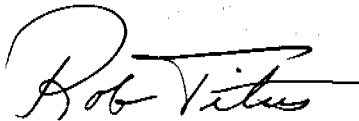
Based on Shannon's recommendation I propose reopening the discussions and would like to suggest an option that I feel will meet the desires of those that want to establish a focal point for the community and still provide the space I need to continue business in the City of Keizer.

With this option, I suggest the City retain ownership of the portion of the property that they need to establish a focal point. Keizer Outdoor Power Equipment (KOPE) would purchase the remainder of the property for our needs, which would include an improved, safer, traffic flow between our business and Chemawa Road. I would purchase as much of the property as the city is willing to sell, with the minimum being forty to fifty feet. I need this minimum to achieve the proper traffic flow and beautify that side of my building. If the portion of property I purchase is the minimum, the City's focal point would need to suffice as the corner's landscaping and no additional landscape requirements would be necessary for KOPE's portion. With this option, KOPE would be granted a lot line adjustment to their existing property that would encompass the portion sold to KOPE. In return, KOPE would agree to the City's prior proposed construction of a bike path in front of the business.

Keizer Outdoor Power Equipment is a thriving, growing, business that has been in the same place and supported the community of Keizer for over forty years. As my business continues to prosper and grow, I am finding it increasing difficult to accommodate my customers in my current location and must entertain all options for future growth. I feel that my suggestions would accommodate the needs of KOPE and provide a much needed solution for this corner.

I would appreciate the council reconsidering the status of this property and look forward to finalizing a proposal that will benefit both Keizer Outdoor Power Equipment and our community.

Sincerely,



Rob Titus,
President of Keizer Saw and Mower, Inc.
d.b.a. Keizer Outdoor Power Equipment

cc Charles E. Lee, Councilor
Jacque Moir, Councilor
Jerry McGee, Councilor
Judy K. Smith, Councilor
Ray Kelly, Councilor
Richard Walsh, Councilor
Chris Eppley, City Manager
Scotta Callister, Keizer Times



URBAN RENEWAL AGENCY BOARD
October 1, 2001

AGENDA ITEM 6a

APPROVAL OF URBAN RENEWAL AGENCY MINUTES
SEPTEMBER 4, 2001

MINUTES
KEIZER URBAN RENEWAL AGENCY
Tuesday, September 4, 2001
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Chair Christopher called the regular meeting to order at 6:00 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Chair
Ray Kelly
Charles E. Lee
Jerry McGee
Jacque Moir
Judy Smith
Richard Walsh

Staff:

Chris Eppley, City Manager
Rob Kissler, Public Works Director
Shannon Johnson, City Attorney
Tracy Davis, City Recorder

PUBLIC TESTIMONY

Stan Compton, 306 Crystal Springs Lane, Keizer- spoke as a member of the Urban Renewal Advisory Board. He provided a history of discussions from the Board regarding the Unocal property. Mr. Compton urged the Agency to move forward with a plan to complement the intersection.

Responding to questions, Mr. Compton indicated that the Urban Renewal Board had no formal details for the property only the discussion of various design ideas. With additional questions Mr. Compton indicated, in his opinion, that he felt the coordination of the development of the property should be left at the Agency level.

Jerry McGee shared that he had attended the last two Urban Renewal Meetings which he got the feeling that individuals showed interest in assisting with the development of the property, although as a group he felt they were not eager to take on the project.

Mr. Compton answered additional questions from the Agency providing further history from the 21st Century Plan regarding the property and his recollection of earlier

PUBLIC HEARING

ADMINISTRATIVE ACTION

a. Property Located at Southwest Corner of River/Chemawa Road (former Unocal site)

discussions.

Chair Christopher thanked Mr. Compton for his testimony.

None

City Manager Eppley reported that on Monday, August 20, 2001 the Council adopted a motion to refer to the Urban Renewal Agency a design concept for a City focal point on the Unocal property.

Jerry McGee moved a motion to design a concept for a City focal/identity monument at the Unocal lot. The design was included in an earlier motion by reference. Jacque Moir seconded the motion.

The design would be as noted below:

1. A replication of the gateway monument located at River Road and Broadway.
2. The "new" monument would not have trees in the center of the circle, but rather three lighted flagpoles of proportional height.
3. Across the top of the ramparts would be a "ring nozzle" water feature.
4. The brick used should be similar to that used by Shari's, Walgreens and the School House Square.
5. The slant of the apron of the monument would be the same as the Broadway monument.
6. The flower strips would be proportionate to the size of the monument.
7. A public process would determine the wording on the plaques.
8. The lot would be bordered on both street sides by gentle rolling berms (similar to Shari's)
9. There would be appropriate trees separating the lot from the neighbor to the west.

The remainder of the lot would be lawn.

Jerry McGee supplied a history of why the Council voted to purchase the property.

Chair Christopher noted that she attempted to contact Mr. Titus but did not receive a return call.

Richard Walsh followed the motion with questions

regarding the financing for the design concept.

Jerry McGee indicated that if the first motion passed his second motion would be to request that \$10,000 from Gateway signs in the Urban Renewal Budget to be re-designated for engineering and design of the project. He testified that he felt corporate sponsorships could be used to assist with the maintenance of the project.

Richard Walsh moved a friendly amendment to the motion to include the conditions for up to \$10,000 for the design and engineering with private donations for the development and maintenance of the site with a 12-month time-line to bring the private donations together. Jerry McGee accepted the amendment to the motion.

Judy Smith reported that she had contacted a landscaping company who indicated that it would cost approximately \$2,000 for the prep-work that would need to take place before any grass or sod could be laid. She urged the Agency to at least have sod placed this year to improve the appeal of the area.

Jerry McGee spoke against this stating he felt money could be better utilized if the project was detailed and funding was addressed prior to the addition of sod.

City Attorney Shannon Johnson suggested that the design be brought back to the Agency prior to adoption of the design plan. He also asked the Agency who or what body would be directing the design plan.

Jerry McGee stated that he felt the general concept as written in his original motion would be his intent with modification as needed.

Public Works Director Rob Kissler felt that using the ten suggestions as outlined by Jerry McGee would be a good starting point for the design.

After further discussion Charles Lee asked if the design work was completed for under \$10,000 if the remainder of these funds could be used for other parts of the project.

Chair Christopher indicated this could not be done as stated by the motion.

Charles Lee made a friendly amendment to appropriate

up to \$10,000 for the engineering of the project with any remaining funds from this designation to go towards the completion of the project.

City Attorney Shannon Johnson indicated that he would work with staff to bring back any amendment to the Agency of the Urban Renewal Plan.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

- a. **Approval of the June 18, 2001 Urban Renewal Agency Regular Session Minutes**
- b. **Approval of August 14, 2001 Urban Renewal Agency Regular Session Minutes**

Jacque Moir moved for approval of the Consent Calendar.
Judy Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS

Public Works Director Rob Kissler provided an exhibit outlining the urban renewal boundary along Cherry Avenue and Alder Drive. He noted reductions from the street fund for the Alder Drive project and allotting urban renewal funds to appropriate areas of the Alder Drive project would free up funds that could be used in some fashion for the development of the jug handle.

Mr. Kissler noted that in the next two weeks he would provide calculations and costs of how this could be done.

ADJOURNMENT

The meeting was adjourned at 6:47 p.m.



URBAN RENEWAL AGENCY BOARD
October 1, 2001

AGENDA ITEM 6b

**APPROVAL OF URBAN RENEWAL AGENCY MINUTES
SEPTEMBER 17, 2001**

MINUTES
KEIZER URBAN RENEWAL AGENCY
Monday, September 17, 2001
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Chair Christopher called the Urban Renewal Agency meeting to order at 6:17 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Chair
Ray Kelly
Charles E. Lee
Jacque Moir
Judy Smith

Absent

Jerry McGee
Richard Walsh

Staff:

Chris Eppley, City Manager
Rob Kissler, Public Works Director
Tracy Davis, City Recorder

PUBLIC TESTIMONY

No public testimony was brought before the Agency.

PUBLIC HEARING

No public hearings were brought before the Agency.

**ADMINISTRATIVE
ACTION**

**a. RESOLUTION-
Authorizing City
Manager to Award Bid
for Alder Drive
Improvements (Storm
Drainage-Urban
Renewal District
Portion)**

Public Works Director Rob Kissler reported that bids were recently opened for the Alder Drive NE Street Improvements. He noted that included in the bid documents was an alternate for additional storm drainage improvements, which would place the city near compliance regarding the new treatment standards for storm water. Mr. Kissler indicated that the bid alternate was not recommended for award until staff could evaluate an appropriate method for financing the improvement.

Mr. Kissler noted the Schedule of costs with \$72,500.00 being allocated from Urban Renewal Funds, \$175,000.00 from the ODOT grant and \$295,000.00 from the street fund. Staff recommended that the Agency adopt the resolution for the construction of Alder Drive NE street and drainage improvements.

Jacque Moir moved a Resolution Authorizing the City Manager to Enter Agreement with Morse Bros Construction for Alder Drive Improvements. Judy Smith seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, Moir and Smith (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Walsh (1)

CONSENT CALENDAR

Nothing was on the Consent Calendar

OTHER BUSINESS

No Other Business was brought before the Agency.

ADJOURNMENT

The meeting was adjourned at 6:26 p.m.

APPROVED:
CHAIR:

Cindy Perry
Recording Secretary

Lore Christopher

AGENCY MEMBERS:

Judy K. Smith

Jacque Moir

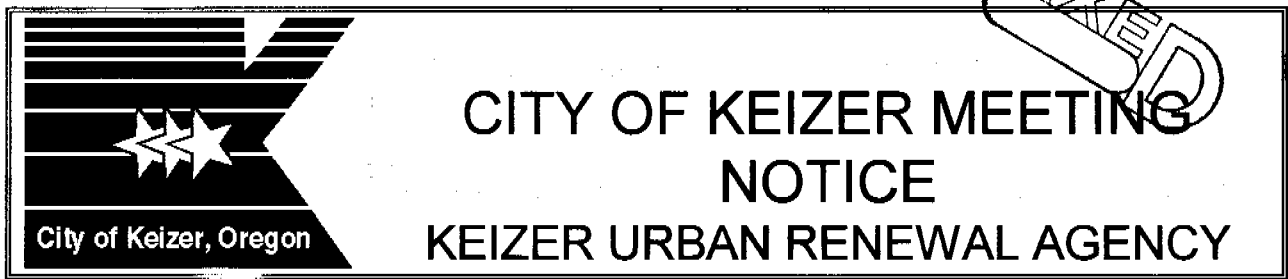
Ray Kelly

Charles E. Lee

ABSENT
Richard Walsh

ABSENT
Jerry McGee

Minutes approved:



The Keizer Urban Renewal Agency will meet on **Monday, October 1, 2001 at 6:15 p.m.** This meeting will be held in the Robert L. Simon Council Chambers at Keizer City Hall, 930 Chemawa Road NE, Keizer, Oregon. The Agency will discuss the community monument/focal point proposed for the corner of River/Chemawa Roads (former Unocal site).

This location is accessible to the disabled. Please contact City Hall if special arrangements are necessary. Questions regarding this meeting may be directed to Chris Eppley, City Manager at 390-3700, extension 102.

DATED this 27th day of September 2001.

Tracy L. Davis, CMC
City Recorder

NOTICE FOR INFORMATIONAL PURPOSES ONLY

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 1, 2001
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. COMMITTEE REPORTS

- a. Gateway Project Presentation by Brooks Historical Society and Willamette Valley Model Rail Road Club**
- b. City of Salem Waste Water Facility Plan – Presentation by Frances Kessler**
- c. Council Liaison Reports**
 - **Library Services Task Force – Councilor Walsh**
 - **Keizer Urban Renewal Board – Councilor Walsh**
 - **Parks Advisory Board – Mayor Christopher**
 - **Claggett Creek Watershed Council – Council President Moir**
 - **Emergency Operations Committee – Council President Moir**
 - **Salem-Keizer Area Transportation System (SKATS) – Councilor Smith**
 - **Bikeways Committee – Councilor Smith**
 - **Traffic Safety Commission – Councilor Smith**
 - **Southeast Keizer Neighborhood Response Council – Councilor Lee**

5. 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

6. PUBLIC HEARINGS

- a. Development Review Appeal – Skyline Ford
- b. Legislative Amendment to Redesignate Chalmers Jones Park and Clarify Boundaries (cont from 098/17/01)

7. ADMINISTRATIVE ACTION

- a. RESOLUTION – Extinguishing Easement Near Jack Street and Rivercrest Drive

8. CONSENT CALENDAR

- a. Approval of September 10, 2001 Work Session Minutes
- b. Approval of September 17, 2001 Regular Session Minutes

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

10. AGENDA INPUT

October 8, 2001

5:30 p.m. City Council Special Session

- Proposed Infill and Redevelopment Master Plan Public Hearing
(continued from 09/24/01)

October 15, 2001

7:00 p.m. City Council Regular Session

October 22, 2001

5:30 p.m. City Council Special Session

- Proposed Infill and Redevelopment Master Plan Public Hearing
(continued from 10/08/01)

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 1, 2001

AGENDA ITEM 4a

GATEWAY PROJECT PRESENTATION BY BROOKS HISTORICAL
SOCIETY AND WILLAMETTE VALLEY RAIL ROAD CLUB

Gateway Project? Ready, Set, Go!

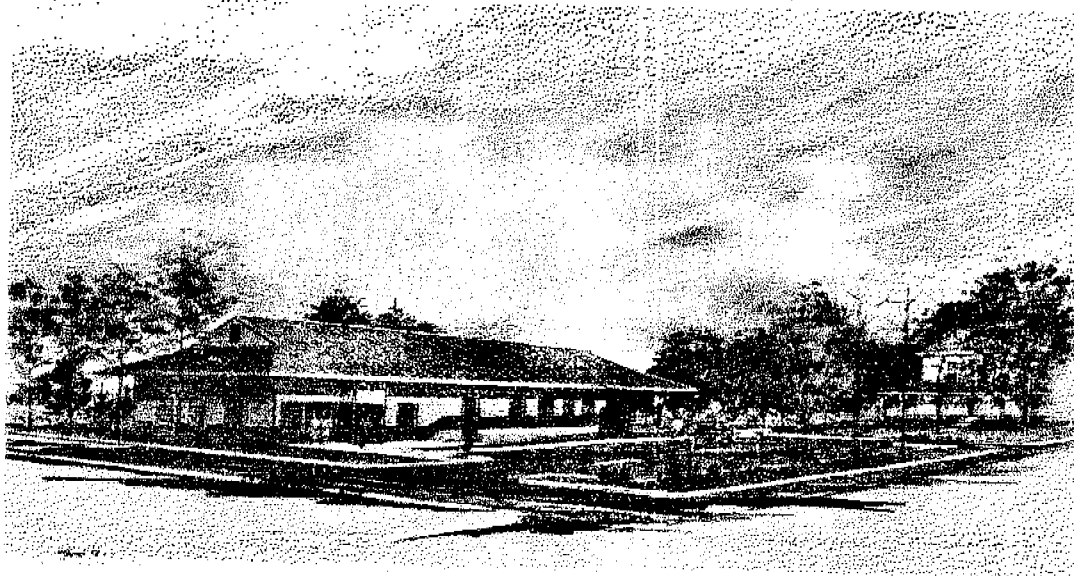
By

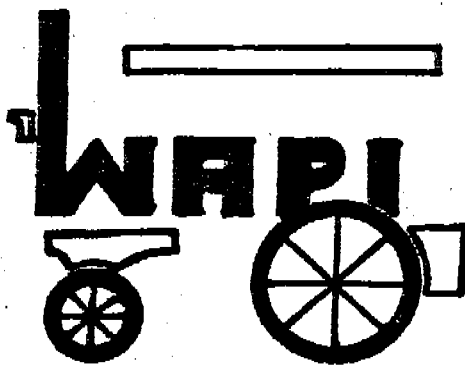
Judy MacInnes, VP
Willamette Valley Model Railroad
Club and Operating Museum

The Gateway Project is ready to begin the process of gathering revenue after nine months in the planning stages. The vision of the Gateway to Antique Powerland has jumped off the drawing board and been transformed into a pile of documents. These documents have been organized, scrutinized, and will soon be ready to send off to funding sources. The dream will become a reality within the next two years.

The Gateway Project will consist of a new entrance, a railroad museum, and a community/interpretive center. The entrance will include paved and landscaped parking with accommodations for tour busses. The building will be located at the southeast entrance to Antique Powerland. It is about sixty feet wide by one hundred forty feet long, extending into the parking lot. The building will look similar to a Southern Pacific Station design number twenty-one. The station part will be approximately 3000 sq.ft. It will house displays introducing guests to attractions and museums on site, as well as, a visitor's center directing guests to attractions in the area. There will be room for meetings, a coffee room, and restrooms. Guests will be able to buy a ticket for a trolley ride that includes a guided tour of Antique Powerland. Guests will also be able to stop and visit each museum. The freight station area will have a model train museum containing a historical model of railroading in Oregon.

This project has been a collaboration of partner museums: Oregon Electric Railway Museum, Pacific Northwest Truck Museum, Wheelwright Museum, Fire Apparatus Museum, APMA, and the Willamette Valley Model Railroad Club. If you would like to contribute with funds, materials, or helping hands, please contact Charlie Philpot at 503-393-2424 or Judy MacInnes at 503-581-6071, macinnej@open.org. If you would like to visit the Willamette Valley Model Railroad Club at our current location, 4496 River Rd. N., in Keizer, our meeting night is Thursday from 7:30-9:00 pm or call us for a Sat. or Sunday visit 503-581-6071.





NEWS

3995 BROOKLAKE RD. N.E.
BROOKS, OREGON 97303

July 1, 2001

□□□

STATUS OF ANTIQUE POWERLAND MUSEUM ASSOCIATION

The Antique Powerland Museum Association (APMA) became a corporation in March. Since then applications for Federal tax exempt status (501(c) 3) and County Property tax exemption have been submitted and are being reviewed. The APMA Board has met twice and will continue to meet on the first Sunday of each month. Partner museums are encouraged to send representatives to Board meetings.

The management and working structure of APMA includes several working committees that report to the Board. For example, the Development Committee, which has actually been active for 6 months was recently chartered by the Board to be responsible for raising funds and securing donations for Antique Powerland. The Development Committee has built a major funding campaign package that includes about \$2-1/2 million worth of improvements for Antique Powerland. The highest priority is the 'gateway' project that includes an orientation/entrance building that will also house the Willamette Valley Model Railroad Club, ticket counter for the Oregon Electric Railway Museum, featured exhibits, event facilities, paved parking, new entry gate and landscaping. An artist's rendering of the project is included with this newsletter.

The next committee to be chartered will be the Site Committee. This committee grew out of the Steam-up 2000 committee, chaired by Julius Dalzell. The Site Committee will provide for both communication among the partner museums and direct advice to the APMA Board. The committee is discussing several important projects, including develop-

ment of the APMA Membership program, The APMA newsletter and an APMA museum guide. Hopefully, all partner museums will have representatives on this committee, chaired by Rob Lewis.

There are critical personnel needs to help APMA achieve it's goals. Someone is needed to manage the volunteer program. A volunteer is needed to manage the membership program. An editor is needed to design and publish the APMA newsletter.

A site manager and an events manager are two positions being explored by the APMA Board. The highest priority is the site manager, a person responsible for maintaining and improving Antique Powerland. Details on compensation are not completed, but anybody that might be interested in this position is encouraged to contact, Charlie Philpot.

Charlie Philpot - Board Member
503-625-5758

□□□

OREGON STATE FAIR

Dave Kromer is in charge of putting together a display for Antique Powerland at the Oregon State Fair. He will be sending out letters to all of our member organizations asking for help in setting up a farm related and agriculture display.

