

CITY OF KEIZER MISSION STATEMENT

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

A G E N D A
KEIZER CITY COUNCIL
EXECUTIVE SESSION

Monday, September 18, 2000

6:15 p.m.

Keizer City Hall

Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. DISCUSSION

a. Pursuant to ORS 192.660(1)(h) – Litigation

4. ADJOURN

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

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

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, September 18, 2000

7:00 p.m.

Robert L. Simon Council Chambers
Keizer City Hall, Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. COMMITTEE REPORTS

- a. Proclamation – Disability Employment Awareness Month
- b. Swearing In of Keizer Police Department Reserve

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 which are not on tonight's agenda.

- a. New Business
- b. Old Business

6. PUBLIC HEARINGS

- a. ORDINANCE – Comp Plan/Zone Change Case No. 00-51 (Monterey Development)

7. ADMINISTRATIVE ACTION

- a. Radiant Drive Improvements

- b. Driveway Permit Process Transfer from Marion County
- c. City of Keizer Legal Services Requests for Qualifications
- d. Special Policy Area Action
- e. Salem Stormwater Management Agreement

8. **CONSENT CALENDAR**

- a. Approval of September 5, 2000 Regular Session Minutes

9. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

10. **AGENDA INPUT**

September 25, 2000

5:30 p.m. Keizer City Council Special Session

- City Council Goal Setting

October 2, 2000

6:00 p.m. Reception for

Salem-Keizer School District Superintendent – Kay Baker

7:00 p.m. Keizer City Council Meeting

- Caruso's Italian Café Liquor License Public Hearing

11. **ADJOURN**

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September 18, 2000

AGENDA ITEM 4a

PROCLAMATION – DISABILITY EMPLOYMENT AWARENESS MONTH

CITY OF KEIZER

PROCLAMATION

DISABILITY EMPLOYMENT AWARENESS

WHEREAS, 20% of the population of the United States of America is comprised of persons with disabilities; and

WHEREAS, the current studies place unemployment among the country's people with disabilities at more than 70%; and

WHEREAS, more than two thirds of adults with disabilities in this country desire to work but cannot find employment; and

WHEREAS, the Americans with Disabilities Act provided civil rights protection for America's 49,000,000 persons with disabilities; and

WHEREAS, America's shrinking labor force requires employers to utilize untapped human resources, such as persons with disabilities;

NOW, THEREFORE, BE IT RESOLVED that the month of October, 2000 is designated as

DISABILITY EMPLOYMENT AWARENESS MONTH

in the City of Keizer, and I call upon residents of Keizer to observe the month by learning more about people with disabilities, their strengths, abilities, and the programs which are designated to meet their needs.

PROCLAIMED this 18th day of September, 2000 by the powers vested in me as **MAYOR** of the City of Keizer, Oregon.

MAYOR BOB NEWTON
CITY OF KEIZER



Oregon

John A. Kitzhaber, M.D., Governor

Tracy please prepare.
yes.
Bob

Disabilities Commission

1257 Ferry Street SE
Salem, OR 97310
(503) 378-3142 V/TTY
1-800-358-3117 V/TTY
(503) 378-3599 FAX

July 1, 2000

The Honorable Bob Newton
Mayor, City of Keizer
P O Box 21000
Keizer, OR 97307

Dear Mayor Newton:

While we are celebrating the long-awaited summer, it seems as though the autumn months are far away. Yet, plans are underway for the Oregon Disabilities Commission's annual observance of Disability Employment Awareness Month in October.

As you will recall, each year we ask mayors of Oregon cities to proclaim October as Disability Employment Awareness Month in their city. I have enclosed a sample proclamation for your use. You may choose to use it or to draft one specifically for your city. I hope you will be able to join us in observing October again this year.

This year we have much to recognize. Oregon became the only state in the nation to amend its state Medicaid Plan to facilitate persons with disabilities securing competitive employment. Here in Oregon we are working hard to help persons with disabilities to become independent taxpayers. Oregon is a model for the nation.

We would like very much for you to send us a copy of your proclamation. In October we hold an annual recognition program for persons with disabilities, the programs that serve them and advocates. At the State Capitol, we display the proclamations of cities that are partnering with us in observing Disability Employment Awareness Month.

Thank you for your attention to my request.

Sincerely,

Janine Delaunay
Janine Delaunay
Interim Director





September 18, 2000

AGENDA ITEM 4b

SWEARING IN OF KEIZER POLICE RESERVE

CITY COUNCIL MEETING OF SEPTEMBER 18, 2000

AGENDA ITEM NO. _____

TO: Mayor and City Council

FROM: H. Marc Adams, Chief of Police



SUBJECT: **Swearing In of New Reserve Police Officer**

The Keizer Police Department is pleased to announce the appointment of a new Reserve Police Officer, as follows:

Officer Ian Wilson

Works full-time at the City of Salem dispatch center; previously was a reserve officer with the Independence Police Department for over 2 years; graduated from Redmond High School; and currently is single.

hma:cp



September 18, 2000

AGENDA ITEM 6a

ORDINANCE – COMP PLAN/ZONE CHANGE CASE NO. 00-51
(MONTEREY DEVELOPMENT CORPORATION)

CITY COUNCIL MEETING: September 18, 2000

AGENDA ITEM NUMBER: 6a

TO: MAYOR NEWTON AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

SUBJECT: *MONTEREY DEVELOPMENT COMPREHENSIVE PLAN MAP
CHANGE/ZONE CHANGE*

The City Council has called up for initial review the above referenced case. The reason for the expedited review was the applicant's timeline with regard to Homeowner Association deadlines. Due to the Council's desire to expedite this matter, I have prepared a draft Ordinance for your review. If the hearing and the record are closed at tonight's meeting, and if the Council feels that the applicant has met his burden of meeting the applicable criteria, the Council could use the attached Ordinance. If the Council finds the applicable criteria are not met, we could return at next meeting with an Order denying the application.

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

ESJ/tmh
attachment

1 BILL NO. ____

A BILL

ORDINANCE NO.
2000-_____

3 FOR

4 AN ORDINANCE

5 IN THE MATTER OF THE APPLICATION OF MONTEREY
6 DEVELOPMENT COMPANY FOR A COMPREHENSIVE PLAN MAP
7 CHANGE AND ZONE CHANGE FOR AN APPROXIMATE 12.41
8 ACRE PARCEL CONTAINING PORTIONS OF TAX LOTS 700 AND
9 900 LOCATED WEST OF MCNARY ESTATES PUD (CASE NO. 00-
10 51); DECLARING AN EMERGENCY

11 The City of Keizer ordains as follows:

12 Section 1. THE APPLICATION. This matter came before the Keizer City
13 Council for initial hearing pursuant to Resolution No. R2000-1194. The applicant
14 requests a comprehensive plan map amendment and zone change with regard to an
15 approximate 12.41 acre parcel containing portions of Tax Lots 700 and 900. The
16 applicant proposes to change the comprehensive plan designation from Special Policy
17 Area (SPA) to Low Density Residential (LDR) and to change the zone of the subject
18 property from Exclusive Farm Use (EFU) to Single Family Residential (RS).

19 Section 2. JURISDICTION. The land in question in this ordinance is within
20 the city limits of the City of Keizer. The City Council is the governing body for the City
21 of Keizer. As the governing body, the City Council has the authority to make final land
22 use decisions concerning land within the city limits of the City of Keizer.

1 Section 3. PUBLIC HEARING. A public hearing was held on this matter
2 before the Keizer City Council on September 18, 2000.

3 Section 4. EVIDENCE. Evidence before the City Council in this matter is
4 summarized in Exhibit "A" attached.

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

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

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

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

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

16 Section 10. FINAL DETERMINATION. This ordinance is the final
17 determination in this matter.

18 Section 11. EFFECTIVE DATE. This Ordinance being necessary for the
19 immediate preservation of the public health, safety and welfare, an emergency is
20 declared to exist and this Ordinance shall take effect immediately upon its passage.

Section 12. APPEAL. A party aggrieved by the final determination in a proceeding for a discretionary permit or a zone change may have it reviewed under ORS 197.830 to ORS 197.834.

PASSED this _____ day of _____, 2000.

SIGNED this _____ day of _____, 2000.

Mayor

City Recorder

EXHIBIT "A"

Evidence

Official notice has been taken of the entire Planning Department files and reports in this matter, including the application and all information and exhibits contained therein. In addition, official notice has been taken of all oral and written testimony submitted at the September 18, 2000 hearing.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant to this application are set forth below:

1. Keizer Development Code Section 3.109.03, including compliance with Statewide Land Use Goals (Non-legislative Plan Amendments)(includes applicable comprehensive plan policies as set forth in the staff report).
2. Keizer Development Code Section 3.110.03 (Zone Change).

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

EXHIBIT "C"

Facts

FACTS: GENERAL

1. The proposed Plan map amendment and zone change is a legislative amendment under the Keizer Development Code ("KDC") that was heard before the Keizer City Council in a public hearing on September 18, 2000.
2. On January 19, 1997 the City of Keizer adopted its Comprehensive Plan (the "Plan") and LCDC acknowledged the Plan on February 10, 1997. Plan Section IV provides procedures for amending the Plan for properties located within the Keizer Urban Areas and within the Dual Interest Areas.
3. The applicant submitted an application for the concurrent Plan map and zone change on July 27, 2000. The City mailed notice of the application on August 8, 2000 to the Oregon Department of Land Conservation and Development 41 days prior to the first evidentiary hearing on September 18, 2000. Pursuant to ORS 197.610, the Council finds that emergency circumstances requiring expedited review of this matter warrant the provision of less than the 45 day notice required by law. Expedited review is necessary due to the proposed settlement agreement between the City of Keizer, the City of Salem, and Marion County which will allow the applicant to move forward with land use applications as soon as practicable and will terminate litigation between the applicant and the three governmental entities. The City mailed notice of the September 18, 2000 evidentiary hearing to surrounding property owners on September 8, 2000.
4. The Property is subject to a Dual Interest Area Agreement (the "DIAA") executed in 1991 by the City of Keizer, the City of Salem and Marion County that designated the Property "SPA." The settlement agreement, which is expected to be executed by the City of Keizer, the City of Salem, and Marion County on or before October 2, 2000, will amend the 1991 DIAA to exclude this Property and would require the City of Keizer, the City of Salem, and Marion County to amend the boundaries of the DIAA/SPA to exclude the Property. The agreement also requires the City of Keizer to process the necessary land use approvals to allow the applicant to develop the Property into a single family residential subdivision.

5. The Property is located within the city limits of the City of Keizer and is inside the City of Keizer's Urban Growth Boundary. Pursuant to Plan Chapter IV, Section 4(c)(2), applying to legislative Plan amendments only within the City of Keizer's city limits, the City of Keizer may approve a Plan amendment. The City of Salem and Marion County must concur with the proposed Plan amendment. Concurrence by the City of Salem and Marion County is established by not responding to the notice prior to the date set by the proposing jurisdiction adopting the amendment except that Salem has requested a condition to prevent any development prior to exclusion of the property from the DIAA. That condition is set forth in Exhibit E, Condition 5.

Since no objections were filed by the City of Salem or Marion County prior to the final evidentiary hearing, and the City of Keizer, the City of Salem and Marion County have authorized amendment to the DIAA through the execution of the agreement, the City Council finds that Plan Section 4(c)(2) is satisfied.

6. The DIAA will have to be amended before the applicant can create single family lots on this property. The evidence before the City Council is that it is feasible to amend the DIAA because the agreement will be executed. The City Council will impose a condition of approval requiring that the DIAA be amended prior to approval of a subdivision plat for this application.
7. The City Council hereby adopts the analysis and findings included in the City of Keizer's Staff Report dated September 11, 2000 and applicant's Plan map amendment and zone change application, all as incorporated herein. The Keizer City Council finds that the application meets the relevant approval criteria with appropriate conditions of approval.
8. The City Council hereby adopts these findings approving this application.

EXHIBIT "D"

Justification

The applicant has the burden of proving that the proposal meets the applicable criteria.

In this case, the applicant is requesting a comprehensive plan map change from Special Policy Area (SPA) to Low Density Residential (LDR) as well as a zone change from Exclusive Farm Use (EFU) to Single Family Residential (RS). The criteria relevant to this application are set forth in Keizer Development Code Section 3.109.03 (Non-legislative Comprehensive Plan Map Criteria) and Keizer Development Code Section 3.110.03 (Zone Change). The findings set forth in Exhibit "C", and incorporating the staff report findings address the relevant criteria and the evidence presented indicates compliance with such criteria.

The property is currently within a restricted development status due to the Dual Interest Area Agreement (DIAA). However, Marion County, Keizer and Salem anticipate a settlement agreement will soon be signed that will lead to an amendment of the DIAA. Such amendment would exclude the subject property from the DIAA and release it from those additional restrictions. It is appropriate to impose conditions in this regard. Therefore, approval conditions will require that there be no development or platting of any subdivision prior to the exclusion of the property from the DIAA and also require the execution of appropriate easements/waivers from the applicant (property owner) regarding odor, noise and operational impacts of the wastewater treatment plant.

Relevant comprehensive plan policies encourage stabilization and infill of existing residential neighborhoods. Residential development is encouraged where there are full urban services and facilities as provided for in this instance. Where properly conditioned to protect the public interest, the proposal adds needed residential property to Keizer's housing inventory.

The proposal complies with all applicable criteria, therefore the application shall be granted.

EXHIBIT "E"

Action

The City of Keizer hereby GRANTS the requested comprehensive plan map change and zone subject to the following conditions:

1. Prior to platting of any subdivision, the applicant or property owner shall execute and record an easement/waiver in a form reasonably acceptable to the Keizer City Attorney in favor of Keizer, Marion County and Salem allowing for and protecting against claims of odor, noise and other wastewater treatment plant operational impacts.