He will need equipment, help in transportation, security and need people to explain the display over the duration of the Fair.

Anyone interested in displaying at the Fair or helping out should contact Dave Kromer 503-623-3316

He ypts

**AND VISITOR CENTER**

Antique Powerland Museum
Attn: Charley Philpot
3995 Brooklake Rd NE
Brooks, OR 97303

September 7, 2001

Brooks Historical Board:

On August 8th, 2001 Representatives from the Brooks Historical Society and Antique Powerland Museum made a presentation to the Keizer Chamber Board of Directors asking for a partnership and support of a visitor center at Powerland. Janet Porter made a motion to the Chamber Board to partner with Antique Powerland and Brooks Historical Society in a reciprocal relationship to assist in the mutually beneficial promotion and support of each other. The motion passed unanimously with the understanding that we would not be required to fund any portion of their operation but would occasionally be asked to provide volunteers to operate the Satellite Visitor Center for various events such as "The Great Oregon Steam-Up". Following the presentation Janet Porter made a motion to partner with Antique Powerland and the Brooks Historical Society in a reciprocal relationship to assist in the mutually beneficial promotion and support of each other. The motion passed unanimously.

We look forward to this partnership and request from Brooks Historical the dates that they would like us to have volunteers at the Satellite Visitor Center.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Jones".

Christine Jones
Executive Director
Keizer Chamber of Commerce

Phone (503) 393-9111

Fax (503) 393-1003

www.keizerchamber.com

Email keizercc@keizerchamber.com

980 Chemewa Rd. NE

Keizer, Oregon 97303



October 1, 2001

AGENDA ITEM 6a

DEVELOPMENT REVIEW APPEAL – SKYLINE FORD

MEMO TO: Mayor Christopher and City Councilors
THROUGH: Chris Eppley, City Manager
FROM: Maria C. Meier, Planning Director
RE: Development Review for subject property located at 3555 River Road N.
DATE: September 27, 2001

BACKGROUND:

Section 2.315 Development Standards of the Keizer Development Code requires all new commercial development to comply with the design standards required in Section 2.315.08 Development Standards of the Keizer Development Code.

Pence Kelly Construction, LLC. submitted an application for Development Review on behalf of Skyline Ford for remodeling of a structure located at 3555 River Road N (Old movie theater), as required in Section 2.315.05 Applicability of Development Standards. The subject property is located in the Commercial Mixed (CM) zone. The use is a automobile sales lot. Surrounding properties to the north, south, and east of the subject property are also zoned CM. The property to the west of the subject property is zoned Residential Medium Density (RM).

Section 2.315.08(B)(4) states, "*Material and Texture.*

- *All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding.*
- *Building trim shall be wood, brick, stone, stucco, or metal.*
- *Any roofing material is allowed including metal roofs.*
- *Plain concrete block, plain concrete, corrugated metal, plywood and sheet press board may not be used as exterior finish materials."*

The City of Keizer processed a Development Review application for the subject property in September 2000. The application was signed by the property owner representative for Skyline Ford, and the agent was listed as Tina Barnes with Settecase Architecture. Please find attached a copy of the Development Review Approval with Conditions (Exhibit B) and letter responding by Settecase Architecture (Exhibit C). The Development Review conditions of approval were also placed on the building permit for approval. During the

course of construction metal siding was placed onto the structure, which exists on the structure today. This specifically does not conform to Section 2.315.08(B)(4) Material and Texture. The applicant proposes to keep the metal siding, which does not meet this design standard.

Section 2.315.04 C Review Procedures for Development Review states when an applicant wishes to propose an alternative to the Development Standards, they may request for a formal review by the Planning Commission. Section 2.315.10 Criteria for Development Review states the Planning Commission, or City Council upon appeal, may approve the proposed design alternatives, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. The Planning Commission reviewed the given application in relationship with the purpose identified at the beginning of Section 2.315.01 Development Standards; Purpose of the Keizer Development Code. The Planning Commission concluded the applicant's request did not meet this section of the Development Code and therein denied the applicant's request to maintain the metal siding on the structure.

The applicant has appealed the Planning Commission decision for City Council consideration. Please find attached the appeal request by the applicant, including photos and article.

RECOMMENDATION:

It is recommended that the City Council have a discussion about the required standard in Section 2.315.08 B (4) Materials and Texture with reference to the proposed alternative design by the applicant for an industrial building. It is recommended that the City Council consider the purpose of this section and to make a final decision.

ATTACHMENTS:

- Exhibit "A" Section 2.315 DEVELOPMENT STANDARDS
- Exhibit "B" Development Review Approval
- Exhibit "C" Responding Correspondence from Agent
- Exhibit "D" Planning Commission Minutes
- Exhibit "E" Planning Commission Decision Letter dated September 13, 2001
- Exhibit "F" Appeal letter from Applicant dated September 24, 2001
 - Photos submitted by Applicant (black & white copies: color copy to be available at Council meeting)
 - Article submitted by Applicant

Two items will be presented at the Planning Commission meeting: 1) Elevation Drawings of Structure; 2) Sample of Metal Siding.

MEMO TO: Mayor Christopher and City Councilors

THROUGH: Chris Eppley, City Manager

FROM: Maria C. Meier, Planning Director *mm*

RE: Staff Response to Agent Statements

DATE: September 27, 2001

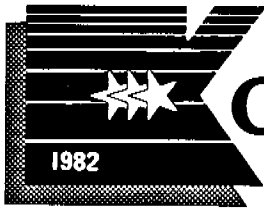
On page two of the applicant's appeal request to Council, the applicant indicates that staff did not inform the Pence Kelly representative (agent for application) of the meeting. The Development Review application was signed by the applicant (and dated by applicant), submitted to the City, and receipted on August 9th.

According to my records, I spoke with Brad Barcroft, Pence Kelly representative, on August 15th and September 4th. During both discussions, I stated that the Planning Commission meets once a month regularly every second Wednesday of the month and that the next Planning Commission meeting was on September 12th. Brad Barcroft did call me on September 4th asking if the meeting was the next day on the 5th, and I clarified that the meeting was not until the following week on September 12th. I then received another call from Brad dated September 10th. I attempted to return the call twice and no answer occurred.

The Planning Commission meeting was held and no representative for the applicant attended. I specifically stated to the Planning Commission that I had been working with Brad Barcroft as the agent for the application, and that I believed he planned to attend the meeting and that I was not aware if there were any unforeseen circumstances due to recent events for him not to attend the meeting. While I do not believe the Planning Commission made their decision based on any lack of representation, the Commission did express regret that the agent was not available for questions. Although the Planning Commission review was not a public hearing, the applicant has an opportunity to request a change to the development review standards.

Staff mailed the agenda and staff report separately to the agent. Staff also mailed a copy of the decision following the Planning Commission decision. Unfortunately, for reasons unknown, the City received mail back labeled "Return to Sender Not Deliverable As Addressed" by the US Mail – the City received this correspondence back the week after the Planning Commission meeting took place. When I received the "Undeliverable" mail, I called Brad and confirmed the mailing address. The address written on the returned mail matched the application and was confirmed by Brad.

Although I recall and my records confirm spoken conversations with the agent, it is possible the written notice was not successfully received in the mail.



City of Keizer

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September 27, 2000

Pence Kelly Construction L.L.C.
ATTN: Brad Barcroft
P.O. Box 4109
Salem, OR 97302-8109

RE: Refund processed for appeal funding.

Dear Mr. Barcroft:

In your request for appeal to the City Council, you requested a refund for the check you paid to the City in the amount of \$280.00. Please find attached a copy of a refund request I have submitted to the Finance Director. In this memorandum, I have requested a refund for the amount paid due to the lack of specific recognition in the adopted City fee ordinance for an appeal of a Planning Commission decision. Development Review is a new type of land use application in the Keizer Development Code, and through this appeal process I recognized that the fee ordinance did not reflect an appeal of a Planning Commission decision. Therefore, it is not appropriate for the City to accept any funds for this portion of the review process.

This refund will be processed within the next two weeks. I apologize for any inconvenience this may have caused.

Sincerely,

Maria Meier
Planning Director

Cc: Susan Gahlsdorf, Finance Director
Chris Eppley, City Manager

To: Susan Gahlsdorf, Finance Director
From: Maria Meier, Planning Director *MM*
Cc: Chris Eppley, City Manager
Date: September 26, 2001
Re: Appeal Fee Refund

Background

On September 24, 2001 Pence Kelly Construction L.L.C. submitted an appeal to a land use action by the Planning Commission. Submitted with the appeal was a check for the fee in the amount of \$280.00.

Upon preparing the appeal for Council review, I recognized the amount paid by Pence Kelly was higher than what I recalled for an appeal fee for other land use actions. I then reviewed the City Fee Resolution R2000-1182, adopted June 19, 2000. The resolution identifies fees for "Appeals of Staff Decisions" and "Appeals of Hearings Officer Decisions". However, the resolution does not identify a fee for an "Appeal of a Planning Commission Decision".

In June 1998, the City of Keizer adopted a new Development Code, which incorporated a new type of land use application called Development Review. This is an application that is reviewed administratively and processed with a fee identified in the resolution as "Site Plan Review, w/Building Permit." Development Review is initially processed as a Staff decision. Applicant's have the ability to request the Planning Commission to reconsider alternative designs according to provisions in Section 2.315 of the Keizer Development Code. If the Planning Commission denies a request for alternative design, the applicant may appeal the decision to the City Council. When this new land use application and process was adopted into the Development Code in 1998, I believe the appeal process and applicable fee was not reflected in the fee ordinance.

This is the first time since the adoption of the new land use application type Development Review has been appealed to City Council – hence the discovery of the lack of adopted appeal fee for a Planning Commission decision.

Recommendation

I recommend the fee paid by Pence Kelly Construction L.L.C. to be refunded in the amount of \$280.00. I also recommend that the Land Use Fee Schedule Resolution R2000-1182 be amended to reflect an appropriate fee for an appeal of a Planning Commission decision.

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)

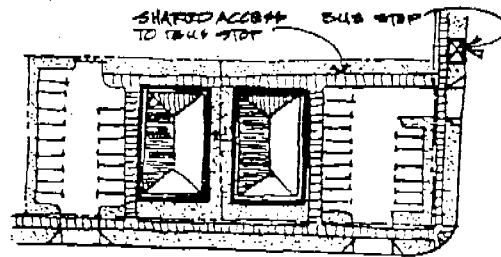


Figure 59 – Pedestrian Access Standards

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)

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)

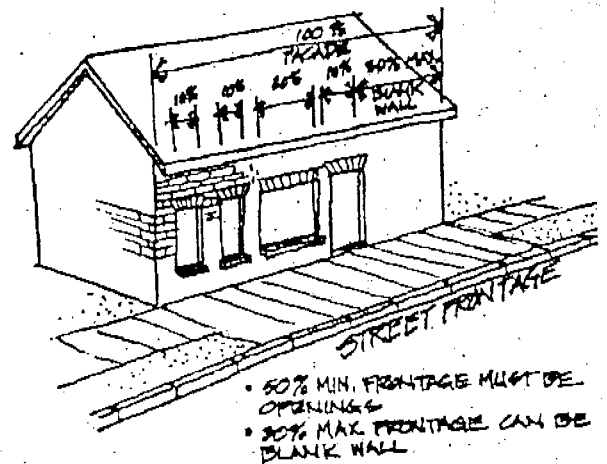


Figure 60 – Façade Standards

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, and MU zones, all street elevations containing permitted uses as listed under Sections 2, 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 opening
2. Building facades - Facades that face a public street shall extend more than 30 feet without providing a variation in building mass building off-set of at least 2 feet, or a wall area that is entirely from other wall areas by a projection, such as a porch or a recessed

porch. No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building. (5/98)

3. Awnings - Awnings, canopies, or arcades shall be tent shaped and shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall be constructed of canvass, vinyl, or similar standard awning material. Awnings and canopies shall not be back lit. (5/98)

4. Materials and Texture

- a. All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding. (5/98)
- b. Building trim shall be wood, brick, stone, stucco, or metal. (5/98)
- c. Any roofing material is allowed including metal roofs. (5/98)
- d. Plain concrete block, plain concrete, corrugated metal, plywood and sheet press board may not be used as exterior finish materials. (5/98)
- e. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 3 feet. (5/98)

5. Color

- a. Any portion of a building that is painted or stained may use as the main color, and roof color for all portions of the roof visible from the ground, the following colors found in the Sherwin Williams color chip book entitled "Exterior Color Answers" published 9/90 (or the equivalent color from another manufacturer) with the following numbers: 2001 - 2004; 2008 - 2011; 2015 - 2020; 2022 - 2027; 2029 - 2034; 2036 - 2097; 2099 - 2104; 2106 - 2111; 2113 - 2118; 2120 - 2125; 2127 - 2131; 2134 - 2139; 2141 - 2237; 2239 - 2250; 2253 - 2258; 2260 - 2265; 2267 - 2272; 2274 - 2279; 2281 - 2384; 2386 - 2391; 2393 - 2398; 2400 - 2405; 2407 - 2412; and 2414 - 2419
- b. For the purpose of this ordinance, "main color" is the principal color of the building which must be at least 75% of the surface of the building, excluding windows; the trim colors of all buildings may be any color. (5/98)
- c. In no case shall the main color or the trim color of any structure be "fluorescent", "day-glo", or any similar bright color area.

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, or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this standard. (5/98)

E. Accessory Structures

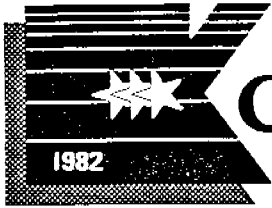
Accessory Structures including buildings, sheds, trash receptacles, mechanical devices, and other structures outside the main building, shall either be screened from view by the public by a hedge or fence, or painted the same color as the main color of the building. (5/98)

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

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

2.315.10 Criteria for Development Review

The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (5/98)



City of Keizer

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September 13, 2000

Skyline Ford
ATTN: Jim Donofrio
3555 River Road N.
Keizer, OR 97307

RE: Proposed auto dealership remodel/additions located at 3555 River Road N.

Dear Mr. Donofrio:

The Development Review application submitted for the Skyline Ford remodel/additions has been approved with conditions. Overall, the application met the intent of the standards set forth in Section 2.315.08 of the Keizer Development Code. However, the proposed development did not comply with each standard identified in the Keizer Development Code. Therefore, the City of Keizer approved the Development Review application subject to the conditions identified on the attached plans and the following:

1. The sidewalk along the sides of the building shall be a minimum of 5 feet in width.
2. Lighting shall be provided along all walkways.
3. The subject property is zoned CM (Commercial Mixed). All street-facing elevations for the proposed structure shall have no less than 50 percent of the ground floor wall area with windows, display areas or doorway openings. The applicant has met this criterion as shown on the submitted elevation drawing.
4. Any portion of the building to be painted or stained must be in compliance with Section 2.315.08 of the Keizer Development Code. The Applicant must confirm chosen color with the Keizer Zoning Administrator prior to final inspection.
5. Building shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding.
6. The applicant shall provide staff with a landscaping plan prior to issuance of the building permit. The landscaping plan shall include the following information:

- Type, variety, scale and number of plants used
- Square footage of proposed landscaping
- Placement and spacing of plants
- Size and location of landscaped areas
- Contouring, shaping and preparation of landscaped areas
- Use and placement of non-plant elements within the landscaping
- Method of irrigation
- Significant trees

7. A minimum of 10% of the total lot area (approximately 17,336 square feet) shall be landscaped. The applicant shall continually maintain landscaping per approved landscaping plan. Landscaping Plan shall be provided to and approved by the City prior to final inspection. The landscaped areas (that are being used to meet the 10% of lot area landscaping requirement) shall be irrigated with automatic sprinkler system to insure the continued health and attractiveness of the plant materials.

8. The applicant shall provide screening and buffering along the west side of the property adjacent to the residentially used property to the west of the subject site. One of the following buffering alternatives shall be employed:

a. Planting Area: Width not less than 15 feet, planted with the following materials:

1. At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart.
2. 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.
3. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.

b. Berm Plus Planting Area: Width not less than 10 feet, developed in accordance with the following standards:

1. 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.
2. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use.

3. The combined total height of the berm and hedge shall be not less than five feet.
 - c. Wall Plus Planting Area: Width must not be less than five feet developed in accordance with the following standards:
 1. A masonry wall or fence not less than five feet in height.
 2. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
 - d. Other methods which produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the City.
9. The Keizer Development Code requires 1 parking space per 900 square feet. The applicant notes on the Title Sheet of the submitted plans that the existing building contains 14,389 square feet and the proposed building contains 2,828 for a total of 17,217 square feet. Thus, 20 parking spaces are required. These spaces cannot be used to park the vehicles for sale. They need to be available for customer and staff parking.
10. Parking spaces shall be a minimum 9 feet wide and 18 feet in length. The following minimum aisle dimension shall apply:
- a. Without adjacent parking:
 1. Single family residence: 12 feet
 2. One-way: 12 feet
 3. Two-way: 22 feet
 - b. With adjacent parking:

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

11. Commercial buildings are required to have a minimum loading space of 12 feet wide, 30 feet long, and 14 feet high for buildings containing over 5,000 square feet of gross floor area. One additional space is required for each additional 40,000 square feet of gross floor area, or any portion thereof.

12. All lighting shall be directed entirely onto the loading or parking area and way from any residential use. The lighting shall not cast a glare or reflection onto the public rights-of-way.
13. Trash receptacle shall be screened with sight obscuring plant materials, wall or fence.
14. Confirm with the Keizer Fire District whether fire sprinkler system is required for the building. If required, construction of supply line plans shall be approved by the Department of Public Works.
15. The Keizer Fire District to determine if additional hydrants are needed.
16. Existing fire hydrant shall have bollard installed to protect the hydrant. All bollards to be approved by the Keizer Fire District.
17. Coordinate with the Department of Public Works for the location of new irrigation service for landscaped area.
18. Easement for existing water main shall be provided and recorded with Marion County prior to occupancy.
19. Proposed plan shows an existing catch basin on River Road to be abandoned. The applicant needs to demonstrate to the Department of Public Works the need for abandoning this catch basin.

If you have any questions, please contact me at 390-3700, ext. 145.

Sincerely,



Naomi Tejeda
Associate Planner

23 October 2000

Naomi Tajeda, Associate Planner
City of Keizer
930 Chemawa Road NE
Keizer, Oregon 97307-1000

RECEIVED
OCT 30 2000
CITY OF KEIZER
COMMUNITY DEVELOPMENT

RE: Development Review letter dated 13 September 2000

Dear Ms. Tejeda:

Please consider the following our response to the development review referenced above.

- 1) Our sidewalks along the building are a minimum of 5' wide.
- 2) All covered walkways are illuminated by soffit lighting above and the lot is well-lit throughout.
- 3) N/A
- 4) The exterior of the new and existing building will be some shade of gray. The Applicant will confirm the chosen color prior to installation.
- 5) The building exterior will be masonry (existing) and stucco (new construction).
- 6) Landscaping plans shall be revised to include a 20' planted buffer (and irrigation) to the south of the property.
- 7) The revised landscaping plan area shall reflect the minimum required 10% landscaped area.
- 8) Screening from the property to the west is currently provided by vegetation growing on a 5' tall fence and various plantings at ground level.
- 9) Twenty parking spaces shall be set aside for employee and customer parking.
- 10) Our proposed parking will meet your dimensional standards.
- 11) The required loading space will occur to the west of the building.
- 12) Lighting shall be directed away from neighboring residential properties.
- 13) The trash receptacle shall be screened as required.
- 14) Interior sprinkler system is to be determined.
- 15) Additional fire hydrants are yet to be determined by the fire marshall.

**KEIZER PLANNING COMMISSION
MINUTES**

**Wednesday, September 12, 2001 @ 7:00 p.m.
Keizer City Hall - Council Chambers**

1. CALL TO ORDER

Chair Anderson called the meeting to order at 7:05 p.m.

2. ROLL CALL

The following members were present: Bruce Anderson, June Abbott, Bill Wolf, Dick Inman and Stan Compton.

Also present were: Council Liaison Jacque Moir, Planning Director Maria Meier, City Attorney Shannon Johnson and Recording Secretary Cindy Perry

Absent: Michael Smith

3. APPROVAL OF MINUTES ~

- July 25, 2001
- August 1, 2001

Vice-Chair Abbott moved for approval of the July 25, 2001 minutes as written. Mr. Inman seconded the motion and carried all voting aye with the exception of Mr. Compton who abstained, inasmuch as he was not in attendance at the meeting.

Vice-Chair Abbott moved for approval of the August 1, 2001 minutes as written. Mr. Wolf seconded the motion and carried, all present voting aye.

4. APPEARANCE OF INTERESTED CITIZENS

No interested citizens appeared before the Commission.

5. DEVELOPMENT REVIEW

Planning Director, Maria Meier supplied a staff report regarding a Development review for property located at 3555 River Road North. She reported that Pence Kelly Construction on behalf of Skyline Ford had submitted an application for remodeling to also keep the metal siding that existed on the building. Ms. Meier noted Sections of 2.315.08(B)(4) which reads "All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding, Plain concrete block, plain concrete, corrugated metal, plywood and sheet press board may not be used as exterior finish materials."

Ms. Meier also noted the letter provided by Settecase Architecture, F.A.I.A under item number five that the applicant had agreed that the building exterior would be masonry

*Keizer Planning Commission Minutes
Wednesday, September, 12, 2001*

**EXHIBIT D
Planning Commission
Minutes**

(existing) and stucco (new construction), but then proceeded to leave the existing siding which did not conform with the code.

Ms. Meier reported that a representative from Skyline Ford had agreed to attend the meeting to answer questions from the Commission. Unfortunately, there was no representative present.

Staff recommended that the Commission discuss the standards in Section 2.315.08(B)(4) *Materials and Texture* and consider the purpose of the section to assist in its final decision.

City Attorney Shannon Johnson read the notice for applicable criteria and asked the audience for any objections to the written notice of the meeting or any bias or exparte contact from the Commissioners. With no objections brought forward the development review by the Commissioners continued.

Chair Anderson asked the audience if anyone wished to testify. With no one wishing to testify the Commissioners addressed the subject.

Commission members expressed disappointment that a representative from Skyline Ford was not present to explain their reason for not adhering to the code.

Mr. Johnson cautioned the Commission to base their decisions on the findings and criteria.

Although some of the members of the Commission felt the building was a nice addition to River Road with the metal siding all the Commission members agreed that it did not conform to the Development Code and the following motion was made.

Vice-Chair Abbott moved a motion to deny Skyline Ford's request to keep the metal siding as the applicant did not meet the burden of proof showing that their application met the criteria and for staff to issue a notice of decision. Mr. Wolf seconded the motion and carried, all present voting aye.

Ms. Meier indicated that she would notify the applicant and work with them on a timeline for removal of the material, but also noted the applicant had the ability to appeal the decision to the City Council. She offered to keep the Commission up-to-date on this.

Mr. Compton expressed an interest in re-addressing the Development Code regarding the use of a metal façade on local businesses.

As an outgoing member of the Commission Mr. Wolf cautioned against this indicating that the current standards were to the benefit and eye appeal of the community.

6. NEW BUSINESS/OLD BUSINESS

Infill Redevelopment Master Plan Update

Responding to Mr. Compton's inquiries Ms. Meier indicated that they were still in the process of accumulating the amount of staff time spent on the project. She offered to supply this information to the Commission once the data was compiled.

Ms. Meier reported that the City Council was reviewing the Infill Master Plan Document and that staff had been directed by Council to compile additional information regarding the possible use of incentives.

Chair Anderson expressed an interest in the information which would be provided to the Council pertaining to an incentive program for the Infill Master Plan. Ms. Meier offered to supply a copy of her staff report to the Commission.

Chemawa Activity Center

Ms. Meier reported that the Commission would begin review of the proposal from the applicant pertaining to the CAC. She noted that this would be done in a work session setting to allow the Commission and its new members the opportunity to become familiar with the process.

UNOCAL Property

Mr. Compton noted that he had attended the Urban Renewal Agency meeting and participated in the discussions regarding the Unocal Property. As the liaison to the Keizer Urban Renewal Board he provided a history of the property and its discussions and visions as seen in the 21st Century Plan.

Councilor Moir reported that the Agency had decided to proceed with the property as a focal point and to divert \$10,000 from the Gateways line item in the 21st Century Plan towards the engineering of the project. She shared that the focal point would be similar to the one located at the south end of Keizer with additional features to be explored. As part of the motion adopted by Council a one-year timeframe was set to allow for the coordination of private donations for the building and maintenance of the structure. Councilor Moir also noted that public input would be taken regarding the project.

Farewell

Members of the Commission and staff offered their thanks and best wishes to outgoing Planning Commission members June Abbott, Dick Inman and Bill Wolf for their dedicated service.

Volunteer Coordinating Committee

Councilor Moir reported that the Volunteer Coordinating Committee would be meeting later this month to fill the vacancy on the Planning Commission left by Jere Clancy.

7. ADJOURN

➤ **NEXT MEETING ~ Wednesday, October 10, 2001 @ 7:00 p.m.**



City of Keizer

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September 13, 2001

Brad Barcroft
P.O. Box 4109
Salem, OR 97302-8109

RE: Development Review Application for Skyline Ford

Dear Mr. Barcroft:

The Development Review application submitted for the Skyline Ford request for use of metal siding was denied by the Planning Commission. According to the Keizer Development Code, the applicant is allowed ten (10) days to appeal the decision of the Planning Commission to the City Council for consideration. Therefore, should you as representative for Skyline Ford decide to appeal the Planning Commission decision, you must submit an appeal form to the Community Development Department by 5:00 p.m., September 24, 2001. An appeal form is available at the Community Development Department at Keizer City Hall.

If an appeal is not filed accordingly, the applicant will receive notice of correction to remove the metal siding on the structure located on the subject property at 3555 River Road NE. A time frame for removal of materials will be determined at the time of notice of correction.

On a side note, both the Planning Commission and staff expressed regret that no person representing the applicant appeared before the Planning Commission at the time of their review. I expressed to the Commission that I was not aware of any intent of absence of representation. According to my recollection and records, as the listed agent for the application, I sent you a copy of the agenda and materials. I also recall speaking with you discussing the date, time and location of the meeting on the phone. Unaware of your circumstances to not attend the meeting, I hope this letter reaches you well.

Please contact me for any further information regarding the Planning Commission decision. You may contact me at 390-3700, ext. 159.

Sincerely,

Maria Meier
Planning Director

Cc: Skyline Ford, Keizer – Jim Donofrio

“Pride, Spirit and Volunteerism”

Incorporated 1982

EXHIBIT E
Planning Commission
Decision Letter



PENCE/KELLY
CONSTRUCTION, LLC

"Creating Landmarks of Excellence"

September 24, 2001

City of Keizer
City Council
930 Chemawa Road NE
Keizer, Oregon 97307

Dear Councilpersons:

There is a sequence of events regarding the exterior building materials installed at the Skyline Ford Dealership located on River Road in Keizer that has brought us to where we are today. I think these are very pertinent and need to be considered, prior to a final decision on this matter.

At the time the project was bid, a hidden seam metal clad fascia was called for above the storefront areas on the face of the building. When the development review comments were issued there was a note stating, "Building shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding." Tina Barnes, who worked for Settecase Architecture for a short time during the first two months of the project, issued a letter to the City of Keizer on October 23rd 2000, stating, "The building exterior would be masonry (existing) and stucco (new construction)." With this and other clarifications to the review comments a permit was issued for the project on 10/30/01.

At this time the project team believed the design complied with the Development Review Comments; the structure was sided in existing split face CMU block, with aluminum storefront and an EIFS clad wall on the west end to be installed with the addition/remodel.

Prior to the EIFS being applied on the west end of the new construction Pence/Kelly became aware of reports noting EIFS applications had been failing in the Pacific Northwest over the past several years and informed the owner and architect of possible complications. Please find attached an article titled "The Performance of Exterior Insulation Finish Systems and Property Value". The concern about EIFS failure prompted the owner on January 30th 2001 to change the EIFS to hidden seam metal on the west wall. At the time this change was made Phil Settecase of Settecase Architecture had just stepped into the project to take over for Tina Barnes. In the transition both he and Pence/Kelly missed the development review requirement and as a result mistakenly installed metal on the west wall. When the metal first went up there was a wrinkle effect in the panels. The owner expended considerable time and expense to place insulation behind the material, eliminating the wrinkling and achieving a smooth finished look. It wasn't until the week prior to the final project inspection on June 19th 2000 that City of Keizer brought the mistake to the Project Teams attention. At this inspection the fascia trim was also included as part of the deficiency. As a result the owner was only issued a certificate of temporary occupancy.

EXHIBIT F
Appeal Letter from Applicant
Including pictures & article

Once this mistake was brought to light, Pence/Kelly immediately began to research the possibility of receiving a variance for the metal siding. The project team was baffled at the inclusion of the metal fascia trim in this deficiency. The fascia metal is trim, and should not be confused with building siding.

Pence/Kelly spoke with Maria Meier, the City Planning Director, and Shannon Johnson the City Attorney and they determined the best way to handle the situation was to apply for another Development Review on the metal itself because the 10 day appeal period had already passed. In early July Pence/Kelly was informed there was a Planning Commission meeting in August. On July 19th we submitted a Development Review Application. Pence/Kelly called in early August to follow up on the meeting time and was told the meeting had taken place August 1st 2000 and there would not be another until mid September and Maria would send notice to P/K, enabling us to have a representative present to field questions from the Commission.

On September 6th Pence/Kelly received a packet containing a Memo to the Planning Commission from Maria. This packet did not contain the meeting notice and the agenda promised by Maria. On September 10th Pence/Kelly called Maria, inquiring about the meeting, but did not receive a call back. Due to other various communication breakdowns, P/K was never notified of the meeting schedules. On September 13th 2000, Pence/Kelly received a letter from Maria regarding the Planning Commission's rejection of the metal.

Pence/Kelly immediately obtained an appeal form and on September 17th 2000 called Maria to get a copy of the Planning Commission meeting minutes. On the 19th Pence/Kelly again spoke with Maria regarding the meeting minutes and was informed the City computer system was down and they were unable to print or email. On September 20th, Pence/Kelly finally received the meeting minutes and were able to proceed with this appeal. The Project Team requests the additional cost for the appeal process be waived. City of Keizer failed to notify Pence/Kelly of the scheduled meetings on August 1, and September 12, 2001. We believe the Commission's inability to ask questions of the Project Team at the meeting had a direct effect on the decision.

The Project Team wishes to respond to the Planning Commission's Interpretation of Section 2.315.08(B)(4) of the General Development Standards dated May 1998 titled Materials and Texture:

- (a.) Reads, "All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding". We contend this was what the plans showed on October 23rd 2000 when Tina Barnes wrote the response letter addressing the development review and is still the case today, with the exception of the west wall of the new construction where metal was installed instead of EIFS as previously stated. The rest of the building shell is either aluminum storefront glass or split faced CMU block. We feel the west wall area, which cannot be seen unless a person walks behind the building, is very inconspicuous. Changing it was done with the best of intentions and does not represent an eyesore for the community. The Project Team feels that an exception should be made for the west wall.
- (b.) Reads, "Building trim shall be wood, brick, stone, stucco, or metal." The Project Team feels that the current construction is in compliance with this section. The Ford Blue metal clad fascia is an accent trim for the building to help promote product recognition and association with Ford Motor Company. The fascia trim does not fall under the requirements of the General Development Standards for siding.
- (c.) Reads, "Plain concrete block, plain concrete, corrugated metal, plywood and sheet press board may not be used as exterior finish materials." These exterior finish materials were not used on the project. The Project Team feels this item incorporates the purpose of what this section of the Development Review Standards is trying to accomplish. Essentially it says that the City of Keizer doesn't want unsightly exterior finishes being used on buildings in the community. As was stated in the meeting minutes, some members of the commission felt the Skyline Ford building is a nice addition to River Road with the metal trim. It creates a nice looking landmark and adds to the eye appeal of the community.

September 24, 2001

The Owner of Skyline Ford and City of Keizer are striving to achieve a facility, reflecting not only the class of the surrounding community, but also the professional way they do business. The Project Team feels changing the metal siding would not only degrade the look of the building by introducing additional variations in materials, but also bring with it unnecessary replacement and maintenance costs. The Project Team has created a beautiful new landmark where an eyesore once stood. The Project Team requests you grant a variance for this installation and waive any additional costs for the appeals process.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Barcroft", with a long horizontal flourish extending to the right.

Brad Barcroft
Project Manager

CC: Jim Donofrio, Skyline Ford
Phil Settecase, Settecase Architecture



View looking west from River Rd.



View looking north from Garland Way



View from River Rd. looking SE.



View from behind building looking at west wall.



Metal trim on Shell station directly across River Rd.

The Performance of Exterior Insulation Finish Systems and Property Value

Exterior insulation finish systems, or synthetic stucco, is a siding material used on a quarter of a million residences and several thousand commercial buildings in the United States, Canada, and Europe. EIFS use has been linked with moisture problems and structural rot in many buildings, necessitating value impact estimates by appraisers. The value estimates, which may require outside expertise in accordance with Advisory Opinion 9 of the *Uniform Standards of Professional Appraisal Practice*, include cost to cure and stigma. For residential appraisals, stigma may be estimated with matched pairs. For a commercial appraisal, stigma takes the form of an increased capitalization rate.

Synthetic stucco, commonly known as exterior insulation finishing systems (EIFS), has been used as a siding material since World War II on residential and commercial buildings. While the product is sold and installed throughout Europe and North America, usage seems to be geographically concentrated in certain areas, particularly in the Southeast and the Pacific Northwest.

EIFS continues to be sold and installed, but as a system for exterior siding, it is meeting increasing opposition. EIFS-clad homes appear to suffer elevated inter-wall moisture levels and a proclivity to structural rot, stemming from leakage around windows, doors,

corners, roof seams, and other joints. Owners of such properties face significant potential value losses stemming from three distinct areas of impairment: present value of future repair and replacement costs, present value of future increased maintenance costs, and stigma.

EIFS generally refers to an exterior siding system with four primary components:¹

1. Expanded polystyrene foam insulation panels, which are attached (usually with adhesive) to the intermediate sheathing or other substrate
2. A base coat that is applied to the insulation panels with a trowel

1. Insurance Institute for Property Loss Reduction, "Exterior Insulation and Finish Systems," *Natural Hazard Mitigation Highlights* (Boston, Massachusetts: Insurance Institute for Property Loss Reduction, February 1997), 1-12.

John A. Kilpatrick is a senior analyst at Mundy and Associates, Seattle, Washington. He is also a doctoral candidate in real estate finance at the University of South Carolina. Contact: 1109 First Ave., Suite 200; Seattle, WA 98101. (206) 623-2935.

Douglas C. Brown, MAI, is the president of Douglas C. Brown Associates of Columbia, South Carolina. He is a past president of the Appraisal Institute. Contact: P. O. Box 5458; Columbia, SC 29205. (803) 256-6072.

Ronald C. Rogers, PhD, is an associate professor of finance in the Darla Moore School of Business at the University of South Carolina. He is also the director of the South Carolina Center for Applied Real Estate Education and Research. Contact: (803) 777-5960.

3. A fiberglass reinforcing mesh laid over the panels and imbedded in the base coat
4. A finish coat applied with a trowel over the fiber mesh

Components 2, 3, and 4 together are usually about 0.125–0.25 inches thick. Beneath the insulation panels is an intermediate sheathing, usually gypsum board, plywood, or oriented strand board. Recently the EIFS industry began using alternative substrates and application methods to address moisture problems.

EIFS is designed to shed all water, although the EIFS Industry Members Association indicates that the systems are intended to be "water-vapor" permeable.² The material is often confused with traditional stucco, which is similar in appearance. However, traditional stucco application anticipates water permeation and uses building paper or other flashing behind the wall surface to carry water down and out of the bottom of the wall. Also, stucco is a Portland Cement-based plaster, troweled directly onto a metal mesh or an underlying masonry wall. In short, despite their physical resemblance, the two siding systems are significantly different, and the common term "synthetic stucco," often used to describe EIFS, simply adds to the confusion.

EIFS was first developed in Europe in the late 1940s to aid in economically rebuilding war-torn areas. As a result, European countries apply EIFS differently from how North America applies it. In Europe, EIFS is typically applied over an underlying masonry base, because the use of EIFS over a stud wall is virtually unknown in Europe. Also, European EIFS installers usually use two base coats, a base primer coat, and thicker insulation boards.

As of 1997, EIFS accounted for 13%–14% of all new commercial construction in the United States. Residential market penetration nationwide is lower, standing at about 4% of new homes in 1997 although this market penetration varies regionally from zero in some areas to over 15% in other areas. In

1995, EIFS was used on about 25,000–30,000 new homes nationwide.

PERFORMANCE ISSUES WITH EIFS SIDING

Using EIFS siding assumes that moisture will not penetrate to the substrate. In practice, however, water does penetrate, principally at the edges of wall openings (e.g., doors, windows, decks, roof intersections), through jambs and sills of window frames, and through cracks or chips in the siding itself. It appears that even high-quality window frames allow moisture to penetrate the siding, which is then contained between the surface of the EIFS system and the underlying wood, gypsum, or OSB intermediate sheathing and the stud wall. Even a small crack in the EIFS surface, resulting from hail damage or wind-blown debris, provides a moisture entry pathway, and there is unfortunately no consensus test method in the United States for EIFS impact resistance.³ The EIFS industry itself admits that if "the likelihood of impact damage is very high, it is probably a good idea not to use EIFS at these locations."⁴

The earliest published reports of EIFS problems in the United States apparently originated from a study funded by the Massachusetts Executive Office of Communities and Development in 1985.⁵ The study analyzed 17 public buildings with EIFS systems used as a siding material. Every one of the buildings had cracks in the surface sufficient to allow water penetration and internal substrate damage. Problems were uniform across all four EIFS system manufacturers in the study.

The U.S. Department of Housing and Urban Development (HUD) then commissioned a study of 50 commercial, institutional, and multifamily buildings with EIFS system siding in Missouri, Massachusetts, and Illinois. The EIFS systems had been supplied by eight different manufacturers. The HUD study found that 73% of all buildings, and 10 of 11 buildings more than eight years

2. Ibid.

3. Ibid., 4; A generic impact-resistance test can be used, but EIFS impact resistance standards are not commonly published. See American Society for Testing and Materials, ASTM E 695 (West Conshohocken, Pennsylvania: American Society for Testing and Materials, 1997).

4. Robert F. Thomas, Jr., *The Exterior Insulation and Finish Systems Design Handbook* (Seattle, Washington: Robert F. Thomas, Jr., 1998), 70.