2. Proposals for residential development must comply with the standards identified in the Keizer Development Code.

3. The Department of Public Works recommends the following conditions of approval:

SANITARY SEWERS

- a. A future sanitary sewer trunk line will be constructed from the most easterly portion of the property through the subject property and onto Windsor Island Road. The applicant must provide appropriate easements in a form acceptable to the City Attorney for the trunk line prior to any development of the subject property.
- b. Connecting to the existing sewers that serve the general area will be the responsibility of the developer of the property.

WATER SYSTEM

- a. Prior to any development of the subject property, an overall master water plan shall be submitted for review and approval by the City of Keizer Department of Public Works.

STREET AND DRAINAGE IMPROVEMENTS

- a. Prior to any development of the subject property, a master storm drainage plan shall be submitted for review and approval by the City of Keizer Department of Public Works.
4. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map No. 41047C0193 G, dated January 19, 2000 identifies the subject property within the 500-year and 100-year flood plain. The area proposed to change designation and zone for residential development is within the 500-year flood plain. Any development within the subject property identified to be in the 100-year flood plain must comply with Section 2.122 of the Keizer Development Code.
5. No building or development permit shall be issued, and no subdivision or partition plat shall be recorded until the Dual Interest Area Agreement has been amended to exclude the subject property.
6. Any residential development of the property shall not exceed a density of five dwelling units per gross acre.

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
STAFF RECOMMENDATION**

**COMPREHENSIVE PLAN MAP AMENDMENT/ZONE CHANGE
CASE No. 00-51**

TO: Mayor Newton and City Councilors

FROM: Maria C. Meier, Senior Planner

SUBJECT: Comprehensive Plan Map Amendment/Zone Change Case No. 00-51

DATE: September 11, 20000

The Planning staff reviewed the above referenced case and offers the following comments.

I. GENERAL INFORMATION

- A. **APPLICANT:** Monterey Development Company
- B. **PROPERTY LOCATION:** The subject properties is located at the west end of McNary Estates Drive N. The property is not addressed but the Assessor's map identifies the properties as being located within Township 6 South; Range 3 West; Section 34; Tax Lots 700 and 900. See Exhibit "A".
- C. **EXISTING PARCEL SIZE:** Tax Lot 700 contains a total area of approximately 31.49 acres (11.24 acres zoned Exclusive Farm Use & 20.25 acres zoned Agriculture Industrial). Tax Lot 900 contains a total area of approximately 8.92 acres (5.68 acres zoned Agriculture Industrial, 1.17 acres zoned Exclusive Farm Use, & 2.07 acres zoned Single Family Residential). See attached site plan.
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The area proposed to change for residential development within the subject property is adjacent to a private street (McNary Estates Drive) and may be served by public water and sewer.
- E. **PLAN DESIGNATION AND ZONING:** Tax Lot 700 is designated Special Policy Area (SPA) on the Comprehensive Plan Map. Tax Lot 700 contains a total area of approximately 31.49 acres (11.24 acres zoned Exclusive Farm Use & 20.25 acres zoned Agriculture Industrial). Approximately 6.85 acres of Tax Lot 900 is designated SPA, as the remaining 2.07 acres is designated Low Density Residential (LDR). Tax Lot 900 contains a total area of approximately 8.92 acres (5.68 acres zoned Agriculture Industrial, 1.17 acres zoned Exclusive

Farm Use, & 2.07 acres zoned Single Family Residential). The Special Policy Area Comprehensive Plan designation was established by the Dual Interest Area Agreement (DIAA; est. 1991) between the cities of Keizer and Salem, and Marion County, regarding the Willow Lake Treatment Facility.

- F. **ADJACENT ZONING AND LAND USES:** Properties adjacent to the north, south and east are zoned Single Family Residential (RS) with single family homes on subdivision lots the dominant land use. Property adjacent to the west of the proposed area for change is zoned Agricultural Industrial (IA) and contains farm use.
- G. **PROPOSAL:** The applicant is requesting approval of a Comprehensive Plan Map Amendment and Zone Change to establish the Low Density Residential Designation and the Single Family Residential (RS) zone on the subject property as identified on the attached site plan. See Exhibit "B".

II. AGENCY COMMENTS

- A. Joint participants of the Dual Interest Area Agreement for Willow Lake Treatment Plant Area including the City of Salem and Marion County were notified of the proposed Comprehensive Plan map Amendment/Zone Change. Through the Keizer City Attorney's office, Salem indicated that a condition should be added that prohibits the issuance of any building or any development permits and/or platting of any subdivision prior to the Dual Interest Area Agreement being amended to exclude the subject property.
- B. The Public Works Department provided comments regarding public facility easements and submitted the following comments to be considered as conditions of approval:

SANITARY SEWERS

- a. A sanitary sewer trunk line will be required to be constructed through the subject property. Appropriate easements for the trunk line will be required prior to any development of the subject property.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.

WATER SYSTEM:

- a.) Prior to any development of the subject property, an overall master water plan shall be submitted for review and approval by the City of Keizer Department of Public Works.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) Prior to any development of the subject property, a master storm drainage plan shall be submitted for review and approval by the City of Keizer Department of Pubic Works.

III. APPLICATION SUMMARY

- A. The subject property contains Tax Lots 700 and 900 of Marion County Assessor's Map No. Township 6 South, Range 3 West, Section 34. In total, the subject properties contain approximately 40.41 acres. The applicant requests the City to approve a Comprehensive Plan Map Amendment to change approximately 12.41 acres from Special Policy Area (SPA) to Low Density Residential (LDR) and to change the zone of the same approximate 12.41 acres from Exclusive Farm Use (EFU) to Single Family Residential (RS). The proposed area of land to change is located on the west end of McNary Estates Drive and is currently vacant.
- B. The SPA designation applies to land potentially influenced by the operation of the nearby Wastewater Treatment Facility. Permitted or conditionally permitted uses are primarily limited to farming and other resource-related activities. Subdivision and other developments, which may result in a concentration of population, are prohibited. These limitations are enforced through the property's Exclusive Farm Use (EFU) zoning.
- C. Studies were recently completed, which analyze the odors emitting from the wastewater treatment facility. The studies appear to indicate the subject property is not impacted or minimally impacted by the facility's odors. In addition, Salem, Marion County, Keizer and the applicants have met and it appears that the subject property will be removed from the restrictions of the Dual Interest Area Agreement (DIAA). For this reason, it is appropriate to change the existing Plan designation to allow alternative uses on the property. This proposal would change the Plan designation to Low Density Residential and change the zoning to Single Family Residential. This Plan and zone change would allow residential development.

IV. FINDINGS AND CONCLUSIONS COMPREHENSIVE PLAN MAP AMENDMENT

- A. The proposal would change the existing Plan designation from the Special Policy Area to Low Density Residential for the area located at the west-end of McNary Estates Drive and as identified on the attached site plan.
- B. The decision criteria for non-legislative Plan amendments are found in Section 3.109.03 of the Keizer Development Code. The specific criteria, and staff's response, are noted below:

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

FINDINGS: This action will occur entirely within the City limits; no goal exceptions are required. Compliance with the Statewide Land Use Goals is reviewed below:

Goal 1 - Citizen Participation: Consistent with local requirements, this amendment requires a public hearing with the final decision resting with the City Council. Citizens and other parties will have an opportunity to comment and testify.

Goal 2 - Planning: The application is being reviewed consistent with the procedures in the acknowledged Comprehensive Plan and Keizer Development Code. As required by the Dual Interest Area Agreement, opportunity was provided to affected governmental units including the City of Salem and Marion County to review and comment during the preparation and review of the proposed application request. Through the Keizer City Attorney's office, Salem indicated that a condition should be added that prohibits the issuance of any building or any development permits and/or platting of any subdivision prior to the Dual Interest Area Agreement being amended to exclude the subject property.

Goal 3 - Farm Land: Consistent with the intent and purpose identifies in the Comprehensive plan, the Plan designation is designed to address treatment facility issues and not to promote agricultural uses with the City limits. Therefore, the proposal does not involve land located within designated farmland.

Goal 4 - Forest Land: The proposal does not involve land located within designated forest land.

Goal 5 - Natural Resources: Based on the Comprehensive Plan, the property does not contain any significant resources.

Goal 6 - Air, Water and Land Quality: This action does not involve uses or activities which will have an adverse impact on the City's air, water and land quality. To ensure public health is maintained public sewer and water connections are available and connection to these systems can be placed as a developmental condition.

Goal 7 - Natural Hazards: The site is not located within the identified within the 100-year flood plain or other identified hazard areas.

Goal 8 - Recreation: This action will not directly affect identified park or recreation sites. In addition, recreational opportunities are often, and usually, provided on the individual lots.

Goal 9 - Economic Development: Benefits are expected to accrue from the potential residential development on the property and the economic activities of the residents.

Goal 10 - Housing: The proposal would permit an increase in the available housing stock within the community. The City of Keizer has been rapidly developing its vacant lands for housing, primarily single family development. The subject property has not previously been included in the inventory of lands for residential development, because it is located within the Special Policy Area. Therefore, reclassification of this property to permit low density residential development will increase land availability for single family development within the community.

Goal 11 - Public Facilities: Comments received from the Department of Public Works indicate adequate public facilities are available, and can be extended, to serve the site.

Goal 12 - Transportation: Access is available to serve the property to the east (west end of McNary Estates Drive), which has access to a major arterial (River Road). The City Engineer did not identify any transportation issues related to the development.

Goal 13 - Energy Conservation: In general, the proposal will be neutral with regard to energy conservation. Staff notes, however, all new homes must comply with the Uniform Building Code, which stresses energy efficiency.

Goal 14 - Urbanization: The Plan designation permits the establishment of urban uses at urban densities.

Goal 15 - Willamette Greenway: The proposal does not involve land within the identified Willamette Greenway.

Goal 16 to 19 - Estuarine Resource, Coastal Shorelands, Beaches and Dunes, and, Ocean Resources: This proposal does not involve property subject to these goal requirements.

Based on the above, staff concludes the proposal complies with Statewide Land Use Goals.

2. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.

FINDINGS: It appears to staff the primary goals and policies that need to be addressed are contained within the Special Policy Area (SPA), Residential Development and Public Facilities.

The Wastewater Treatment Facility emits odors that may impact nearby uses. Unless limitations are placed on nearby development, the operation of the facility may be placed in jeopardy due to the perceived or realized impacts. Therefore, the SPA was designed specifically to limit development near the Treatment Facility until such time or more detailed studies can determine an appropriate area of impact.

Studies were completed in the early 1990's, which indicated that the subject property was not affected or minimally affected by odors from the treatment facility. Keizer and Salem were unable to reach an agreement at that time with regard to amending the DIAA. However, recently the Cities of Keizer and Salem, along with Marion County and the applicants have met in mediation sessions in an effort to resolve the long standing dispute regarding the subject property and other properties under the restrictions of the Dual Interest Area Agreement. The parties have reached tentative agreement that includes the removal or exclusion of the subject property from the DIAA. Such exclusion allows the Comprehensive Plan Map/Zone Change to move forward. A condition is appropriate to prevent the property from being developed until the amendment of the DIAA is executed, which would exclude the subject property.

It was never the intent to maintain the boundary in perpetuity and Plan policies specifically note the boundary can, and will likely, be altered as new information is processed. Recent studies indicated the subject property is located outside the influence of the facility's odor plume and no longer subject to the restrictions of the SPA. For this reason, the proposed change in designation is entirely consistent with the policies and expectations of the Special Policy Area. However, to protect the cities of Keizer and Salem and Marion County and the rate payers of the wastewater treatment system, a condition of approval will require property owners to execute easement/waivers in appropriate form releasing the cities of Salem and Keizer and Marion County from liability for noise or odor impacts.

The Plan indicates stabilization, in-fill and improvement should be emphasized for existing residential neighborhoods. Residential development is encouraged where full urban services, public facilities and routes of public transportation are available. The Plan also encourages the maximum efficient use of the available land. The proposal provides in-fill development on vacant land within an existing area primarily developed with residential uses. The property has access to River Road via the private local street system, which is capable of accommodating the additional traffic generated by the development.

Public facility goals and policies generally encourage the availability of sufficient public facilities prior to development. Full public services, including sewer, water, storm drainage and public access, are in place or can be extended to the property under consideration for the residential development. As noted by the City Engineer, these facilities are adequate to serve the site and the proposed development.

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

FINDINGS: The rapid growth of residential development within the City of Keizer has created a significant impact on the availability of lands for residential development within the Urban Growth Boundary and the City. It is clearly apparent additional land is necessary for residential development. This action has the additional benefit of providing more residential land without expanding the urban growth boundary or reducing the availability of lands for commercial or industrial purposes. There is an inadequate supply of land in this designation to meet the expected growing demand.

4. The Plan provides more than the projected need for lands in the existing land use designation.

FINDINGS: This proposal is somewhat unusual as the existing Plan designation was established to meet a temporary need. Keizer designated the subject property as SPA on its Comprehensive Plan map not because it has any need for an inventory of properties in that designation, but merely because such designation was required under the terms of the Dual Interest Area Agreement, and it was not known at the time whether the sewage treatment plant would adversely effect the subject property. Plan policies fully expect the amount of SPA land to diminish as additional studies address the impacts of the sewage facility. As noted, the most recent study indicates the property is not affected by the sewage plant; its inclusion within the Special Policy Area is no longer warranted.

5. The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity.

FINDINGS: The proposed Plan designation (Low Density Residential) is specifically designed to permit the Single Family Residential (RS) zone. Further, the predominate purpose of this zone is to create land for single family homes, the dominate adjacent land use. Staff concludes the Plan change will allow uses entirely consistent with the predominate land use pattern and will not destabilize the current pattern.

6. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.

FINDINGS: With the exception of the farm land to the east, the majority of adjacent land is developed with single family homes. The proposed Plan amendment, and subsequent zone change, is entirely consistent with the dominant adjacent land uses.

7. Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.