5. R. Kenney and R. Piper, "Proposed Material and Application Standards for More Durable Exterior Insulation and Finish Systems," *Development, Use, and Performance of Exterior Insulation and Finish Systems* (West Conshohocken, Pennsylvania: American Society for Testing and Materials, 1995), 56–57.

old had cracks sufficient to allow water penetration. Further, 52% of the buildings had sealant failures, and seven of the 11 buildings more than eight years old had elevated moisture levels in the substrate. The HUD report recommended not using some types of gypsum as a substrate in adhesive-fastened systems, increasing the thickness of the base coat, applying the base coat in two layers, and independent third-party inspections of buildings using EIFS systems. The HUD report also concluded that EIFS manufacturers do not have the staff or procedures needed to ensure proper installation of their products. Subsequently, HUD issued a bulletin prohibiting the use of gypsum substrate in EIFS systems.⁶

The first reports of residential damage came from New Hanover County in North Carolina, where homeowners began complaining to building officials about structural damage. Inspections in 1994 and 1995 found that 30 of 32 houses had moisture problems. The houses were spread out over four different subdivisions and involved different contractors and several different manufacturers. Subsequent inspections of 209 EIFS system houses in the area found structural damage caused by water penetration in most of them. Apparently, any spot where the plane of the EIFS panel met an opening or another part of the structure was a leak zone. The North Carolina Chapter of the American Institute of Architects cited that 68% of these houses had improper or no caulking at key joints.⁷

Unfortunately, underlying moisture damage may not be evident from the surface. In homes inspected in New Hanover County, the surface often appeared intact, but the underlying wood commonly showed moisture readings of 50% or more.⁸ According to the National Association of Home Builders (NAHB), serious decay occurs when the moisture content of wood exceeds the fiber saturation point of 30%.⁹

One major EIFS system manufacturer, United States Gypsum Company, recently

conducted an investigation of 30 homes in New Hanover County clad with EIFS systems manufactured by that company. They found elevated moisture levels in all homes, and ceased supplying EIFS systems without a moisture drainage system. Their new product has a drainage plane, flashing, and weep-hole details designed to vent the wall cavity. The EIFS Industry Members Association disagrees with U.S. Gypsum, and states that quality construction is the key issue.¹⁰

A further problem stemming from EIFS systems was revealed when Hurricane Opal hit the Florida Panhandle in October 1995. EIFS had been a common siding in that part of the country on condominiums, offices, and other buildings with metal studs. The Insurance Institute for Property Loss Reduction (IIPLR) noted that the failure rate of EIFS siding to withstand wind pressure was more extensive than those of other types of wall sidings:

The predominant reason for EIFS failures appeared to be water damage to the gypsum sheathing. In many instances of damage, both the EIFS and gypsum sheathing had been blown off, leaving only the metal studs. Many studs were rusted, indicating prolonged water infiltration had saturated - thereby weakening - the gypsum sheathing. The water-damaged sheathing provided little support against wind-induced forces, and weakened portions of EIFS often fell from the metal studs during passage of Opal.¹¹

In a study of Hurricane Erin, which struck in August 1995, the Southern Building Code Congress International, Inc. (SBCCI) also noted the relatively large number of EIFS-related failures in hurricanes. The SBCCI found that vinyl siding and EIFS were "by far the most damaged systems" and questioned whether EIFS had been installed and tested in accordance with wind-load requirements. The authors of the study again surveyed the area after Hurricane Opal, and validated their previous findings.¹²

The problems with EIFS are not limited to the Southeast or even to the United States.

The first reports of residential damage came from New Hanover County in North Carolina, where homeowners began complaining to building officials about structural damage.

6. Ibid., 57-60; U.S. Department of Housing and Urban Development, *Use of Materials Bulletin*, no. 101 (July 26, 1993).

7. "Special Inspections Vital in Proper EIFS Installation," *The Building Official and Code Administrator* (May/June 1996): 20.

8. C. Kidder, "EIFS Under Scrutiny," *Journal of Light Construction* (April 1996): 12.

9. J. Crandell and T. Kenney, *Investigation of Moisture Damage in Single-Family Detached Houses Sided with Exterior Insulation Finish Systems*, 2d ed. (Washington, D.C.: National Association of Home Builders, January 1996), 6.

10. *Natural Hazard Mitigation Insights*, 7.

11. Insurance Institute for Property Loss Reduction, *A Summary of the Effects of Hurricane Opal on the Florida Panhandle* (Boston, Massachusetts: Insurance Institute for Property Loss Reduction, March 1996), 6.

12. G. Nichols, S. Gerace, and J. Slight, "A Survey of Hurricane Erin," *Southern Building* (March/April 1996): 14.

The city of Vancouver, British Columbia, has reviewed EIFS use for several years and began officially questioning EIFS use in 1992.¹³ Since 1996 Vancouver has required rain-screen of drainage pathways to evacuate moisture from EIFS systems. Vancouver also requires an independent inspection of the installation of site-troweled EIFS installation, although it does not require such inspection of prefabricated panels surfaced with EIFS coating.¹⁴ Since March 1996, the North Carolina Building Code Council has required similar drains on wood-frame houses sided with EIFS systems in that state.

* ZUACH

Maryland Commercial Insurance Company, one of the nation's largest construction liability carriers, has announced that it will no longer cover home builders who install EIFS systems.¹⁵ Lawsuits are pending against EIFS manufacturers in several states, including a class action suit in North Carolina. One of the North Carolina EIFS defendants, Senenergy, Inc., has separately offered to settle by contributing \$20 million to a repair fund for the state's residences, leaving eight other defendants as of this writing.¹⁶

APPRAISAL IMPLICATIONS FOR EIFS-CLAD STRUCTURES

In an article by Scott B. Arens, a basic valuation model for the analysis of defective properties is demonstrated:¹⁷

Before condition = After condition + Diminution in value

For EIFS-clad properties, the diminution in value includes three categories of impairment: cost-to-cure, cost of maintenance, and stigma. Estimating costs in the first category may often be beyond the scope of the appraisal process. According to the Appraisal Standards Board's commentary on Advisory Opinion 9:

An appraiser is a trained and experienced observer of real estate, but recognizing, detecting, or measuring contamination is often beyond the scope of the appraiser's exper-

tise... Remediation and compliance cost estimation involves knowledge and experience beyond that of most appraisers.¹⁸

In other words, an appraiser may often be in the position of relying on external expert opinion, such as contractor estimates or engineering studies, to determine the cost to cure.

Remediation of an EIFS problem can fall into the categories of repair or replacement. The simple repair of limited damage to an EIFS-clad structure to "like new" condition brings with it two additional categories of costs: enhanced ongoing maintenance and stigma. Both of these categories of costs are also present in new EIFS-clad construction.

Different types of siding require different levels of maintenance. For example, various masonry products (e.g., true stucco, brick, block, stone) require little or no ongoing maintenance, and the siding often outlives the economic life of the rest of the structure. Other types of siding, such as wood lap, require perpetual maintenance in the form of painting, caulking, and replacement of rotten wood. Deferral of these maintenance items is reflected at various junctures in all three of the approaches to value.

Likewise, a brand new EIFS-clad structure will require intense ongoing maintenance. Most common ongoing maintenance concerns include periodic moisture testing, intense caulking (at least once or twice per year), and continuous monitoring of sealant problems on window jambs and door thresholds. Most homeowners are unable or unwilling to do these chores themselves and will need to contract this out to an appropriate professional.

Stigma, as commonly considered in appraisal literature, concerns the impact on capitalization rates of a public perception of contamination.¹⁹ In short, a parcel with no actual cost to cure, but with a public perception of contamination, will suffer a value impairment best measured by an increase in the capitalization rate. Thus, while appraisal practice is replete with examples of capital-

13. City of Vancouver, *Bulletin* 92-7 (August 20, 1992).

14. City of Vancouver, *Bulletin* 95-9 (December 1995).

15. Sherrie Winston, "Cladding System Troubles Mount," *Engineering News-Reporter* (October 28, 1996): 12.

16. "Stucco Maker Agrees to Terms," *Engineering News-Reporter* (June 1, 1998): 19.

17. Scott B. Arens, "The Valuation of Defective Properties: A Common Sense Approach," *The Appraisal Journal* (April 1997): 143-148.

18. Appraisal Institute, *The Standards of Professional Appraisal Practice* (Chicago, Illinois: Appraisal Institute, January 1, 1998), 113.

19. See, for example, Bill Mundy, "Stigma and Value," *The Appraisal Journal* (January 1992): 7-13; James A. Chalmers and Scott A. Roehr, "Issues in the Valuation of Contaminated Property," *The Appraisal Journal* (January 1993): 28-41.

izing future costs into present value, such as the cost to maintain a historic façade easement, the future costs are usually discounted at market capitalization rates. An impaired property with a negative public perception should be capitalized at a different rate. The impact of the different rate is stigma.

To illustrate the appraisal implications, assume a residence with \$4,000 in EIFS-related repair costs.²⁰ Once restored to "as new" condition, the structure will require \$1,000 per year of extraordinary ongoing maintenance costs. Assuming an appropriate market capitalization rate of 10%, the actual reduction in value for a contaminated property (V_c) would be:

$$V_c = \$4,000 + \frac{\$1,000}{0.10} = \$14,000$$

Note that the present value of the ongoing maintenance is significantly greater than the current repair costs. Also, this model does not take into account the impact of stigma on property value. Stigma is a real factor, and in a nonquantitative sense, the market perceives the value loss of stigmatized properties, and transaction prices are reduced accordingly. A study by the North Carolina Home Builders Association noted that one homeowner of a six-month-old EIFS-clad home with minor moisture problems stated, "I couldn't give this house away now if I wanted to." Regardless of whether this case was extreme or the homeowner was exaggerating, there is substantial anecdotal evidence for severe market reaction to EIFS-clad residences.²¹ In the absence of any real cost to cure a problem, stigma imposes market behavior costs such as:²²

- Diminished rents
- Increased vacancy losses
- Higher ongoing expenses
- Increased capitalization rate

The general model for valuing a contaminated income-producing property (V_c) over a valuation horizon of t years can be shown as:

$$V_c = \sum_{t=1}^T \frac{NOI_t - Costs_t}{(1+i_c)^t}$$

While the value of a similar, uncontaminated property would be:

$$V_u = \sum_{t=1}^T \frac{NOI_t}{(1+i_u)^t}$$

Note the different capitalization rates. The uncontaminated cash flow is capitalized at i_u , while the contaminated property is valued at the somewhat higher rate of i_c . To illustrate, assume two otherwise similar properties, property C being EIFS-clad and property U sided with some other material. Both properties are fully rented at market rates (and identical $NOI = \$100,000$) and will be for the foreseeable future. However, the EIFS-clad structure will require \$10,000 in repairs in the first year and an ongoing enhanced maintenance of \$2,000 per year. An analysis of the market indicates that unimpaired properties are capitalized at 10%, while impaired properties carry a 12% capitalization rate. The problem is to isolate the EIFS-related value impact on property C.

Therefore, it is necessary to take the difference between the two preceding equations. Assume a cost-to-cure in the first year, a perpetual NOI , and a perpetual increased maintenance cost:

$$\begin{aligned} V_{\text{difference}} &= \frac{NOI}{i_c} - \frac{NOI}{i_c} + \frac{Costs}{1+i_c} + \frac{\text{maintenance}}{i_c} \\ &= \frac{100,000}{0.10} - \frac{100,000}{0.12} + \frac{10,000}{1+.12} + \frac{2,000}{0.12} \\ &= \$192,000 \end{aligned}$$

The first two terms in this equation are the loss in value resulting from stigma alone. Even in a fully cured, no-maintenance world, the stigma loss would be \$166,667, which is a quantified measure of the market's reaction to potential future problems associated with this property. Note also that the uncontaminated property value (V_u) is \$1 million. Thus, this relatively "minor" EIFS impairment, given the constraints of this model, result in a

20. The North Carolina Home Builders Association reports that 95% of randomly tested homes have damage averaging \$3,000-\$5,000. The EIFS Industry Members Association inspected 68 homes in North Carolina. Sixty-one had some damage, and nearly 10% had damage in excess of \$10,000. Several North Carolina home builders report repair costs as high as \$100,000. Allen Golden, assistant director of inspections for Hanover County, North Carolina, reports one insurance settlement of \$417,000. See Rick Schwolsky, "Troubleshooters Target EIFS," *Builder* (March 1996): 168-171.

21. *Ibid.*, 169.

22. Mundy, 28-41.

value loss of nearly 20%. This model helps explain the economically significant market reactions to EIFS-clad properties.

CONCLUSION

EIFS-clad properties, both residential and commercial, make for challenging assignments in many areas throughout the United States. The EIFS industry suggests that a quarter of a million homes and many thousands of commercial buildings have been built with EIFS siding. For example, in Florida alone, EIFS is estimated to be used on 25% of the 100,000 homes built annually.²³

Both residential and commercial appraisals must not only take into account the

cost to cure for EIFS-related damage, but also account for increased future maintenance costs and the impact of stigma. For cost-to-cure and maintenance estimates, the appraisal will probably need to rely on outside expertise, in accordance with USPAP's Advisory Opinion 9.

Stigma, which is manifested in market impacts of transaction prices, can be more easily estimated for commercial properties via the increased capitalization rate in the income approach. For residential properties, measuring stigma will probably require a matched-pair analysis, and will most likely vary from one geographic market to another, particularly because EIFS siding has its critics in some areas.

23. Jacqueline Bueno, "Florida Journal: Big Insurer Won't Cover Stucco Process," *The Wall Street Journal* (October 16, 1996), F-1.



October 1, 2001

AGENDA ITEM 6b

**LEGISLATIVE AMENDMENT TO REDESIGNATE CHALMERS JONES
PARK AND CLARIFY BOUNDARIES**

CITY COUNCIL MEETING: October 1, 2001

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

SUBJECT: CHALMERS JONES PARK

BACKGROUND:

City Council has requested that the Parks Advisory Board provide a recommendation on the boundary of Chalmers Jones Park. Staff supplied 5 different options in the July 6, 2001 memo. The Parks Board at their September 18th meeting made a motion that carried unanimously, chose option 2 as the preferred park boundary. The following attachments are enclosed.

Attachment 1	Park's Board Minutes
Attachment 2	Option 2 Boundary
Attachment 3	July 6 th memo to the Parks Board outlining 5 Park Boundary options

FISCAL IMPACT:

No fiscal impact on delineating the final Chalmers Jones Park Boundary.

RECOMMENDATION:

It is recommended the public hearing be reopened and upon conclusion of any addition testimony, the hearing be closed. It is further recommended that the Council direct staff to prepare an Ordinance changing the designation of Chalmers Jones Park from a neighborhood park to a community park and to adopt the Parks Board recommendation to designate formal boundaries at Chalmers Jones Park. This action will allow staff to begin the Master Plan process as outlined in the 2001/2002 Budget.

(Suggested Motion: Direct staff to prepare an Ordinance to be brought back for adoption on October 15, 2001 to change the designation of Chalmers Jones Park from a neighborhood park to a community park and designate the boundaries as recommended by the Keizer Parks Advisory Board.)

1. OLD BUSINESS/NEXT MEETING***Chalmer's Jones Park Boundary Designation**

Mr. Lawyer reported that the Council and staff requested that a defined boundary of the park be set. He provided a memo and options for the suggested boundary.

Carole Dicksa arrived at 8:30 p.m. and took at seat at the table.

The Board reviewed the options and the following motion was made.

Mr. Burns moved a motion to recommend Option Number Two as the footprint for Chalmers Jones Park. Mr. Perry seconded the motion.

The motion passed as follows:

AYES: Bartlett, Burns, Dicksa, Ford, Perry and Williams (6)

NAYES: None (0)

ABSTAIN: None (0)

ABSENT: Taylor (1)

Rob - Here is the info
from the 9/18/01 Parks Bd. meeting,
along with the map of option #2.

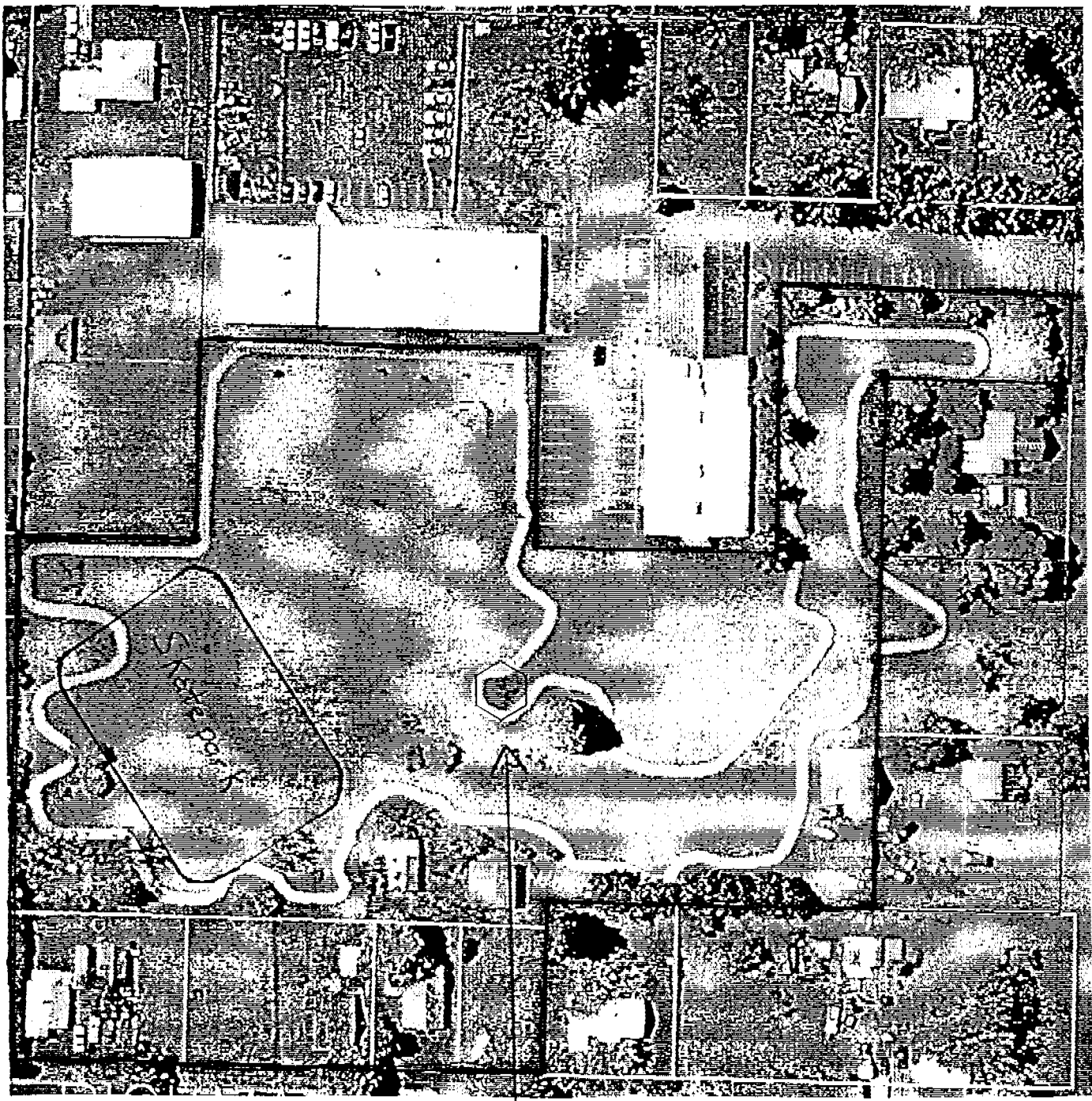
Perry

ATTACHMENT 2

Option # 2

5.15 Acres

1" = 100'



N

8.7 acres
Total complex

70' from Parking
Lot to Gazebo

15ft from Tree
Canopy to Gazebo

105ft from
Gazebo to Skatepark



CITY OF KEIZER

MEMORANDUM

DATE: July 6, 2001
TO: Parks Advisory Board
THROUGH: Chris Eppley City Manager
FROM: Rob Kissler
Director of Public Works
SUBJECT: Chalmers Jones Park Delineation

BACKGROUND:

City Council has asked staff to present to the Parks Board several options on how to delineate Chalmers Jones Park located at the City's Civic Center. Once a Park delineation option is chosen, staff can begin the process of developing a Master Plan as approved in the 2001/2002 budget by City Council and Budget Committee.

In the 1992 Parks Master Plan, Chalmers Jones Park is identified as City Hall Park. Attachment 1 includes an aerial photo of the Civic Center taken in the late 80's and language that determines minor improvements. This photo indicates the entire acreage as a park. With the acquisition of property along Rickman Avenue, much has change since the establishment of Chalmers Jones Park. The City's Civic Center is approximately 8.7 acres total, including the Park. City Council just approved the purchase of an additional parcel along Bailey Avenue, which is not included in the total acreage at the Civic Center.

Staff has included Attachment 2, which has several options to consider for Chalmers Jones Park delineation. Staff considers option 3 and 5 as the most appropriate at this time to allow for future growth of City Hall Facilities.

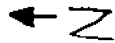
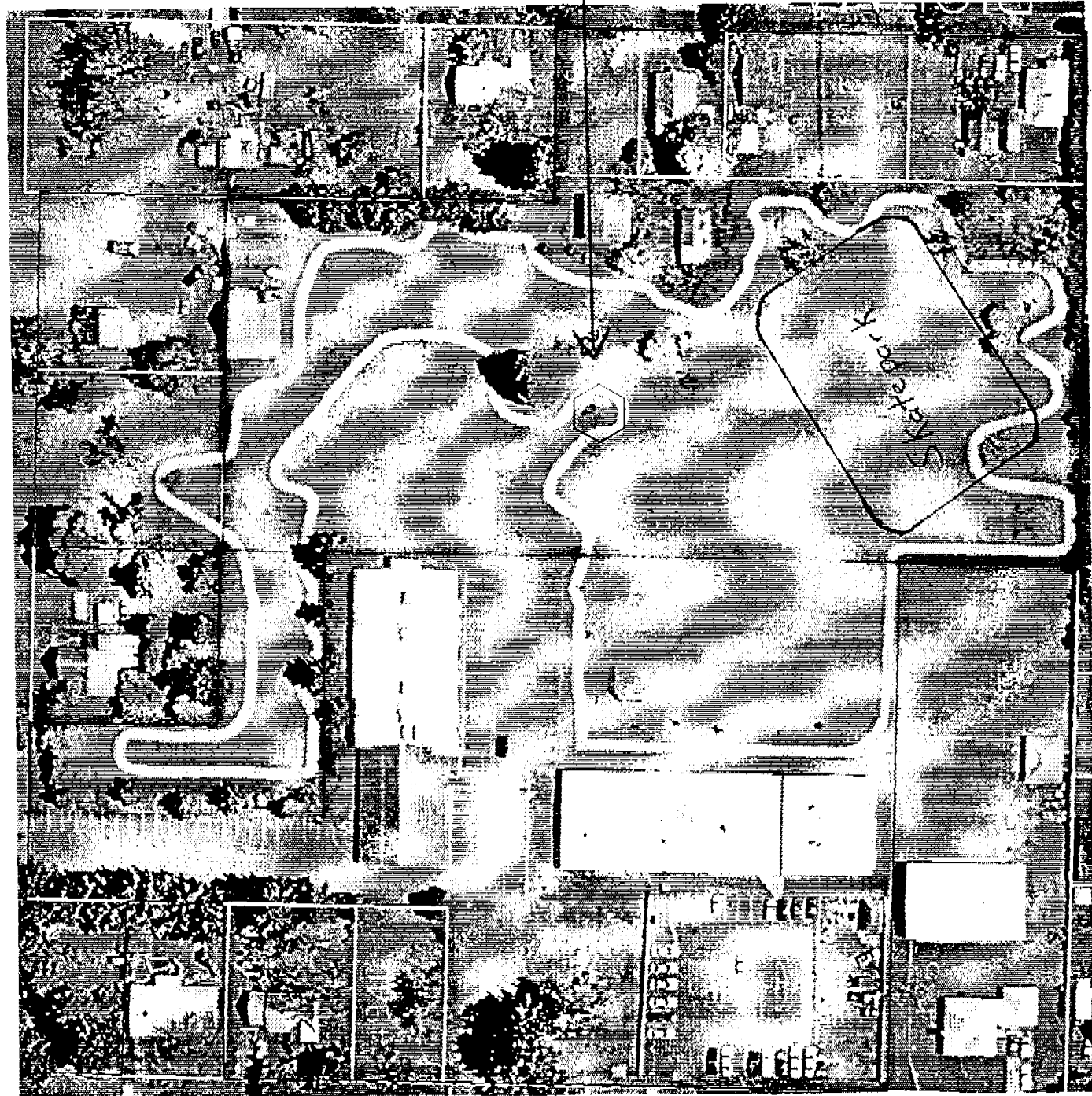
RECOMENDATION:

Staff recommends the Parks Advisory Board choose an option presented or develop an alternative park delineation option and forward to City Council for consideration.

option #1

4.44 Acres

1" = 100'



8.7 Acres
Total complex

70' from Parking
Lot to Gazebo

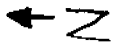
15ft from Tree
Canopy to Gazebo

105ft from
Gazebo to Skatepark

Option #2

5.15 Acres

1" = 100'

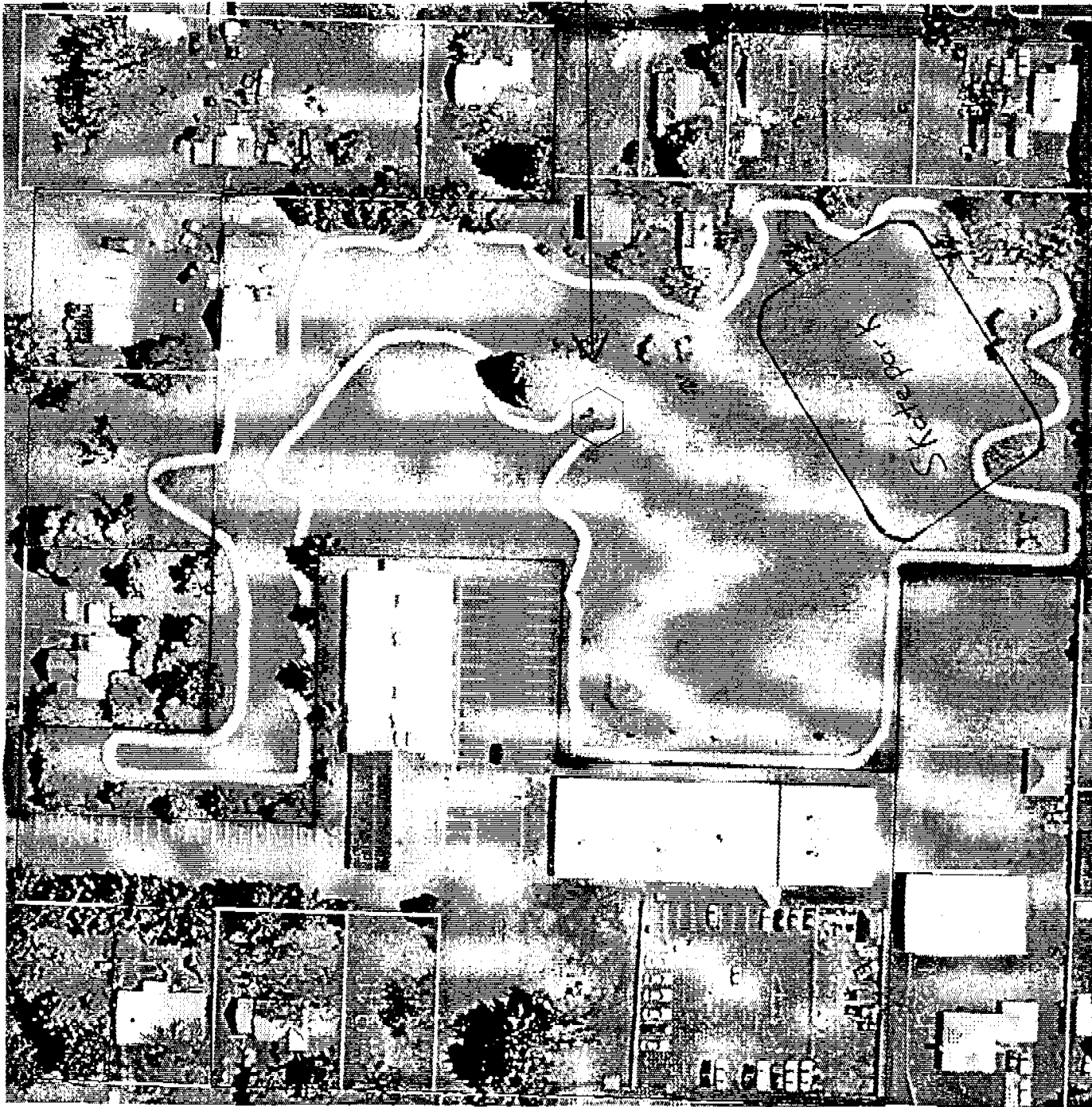


8.7 acres
Total complex

70' from Parking
Lot to Gazebo

15' from Tree
Canopy to Gazebo

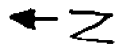
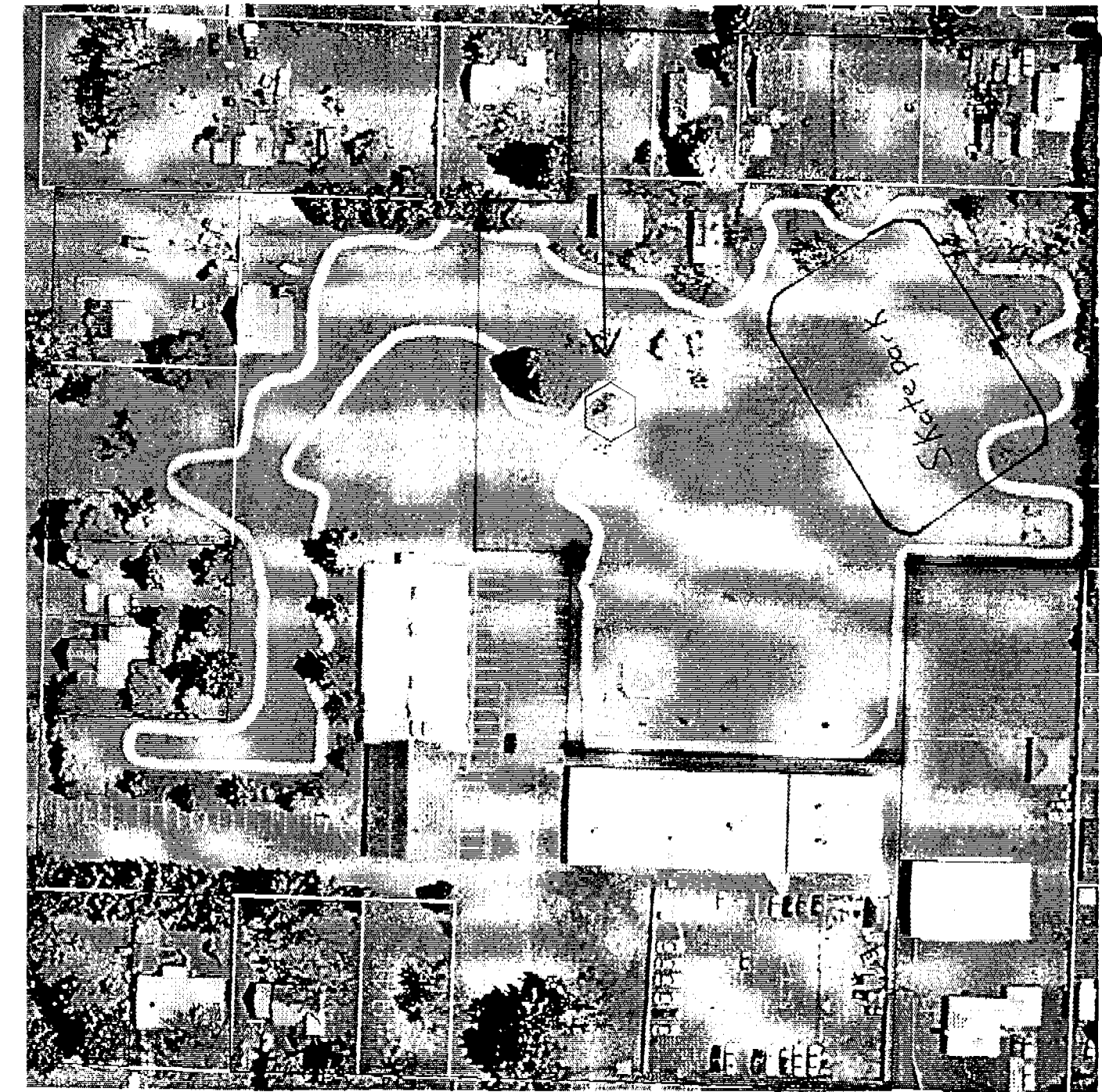
105' from
Gazebo to Skatepark



Option #3

3.78 acres

1" = 100'



8.7 acres
Total complex

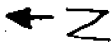
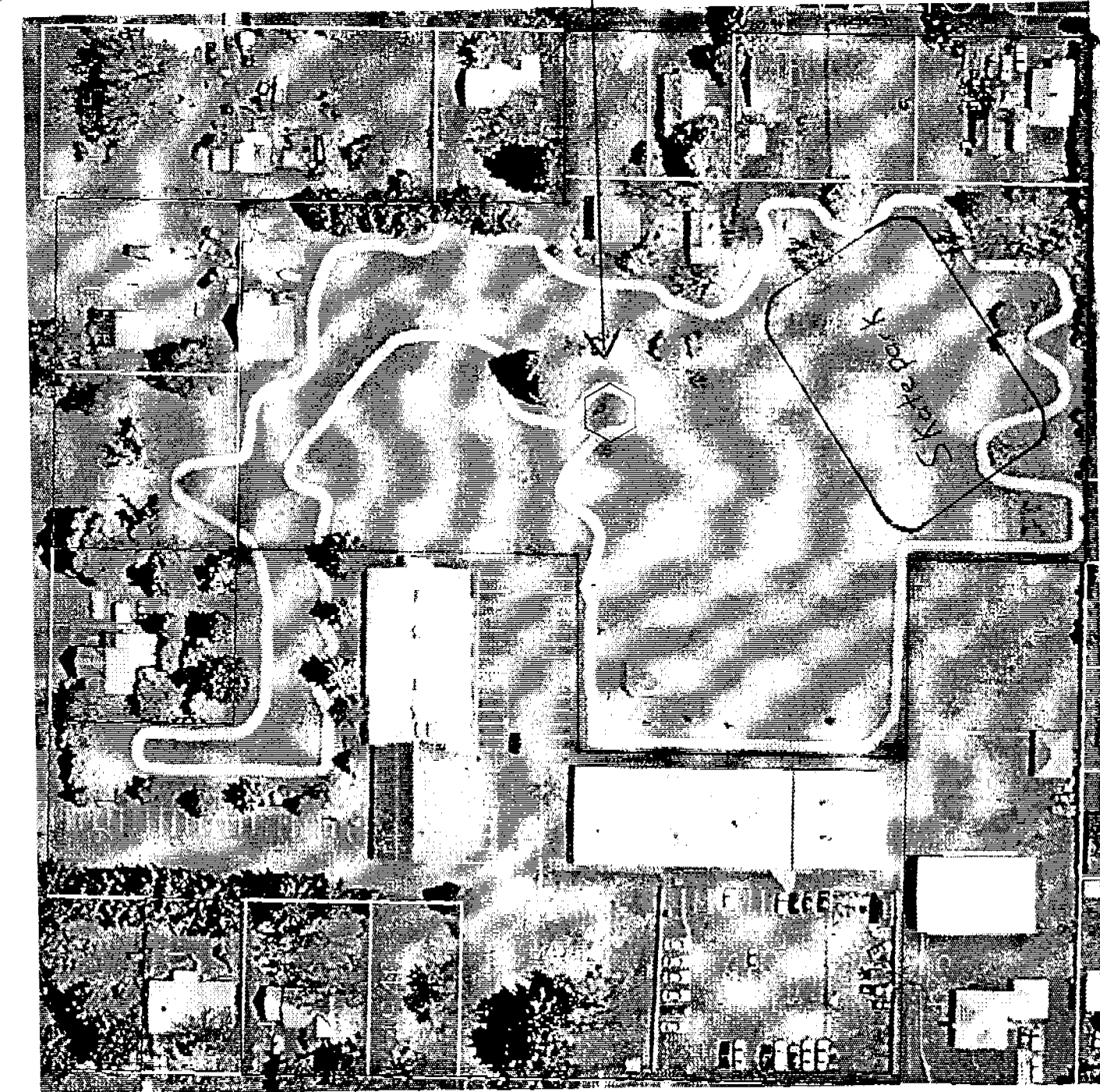
70' from Parking
Lot to Gazebo

15ft from Tree
Canopy to Gazebo

105ft from
Gazebo to Skatepark

option #4
4.64 acres

1" = 100'



8.7 acres
Total complex

70' from Parking
Lot to Gazebo

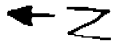
15' from Tree
Canopy to Gazebo

105' from
Gazebo to Skatepark

Skatepark

option #5
3.99 acres

1" = 100'