FINDINGS: Comments provided by the City Engineer indicate public services can be extended to the site. Future improvements must comply with Public Works Standards. Prior to any development of the subject property, an overall master water plan shall be submitted for review and approval by the City of Keizer Department of Public Works. In addition, a master storm drainage plan shall be submitted for review and approval by the City of Keizer Department of Public Works prior to any development on the subject property. The City Engineer identified that a sanitary sewer trunk line will be required to be constructed through the subject property. Appropriate easements for the trunk line will be required prior to any development of the subject property.

- C. Based on the above findings, staff concludes the proposal complies with decision criteria for the proposed change in Plan designation.

V. FINDINGS AND CONCLUSIONS - ZONE CHANGE

- A. Section 1.103.02 of the Keizer Development Code identifies two zones appropriate for the Low Density Residential Plan designation: Single Family Residential (RS) and Urban Transition (UT). The primary difference between these zones the RS permits single family homes outright.
- B. The zone change review criteria are found in Section 3.110.03 of the Keizer Development Code. The appropriate criteria for residential zone changes are found under subsection (F)(1-3). Those criteria and the related findings are set forth below:

1. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

FINDINGS: Section 1.103.02 identifies Comprehensive Plan designations and their corresponding appropriate zones. Pursuant to this Section, the RS zone is appropriate for the Low Density Residential Land Use designation.

2. The uses in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

FINDINGS: The subject property can accommodate a single-family development in accordance with the minimum dimensional standards identified in the Keizer Development Code. The ground is relatively level, does not contain unusual features and presents no apparent physical condition that require special measures or considerations. Based on the parcel's size and topography, there does not appear to be any physical limitation which would prohibit the proposed subdivision.

3. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.

Section 2.3 of the Keizer Development Code outlines specific requirements for property development. These standards govern street standards, parking, buffering, vision clearance areas, special setbacks, and other applicable development requirements. The subject property can comply with such requirements without adjustments or variances to the Keizer Development Code.

4. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

The Public Works Department noted sewer and water facilities must be extended to the site. Future improvements must comply with Public Works Standards. Access to proposed development is available by means of the existing private street system serving McNary Estates. The proposed change is to accommodate the final phase of McNary Estates Planned Unit Development.

As discussed earlier, prior to any development of the subject property, an overall master water plan shall be submitted for review and approval by the City of Keizer Department of Public Works. In addition, a master storm drainage plan shall be submitted for review and approval by the City of Keizer Department of Public Works prior to any development on the subject property. The City Engineer identified that a sanitary sewer trunk line will be required to be constructed through the subject property. Appropriate easements for the trunk line will be required prior to any development of the subject property.

5. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met:

The purpose statement of the RS zone notes the zone is to allow development of attached or detached residences on individual lots, provided with urban services at low urban densities. The RS is the City's principal single family zone where subdivisions are

the most common form of new development. The proposed zone change, and development, is entirely consistent with the zone's purpose statement.

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

The City of Keizer has experienced rapid growth at a rate, which exceeded the city's population estimates by over five years as identified in the Comprehensive Plan when adopted. When the 1987 Keizer Comprehensive Plan was adopted, the City estimated the population in 2005 would be 30,200. However, the current population in the year 2000 is already 30,260. The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development for single family development.

(b) The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the projected rate of development of uses allowed in the zone during the next five years.

Consistent with the intent and purpose identifies in the Comprehensive plan, the Plan designation is designed to address treatment facility issues and not to promote agricultural uses with the City limits. The SPA designation applies to land potentially influenced by the operation of the nearby Wastewater Treatment Facility. Permitted or conditionally permitted uses are primarily limited to farming and other resource-related activities. Subdivision and other developments, which may result in a concentration of population, are prohibited. These limitations are enforced through the property's Exclusive Farm Use (EFU) zoning.

This proposal is somewhat unusual as the existing Plan designation was established to meet a temporary need. Keizer designated the subject property as SPA on its Comprehensive Plan map not because it has any need for an inventory of properties in that designation, but merely because such designation was required under the terms of the Dual Interest Area Agreement, and it was not known at the time whether the sewage treatment plant would adversely effect the subject property. Plan policies fully expect the amount of SPA land to diminish as additional studies address the impacts of the sewage facility. As noted, the most recent study indicates the property is not affected by the sewage plant; its inclusion within the Special Policy Area is no longer warranted. Therefore, the limitation by use of the EFU zone on the subject property is no longer necessary.

- C. Based on the above findings, staff concludes the proposal complies with the decision criteria for a zone change.

VII. RECOMMENDATION AND CONDITIONS

- A. The available evidence indicates the Comprehensive Plan Map Amendment and Zone Change comply with the applicable decision criteria. Staff recommends the City Council approval of the Plan and zone change requests subject to the following conditions:
1. Property owners must execute easement/waivers in appropriate form releasing the cities of Salem and Keizer and Marion County from liability for noise or odor impacts.
 2. Proposals for residential development must comply with the standards identified in the Keizer Development Code.
 3. The Department of Public Works recommends the following conditions of approval:

SANITARY SEWERS

- a. A future sanitary sewer trunk line will be constructed through the subject property. The applicant must provide appropriate easements for the trunk line prior to any development of the subject property.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.

WATER SYSTEM:

- a.) Prior to any development of the subject property, an overall master water plan shall be submitted for review and approval by the City of Keizer Department of Public Works

STREET AND DRAINAGE IMPROVEMENTS:

- a.) Prior to any development of the subject property, a master storm drainage plan shall be submitted for review and approval by the City of Keizer Department of Pubic Works.
4. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map No. 41047C0193 G, dated January 19, 2000 identifies the subject property within the 500-year and 100-year flood plain. The area proposed to change designation and zone for residential development is within the 500-year

flood plain. Any development within the subject property identified to be in the 100-year flood plain must comply with Section 2.122 of the Keizer Development Code.

5. No building or development permit shall be issued, and no subdivision or partition plat shall be recorded until the Dual Interest Area Agreement has been amended to exclude the subject property.

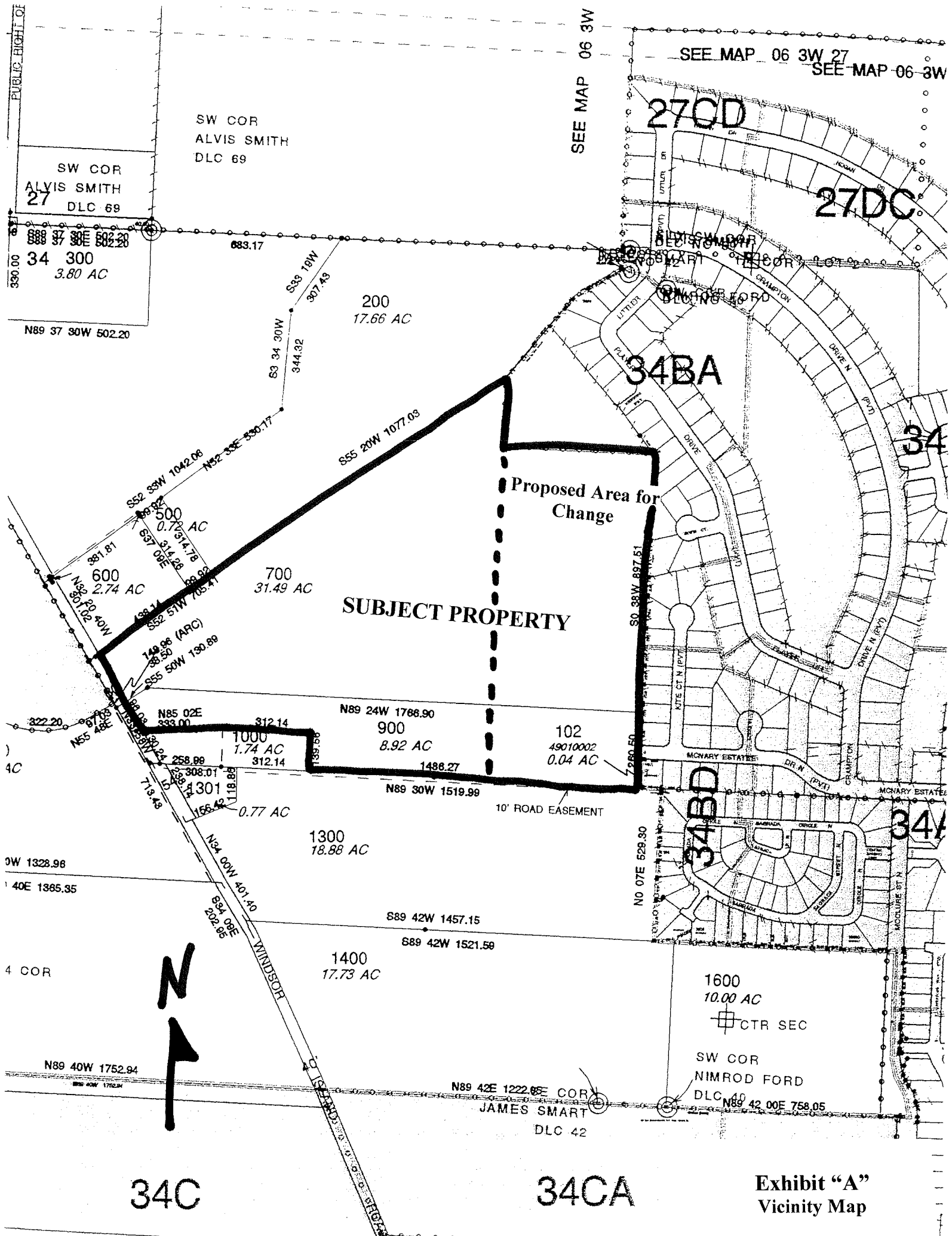


Exhibit "A"
Vicinity Map

CNARY ESTATES DR. N.
R, OREGON 97303



STATEMENT OF REASONS

The subject property is part of a larger parcel that is currently designated "SPA" on the Keizer Comprehensive Plan and is zoned "EFU" under the Keizer Development Code. The cities of Salem and Keizer, together with Marion and Polk Counties, are now finalizing a process under which the Dual Interest Agreement among said parties will be amended. Pursuant to these amendments, the Special Policy Area boundary surrounding Salem's Willow Lake Wastewater Treatment Facility will be revised to exclude from the SPA certain properties located south and east of the Facility, including the applicant's real property described in this application (which property is hereinafter referred to as the "Subject Property"). This application for Comprehensive Plan and Zone changes is filed in contemplation of the execution of the amended Dual Interest Agreement.

The redesignation of the Subject Property from SPA to LDR on the Keizer Comprehensive Plan, and the rezoning of the Subject Property from EFU to RS under the Keizer Zoning Ordinance is consistent with the policies expressed in the Comprehensive Plan and Zoning Ordinance and meets the criteria for such changes as follows:

I. COMPREHENSIVE PLAN MAP AMENDMENT

1. Redesignation of Subject Property complies with applicable Statewide Land Use Goals

- a. Goal 1: Citizen Involvement. In accordance with its normal procedures, Keizer will hold public hearings before the city council. General notice of this hearing will be given by publication and by mailing of notice of the hearing to property owners and residents within the notification area.
- b. Goal 2: Land Use Planning. Keizer will consider this proposal within the framework of its acknowledged Comprehensive Plan and its adopted zoning and other ordinances. The Comprehensive Plan specifically provides for amendments to reflect changing conditions and circumstances in the community. Specifically, Section IV of the Comprehensive Plan establishes procedural rules for its amendment, and in addition Sections 3.101.03 and 3.109 of the Keizer Development Code provide for changes in the designation of land uses on the comprehensive plan map.
- c. Goal 9: Economic Development. The Subject Property is currently located within the Special Policy Area surrounding the Willow Lake waste water treatment facility, but the amended Dual Interest Agreement referred to above will remove the Subject Property from the SPA. The Subject Property is within the Salem-Keizer Urban Growth Boundary, and is therefore subject to urbanization. The SPA designation is appropriate only for properties lying within the Special Policy Area delineated by the Dual Interest Agreement. Redesignation and of the Subject Property will make it possible to develop

the Subject Property as the final addition to McNary Estates Planned Unit Development, thereby contributing to the economic development of the Keizer community.

d. Goal 10: Housing. Keizer is rapidly running out of vacant lands that may be developed for housing, particularly single family housing. Because the Subject Property currently lies within the SPA, it has not previously been included in the inventory of lands available for residential development. Thus, reclassification of this property to permit low density residential development will help to alleviate the shortfall of lands available for such development within the community.

e. Goal 11: Public Facilities. Public facilities necessary for the development of the Subject Property for single family residential uses already exist on properties adjacent to the Subject Property and can easily be extended to serve said property.

2. **Redesignation of Subject Property consistent with applicable Goals and Policies of Keizer Comprehensive Plan**

a. General Growth Policies. Page 13 of the Keizer Comprehensive Plan sets forth certain "guidelines for detailed planning analysis and policy development", including the following:

1. Keizer should encourage stabilization and infill in existing residential areas;
2. The Comprehensive Plan should be "aggressive about supporting new development";
3. The areas around the Willow Lake sewage treatment plant should be considered a special policy area, and policies should be developed to address the unique characteristics of that area.

The applicant's proposed development will result in the infilling of an existing residential area by completing the development of the McNary Estates PUD. The redesignation of this property will make it available for residential use, helping to meet the city's goal of providing adequate land for housing. And while the Subject Property is within the vicinity of the waste water treatment plant, a noise and odor study completed by the cities of Salem and Keizer shows that this property is not adversely affected by this facility, and thus it is not necessary to continue to subject it to the special policies which govern properties within the SPA.

b. Agricultural Land Policies. General Goal 1, on page 21 of the Comprehensive Plan, provides that the city should preserve and maintain agricultural lands lying within the UGB until they are needed for urban development. As is more thoroughly discussed below, Keizer is in critical need of adding to its inventory of developable residential lands. Conversion of the Subject Property from farm use to residential use is consistent

with this general goal.