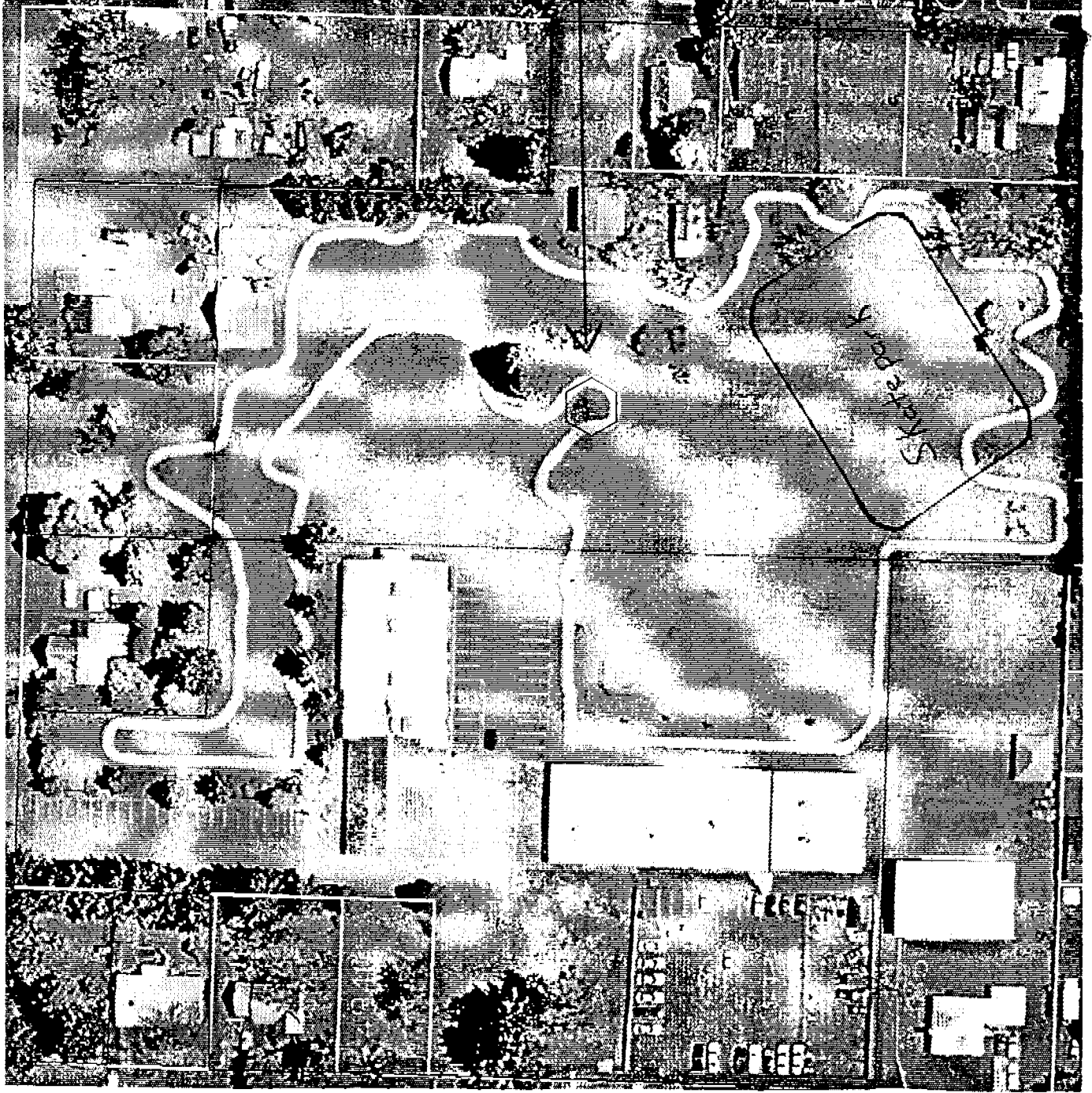


8.7 acres
Total complex

70' from Parking
Lot to Gazebo

15ft from Tree
Canopy to Gazebo

105ft from
Gazebo to Skatepark



INVENTORY OF PARK FACILITIES

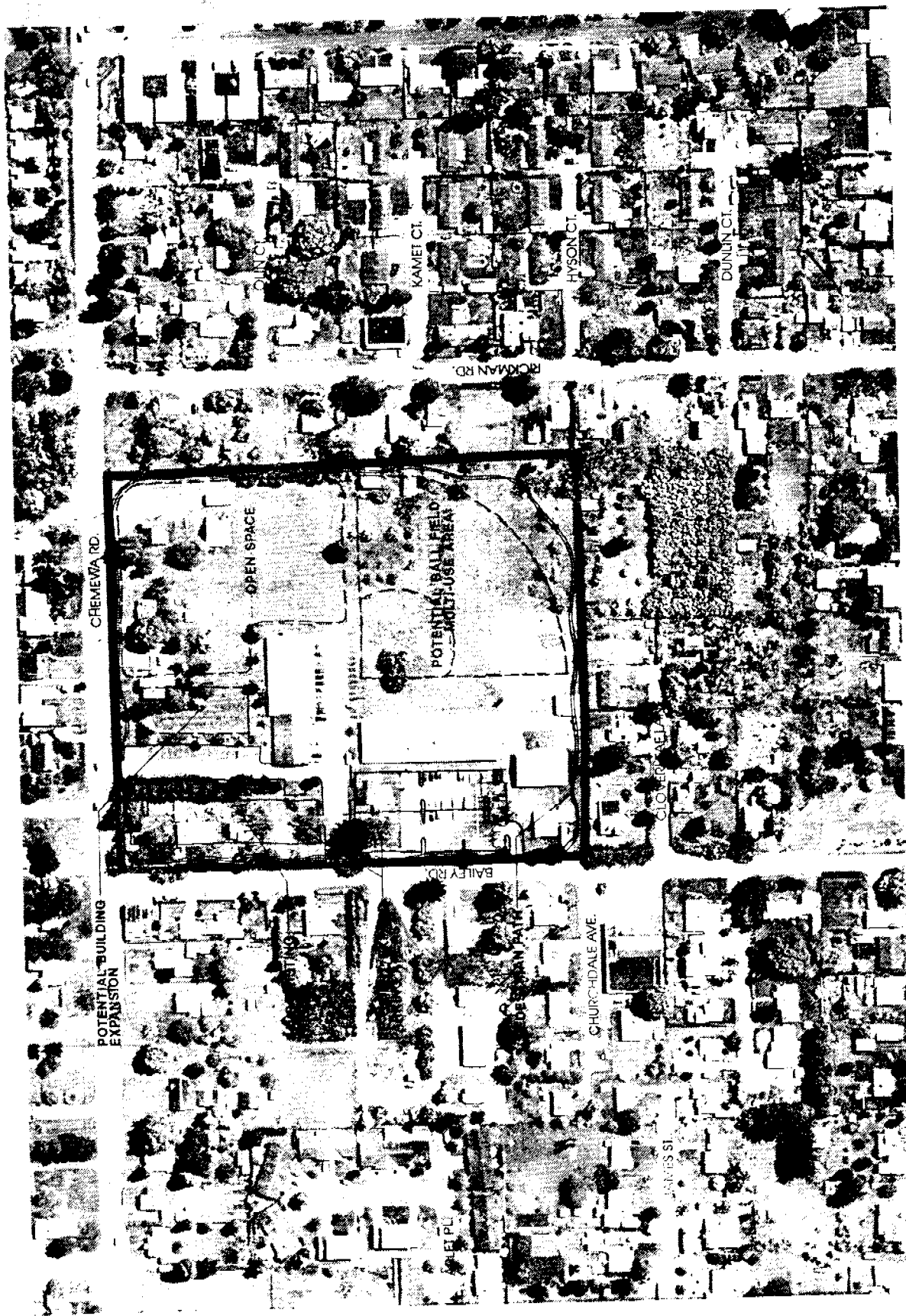
City Hall Park

Description:

City Hall Park is approximately a 4.5-acre site located adjacent to Keizer City Hall and the Keizer City Police Station. It is an open lawn area with some existing mature trees throughout the site. There are currently several small out buildings and residences on the site. The lawn areas are not irrigated. Access is good from Chemawa Road and the surrounding neighborhood.

Comments:

City Hall Park is an excellent site to develop into a neighborhood park. It could accommodate a pedestrian pathway, future building expansion and a multipurpose ball field. Irrigation on the ball field would be recommended. The specific design of the open space should be carefully developed to augment City Hall/Civic Center activities.



CITY HALL PARK

KEIZER COMPREHENSIVE PARK SYSTEM DEVELOPMENT PLAN
 CONTRACT SERVICES
 YEARLY MAINTENANCE ESTIMATE
 MAY 7, 1992

ITEM	QUANTITY	UNIT	UNIT PRICE	# OF TREATMENT	ITEM AMOUNT
CITY HALL					
Broadleaf Weed Control	4.5	AC	\$67.00	1.5	\$452.25
Fertilization	4.5	AC	\$77.00	2.0	\$693.00
Pre-Post Emergent Weed Control		L.S.	\$34.00	1.5	\$51.00
Mowing		L.S.	\$130.00	20.0	\$2,600.00
Irrigation Maintenance		YR			\$1,500.00

TOTAL	\$5,296.25
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CITY OF KEIZER

MEMORANDUM

DATE: April 2, 2001

TO: Mayor Christopher and City Council

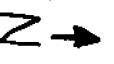
CC: Chris Eppley City Manager

FROM: Rob Kissler
Director of Public Works 

SUBJECT: Chalmers Jones Park at City Hall Complex

BACKGROUND:

The attached exhibit is an aerial photo of the City Hall Complex with the Skate Park and future Gazebo drawn in. This photo also indicates the perimeter property of approximately 8.7 acres at the City Hall Complex including Chalmers Jones Park. I'm providing this information for your files. Please contact me if you have questions. Thanks.



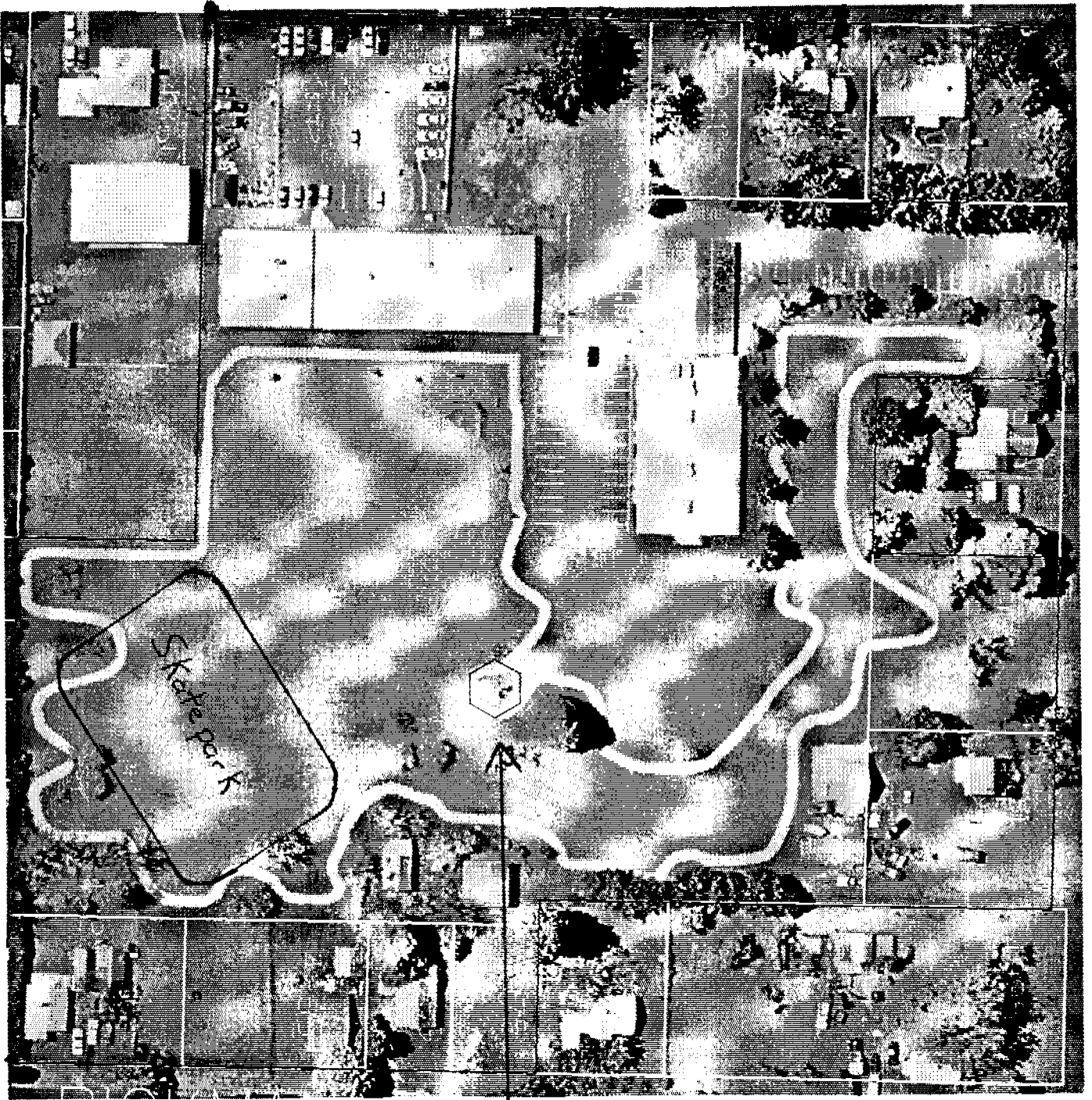
8.7 acres
Total complex

70' from Parking
Lot to Gazebo

15ft from Tree
Canopy to Gazebo

105ft from
Gazebo to Skatepark

1" = 100'





October 1, 2001

AGENDA ITEM 7a

**RESOLUTION – EXTINGUISHING EASEMENT NEAR JACK STREET
AND RIVERCREST DRIVE**

CITY COUNCIL MEETING: October 1, 2001

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *EXTINGUISHING EASEMENT NEAR JACK STREET AND RIVERCREST DRIVE*

The City of Keizer acquired River's Edge Park from the City of Salem in 1993. Long before the City of Salem acquired the property it was a portion of the old Weeks berry farm. In 1955, the Weeks acquired an easement to access the property.

Later when the area was subdivided there was no further need for the easement, but it was never extinguished. The City acquired the easement along with the property when it was conveyed by Salem.

Dennis Schaffner and Janis Schaffner own property on the northeast corner of Garland Way and Jack Street. They are in the process of selling the home to another buyer who is concerned that the easement clouds the title to the property.

I have talked to both Rob Kissler and Bill Lawyer and they indicated there is no reason to retain this easement as there is no roadway or alleyway in this area at all and no need of one. The Schaffners and the title company are requesting the release of the easement so that the sale of the property may move forward. I have prepared a resolution and deed to that effect. I have also enclosed a map indicating where the Schaffner property is ("Subject Property") and the River's Edge Park area.

RECOMMENDATION:

Adopted the enclosed Resolution.

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

ESJ/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2001-_____

3 AUTHORIZING THE CITY MANAGER TO SIGN DEED
4 EXTINGUISHING EASEMENT IN THE VICINITY OF GARLAND
5 WAY NORTH AND JACK STREET (RIVER'S EDGE PARK)

6 WHEREAS, at one time a easement was given in favor of Lloyd E. Weeks and
7 Florence Weeks to enable the Weeks to access their property adjacent to the Willamette
8 River;

9 WHEREAS, a portion of the Weeks property was acquired by the City of Salem
10 and known as River's Edge Park;

11 WHEREAS, the City of Keizer acquired such park from the City of Salem in
12 1993;

13 WHEREAS, a portion of the easement crosses property owned by Dennis G.
14 Schaffner, Jr. and Janis A. Schaffner and is unused and unnecessary for the convenience
15 of the public;

16 WHEREAS, the Schaffners have requested the City extinguish the easement to
17 remove the cloud on the title;

18 NOW, THEREFORE,

19 ///

20 ///

21 ///

22 ///

BARGAIN AND SALE DEED - STATUTORY FORM

Corporate Grantor

CITY OF KEIZER, an Oregon municipal corporation, Grantor, conveys to DENNIS G. SCHAFFNER, JR. and JANIS A. SCHAFFNER, as tenants by the entirety, Grantees, the following described real property situated in Marion County, Oregon, to-wit:

North twenty feet (20') of LOT 1, BLOCK 2, GREENWAY ADDITION, in the City of Keizer, County of Marion, and State of Oregon.

This deed is executed and recorded to release the above referenced property from that certain Easement recorded March 31, 1955 at Volume 474, Page 80, Marion County Records. This deed is being executed and recorded to be certain such easement is extinguished.

The true consideration for this conveyance is NONE.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.903.

DATED this _____ day of _____, 2001.

CITY OF KEIZER, an Oregon
municipal corporation

By: _____
Christopher C. Eppley, City Manager

STATE OF OREGON, County of Marion) ss. _____, 2001.

The foregoing instrument was acknowledged before me by Christopher C. Eppley, City Manager of the City of Keizer, an Oregon municipal corporation, on behalf of the corporation.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

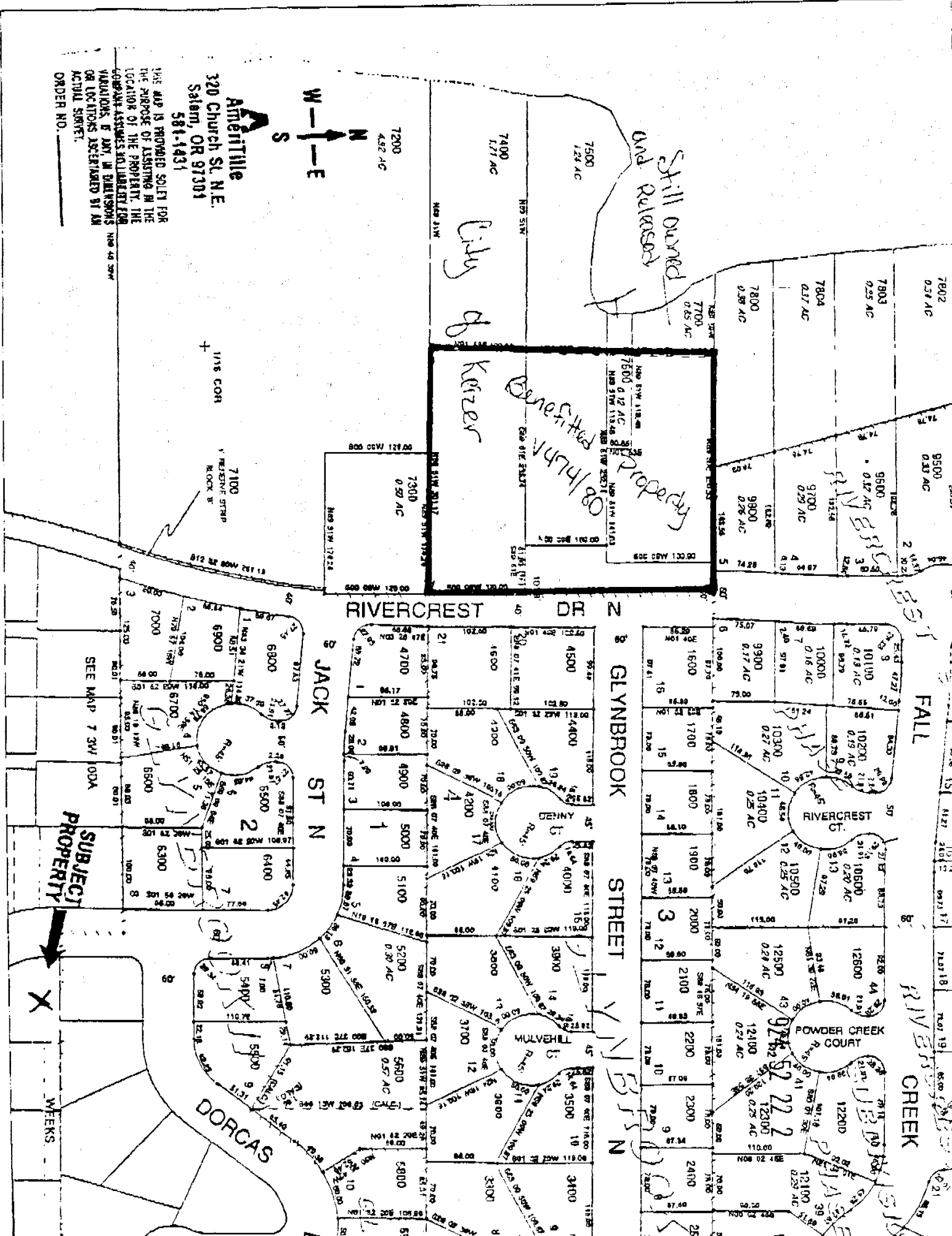
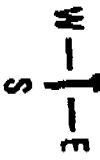
**AFTER RECORDING
RETURN TO:**

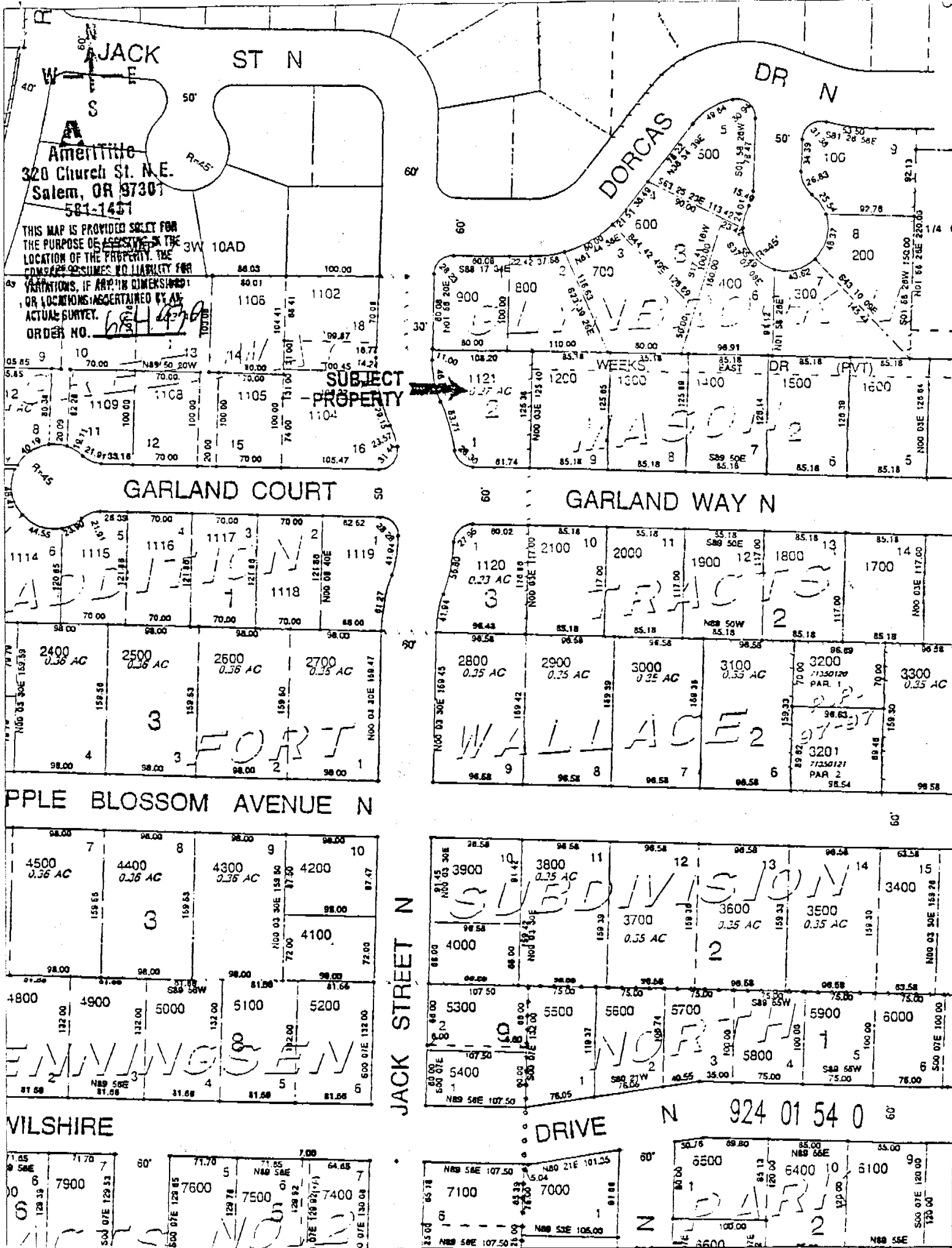
**UNTIL A CHANGE IS REQUESTED,
SEND ALL TAX STATEMENTS TO:**

THIS MAP IS PROVIDED SOLELY FOR THE PURPOSE OF ASSISTING IN THE LOCATION OF THE PROPERTY. THE COORDINATE ASSUMES NO LIABILITY FOR VIOLATIONS, IF ANY, IN DIMENSIONS OR LOCATIONS ASCERTAINED BY AN ACTUAL SURVEY.

ORDER NO. _____

Amerititle
320 Church St. N.E.
Salem, OR 97301
581-1431





AmerTitle
320 Church St. N.E.
Salem, OR 97301
581-1451

THIS MAP IS PROVIDED SOLELY FOR
THE PURPOSE OF IDENTIFYING THE
LOCATION OF THE PROPERTY. THE
DRAWER ASSUMES NO LIABILITY FOR
VARIATIONS, IF ANY, IN DIMENSIONS
OR LOCATIONS ASCERTAINED BY AN
ACTUAL SURVEY.
ORDER NO. 684479

SUBJECT
PROPERTY

GARLAND COURT

GARLAND WAY N

PPLE BLOSSOM AVENUE N

JACK STREET N

MILSHIRE

DRIVE

924 01 54 0



October 1, 2001

AGENDA ITEM 8a

APPROVAL OF SEPTEMBER 10, 2001 WORK SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
WORK SESSION
Monday, September 10, 2001
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Council President Moir called the work session to order at 5:30 p.m. Roll Call was taken as follows:

Present:

Ray Kelly, Councilor (arrived at 5:47)
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Absent:

Lore Christopher, Mayor

Staff:

Chris Eppley, City Manager
Maria Meier, Senior Planner
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

DISCUSSION

a. Proposed Infill and Redevelopment Master Plan

Planning Director Maria Meier supplied an overview of the program and the process for the project. She provided information regarding participating stakeholder groups, the Citizen Advisory Group and the Planning Commission and their role in the process and recommendations.

Ms. Meier answered questions from the Council pertaining to the methodology, the intent of the plan and Measure seven's possible significance. The process for review of the document was also covered.

Councilor Kelly arrived and took at seat at the table.

- **Introduction**
- **Plan Purpose and Goals**
- **Constraints and Opportunities**
- **Objectives and Strategies**
- **Code Audit**

Ms. Meier summarized each of the chapters as above bullet points in the Infill and Redevelopment Master Plan.

Ms. Meier addressed questions pertaining to the definitions of affordable housing and compatibility with existing neighborhoods. She reminded the Council that the use of these terms was subjective as demarcated in the document. The Council discussed these terms with the City Attorney offering information from the Comprehensive Plan.

At the request of Councilor McGee, Ms. Meier indicated that she would provide building permit data connected with infill development.

Ms. Meier went on to address and answer questions about the Development Code and the suggested changes regarding infill development as part of the code.

Responding to questions City Manager Eppley indicated that the Council's role in this process would be as the Council wished to define it.

Council discussed and debated the options while listening to ideas and receiving background information from legal counsel and staff. The Public Works Director also addressed economic issues pertaining to public sewer and waterlines.

Due to the hour the bullet points were only discussed through the bulleted item "Constraints and Opportunities." It was the decision of the Council to continue with the next bullet point during the next meeting.

ADJOURNMENT

Council President Moir adjourned the meeting at 7:00 p.m.

APPROVED:
MAYOR:

ABSENT
Lore Christopher

Cindy Perry
Recording Secretary



October 1, 2001

AGENDA ITEM 8b

APPROVAL OF SEPTEMBER 17, 2001 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, September 17, 2001
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:00 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Ray Kelly, 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
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Shannon Johnson, City Attorney
Bill Peterson, City Engineer
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

No public testimony was heard before the City Council.

**COMMITTEE
REPORTS**

- **Community Policing-Councilor Kelly reviewed the memo from Sergeant Kuhns pertaining to the future of community policing due to budget constraints. He noted recommendations by staff including the assignment of a Sergeant to participate in neighborhood association meetings.**

Responding to questions Chief Adams indicated that the suggested changes were brought before the Main Community Policing Group, but that this group has not had a quorum during its last three meetings. Chief Adams indicated that the Main Community Policing Meeting would continue to meet monthly with an attempt for greater participation through this and the neighborhood association meetings.

- **Parks Advisory Board**-Mayor Christopher reported that the meeting was cancelled and rescheduled for September 18th.

Mayor Christopher expressed the Council and the City's condolences for the victims of the terrorist attack. She asked for a moment of silence for the families and victims of the attack.

- **Planning Commission**-Council President Moir reported on October 10th the new Planning Commissioners would be sworn in.
- **Mid Willamette Area Commission on Transportation**-Councilor Smith reported discussions were still taking place regarding ODOT funds.
- **Chamber of Commerce Governmental Affairs**-Councilor Walsh reported bylaws for the group was addressed and the suggested changes in representation from individual occupation representation to geographic representation.
- **Library Task Force**-Councilor Walsh reported that the next meeting of the main committee would take place on September 20th.

OTHER BUSINESS

a. New Business

Councilor Smith addressed the ongoing litter problem at the Skate Park. She requested consensus from the Council to purchase brooms and a small shed to house the supplies, which could be used by the kids using the park.

The Council discussed various options and Council requested that staff reviews these options and make a recommendation to Council on the viability of these suggestions.

b. Old Business

Warrant Study

Councilor Smith re-addressed the request for a warrant study for a crosswalk at Verda and Lockhaven. She noted a memo submitted by Public Works Director Rob Kissler pertaining to the costs of the study.

Councilor Smith moved to set aside funds for a warrant study for a crosswalk on Lockhaven at Verda Lane, 14th Avenue and River Road. Council President Moir

seconded the motion.

Mr. Kissler addressed questions from the Council noting that it was his opinion that the study would find that a signalized crosswalk would not be warranted. Visibility in the area was also discussed, as well as, other projects that had been slated for review and the funding issues involved.

Councilor Smith indicated that the request was not for a signalized crosswalk, but rather a painted crosswalk to allow for the safe crossing of pedestrians.

Mr. Kissler stressed that it was his belief, as well as the Traffic Engineer that a mid-block painted crosswalk would be dangerous for pedestrians. He addressed the differences between a school crossing verses a normal pedestrian crosswalk and the ODOT codes and manuals that deal with warrant studies and its criteria.

The motion failed as follows:

AYES: None (0)

NAYS: Christopher, Kelly, Lee, Moir, Smith and Walsh
(6)

ABSTENTIONS: None (0)

ABSENT: McGee (1)

Task Force for Possible Development of Unocal Property
Councilor Lee reported that this Task Force had been organized and consisted of Bob Newton, Jerry McGee, Christine Jones, Greg Rands and staff Rob Kissler.

Mayor Christopher requested that the adjacent property owners be contacted as stakeholders in this process.

Visibility Issue

Councilor Lee noted contact from a citizen regarding the reduced visibility at River Road and Parkmeadow Drive due to chain link fence at this area. He requested that staff be directed to review the issue.

Pay It Forward Day

Councilor Lee supplied a packet containing information pertaining to Pay it Forward Day. He urged the Mayor to develop a proclamation declaring November as Pay it Forward month.

Councilor Lee moved to draft a proclamation for the

Mayor's signature proclaiming the month of November as "Pay it Forward" month. Councilor Kelly seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, Moir, Smith and Walsh
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee (1)

Whiteaker Grounds

Councilor Walsh reported that he was approached by individuals at Whiteaker requesting the cooperation between the School District and the Parks Board to allow for development of the field behind the school.

Mayor Christopher indicated she would address this issue with the Parks Board.

Willow Lake Treatment Plant

City Manager Eppley reported that Frances Kessler requested to make a presentation at the next Council meeting regarding Plant Collection System. With the consensus of the Council this to the agenda for the next meeting.

Natural Treatment System

Public Works Director Rob Kissler reported that a meeting with the DEQ would take place at the Salem Public Library on September 27th at 2:00 p.m.

PUBLIC HEARINGS

**a. Comprehensive Plan
Map Amendment/Zone
Change/Conditional
Use Case No. 01-35
(Salem-Keizer District)**

City Attorney Shannon Johnson noted the applicable criteria and requested a waiving of reading of the criteria. With no objections the reading was waived. Mr. Johnson as for any objections to notice, jurisdiction, exparte contact or bias is presented.

Councilor Smith noted that she visited the site to review the stage of development.

Planning Director Maria Meier reported that the applicant was the Salem-Keizer School District 24J. Ms. Meier indicated that the subject property was located at 1050 Clearlake Rd NE. The request was for approval of a Comprehensive Plan Map Amendment/ Zone Change to establish an Elementary School (ES) Comprehensive

Plan designation and a Public (P) zone designation on the subject property. It was also noted that the applicant was requesting a Conditional Use for the construction of the Elementary School.

Ms. Meier noted that the criteria was outlined in the staff report and reported that the Hearings Officer conducted a public hearing on August 23rd of which the record was closed on September 4, 2001.

The staff and Hearings Officer recommendation was to approve the above request with the suggested Hearings Officer recommendations.

Mayor Christopher opened the public hearing.

Public Testimony

Mark Shipman, 250 Church Street SE, Suite 300, Salem-attorney for the applicant. Mr. Shipman shared their agreement with the staff and Hearings Officer's recommendations. He asked for concurrence from the Council to move forward with the project to allow the school to open in the Fall of 2002. Mr. Shipman also offered input from the various organizers of the project at the Council's request.

Dan Prideaux, Project Manager Salem-Keizer School District- responding to Council's questions he indicated that the street would be developed to full width with curb and sidewalk up to Mr. Cronemiller's property. Mr. Prideaux also noted that a traffic study did not warrant a left -hand turn lane.

Mr. Prideaux addressed the perimeter access road requested by the Marion County Fire District. He noted that the District had met all building code requirements for this building and felt that the perimeter access road was unnecessary. He noted that a gated emergency access would be available if the need arose for evacuation or access for emergency vehicles.

In response to Councilor Smith's concerns Mr. Shipman noted his comment pertaining to the Chemawa Activity Center in his written statement was to recognize that there was a need for publicly owned land in Keizer as part of their zone change application. He summarized the recent development of other schools in the area where these issues were cited as part of the process.

Mr. Prideaux explained as part of the development a tree preservation and replacement plan was enacted that would include the planting of approximately 40 trees. He also noted DEQ's inspection of the site and the compliance as required by the permits.

Addressing additional concerns pertaining to the purchase and placement of flashing lights at the new schools Mr. Prideaux indicated that there had been discussions for the school district to pay the costs for appropriate crosswalks on Wheatland and Clearlake Road. These areas would be outlined once attendance for the school had been determined.

Mark Grenz, Multi-Tech Engineering, Project Engineer, 1155 13th Street SE, Salem-noted storm drain facilities and the 12-inch water line that would be placed for the new school. He offered to answer questions from the Council.

Dave Guile, Principal of Forest Ridge Elementary School, 6711 14th Avenue, Keizer-spoke in support of the land use change and requested that this action take place in an expedient manner to help reduce the overcrowding at Clear Lake Elementary School.

Mr. Guile addressed portions of the Hearings Officer's report noting the environmental theme would be followed and the required trees added to the site. He also addressed the lack of sidewalks from St. Charles Street to the new school site. Mr. Guile encouraged the School District, City and the Clear Lake Neighborhood Association to engage in conversations to see that this addition was added for the safety of children walking to school in that area. The curriculum was outlined, as well as the suggested boundaries for the new school.

Mr. Guile answered questions from the Council pertaining to the development and boundaries of the new school.

Council and the City Attorney discussed the appropriateness for the requirement of the sidewalk as recognized by Mr. Guile. Public Works Director Rob Kissler summarized issues for the area, but indicated that there might be enough right-of-way available to provide at least a shoulder along the road to provide some protection to pedestrians. He offered to develop some cost analysis for Council's review.

The sidewalk issue was discussed further with Mr. Shipman pledging their commitment to work with the city and the neighborhood association to see that the appropriate sidewalks were put in place. Although Mr. Shipman did not feel it was reasonable to expect the school district to bear the full cost of the sidewalks for this area.

Mr. Prideaux expressed his support for continued discussions between the city and the school district for cost sharing negotiations for walking access in the area.

Responding to Councilor Smith's concerns Mr. Guile indicated that he did not feel that additional traffic would be moved onto Rupp Street and stressed that the school would be providing training to the children and their families to keep everyone safe and minimize the use of Rupp Street.

Paula Smith, Deputy Fire Marshall Marion County Fire District-addressed the access road requested by the Fire District. She noted the hydrant, which was placed towards the back of the site, but indicated that no access was made available for emergency vehicles to use this hydrant. She stressed the need for access to this hydrant as the size and weight of the fire equipment could make it difficult to access the hydrant across the grass.

Responding to questions, Mr. Kissler indicated that Rupp was built to development code standards and should adequately accommodate fire equipment with parking on both sides of the street.

With further discussion Ms. Smith agreed that the conditions of approval as recommended by the hearings officer were adequate for access to the fire hydrant.

The use of Marks Avenue was addressed and Mr. Johnson cautioned the Council against imposing a condition that was out of the control of the applicant since Marks Avenue was a private street.

The Council and legal counsel debated the request by the Fire District for the requirement of the road around the perimeter of the school for emergency access per the Fire Code and the Hearings Officer's report.

Dennis Wise, 999 Rupp Avenue NE, Keizer-expressed appreciation for recognition regarding concerns of the

neighborhood. He urged neighborhood awareness for the safety of the children in the area and advised involvement of the neighbors during the development of the school.

City Manager Eppley noted that the School District had expressed an interest in working with the neighbors to do this.

Mr. Prideaux confirmed that they would work staff and the Fire District pertaining to emergency access to the school. He addressed the enormous growth of the district, which was twice the projected growth. He urged the Council to allow the district to move forward with the development of the school.

With no additional testimony Mayor Christopher thanked everyone for testifying and recessed the meeting at 9:37 p.m. The meeting was reconvened at 9:47 p.m.

Mr. Johnson noted that Council had suggested some additional conditions those included:

- *Page 16 of Hearings Officer's Recommendation to add to Condition 13 after second sentence; Upon dedication of sufficient right-of-way from the adjoining property owner (Rod and Loretta Lent), the applicant shall construct a full street improvement on that property.*

Mr. Johnson addressed this amendment whereupon Mr. Shipman noted that this amendment would work on the Lent property but indicated that on the Cronemiller property they had agreed to provide gate access to approximately 30 feet on his property.

Council discussed the Cronemiller agreement. Mr. Prideaux indicated that Mr. Cronemiller was interested in only developing to his property line and gaining property to extend this would probably take the condemnation process.

Council further deliberated this issue reviewing the Lent and Cronemiller properties by way of the map provided by the school district.

Discussions of "No Parking" along Rupp Avenue were brought about. Mr. Johnson suggested an amendment to Page 16 Condition 14 to add the sentence to read:

- *The applicant shall pay the cost of signage*

and marking for the cul-de-sac area as a "No Parking/Tow Away Zone."

Mr. Johnson also suggested the addition of *Condition 19* to read:

- The applicant shall construct and/or pay for the school zone crosswalks and flashing signals in accordance with City specifications on Clear Lake and Wheatland Road.

Council President Moir moved to Adopt a Bill for an Ordinance in the Matter of the Comprehensive Plan Map Amendment Zone Change Conditional Use for Development of New Elementary School in the Vicinity of Clear Lake Road in which the City Grants Approval in Accordance with the Keizer Hearing's Officer Recommendation Dated September 7, 2001, as amended. (Case 01-35 Salem-Keizer School District 24J) Councilor Lee seconded the motion.

Councilor Kelly moved to remove the amendments from the motion.

The motion died due to the lack of a second.

The motion passed as follows:

AYES: Christopher, Lee, Moir, Smith and Walsh (5)

NAYS: Kelly (1)

ABSTENTIONS: None (0)

ABSENT: McGee (1)

Councilor Kelly moved to suspend the Council rules to enable him to reconsider his vote. Councilor Walsh seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Walsh moved for reconsideration of the Motion. Councilor Smith seconded the Motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, Moir, Smith and Walsh
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee (1)

Mayor Christopher moved a bill for an ordinance in the Matter of the Comprehensive Plan Map Amendment/conditional Use For Development of A New Elementary School in the Vicinity of Clear Lake Road in which City Grants Approval in Accordance with the Hearings Officer Recommendation with the Amendments as Outlined by the City Attorney-Case No. 01-35 (Salem-Keizer School District 24J) Councilor Walsh seconded the Motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, Moir, Smith and Walsh
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee (1)

Council President Moir Moved to Direct Staff to Work with the School District and Property Owners in the area to Consider Possible widening of Clear Lake Road to Include five-foot Bike Paths on Each Side from St. Charles to the New School. Councilor Lee seconded the motion.

Councilor Walsh suggested a friendly amendment to consider Bike Paths from Wheatland Road to the City Limits. Council President Moir and Councilor Lee accepted the friendly amendment.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, Moir, Smith and Walsh
(6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee (1)

**b. Kat's Korner Billiards
Liquor License**

City Manager Eppley reported that on August 30, 2001 Kathy Miller submitted an application for a Limited On-

**Application (taken before
Public Hearing a.)**

Premises Sales Liquor license for Kat's Korner Billiards located at 3393 River Road North, Keizer, Oregon. He noted public hearing notices were published and the required background checks had taken place.

Staff recommended that the public hearing take place and approve the application for the Limited On Premises liquor license for Kat's Korner Billiards.