Energy Conservation Policy 4 under General Goal 2 of the Comprehensive Plan encourages the infilling of vacant land that has been passed over. The development of the Subject Property for residential purposes will be consistent with that policy.

c. General Urban Growth. Goal 2(a) on page 28 of the KCP provides that within the UGB, the city shall "ensure adequate buildable land is available for all uses". The city has nearly exhausted its inventory of lands available for low density residential development, and the conversion of this property will help to satisfy this general urban goal.

Goal 2(c) encourages development of areas already served by major public facilities. The Subject Property is bounded on two sides by existing or developing residential areas, and the public facilities necessary to serve this property are available at or near the property lines.

d. Residential Development Policies. The general goals for residential development are set forth on page 34 of the KCP. These general goals include providing land for a variety of housing types, encouraging the development of residential facilities on properties where full urban services are available, insuring the compatibility between residential and non residential uses and protecting residential uses from conflicting uses. Full public services are available for the development of the Subject Property. Said property is already bounded on two sides by existing or developing low density residences, and those existing developments substantially buffer the Subject Property from any conflicting uses to the north and east. On the west and south, the Subject Property will be buffered by large tracts of land now in farm use, which buffer the Subject Property from the wastewater treatment plant lying to the west. The noise and odor study concerning the plant demonstrates that the residential development proposed for the Subject Property will not be adversely impacted by plant operations.

Applicant's proposal is consistent with the following general residential policies, set forth on page 35 of the KCP:

1. Policy 2 requires the city to plan for residential uses consistent with its 20 year projections for demand. The city is to periodically monitor those projections to insure that there is sufficient residential land to maintain a "positive balance between supply and demand". As is discussed below, the rapid growth of the community has caused the projections made when the KCP was adopted to be out of date. Keizer is now over its projected population for the year 2005, and the population is currently growing at the rate of more than 1,000 persons per year. The inventory of single family residential lands which was expected to last until 2005 has been largely depleted, to the point there is no longer a positive balance between supply and demand. The addition of the Subject Property to the

inventory will help to restore the balance.

2. General Policy 7 encourages the infilling of existing vacant properties. As is discussed above, this proposal will result in the infilling of this 14.45 acre parcel, located in an area already substantially developed for residential purposes, and completing the development of McNary Estates PUD.
 3. General Policy 15 states that the city should designate residential lands sufficient to meet the housing needs of the community through a 20 year cycle. As has already been mentioned, the city no longer has such an inventory of vacant lands.
 4. General Policy 16 provides that the city should protect residential areas from activities involving excessive noise, pollution, nuisances and hazards. The Subject Property was initially included in the SPA because it was assumed that it would be adversely affected by noises, odors and other operational impacts emanating from the plant. However, the aforementioned study indicates that with recent technical improvements in the operation of the plant, that operation should not adversely impact residential development on the Subject Property, and the cities of Salem and Keizer have agreed that it is no longer necessary or appropriate to include the Subject Property within the SPA.
3. **Comprehensive Plan does not provide adequate areas in appropriate locations for low density residential uses, and addition of Subject Property is consistent with projected need**

Keizer is growing at a rate which was not anticipated when the Comprehensive Plan was adopted in 1987. In September of 1986, the city had a population of approximately 20,000 persons. Page 10 of the KCP predicts that by 1995, the city's population would be 25,600, and that it would only grow to 30,200 by the year 2005. However, the city tells us that the most recent figures put Keizer's population at 30,260, 60 over the 30,200 that was projected for 2005.

This growth has had a dramatic impact on the availability of lands for residential development within the UGB, and the city. All of the larger parcels currently designated for low density residential use are either already fully developed or are in various stages of the development process. The only undeveloped LDR properties which remain are in small, isolated pockets of land, many of which will not be made available for development and all of which will be difficult and expensive to develop.

Keizer has been aware of this looming crisis for several years. In approving a 1993 land use action converting industrial property on North River Road to residential use, and again in a 1994 land use action involving the reclassification from medium and high density residential to low density residential of approximately 9 acres located on Wheatland Road, North, the city found that at the present rate of development, Keizer

will exhaust its supply of single family lands within 6 years. The city also found that much of the land remaining undeveloped is in small parcels which will be difficult to develop efficiently. Thus, there is a need to increase the supply of available single family land.

Since 1994, Keizer has continued to develop single family residences at the same rate. The need to expand the inventory of low density residential lands within the city is critical. The addition of this 14.45 acres will not by itself resolve this crisis, but utilizing this and other properties newly removed from the SPA is certainly a move in the right direction.

4. **The Keizer Comprehensive Plan provides more than the projected need for lands in the SPA designation**

Keizer designated the Subject Property as SPA on its Comprehensive Plan not because it has any "need" for an inventory of properties in that designation, but merely because such designation was required under the terms of the Dual Interest Agreement, and it was not known at that time whether the sewage treatment plant would adversely effect the Subject Property. The completion of the noise and odor study and recent technological improvements in the operation of the plant, coupled with the agreement of Keizer and Salem to amend the Dual Interest Agreement, now make it possible to remove the Subject Property and other properties similarly affected from the SPA and to permit their development to residential uses.

5. **The proposed designation won't allow zones or uses that will destabilize the land use pattern in the vicinity**

Applicants are concurrently applying for a zone change to Single Family Residential (RS). The Subject Property abuts McNary Estates PUD on the north and east, and the proposed development will constitute the final phase of the McNary Estates development. The proposed subdivision will be entirely consistent with the existing residential development within McNary Estates PUD. The properties to the west and south of the Subject Property will continue in agricultural use, and will continue to buffer the Subject Property and the rest of McNary Estates from the wastewater treatment plant and other uses along Wheatland Road. Development of the Subject Property will confirm, rather than destabilize, the land use pattern in this area.

6. **Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent land**

Once again, the lands to the north and east are already developed or being developed for residential uses, and the lands to the south and west will probably continue in low impact agricultural use. The latter said properties will continue be included within the SPA pursuant to the amended Dual Interest Agreement. It is anticipated that at some point in

the future, some or all of these properties may be rezoned to permit limited, low density agricultural-industrial uses. If and when that occurs, the city can condition any development on those properties so as to protect residences on the Subject Property from being adversely affected by such development.

7. **Public facilities and services necessary to support allowed uses are available**

Necessary public facilities to serve the proposed development on the Subject Property are already in place on adjacent phases of McNary Estates.

II. ZONE CHANGE

1. **Proposed zone appropriate for Comprehensive Plan designation and consistent with description and policies for Comprehensive Plan classification**

Provided that the Subject Property is redesignated for low density residential use, the proposed RS Zone will be consistent with this designation, as provided in section 1.103.02 of the Keizer Development Code. The description and policies for the low density residential designation are found at page 45 of the KCP. Consistent with this description and policies, the proposed zoning of this property will allow single family residential uses as the predominant land use type for the property. The low density residential designation permits residential densities of up to 8 units per gross acre.

2. **The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity**

The Subject Property can easily accommodate the proposed development of single family residential lots therein. The proposed lots will constitute an efficient and well-organized use of the 14.45 acres without exceeding the physical capacity of the site.

2. **Allowed uses in the proposed zone can be established in compliance with the development requirements in the Keizer Development Code**

The proposed development will be in conformity with all applicable development requirements and criteria set forth in Section 2.3 of the Keizer Development Code. Specifically, the proposed addition to McNary Estates PUD conforms to all applicable standards for streets, parking, transit facilities, storm drainage, utility lines and facilities and signs, all site and landscaping design requirements, and all design standards for subdivisions and for yards and lots. The applicant does not contemplate seeking any adjustments or variances in connection with its proposed development of the Subject Property.

4. **Adequate public facilities, services and transportation networks are in place or are**

planned to be provided concurrently with the development of the property

As is discussed above in the comments concerning the criteria for Comprehensive Plan amendment, the Subject Property is bounded on the north and east by existing and developing residential portions of McNary Estates PUD, and by virtue of these earlier developments, sewer, water, electricity, storm sewer and other utility services can easily be extended to serve the Subject Property. Access to the proposed development is available by means of the existing private street system serving McNary Estates, and the proposed development will be the final phase of McNary Estates PUD.

5. The proposal satisfies the criteria listed in the purpose statement for the RS zone

Section 2.102.01 of the Keizer Development Code states that the purpose of the RS zone is to "allow development of single family homes on individual lots provided with urban services at low urban densities". The proposed development is consistent with and will further the accomplishment of this purpose. The lots to be created on the Subject Property will each be limited to the development thereon of one single family residence. The density of the proposed developments well within the upward limit of 8 units per acre for low density residential areas. Each of the proposed homes will be served appropriate urban services.

6. The supply of vacant land in the proposed zone is inadequate

This criteria is extensively discussed in sections 2 c. and d. and 3 of Part I of this Statement of Reasons. Keizer underestimated its future growth and its need for additional residential lands when it adopted its Comprehensive Plan, and the community has now virtually exhausted its inventory of lands available for development for new single family residential use. Even with the conversion to residential use of lands anticipated to be removed from the SPA by the amended Dual Interest Agreement, Keizer will not have a 5 year inventory of RS land.

7. The supply of vacant land in the existing zone is adequate

Section 2.117.01 of the Keizer Development Code provides that city lands designated SPA on the Comprehensive Plan are zoned EFU "to allow the continued practice of commercial agriculture in areas planned for future urban development". Unless and until the Subject Property is removed from the SPA, it will not be possible to accomplish urban residential development thereon. However, with the amendment of the Dual Interest Agreement removing the Subject Property from the SPA, and with the growing need for additional lands for low density residential development, it is appropriate to change the EFU zone on the Subject Property to RS. Keizer does not have a "need" for EFU lands. The EFU zone is intended merely as a holding zone, to prevent "fragmentation", making it "difficult to achieve efficient urbanization when development is appropriate" (Section 2.117.01, Keizer Development Code)

8. The proposed zone, if it allows uses more intensive than other zones permitted within the CP designation, won't allow uses that will destabilize the land use pattern or adversely affect adjacent properties

According to Section 1.103.02 of the Keizer Development Code, the RS zone is the least intensive zone permitted under the LDR designation, so this criteria is not applicable to this application.

EXHIBIT A

LEGAL DESCRIPTION

Beginning at a point that is North 89°22'00" West 535.21 feet from the Southwest corner of Lot 311 of the McNary Estates Phase 11 subdivision located in Section 34, Township 6 South, Range 3 West, said point being the most westerly southwest corner of that tract of land conveyed to E. D. Fish et al by Deed recorded in Reel 66, Page 78; thence running along the boundary of said tract South 89°22'00" East 543.87 feet to a point on the west line of Lot 312 of said McNary Estates Phase 11; thence South 00°38'00" West 1158.01 feet to a point on the south line of said Fish Tract; thence running North 89°24'00" West 542.86 feet to a point; thence North 00°35'00" East 1158.68 feet to the point of beginning.



September 18, 2000

AGENDA ITEM 7a

RADIANT DRIVE IMPROVEMENTS

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

FROM: WILLIAM I. PETERSON, P.E. - CITY ENGINEER

THROUGH: CHRIS EPPLEY – CITY MANAGER

SUBJECT: RADIANT DRIVE IMPROVEMENT OPTIONS

ISSUE:

The Keizer City Council has requested staff to investigate options available to improve access from the Lockhaven Drive / Radiant Drive intersection to the Tepper Lane / Radiant Drive intersection. The current right of way width of Radiant Drive between the two intersections varies from 30 feet to 45 feet. The City of Keizer Transportation Plan indicates that the appropriate width for a Collector Street in the vicinity of Radiant Drive should be 68 feet. The existing improvement within the present right of way does not meet the improvement requirements for a Collector Street. The Council has expressed an interest in reviewing several options for the required improvement. Options would include an improvement adjacent to the existing railroad right of way, an improvement along the I-5 Freeway right of way, widening of the existing improvement and alternative routes.

BACKGROUND:

The agreement between the Salem/Keizer Volcanoes requires the City of Keizer to complete the above improvement by the spring of 2001. Over the past several years the city has reviewed development options of the Chemawa Activity Center in order to make improvements that enhance the area and that fit into an overall development plan that provides for maximum development options. By evaluating the options available to improve the Radiant Drive access, the council will have the opportunity to determine the most appropriate improvement for Radiant Drive.

Staff recommends that any improvement considered in the analysis would include the following:

- Ability to incorporate the improvement into the overall development plans for the Chemawa Activity Center.
- Ability to provide for interim traffic control for the area prior to development of the Activity Center.
- Cost comparisons of alternatives.

ALTERNATIVE ANALYSIS:

The staff has reviewed the following options:

1. Widening the present right of way of Radiant Drive. Widening could occur in the following options:
 - A – Widening the present right of way from 40 feet to 68 feet by adding to the existing right of way on both sides of the present right of way.
 - B – Widening the present right of way by adding 28 feet to the westerly side of the existing right of way.
 - C – Adding 28 feet to the present right of way on the easterly side of the existing right of way. Restrictions to the above options would include no additional right of way along existing Burlington Railroad.
2. Development of an improvement to a portion of the existing Chemawa Road Right of Way and an extension northerly along the I-5 right of way.
3. Development of a combination of widening a portion of the existing right of way and developing an additional alignment that reduces the impact to existing developments along Radiant Drive.

The Council had indicated an interest in evaluating an improvement along the present Burlington Railroad right of way. A review of this option indicates that easements for overhead power transmission facilities would make a roadway improvement along this alignment impractical.

Option 1 – A

Widening Radiant Drive on both sides would result in negotiations with approximately 26 property owners. Some of the property acquisitions would involve compensation for existing improvements as well as property acquisition.

Option 1 – B

Widening Radiant Drive on the easterly side only would result in negotiations with approximately 15 property owners. Additionally, development would also involve compensation for existing improvements as well as property acquisition.

Option 1 – C

Widening Radiant Drive on the westerly side only would result in negotiations with approximately 12 property owners. Additionally, development would also involve compensation for existing improvements as well as property acquisition.

Option 2

This option involves widening the present Chemawa Road right of way along Lockhaven Drive to 68 feet and extending the improvement northerly along the I-5 right of way to a point that intersects with a southerly extension of Radiant Drive from it's intersection with Tepper Lane. Approximately 19 parcels are involved in Option 2.

Option 3

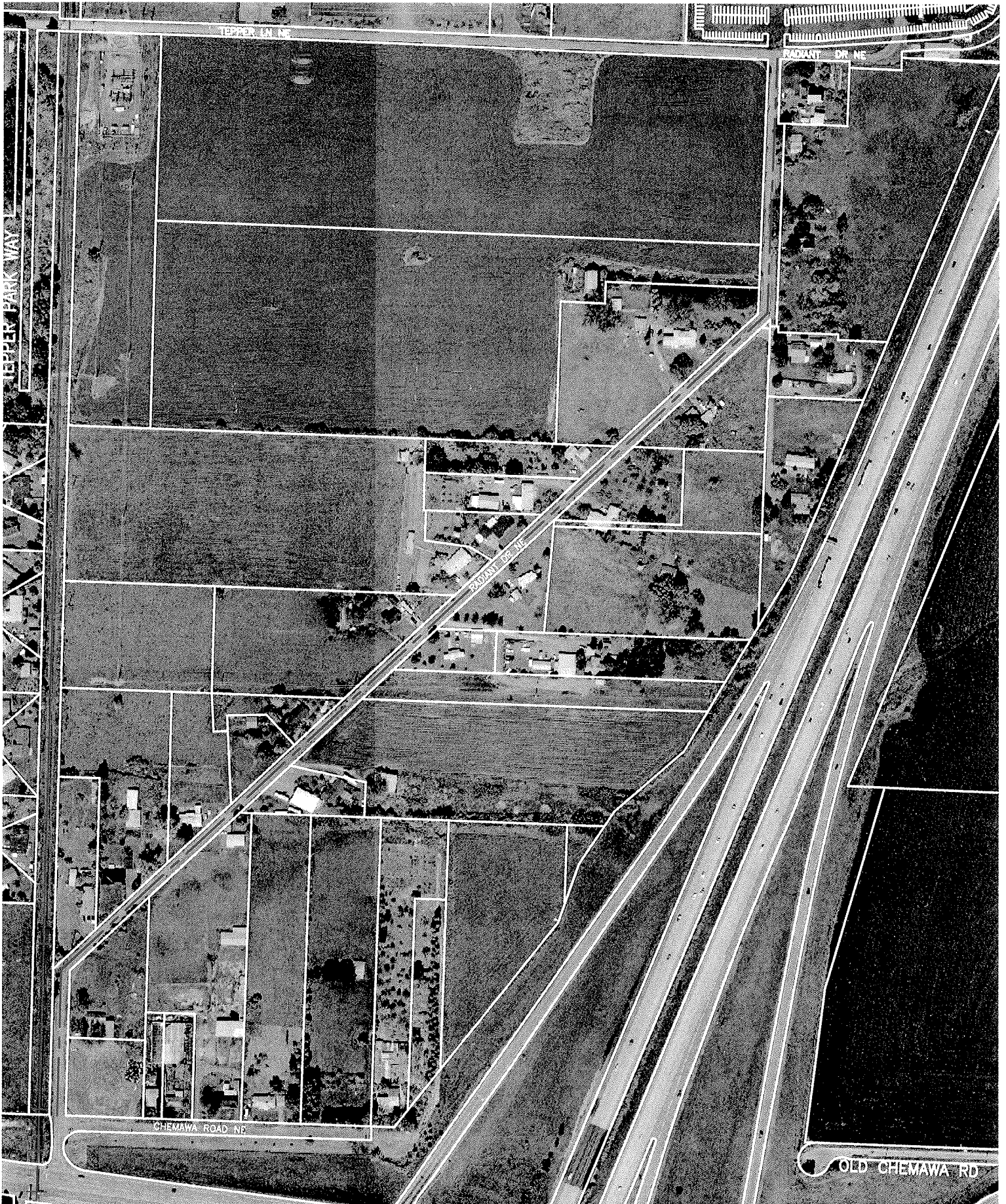
This option involves widening the present Radiant Drive right of way from Lockhaven Drive northerly to a point where a new roadway could be developed that would bypass much of the existing Radiant Drive improvement and also align with a southerly extension of Radiant Drive from it's intersection with Tepper Lane. Approximately 14 parcels are involved in Option 3.

CONCLUSION:

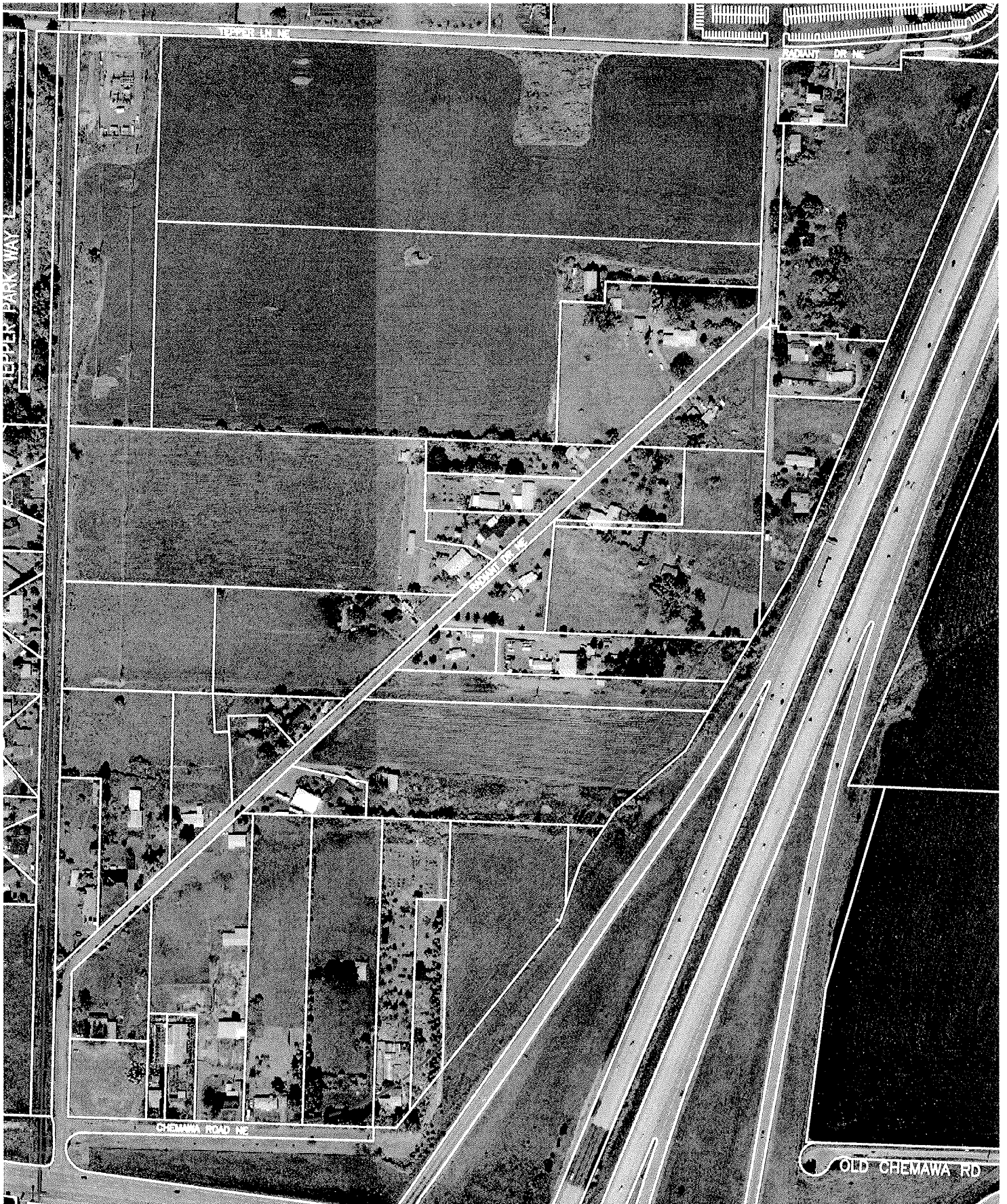
Various improvement alternatives to Radiant Drive or near Radiant Drive could be developed that would provide for the roadway referred to in the agreement with the Salem/Keizer Volcanoes. Costs associated with each option will be presented at the council meeting. Option 3 would result in less disruption of existing residences.

RECOMMENDATION:

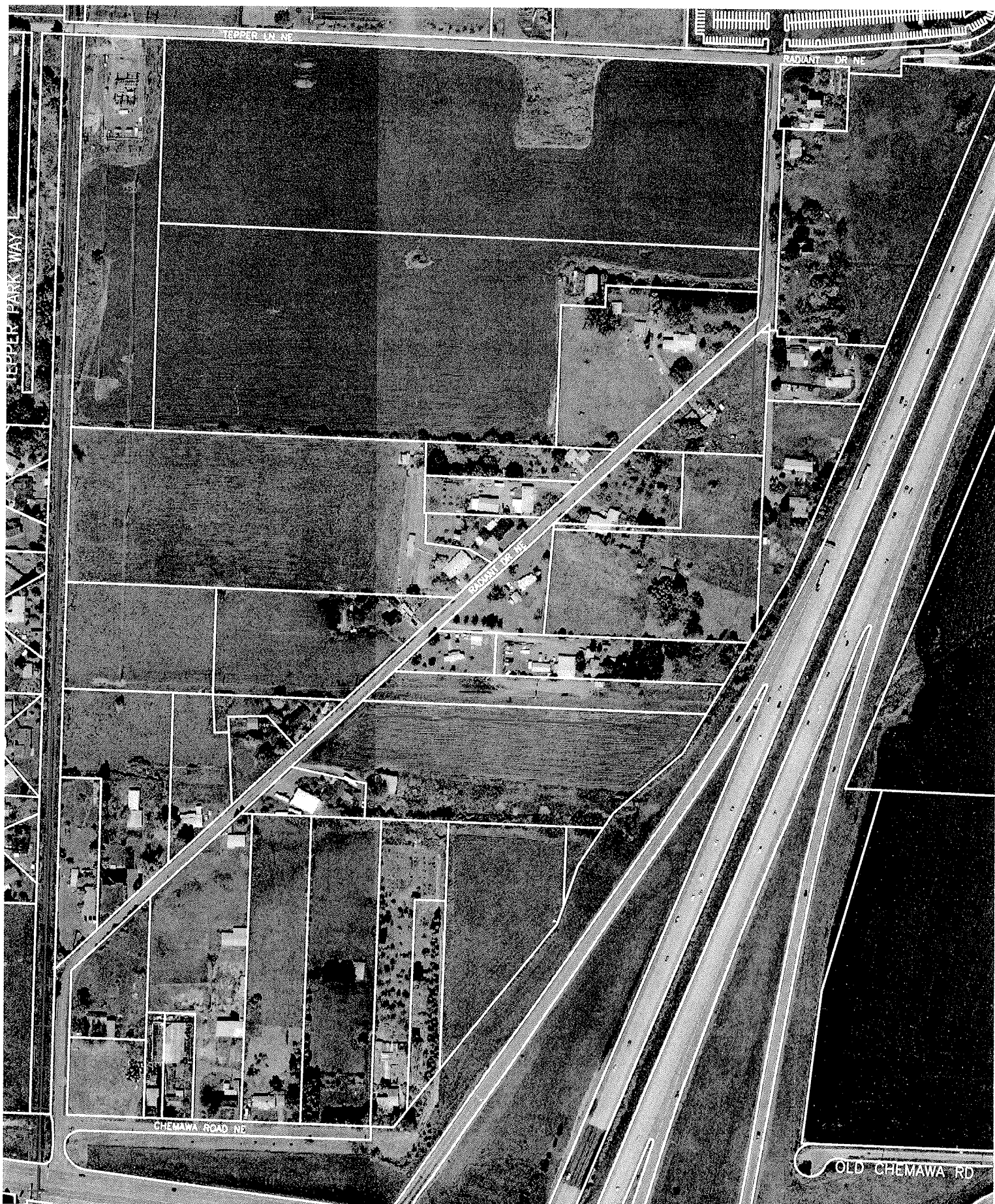
Staff recommends that the City Council authorize staff to complete a preliminary engineering design for Option 3, make preliminary contact with individual property owners, and prepare cost estimates for construction. Monthly staff reports should be prepared to advise the City Council of progress.



ALIGNMENT 1



ALIGNMENT 2



ALIGNMENT 3



September 18, 2000

AGENDA ITEM 7b

DRIVEWAY PERMIT PROCESS TRANSFER FROM MARION COUNTY

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: 7b

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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



SUBJECT: DRIVEWAY PERMITS

DATE: SEPTEMBER 12, 2000

BACKGROUND:

Currently the Marion County Public Works Department issues driveway access permits in the City of Keizer on new homes located in sub-divisions and infill areas. Inspections performed by Marion County look at type of construction, slope and ADA compliance only. Marion County inspectors are not aware of all potential issues regarding driveway permits, such as access locations, Public Improvements required or not required, drainage control issues and private drive versus public right of way.

The current driveway access permit fee under Marion County Ordinance #651 is \$50.00. The City of Keizer currently issues all building application and driveway access permits through the Community Development Department. Keizer Public Works currently reviews proposed site plans on all building permits to assure public easements are not encroached upon.

ISSUE:

The City of Keizer Public Works Department can provide inspections, answer questions, address driveway locations per site plan, drainage issues and develop a more consistent, less confusing service to our local builders and residents when they request a driveway access permit.

RECOMMENDATION:

Council direct staff to prepare a City Ordinance establishing a driveway access permit system effective October 2, 2000, administered by the Keizer Public Works Department with the current fee of \$50.00.