Mayor Christopher opened the public hearing.

Public Testimony

Kathy Miller, applicant, 1826 SE 52nd Avenue, Hillsboro, Oregon—expressed an interest in opening a small pub and billiard parlor opening October 1st. She submitted a plan of compliance to the Council.

Responding to questions Ms. Miller noted that a General Manager would be hired but that all final decisions would come through her.

Councilor Lee urged Ms. Miller to let the neighbors in the area be aware of her establishment and to develop a level of trust with neighbors in the area.

With no one else wishing to testify Mayor Christopher closed the public hearing.

Council President Moir moved to recommend approval of the Limited On Premise liquor license application to the Oregon Liquor Control Commission. Councilor Kelly seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, Moir, Smith and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee (1)

**c. Infill Master and
Redevelopment Plan
(continued from 8-20-01)**

Mayor Christopher opened the public hearing.

There was no testimony to come before the Council.

Mayor Christopher continued the public hearing until the special session scheduled for September 24, 2001 at 5:30 p.m. She announced that additional special sessions would be held on October 8th and October 22nd at 5:30.

**d. Legislative
Amendment to
Redesignate Chalmers
Jones park and Clarify
Boundaries (continued
from 8-20-01)**

**ADMINISTRATIVE
ACTION**

**a. RESOLUTION-
Authorizing City
Manager to Award Bid
from Alder Drive NE
Improvements (Storm
Drainage**

p.m.

Mayor Christopher opened the public hearing.

There was no testimony to come before the Council.

Mayor Christopher continued the public hearing until October 1, 2001.

Mayor Christopher addressed questions as submitted by an audience member noting that the grant was only for improvements to Alder in the existing right-of-way.

Responding to additional questions Public Works Director Rob Kissler explained the process, as it would take place through the Urban Renewal Agency, which would forward their action to the Council for consideration.

City Manager Eppley indicated that property owners would be involved in the process prior to public hearing being contacted by public works to address issues which property owners might have. He noted a minimum of 90-days notice to the property owners before the issue would be brought before the Council for a public hearing.

Mayor Christopher directed staff to develop a schedule to outline for the public how the process takes place.

Councilor Smith expressed concerns regarding issues in the TSP.

Planning Director Maria Meier responded that the TSP was scheduled to be reviewed on five-year intervals, but could be reviewed as requested by the Council.

City Manager Eppley agreed to work with Councilor Smith to review some of the issues, which she identified and would work with various committees to review before bringing back to the Council.

Council President Moir moved to Authorize the City Manager to Enter an Agreement with Morse Bros. Construction for Alder Drive Improvements. Councilor Kelly seconded the motion.

The motion passed as follows:

CONSENT CALENDAR

AYES: Christopher, Kelly, Lee, Moir, Smith and Walsh
(6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: McGee (1)

a. Approval of September 4, 2001 Regular Session Minutes

Council President Moir moved for Approval of the
Consent Calendar. Councilor Kelly seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, Moir, Smith and Walsh
(6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: McGee (1)

WRITTEN COMMUNICATIONS

Mayor Christopher noted that Clear Lake Neighborhood Association's next meeting would be September 18th at 7:00 p.m. she noted the agenda for this meeting.

Mayor Christopher requested consensus from the Council to amend Ordinance 2001-441 to allow PGE to submit franchise payment to the City in 45 days rather than 30 days. It was the consensus of the Council for the amended ordinance to be brought back before the Council.

Mayor Christopher noted letters from Albertson's pertaining to assisting the Red Cross by accepting donations, a letter from citizen Casey McCallister urging the development of a library in Keizer and a letter from the Governor pertaining to statewide policy and requesting input from the Council.

AGENDA INPUT

October 1, 2001

7:00 p.m. City Council Regular Session

- Presentation by Frances Kessler on Willow Lake Treatment Plan
- Legislative Amendment to Re-designate Chalmers Jones Park and Clarify Boundaries

October 8, 2001

5:30 p.m. City Council Special Session

- Infill Master and Redevelopment Plan

October 15, 2001

7:00 p.m. City Council Regular Session

ADJOURNMENT

Mayor Christopher adjourned the meeting at 10:48 p.m.

Cindy Perry
Recording Secretary

APPROVED:

Lore Christopher-Mayor

COUNCIL MEMBERS:

Councilor #1 - Judy K. Smith

Councilor #4 - Jacque Moir

Councilor #2 - Ray Kelly

Councilor #5 - Richard Walsh

Councilor #3 - Charles E. Lee

ABSENT
Councilor #6 - Jerry McGee

Minutes approved:

Salem companies win recycling award

BY LAURENCE M. CRUZ
Statesman Journal

Two local garbage and recycling companies won Recycler of the Year awards from the Oregon Association of Recyclers.

Valley Recycling and Disposal in Salem and Loren's Sanitation and Service Inc. in Keizer share the Education/Promotion of the Year Award for their achievements in automating recycling, yard waste and garbage collection, and in successfully educating residents about the new system.

Together, the companies are credited with increasing Keizer's recycling participation by 40 percent because of the ease of the system.

As part of the city's every-other-week program, in effect since

June, the companies collected yard debris and mixed curbside recyclables using automated trucks.

The award — one of nine given to individuals and companies around the state — was presented earlier this month at AOR's annual recycling conference in Eugene.

"Implementing any new recycling program is difficult, but to bring residents up to speed on recycling and yard debris collection on alternating weeks is an incredible feat," AOR said in its newsletter.

AOR represents more than 330 businesses, governments, nonprofit organizations and individuals.

It encourages and promotes waste prevention and recycling in Oregon.



DATE: October 1, 2001 TIME: 7:00 p.m. AGENDA ITEM # 6a

BEFORE THE: KEIZER CITY COUNCIL

PLACE: ROBERT L. SIMON COUNCIL CHAMBERS

[illegible]



DATE: October 1, 2001 TIME: 7:00 p.m. AGENDA ITEM # 6b

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS
(PLEASE PRINT)

[illegible]

Frances Kessler
Willow
Lake
Presentation
10-1-01

City of Salem
Wastewater Collection and Treatment Project
INFORMATION SUMMARY FOR FIRST PHASE - FACILITY PLANNING

Why The Project

- In 1996 the City adopted New Wastewater Master Plan that covered long term wastewater improvements including Sanitary Sewer Overflow (SSO) reductions. Cost Estimate for improvements was \$310 million.
- SSO's are storm driven events where rain water/groundwater get into the sanitary sewer system exceeding the capacity of sewers and causing overflows of untreated, dilute sewage into the Willamette River. Many communities across the country are faced with this same problem.
- In 1998 the City signed an agreement (MAO) with the Oregon Department of Environmental Quality (DEQ) requiring SSO treatment compliance by Dec. 31, 2009.
- City has been making annual improvements, approximately \$4 million/year, to wastewater collection system to reduce SSO's but this is not the total solution.
- The City, along with the consultant team of Black & Veatch/Carollo Engineers, has undertaken a Facility Plan Study to determine the best solution to meet the requirements of the MAO and possibly reduce the \$310 million original estimated cost.
- Payment for the project will come from rate increases (initial 2001 increase was 8.9%).

Alternatives Being Considered (See Attached Figure)

- Construct large diameter collection pipes and convey all the excess flow to the existing Willow Lake Wastewater Treatment Plant and then expand the plant to handle this flow increase. (Alternative listed in 1996 Wastewater Master Plan).
- Install two new satellite treatment facilities at or near existing SSO locations. This alternative would greatly reduce the need for a large expansion at the Willow Lake Facility. This alternative also eliminates most of the need to construct a large collection pipeline to Willow Lake Facility. This alternative has potential for significant cost savings.
- Either of the above two alternatives will require new collection pipelines in the downtown area and miscellaneous updating and growth related improvements at the Willow Lake Facility.

Public Involvement Program (Intended to insure the community is aware of the costs and issues and is afforded the opportunity for input/comment)

- Stakeholder Interviews.
- 4 Newsletters.
- Neighborhood Association Presentations (Salem, Keizer, and Marion County).
- 3 Stakeholder/Community Workshops.
- E-mail updates to Various Parties.
- Presentations to Water/Wastewater Task Force.
- Plan Adoption Process:
 - 2 Meetings/Workshops with Water/Wastewater Task Force.
 - Presentations to City Council.

Schedule

- Facility Plan Draft completed by December 2001. Council adoption in early 2002.
- Design of facilities to begin immediately after adoption of Facility Plan.
- Construction of improvements to be phased to coincide with bond sale funding and to provide for logical implementation of improvements.
- Facilities in service by December 31, 2009.

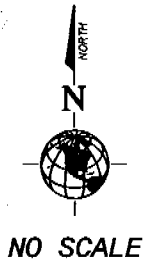
Where Are We to Date

- Public Involvement Program is well under way. As of August 24, 2001 we have made 10 Neighborhood Association presentations, have completed stakeholder interviews, issued one newsletter, made one presentation to the Water and Wastewater Task Force and have conducted one Stakeholder/Community Workshop. Second newsletter to be issued by September 7th and the next Stakeholder/Community Workshop is September 13 at City library.
- Have conducted initial pilot study of satellite treatment system.
- Continued correspondence and meetings with DEQ for approval/agreement with investigations of innovative treatment approach.
- Currently evaluating and costing conveyance/treatment alternatives.

Companion Project

- City is currently constructing a Natural Reclamation System Demonstration Project (NRS) at the Willow Lake Facility.
- Improvement will use natural methods such as wetlands to provide treatment as well as lowering the temperature of the treated wastewater.
- This approach will investigate cost effective alternative methods to conventional nitrogen removal and temperature reduction.
- Facility to be in service by late 2001 with trial test period concluded by 2004-2005.

PEAK EXCESS FLOW TREATMENT FACILITY OPTIONS



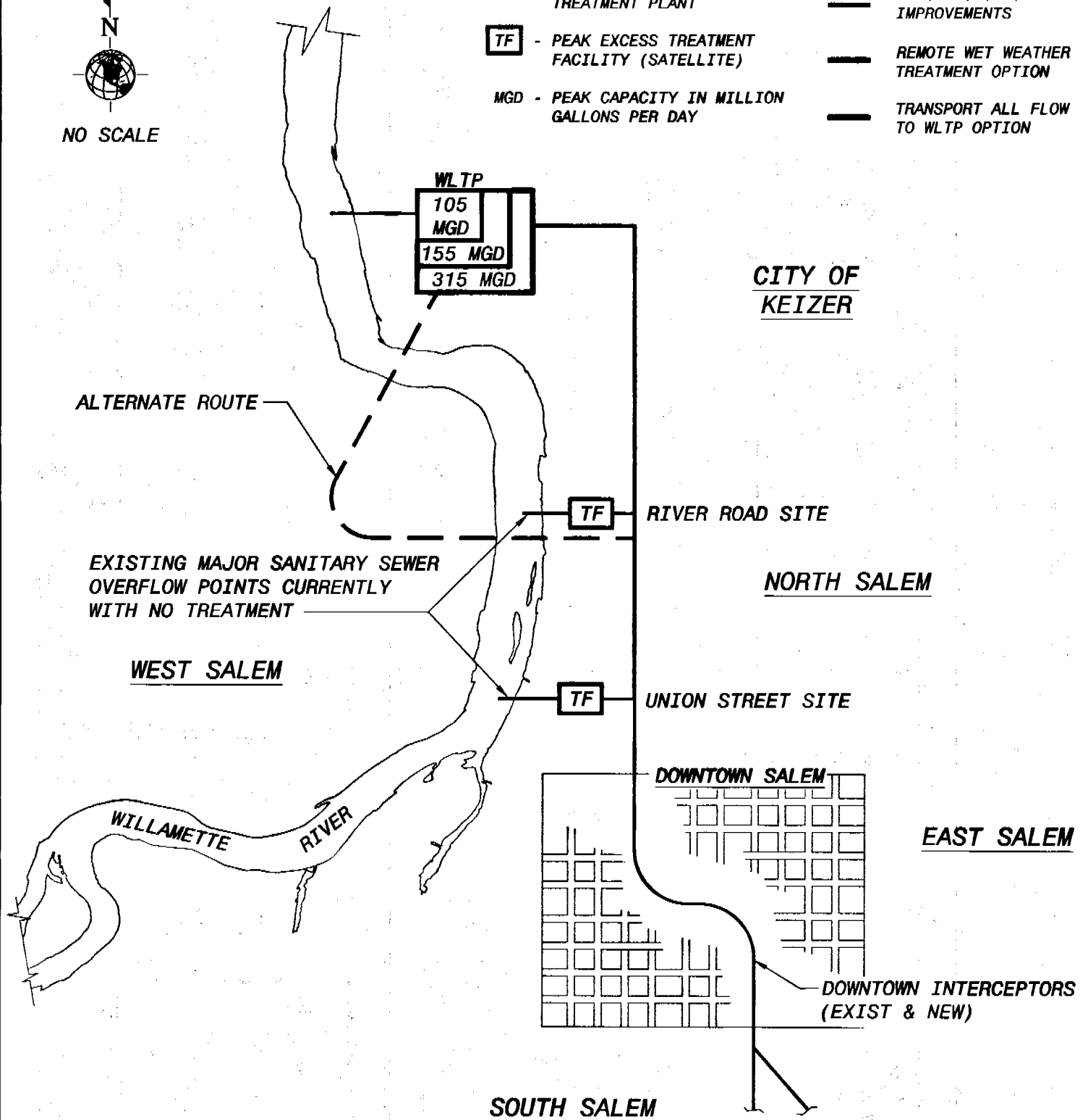
LEGEND

WLTP - WILLOW LAKE WASTEWATER TREATMENT PLANT

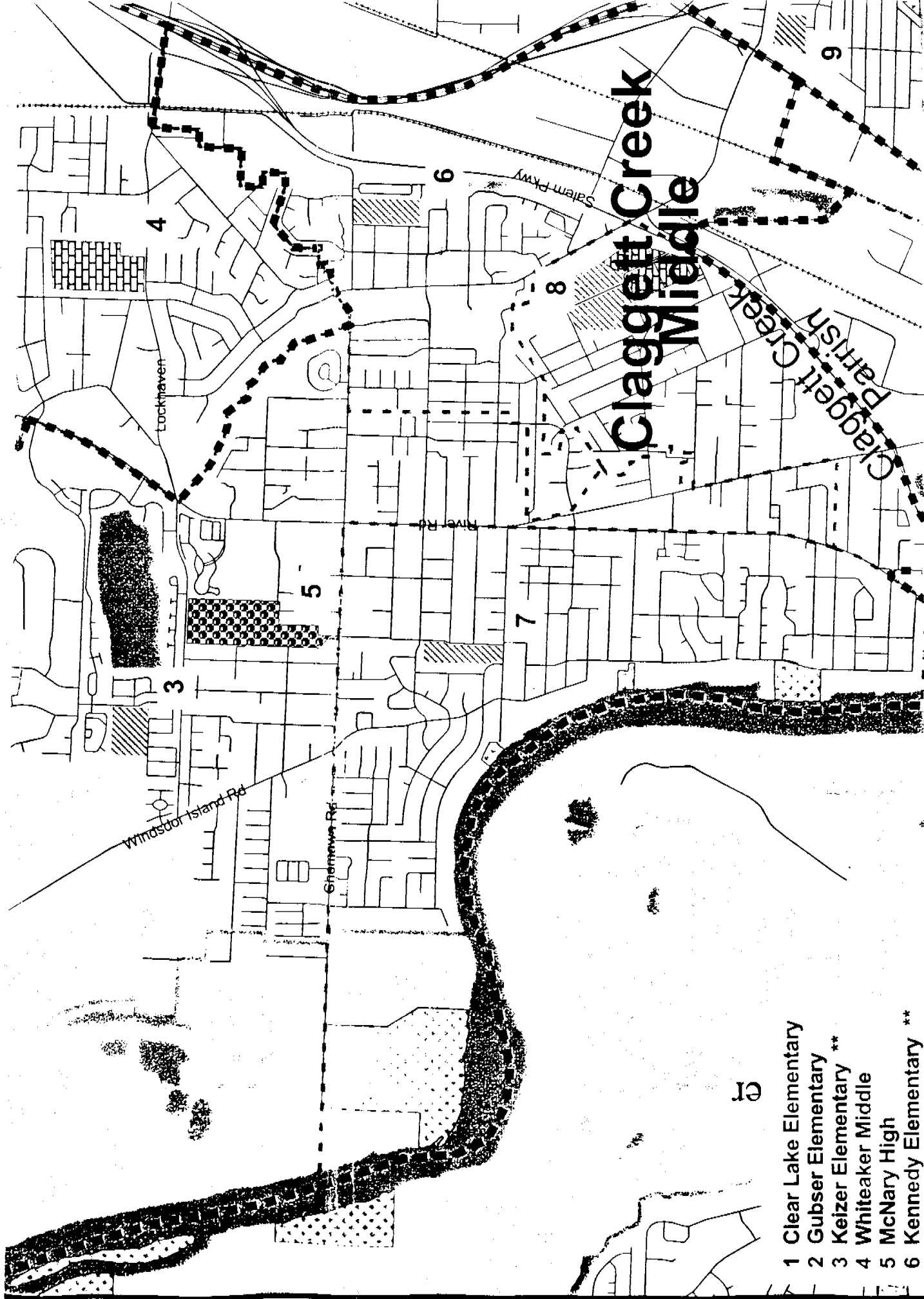
TF - PEAK EXCESS TREATMENT FACILITY (SATELLITE)

MGD - PEAK CAPACITY IN MILLION GALLONS PER DAY

- EXISTING OR GIVEN IMPROVEMENTS
- REMOTE WET WEATHER TREATMENT OPTION
- TRANSPORT ALL FLOW TO WLTP OPTION



Mike basinger
handed in
10-1-01



- 1 Clear Lake Elementary
2 Gubser Elementary
3 Keizer Elementary **
4 Whiteaker Middle
5 McNary High
6 Kennedy Elementary **



CITY OF KEIZER

OFFICE OF THE CITY RECORDER

MEMORANDUM

DATE: October 1, 2001

TO: Mayor Christopher and City Council Members
Chris Eppley – City Manager

FROM: Tracy L. Davis, CMC *[Signature]*
City Recorder

SUBJECT: Local Law Enforcement Block Grant for FY 2001

The Keizer Police Department has an opportunity to receive a Local Law Enforcement Block Grant in the amount of \$10,621.00. The required match from the City would be \$1,180. The deadline to accept this grant is Wednesday, October 3, 2001. The Police Department has requested this matter be discussed during New Business at tonight's Council meeting. Captain Mark Miranda will be on hand to give you details on the use of the grant funds and the designated line item the matching funds will be taken from the Police budget. If the Council desires to accept the grant, a motion should be made and voted upon.

CITY COUNCIL MEETING OF OCTOBER 1, 2001

AGENDA ITEM NO. _____

TO: MAYOR AND CITY COUNCIL

THRU: CHRISTOPHER EPPLEY
CITY MANAGER

FROM: H. MARC ADAMS
CHIEF OF POLICE

SUBJECT: **LLEBG GRANT FOR F.Y. 2001**

The U. S. Department of Justice has awarded grants to law enforcement agencies throughout the country for the past few years. The Local Law Enforcement Block Grant (LLEBG) program allocates a certain amount of money to agencies based upon a formula developed from Part I crime statistics. Jurisdictions may not use LLEBG funds to supplant/replace local funds. Agencies have 24 months to expend the grant funds.

LLEBG provides law enforcement agencies the opportunity to purchase much needed equipment that has not been allotted for in their budgets. For F.Y. 2001, the City of Keizer Police Department is eligible to receive \$10,621.00 from this federal grant. Our matching amount would be \$1,180.00 and obtained from the police department budget.

This public meeting provides the opportunity for discussion of such grant. These grant monies will be used to purchase much needed patrol-related equipment.

hma:cp