September 18, 2000

AGENDA ITEM 7C

CITY OF KEIZER LEGAL SERVICES REQUEST FOR QUALIFICATIONS

1

CITY COUNCIL MEETING: September 18, 2000

AGENDA ITEM NUMBER: 7c

TO: MAYOR NEWTON AND CITY COUNCIL MEMBERS

THRU: CHRIS EPPLEY, CITY MANAGER

FROM:  DIANNE HUNT, HUMAN RESOURCES DIRECTOR

SUBJECT: CITY ATTORNEY SERVICES

BACKGROUND:

Earlier this year, Council requested staff to prepare a Request for Qualification for Legal Services for the City of Keizer. Council adopted the RFQ at the August 7, 2000 meeting.

Advertisements were placed in the Sunday, August 13 edition of the Oregonian and the Statesman Journal. In addition, the ad and RFQ was placed on the City's Website. There were three places an RFQ could be obtained – City Website, City Hall, and Human Resources Director's E-mail address.

There were nine RFQs mailed from requests received via City Hall and H.R. Director. The number of RFQs downloaded from the City Website is unknown for this recruitment. The list of individuals and firms who requested the RFQ is attached.

One Statement of Qualifications (SQ) was received which is attached for your review.

The RFQ outlines the following timeline:

Evaluate Qualifications & Interest Statements and select finalists	Sept. 1 - Sept. 8, 2000
Schedule with finalists for proposal presentation to Council	Sept. 11 & Sept. 12, 2000
Finalist proposal presentations to Council	Sept. 18, 2000
Evaluate proposals and rank firms	Sept. 19 - Sept. 22, 2000
Complete negotiations and contract process with successful firm	By Sept. 29, 2000
Enter into contract with successful firm	October 2, 2000

RECOMMENDATION:

Based upon receipt of one SQ, I recommend the process be shortened, and request direction from Council.

**CITY OF KEIZER
RFQ – CITY ATTORNEY
AUGUST 2000**

NAME/ADDRESS	CONTACT NO.	DATE SENT	DATE REC'D
Shannon Johnson Lein & Johnson 4855 River Rd. N. Keizer, OR 97303	503-390-1635	8/15/00	8/30/00
Ajit Phadke 1555 California St. #505 Denver, CO 80202		8/17/00	
John F. Gardner 20080 Larkspur Ln, Ste 55 West Linn, OR 97068-2365	johnfg@lawfirmsitees.net	8/18/00	
Ross Day O'Donnell & Clark 1706 NW Glisan St., Ste 6 Portland, OR 97207	503-306-0224 Fax: 503-306-0257 Rossd@oandc.com	8/22/00	
Bill Millar, Attorney 12090 SW Burnett Ct Beaverton, OR 97008	503-524-0302 profmillarwoc@cs.com	8/22/00	
Larry Andrews 494 State St., Ste 230 Salem, OR 97301		8/22/00	
Carrie Richter 1114 NE 39th Ave. Portland, OR 97232	carrie@transport.com	8/23/00	
Rebecca Duewer 350 NE 13th St. #311 Salem, OR 97301		8/28/00	
Robert Hahn 2533 NE 64th Avenue Portland, OR 97203		8/28/00	

City of Keizer, Oregon
Request for Qualifications
#080001

City Attorney Services

Overview

The City of Keizer is requesting Statements of Qualifications from qualified legal firms to provide City Attorney services for the City of Keizer, Oregon. The City is seeking a law firm, which can perform all of the duties of the City Attorney as described throughout this RFQ. These duties include serving as General Counsel to both the City of Keizer and to the Urban Renewal Agency of the City of Keizer. The City of Keizer Charter specifies that the City Attorney is to be appointed by the Mayor and City Council.

As a result of this Request for Qualifications (RFQ), the City will select a top qualifier with whom to commence contract negotiations. If negotiations are successful, the City will enter into a professional services contract with that firm. The City will consider a City Attorney Services contract of approximately Three (3) years with an option to renew the contract for an additional two (2) year term upon mutual consent of both parties. The initial contract period is anticipated to start October 2nd, 2000 and run through October 2nd, 2003. The City reserves the right to conduct periodic reviews of these services. At the conclusion of each contract period, the Contractor's performance will be formally evaluated. The City retains the option to renew the contract for additional two (2) year terms upon review of fees, performance and services. Contractor may submit revised prices for consideration at the time of renewal.

About the City of Keizer

Keizer was established in 1982 under a Council/Manager form of government and currently has a population of 30,476. The City is bordered on the western edge by the Willamette River, southern edge by the city of Salem, eastern edge by Interstate 5, and the northern edge by rural portions of Marion County. Keizer is approximately 35 miles south of Portland.

The City of Keizer operates under a Council-Manager form of government. The City Council consists of a Mayor and six Councilors. The Mayor's term runs two years and the Councilors serve four-year staggered terms. The City Manager is the administrative head of city government and is appointed by the City Council. Presently there are 77 city employees working in 7 departments: Administration, Finance, Human Resources, Public Works, Community Development, Municipal Court and Police Services, operating under a \$15 million budget.

The City's Urban Renewal Agency was created in the late 1980's and has been very active in performing projects to revitalize the urban core. The current fiscal Urban Renewal agency budget is in excess of \$4.3 million. This agency is likely to play an integral part in the

development of nearly 180 acres of land near the I-5 interchange into a commercial, light industrial and mixed-use center in the coming few year.

Time Line

♦ Issue Request for Qualifications	August 9 th , 2000
♦ Deadline to receive Qualification and Interest Statements	August 30 th , 2000
♦ Evaluate Qualifications and Interest Statements and select finalists	Sept. 01, 2000 – Sept. 08, 2000
♦ Schedule with finalists for proposal presentation to Council	Sept. 11 th , 2000 & Sept. 12 th , 2000
♦ Finalist proposal presentations to Council	Sept. 18, 2000
♦ Evaluate proposals and rank firms	Sept. 19 th , 2000 – Sept. 22 nd , 2000
♦ Complete negotiations and contract process with successful firm	By Sept. 29 th , 2000
♦ Enter into contract with successful firm	October 2 nd , 2000

Scope of Services

The City will expect the firm to provide a service system whereby all *basic services* are provided under a fixed monthly retainer and additional services are billed at an hourly rate.

Basic services, for the purposes of this RFQ, shall include those legal services generally understood within the field of municipal law to fall within the category of “general council” work. It is estimated that the provision of *basic services* will require an average of fifteen (15) to twenty (20) hours per week and will include, but not necessarily be limited to, the following functions:

1. Attend all meetings of the Keizer City Council, including regular meetings, special meetings, executive sessions, and as needed, work sessions. Regular meetings are normally held on the first and third Mondays of each month, beginning at 7:00 p.m., and typically run two to three hours in duration. The Council may meet in executive sessions beginning at 6:00 p.m. prior to the regular Monday meetings, and work sessions may be held at any time, but are usually on the second or fourth Mondays of the month.
2. Attend Planning Commission meetings to provide legal advice and land use interpretations. These meetings are normally held on the second Wednesday of each month, beginning at 7:00 p.m. and typically run two to three hours in duration.
3. Attend, as needed and directed by the City Council or the City Manager, meetings of other commissions and committees and represent the City in other meetings or matters as necessary and appropriate.
4. Provide informal legal advice, upon request, to the City Council and its members, the City Manager and his/her staff, and the employees of the City. “Informal advice” means advice that generally can be given with less than 30 minutes of research and review, and does not include questions related to pending litigation, major projects or to labor/personnel issues.

5. Review and/or prepare all ordinances, resolutions, administrative orders, contracts or other legal instruments to which the City is a party, as required by the City or requested by the City Council or City Manager.
6. Review and advise on pending federal and State legislation as requested by the City.
7. Coordinate the work of outside legal counsel as needed and as directed by the City Council or City Manager. Manage the delivery of all of the City's legal services, except indigent defense and prosecution services, including coordinating with other jurisdictions or agencies when needed or appropriate.
8. Provide complete paralegal services. Except for litigation support, civil paralegal services and other staff support shall be provided to the City within the scope of "*basic services*".

Services outside of those described as *basic services* will be provided on an as needed basis when directed by the City Council or City Manager and will be referred to as *hourly services*. These services are generally all other legal services not covered in the description of *basic services* and/or requiring more than 30 minutes of research and review. *Hourly services* will be provided at a specified hourly rate and will be accrued at one tenth of one hour increments rounded up to the nearest increment. *Hourly services* would generally include, but not necessarily be limited to the following:

1. Research and prepare for litigation support, including monitoring of all matters involving litigation affecting the City. Represent the City in all actions, suits or proceedings in which the City is a party or is legally interested.
2. Perform research and interpret laws, court decisions and other legal authorities in order to prepare legal opinions and to render legal advice and opinions concerning legal matters that affect City business, including new legislation, court decisions, land use/planning & zoning issues, and other areas of municipal law.
3. Perform legal work pertaining to property acquisitions, property disposal, public improvements, public rights of way and easements, and matters relating to assessment districts and public utilities.

Qualifications & Requirements

Following are the minimum qualifications and requirements deemed necessary to succeed as the City Attorney for the City of Keizer. Each item must be addressed in your response to the Request for Qualification:

1. The supervising attorney and each staff attorney providing legal services to the City must be licensed to practice law in the state of Oregon and be an active member in good standing of the Oregon State Bar Association. In addition, the supervising attorney must

have a minimum of five (5) years current experience in providing legal services to municipal clients.

2. Applicant's staff must be familiar with laws, rules, regulations and operating procedures relative to the conduct of business at the City of Keizer or demonstrate the ability to acquire familiarity with such laws, rules, regulations and operating procedures in order to efficiently and effectively assume contract responsibilities within 60 days of entering into a contract with the City.
3. The applicant firm will be able to ensure the delivery of professional and cost-effective City Attorney services. Success in this area would likely include plans for professional development, providing staffing levels sufficient to supply consistent and timely legal support, supervision of attorneys and administrative staff, a viable billing and fee reporting system, and the ability to interact with City Council, the City Manager and City employees (as authorized by the City Manager) via email.
4. The applicant will demonstrate the ability to perform the contract effectively and efficiently in representing the City of Keizer and the Urban Renewal Agency as General Counsel for these respective entities.
5. The applicant's office shall be located within 30 miles of the corporate limits of Keizer so as to ensure reasonable access the City Council, the City Manager and City employees (as authorized by the City Manager).
6. The City Attorney will avoid all situations that would prove to be a conflict of interest, illegal, or inappropriate in any manner. Should a conflict of interest arise involving the City and other clients of the City Attorney, the City would have prior claim to the services of the City Attorney to the extent permitted by the rules of legal ethics.
7. The applicant must be able to demonstrate a thorough knowledge of Oregon land use law and planning & zoning issues.
8. The applicant's proposal must be consistent with the needs and best interests of the City of Keizer and its citizens. Among other factors, the City may consider alternative service methods and service providers, which may be available, as well as an assessment of the applicant's ability to work with the City Council, City Manager and City employees within established policies and procedures.

Desirable Personal Traits of City Attorney

The following are personal traits that the City Council and City Manager feel are important for an efficient and effective professional relationship between the City and the City Attorney.

1. The City Attorney must have skill in establishing and maintaining effective working relationships with members of the City Council, City staff, other public and private officials and members of the general public.

2. The City Attorney must be able to work in cooperation with the City Manager and staff of the Police and Planning Departments, members of the City Council, boards and commissions, and other City staff (as authorized by the City Manager).
3. The City Attorney must be able and willing to separate law from policy and act as a good facilitator/mediator on occasion.
4. The City Attorney should be a good listener and exhibit a high level of patience in dealing with the City Council, City staff and members of the public.
5. The City Attorney must be fair, politically impartial (though politically sensitive), objective without being patronizing, professional, friendly, relaxed and conscientious about work (responsive and efficient in carrying out the responsibilities of the job in a timely manner).
6. The City Attorney should be firm and professional in making recommendations to the City Council, City Manager and City employees (as authorized by the City Manager) to avoid litigation, while retaining a "can do" attitude and willingness to aggressively and creatively approach complex legal issues.

Content of Responses

Responses to this Request for Qualifications must be complete, timely, and submitted in conformance with the RFQ specifications, including addressing all items listed below.

1. Describe your firm's background and history, including the number of years in business and the scope of service currently provided to clients. Include a statement describing why your firm is qualified to perform the work outlined in this RFQ and detailing the proposed approach to performing this work.
2. Describe your firm's staffing proposal for providing City Attorney services as indicated in this RFQ. Describe the legal training and experience (including years) of the person(s) who would be providing City Attorney services, as well as other principals, if any. Specifically include details of experience in providing municipal legal services. Submit resumes for attorneys and other key staff who will be providing City legal services. Also, include proof that each staff attorney referenced is licensed to practice law in the state of Oregon and is an active member in good standing with the Oregon State Bar Association.
3. Describe your firm's experience and current practice in providing attorney services to governmental entities, including the names of current government clients. Describe your firm's experience in providing legal advice and services to City management, staff, and policy-making boards. Include a discussion of how your current and past experience will enable you to effectively and efficiently represent the City of Keizer and the Urban Renewal Agency as General Counsel.

4. Describe the caseload capacity of your firm and the types of cases, which the firm would be able to handle. Include any limitations you would foresee in your firm's ability to handle certain case types, or capacity limitations on cases by case type.
5. Describe your firm's experience and expertise as it specifically relates to land use and zoning law.
6. Describe your firm's staff and resource capacity to respond to time-sensitive or short notice requests and/or complicated issues. Include the proposed hours of availability of legal and support staff.
7. Describe your firm's philosophy of municipal legal service provision, as well as the philosophy you, as supervising attorney, believe is appropriate for the City of Keizer.
8. Describe the approach you would use to communicate and coordinate with City Council, the City Manager, City employees and outside contract attorneys.
9. Provide at least two examples of complex issues your firm has successfully handled for municipal or other public agency clients, including the names of the attorneys who worked on those cases.
10. Provide a minimum of three (3) references, at least one (1) of which should be from the public sector and one (1) must be peer references on behalf of your firm of a positive professional reputation in the legal community.
11. Describe what your firm would need to do to be ready and able to begin providing City Attorney services to the City and Urban Renewal Agency as of the October 2nd, 2000 proposed contract date. Include information as to which staff positions would need to be filled and office space and/or equipment, which would need to be produced. Also address how you propose to familiarize your staff with the laws, rules, regulations and operating procedures relative to the conduct of business at the City of Keizer, in order to be able to efficiently and effectively assume contract responsibilities by October 2nd, 2000.
12. Describe the procedure employed by your firm for identifying when a conflict of interest issue arises. State any potential conflict(s) of interest you may have in providing City Attorney services as outlined in this RFQ.
13. Provide a proposed hourly rate schedule for all positions (i.e. City Attorney, Paralegal, Legal Secretary, etc.) for those services preferred to as *hourly services*.
14. Provide any other information that you believe is important or relevant to this RFQ.

Investigations

The City reserves the right to conduct appropriate investigations into the background, previous experience and training, financial affairs and related matters of any firm or individual under consideration for a contract resulting in successfully completing the RFQ process. Said investigations may include, but are not limited to, credit reports, submission of audited financial statements, communication with principal clients, as appropriate, relating to the ability of your firm to successfully perform the duties and responsibilities of City Attorney.

Evaluation of Requests for Qualifications & Selection

The City reserves the right to accept or reject any or all submissions in the best interest of the City. In connection with the evaluation, the City may, at its option, invite one or more applicants to make an oral presentation to the City Council at their regularly scheduled meeting on September 18th, 2000 and may require the submission of supplemental material intended to substantiate or clarify information previously submitted.

A selection committee consisting of City Council members will evaluate Requests for Qualifications submissions on the following criteria (not in ranked order).

1. Meets all qualifications and requirements identified in this RFQ.
2. Includes complete and clear responses to items in the *Content of Responses* section.
3. Breadth and relevance of experience of the attorneys and staff proposed to provide City Attorney services.
4. A professional reputation on the part of the applicant firm and each individual attorney for providing high-quality and ethical legal services and demonstrating sound judgment, integrity, and reliability as determined by a thorough and complete background check.
5. Familiarity with laws and regulations governing Oregon local governments and operating procedures relative to the conduct of City business.
6. Demonstrated expertise in land use and zoning law as it relates to municipalities.
7. Adequate local facilities, available support staff and range of services offered by the firm.
8. Demonstration of workload capacity and a level of experience commensurate with the level of service required by the City.
9. The applicant's ability to work cooperatively with the City Council, City Manager, City employees (as authorized by the City Manager), boards and commissions, and members of the business community and general public as demonstrated by positive current client references.

10. Cost of providing basic and hourly services as per the submitted retainer fee and hourly rate schedule. (Though cost of service is important to the City Council and City Manager, it is not, necessarily the most critical factor in evaluating a firm's RFQ submittal).
11. Supplemental information submitted by the applicant.
12. Results of the interview, if conducted.

Submittal Deadline

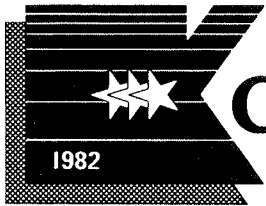
One (1) original and eight (8) copies of the submission, clearly marked "Statement of Qualifications to Provide City Attorney Services" must be received by **3:00 p.m., Wednesday, August 30th, 2000.**

Deliver to:

**Dianne Hunt
Human Resources Director
City of Keizer
930 Chemawa Road, NE
PO Box 21000
Keizer, OR 97307-1000**

Submissions received after that date and time will not be accepted or considered.

Questions regarding responses to this RFQ or requests for general information regarding the City of Keizer should be directed to Dianne Hunt, Human Resources Director, City of Keizer, at (503) 390-3700.



City of Keizer

Phone: 390-3700 • Fax: 393-9437

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

August 8, 2000

TO: Oregonian – FAX 503-294-4177

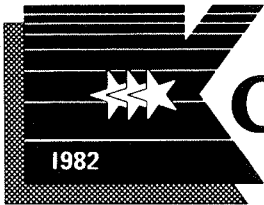
FROM: Dianne Hunt
Human Resources Director

Please place the following ad in the appropriate Classified section (Attorney) for the Sunday, August 13, 2000 edition of your newspaper.

Please call me for clarification or questions at (503) 390-3700, and send invoices to my attention. Thank you.

**City of Keizer, Oregon
Request for Qualifications
City Attorney Services**

The Mayor and members of the city council for the City of Keizer invite responses to its Request for Qualifications (RFQ). The City of Keizer seeks one or more attorneys to provide City Attorney services for a 3-year period beginning October 2, 2000, with the possibility for a two-year extension. Responses to the RFQ must be received no later than 3:00 pm, Wednesday, August 30, 2000. RFQ packets can be obtained by calling Dianne Hunt, Human Resources Director, (503) 390-3700 (hunttd@keizer.org); in person at City Hall, 930 Chemawa Rd. NE, Keizer; by mail PO Box 21000, Keizer, OR 97307-1000; OR on the City's web page at www.keizer.org. The Keizer City Council reserves the right to reject any and all responses to this RFQ, with or without cause, when the City Council believes it is in the public interest to do so.



City of Keizer

Phone: 390-3700 • Fax: 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

August 8, 2000

TO: Statesman Journal – FAX 503-399-6808

FROM: Dianne Hunt
Human Resources Director

Please place the following ad in the appropriate Classified section (Professional for the Sunday, August 13, 2000 edition of your newspaper.

Please call me for clarification or questions at (503) 390-3700, and send invoices to my attention. Thank you.

**City of Keizer, Oregon
Request for Qualifications
City Attorney Services**

The Mayor and members of the city council for the City of Keizer invite responses to its Request for Qualifications (RFQ). The City of Keizer seeks one or more attorneys to provide City Attorney services for a 3-year period beginning October 2, 2000, with the possibility for a two-year extension. Responses to the RFQ must be received no later than 3:00 pm, Wednesday, August 30, 2000. RFQ packets can be obtained by calling Dianne Hunt, Human Resources Director, (503) 390-3700 (hunt@keizer.org); in person at City Hall, 930 Chemawa Rd. NE, Keizer; by mail PO Box 21000, Keizer, OR 97307-1000; OR on the City's web page at www.keizer.org. The Keizer City Council reserves the right to reject any and all responses to this RFQ, with or without cause, when the City Council believes it is in the public interest to do so.

LIEN & JOHNSON

STATEMENT OF QUALIFICATIONS TO PROVIDE CITY ATTORNEY SERVICES

City of Keizer
August, 2000

**STATEMENT OF QUALIFICATIONS TO
PROVIDE CITY ATTORNEY SERVICES
CITY OF KEIZER**

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INTRODUCTION

The law firm of Lien & Johnson is a partnership comprised of John A. Lien and E. Shannon Johnson. John has 25 years of experience representing the interests of local governments, including representation of the City of Keizer since its incorporation in 1983. Shannon has 15 years experience in local government law. John and Shannon are joined by legal assistant Tammie Harms, who has been with the firm for 12 years.

We believe our background and experience make us uniquely qualified to serve the City of Keizer and the Keizer Urban Renewal Agency.

MINIMUM QUALIFICATIONS AND REQUIREMENTS

The Request for Qualifications list minimum qualifications and requirements. Our response to that request is listed below, but some items are discussed in the Section entitled "Response to Keizer's Specifications":

1. The supervising attorney (Shannon Johnson) and all attorneys at the firm are licensed to practice law in the State of Oregon and are active members in good standing of the Oregon State Bar. (Certificates of Good Standing are attached.) Shannon Johnson has 15 years experience in providing legal services to municipal clients.
2. The firm's staff is familiar with all rules, regulations and procedures of the City of Keizer. The firm has represented the City since incorporation in 1982 and our current legal assistant has been with the firm 12 years.
3. Our firm can provide professional and cost-effective legal services to the City and the Urban Renewal Agency. All attorneys attend well over the minimum required Continuing Legal Education courses as provided by the Oregon State Bar regulations. A substantial number of the legal seminars specifically deal with land use and other governmental issues. We have sufficient staff or the ability to contract with additional staff to provide for all the City's needs, a flexible billing system and are able to communicate with all parties via e-mail.
4. Our firm is able to effectively and efficiently represent the City and the Urban Renewal Agency as provided for further in this Statement of Qualifications.
5. Our office is located within the corporate limits of Keizer and less than one mile from City Hall. Usually we are able to meet with Council, staff and others at City Hall on short notice.
6. We are extremely sensitive to any situation that is an actual or potential conflict of interest, illegal or has the appearance of any impropriety. All of our regular, private clients understand that we represent the City of Keizer and are unable to represent them in any matter that does or even possibly could involve the City.
7. The supervising attorney, Shannon Johnson, has a through knowledge of Oregon land use law over a broad array of planning and zoning issues. These abilities are discussed further in this Statement of Qualifications.

8. We are amenable to considering alternative service methods and different providers. We believe we are able to work with the Council, the City Manager and City staff in a proactive and effective manner.

PERSONAL TRAITS

The personal traits of the City Attorney are intangible, yet they are an important consideration in the City's selection process. We strive to work cooperatively not only with staff and the Council, but also with members of the public. It is especially important for a public body to be "customer service oriented" in dealing with its constituents. Though the person on the other side of the table may be an "opposing party" they are entitled to respect and the opportunity to tell their story.

Most disputes involve conflicting interests, but by locating common ground we can reduce what seem to be large differences to small ones. Once the true differences are identified, the solution often presents itself. Identification of the true goals of both the client and the opposing party becomes a key threshold task for any good attorney.

We have continued to fulfill that role for our clients, including the City of Keizer. We continuously identify both the legal and policy aspects of an issue in our analysis as City Attorney and indicate that to the Council and staff. We are objective and work hard at making complex analysis understandable.

RESPONSE TO KEIZER'S SPECIFICATIONS

1. **Firm's Background and History.** The firm was created in 1979 as a general practice office. Municipal law was emphasized when the City of Keizer asked the firm to guide its incorporation in 1982 as the 12th largest city in the state. The firm continues to act as City Attorneys for Keizer. In addition, the firm acts as City Attorney for the City of Sherwood, and as Special City Attorney for the City of St. Paul.

Lien & Johnson continues its strong emphasis in municipal law, real estate, and business law representing municipal government, title insurance companies, finance companies and various business interests.

Lien & Johnson is uniquely qualified to perform the City's legal services due to its breadth and length of local government law experience. The firm and supervising attorney (E. Shannon Johnson) propose a service delivery system similar to that provided to the City currently with the exception of a change in the fee structure.

2. **Staffing Proposal.** The firm proposes to staff the City using E. Shannon Johnson as the primary and supervising attorney. Shannon has 15 years experience, the vast majority of which involves municipal law. In addition to serving as City Attorney for Keizer, Shannon serves as City Attorney for Sherwood and Special City Attorney for the City of St. Paul. In addition, John A. Lien, who has 25 years of experience in municipal law serves as a backup for Shannon in certain instances. The firm also utilizes contract attorneys and associate attorneys on occasion, and has a wide network of attorneys specializing in every field in which to contact should the need arise.
3. **Firm's Experience and Current Practice.** The firm's representation of the City of Keizer has entailed both the original incorporation work and formation, as well as annexations, and has included representing the City in municipal court matters, both minor traffic and city ordinance violations, review and drafting of a wide array of contracts, and advising the City Council, Planning Commission, Urban Renewal Agency, and other City boards and committees. In addition, we have assisted the City in all aspects of land use work, including creation of the Comprehensive Plan and all implementing ordinances, drafting, post-acknowledgment amendments and advice regarding Periodic Review, as well as working on individual zone change ordinances and public hearings.

We have also advised the City of Keizer regarding personnel policies and represented the City in court proceedings and administrative hearings. We represented and successfully concluded a large property transaction when the City of Keizer purchased the property where the current city hall and police station is located. We also played a large role in property acquisition and development for the minor league baseball stadium. We have assisted on various transfers of real property both to and from the City of Keizer. We helped the City take over police functions from the county and create a police department which was ultimately unionized. We assisted in the takeover of a water district and creation of a water department. We have helped in the formation of a municipal court. We have represented the City of Keizer with respect to public contracting and public works projects. We have represented the City in discrimination complaints and conflict of interest situations. We helped form and have advised most of Keizer's boards and committees.

After many years of municipal law practice, we know where the rules are and who to contact to get the needed information. We are located in the community and are familiar with the City's history, philosophy and policies. The experience level and current practice of the firm provides it with the unique qualifications necessary to effectively and efficiently represent both the City and the Urban Renewal Agency as general counsel.

4. **Firm's Caseload Capacity.** Though there are currently only two members of the firm, we can provide comprehensive caseload capacity for most situations.

By utilizing contract attorneys for particular projects and the planned addition of an associate attorney, we will be able to handle virtually any legal project that may arise. With the exception of labor law, bond counsel work, or complex litigation, the firm will meet the needs of the City.

5. **Land Use and Zoning.** Shannon Johnson's major practice emphasis is in the land use area. The Oregon land use system is unique and complicated. There are many issues to work through in every legislative or quasi-judicial action. Experience in this area is a key requirement for the City Attorney position.

Shannon has extensive land use experience in all areas. Such experience includes major legislative comprehensive plan/development code text amendments, as well as dozens of quasi-judicial cases. Shannon has assisted the Council through several land use hearings, many of which can be contentious with the Council and staff placed between proponents and opponents.

Shannon has provided expertise in the adoption of the Chemawa Activity Center Plan, the Keizer Development Code and several text amendments to the Comprehensive Plan and Code. He played an important role in the McNary Activity Center Master Plan process and the consequent development of the Staats Lake project. Shannon also led the City through the land use actions required to site the minor league baseball stadium.

Outside of Keizer, Shannon played an instrumental role in major developer/opponent battles in the City of St. Paul. Such battles included the unique “contraction” of the Urban Growth Boundary, which to our knowledge was only the second reduction in the UGB in the state.

Shannon has appeared before the Land Use Board of Appeals and the Land Conservation and Development Commission. In addition he has provided liaison between the City of Keizer and other local jurisdictions and agencies. Shannon has provided advice to City planning staffs on a weekly basis covering a wide range of questions and conflicts.

6. **Staff and Resource Capacity.** As noted previously, though small, the firm is in a position to handle most legal projects that come up. In addition, we have a wide network of legal contacts in all specialities that may be called in for time sensitive or complex projects.

Though the normal hours of our office are from 8:30 a.m. to 5:30 p.m., either of the partners can be contacted virtually at any time and we have provided the City with landline, cellular phone and other emergency numbers should the need arise.

7. **Firm’s Philosophy.** Lien & Johnson emphasizes personal service with careful attention to the needs and goals of our clients. We can utilize two or more attorneys should the type and amount of work demand it, yet scale back work and do only the work that is absolutely necessary for the client.

Our firm believes in working with clients to spot possible trouble areas in advance, thereby minimizing reactionary problems that might lead to litigation. This proactive “legal maintenance” has helped limit Keizer’s Land Use Board of Appeals activity to just three appeals since Keizer’s incorporation, and has helped create a cooperative spirit and atmosphere between the citizens and city staff to work in a creative manner to handle problems that arise rather than creating conflicts that lead to litigation.

By advising our clients what the applicable rules are and how to follow them, the client can avoid making a legal misstep from which it is difficult to retreat.

8. **Firm's Communication Approach.** We believe that truly open lines of communication with the City Council and staff is critical to avoiding missteps that make good situations turn bad or make bad problems worse.

On a day-to-day basis, the person which we communicate most directly with is the City Manager. As Chief Executive Officer for the City we take direction from him or her on each project. For some particular projects, the department head is the main contact person, but the City Manager must directly approve our direction or clearly delegate that to another staff person. In this regard, the weekly department head meetings have been an excellent source of communication between legal counsel and the City Manager and staff. In many instances, possible problems can be eliminated by reviewing them at the weekly meetings.

In the final analysis, the City of Keizer as embodied by the City Council is the actual client. We make sure the Council is fully informed and we are sensitive and responsive to the direction of the Council.

9. **Firm's Complex Legal Issues.** The firm has handled complex issues for municipal clients for many years. Two major issues come to mind.

First, the firm has assisted the City of Keizer through difficult planning coordination issues with the City of Salem, namely the Willow Lake Treatment Plant matter. Through both land use appeals and litigation, as well as mediation efforts, Shannon Johnson has led the City through complex legal and policy concerns in this regard. The ability to carry such a project forward relies not only on technical legal expertise, but creative and strategic thinking to arrive at a solution. Though final resolution of this matter has not yet occurred, Shannon has assisted in various aspects to provide the assistance needed to the City of Keizer.

The second example is the stadium project. We worked to negotiate the property acquisitions, put together a complex ground lease with the lessee, and processed and completed the land use process. This project was done under extreme time constraints. The firm had to balance varying Council and staff demands. Ultimately, the project was successfully completed.

10. References.

David A. Hilgemann
Attorney at Law
Law Offices of David Hilgemann
530 Center St. N.E., Ste. 700
Salem, OR 97301
(503) 585-2236

Kenneth Sherman, Jr.
Attorney at Law
Sherman Sherman Murch & Johnnie LLP
PO Box 2247
Salem, OR 97308
(503) 364-2281 X17

John N. Morgan
City Manager
City of Sherwood
20 NW Washington
Sherwood, OR 97140
(503) 625-4200

Gordon Hanna
Attorney at Law
340 Vista Ave. S.E.
PO Box 4591
Salem, OR 97302
(503) 585-3408

Richard Townsend
Executive Director
League of Oregon Cities
PO Box 928
Salem, OR 97308
(503) 588-6550

Phil Bay
Phil Bay Insurance Company
3905 A River Rd. N.
Keizer, OR 97303
(503) 393-6612

- 11. Preparation for Representation.** As City Attorney for the Urban Renewal Agency and the City for many years, we stand ready to continue to provide quality, cost-effective legal services. No additional positions or equipment would be needed. No additional time to familiarize ourselves with Keizer's operating procedures or ordinances would be necessary. In addition, there would be no staff time spent bringing us up to speed on current projects.
- 12. Conflicts of Interest.** We use both computerized software programs to check for conflicts of interest as well as an alphabetized, manual card system. Both systems are used to clearly confirm whether or not there is a conflict of interest with any opposing parties.

We are unaware of any actual or potential conflicts of interests that would cause any problem continuing to represent the City and the Urban Renewal Agency.

13. Rate Schedule.

- A. Basic Services. As described in the Request for Qualifications, our proposed Basic Services rate would be \$7,700.00 per month for the first year of the contract.
- B. Hourly Services. As described in the Request for Qualifications, our proposed hourly rate is \$115.00 per hour for the first year of the contract. (Legal assistant - \$65.00 per hour.)
- C. Reimbursements for Costs and Expenses. The City and the Urban Renewal Agency would reimburse the firm for all reasonable and approved out-of-pocket costs, copies (\$.05 per page), and related long distance phone charges.

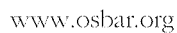
Based on the experience of the members of our firm, total time for many projects is projected to be less than for firms that do not have the same breadth and depth of municipal law background. Routine tasks, even if defined as hourly services, can be provided in a cost effective manner due to our background and experience with not only municipal law generally, but the City of Keizer in particular.

It is important to recognize that Shannon Johnson will not just be the supervising attorney, but would be the primary attorney attending the Council meetings, Planning Commission meetings and attending to most of all the other matters. This personal service is an important consideration.

One of our tasks is to be certain that there is a full review of the strategic direction of a project, including the legal cost of each option. We work with the City Manager to keep the legal service bills at a reasonable level. Regular review of the charges and the legal budget line item is part of our job as City Attorney.

LIEN & JOHNSON MAJOR CLIENT LIST

City of Keizer
City of St. Paul
City of Sherwood
Fidelity National Title
Transnation Title



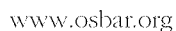
CERTIFICATE

State of Oregon)
County of Clackamas) ss.

DATED this 22 day of August, 2000.




Cara Lacy
Assistant Disciplinary Counsel
Oregon State Bar



5200 S.W Meadows Road, P.O. Box 1689, Lake Oswego, Oregon 97035-0889
(503) 620-0222 or *inside Oregon* 1-800-452-8260, Fax (503) 684-1366

CERTIFICATE

State of Oregon)
County of Clackamas) ss.

I, Cara Lacy, do hereby certify that I am an Assistant Disciplinary Counsel of the Oregon State Bar, and have access to the official files and records of the Oregon State Bar.

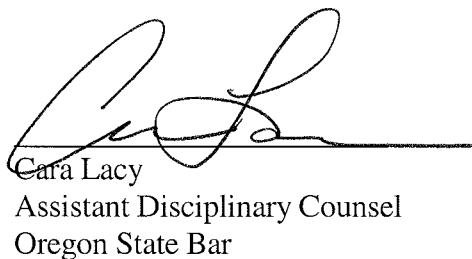
The official files and records of the Oregon State Bar indicate E. SHANNON JOHNSON was admitted to practice law in the State of Oregon and became an active member of the Oregon State Bar on September 20, 1985.

There are no complaints, grievances or disciplinary proceedings presently pending against this member.

No disciplinary action has been taken against this member in the past by the Oregon Supreme Court or the Oregon Disciplinary Board.

Mr. Johnson is an active member of the Oregon State Bar in good standing, licensed and entitled to practice law in all the courts of the State of Oregon.

DATED this 22 day of August, 2000.



JOHN A. LIEN

PROFESSIONAL EXPERIENCE

Lien & Johnson *1979 to Present*

The firm emphasizes municipal law, business, real estate and estate planning.

City of Salem *1977 to 1979*

Assistant City Attorney. Municipal court prosecutions and appeals, as well as assisting in general municipal representation.

Marion County *1976*

Deputy District Attorney. Prosecution of misdemeanors and felonies. Deputy District Attorney in charge of Grand Jury felony indictments.

United States Air Force *1967 to 1972*

Captain, Honorable Discharge Missile Combat Crew Commander (instructor).

Arizona Public Schools *1971 to 1972*

Substitute Teacher in the Tucson, Arizona Public Schools. Taught in junior high and high school.

EDUCATION

Willamette University Law School, Salem, Oregon *1972 to 1975*

Honors in legal research and writing. Selected as a member of the Moot Court Board. Selected as the outstanding graduate of the Phi Delta Phi legal fraternity in 1975.

University of Oklahoma, Norman, Oklahoma *1970 to 1972*

Completed course work toward a Master's degree in Public Administration while serving in the Air Force.

Oregon State University, Corvallis, Oregon *1963 to 1967*

Bachelor of Science degree in Business Administration with a concentration in Finance.

MEMBERSHIPS

Oregon State Bar (1975)

Oregon City Attorneys Association

Marion County Bar Association

Keizer Chamber of Commerce

E. SHANNON JOHNSON

PROFESSIONAL EXPERIENCE

Lien & Johnson *1991 to Present*

Practice focuses on real estate, land use and municipal law.
Primary attorney for Keizer, Sherwood and St. Paul, advising them on a wide range of matters including land use issues.

Lien & Hobson *1985 to 1991*

Associate from 1985 to 1991. General practice including some business and estate planning. Over the years, my practice narrowed to real estate, land use and municipal law.

EDUCATION

Willamette University Law School, Salem, Oregon *1982 to 1985*

Associate Editor, Willamette Law Review. National Moot Court Board. Labor Law Moot Court Competition Coordinator. Faculty Appointment Committee. Intensive Trial Practice Seminar. Phi Alpha Delta Legal Fraternity.

Portland State University, Portland, Oregon *1972-1976*

Bachelor of Science in Sociology/Urban Studies.

MEMBERSHIPS

Oregon State Bar (1985)

Oregon City Attorneys Association

Marion County Bar Association

Chair - Legal Advocacy Committee - League of Oregon Cities

Treasurer-Elect - Real Estate and Land Use Section of Oregon State Bar

Past Chair - Marion County Joint Realtor-Attorney Committee

LAW OFFICES OF DAVID HILGEMANN

The Equitable Center, Suite 700
530 Center Street N.E.
Salem, Oregon 97301-3740

David A. Hilgemann

Raymond A. Reid
Associate

Telephone: (503) 585-2236
Facsimile: (503) 585-1006

Estelle J. Watson
Certified Legal Assistant

Lisa D. Cline
Legal Secretary

August 25, 2000

City of Keizer
City Hall
930 Chemawa Road NE
Keizer, OR 97303

Re: Lien & Johnson - City Attorney Services

Dear Mayor Newton and Members of the City Council:

I am writing this letter in support of the application by the law firm of Lien & Johnson to continue as City Attorneys. I have been a member of the Marion County Bar Association since 1972 and served as President of that organization in 1983. I have known John Lien since 1975 and Shannon Johnson since 1985 and feel that I am in a position to advise you of their high standing in the legal community in Marion County, both as a firm and as individual lawyers.

I have had the opportunity to work with both attorneys on numerous occasions, both when John Lien was an Assistant City Attorney for the City of Salem and in his capacity as City Attorney for Keizer. Mr. Lien has the high ethical character and legal ability requisite for representing the community of which I am a member.

I have worked with Shannon Johnson on a number of projects in his capacity as attorney for the City of Keizer, both working with developers and neighborhood groups, as well as working with him on a city subcommittee. I have also worked with Shannon as a member of a local bar association committee that deals with real estate matters. Shannon is highly regarded by his peers and is always well prepared. I also find that when he is not familiar with an area of the law, he is not afraid to call and ask assistance from a more experienced attorney.

I believe the City of Keizer would be well served to retain this law firm as its City Attorneys. I would be happy to answer any other questions, should you have any.

Respectfully submitted,



David A. Hilgemann

DAH/ldc

cc: Lien & Johnson

LAW OFFICES OF
SHERMAN, SHERMAN, MURCH & JOHNNIE, LLP

475 Cottage Street N.E., Suite 120
Post Office Box 2247
Salem, Oregon 97308-2247

TELEPHONE (503) 364-2281

TELEFAX (503) 370-4308

KENNETH SHERMAN
KENNETH SHERMAN, JR.
JAMES L. MURCH
GINA ANNE JOHNNIE*

JANICE L. HAZEL[†]
Of Counsel

[†] LLM in Taxation

*licensed in OR and WA

August 28, 2000

Mayor and Common Council
City of Keizer
930 Chemawa Road, N.E.
Keizer, Oregon 97303

Dear Mayor and Councillors:

I am happy to offer comments concerning the city's legal representation by the firm of Lien and Johnson.

My practice involves a fair amount of work in the areas of real estate and land use planning, and in that capacity I have had many opportunities over the last 15 years or so to work with Shannon Johnson.

While, as may be expected, we have not always agreed on issues involving our respective clients, I have found Mr. Johnson to be consistently fair, constructive and reasonable in his representation of the city. During his tenure as city attorney, he has developed a great deal of specialized knowledge regarding the legal representation of a municipal corporation, with the result that Keizer is now in the enviable position of having as its representative one of Oregon's most senior and well-respected practitioners in the field of municipal law.

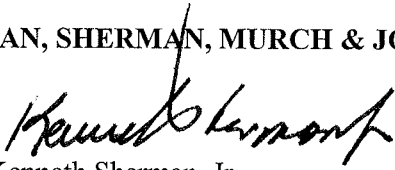
I have also had the opportunity to compare Mr. Johnson and his office with attorneys representing a number of other cities with which we work, and I have found Shannon to be among the most accessible and helpful of these city attorneys. Sometimes the response in other cities is bureaucratic or antagonistic. By contrast, Mr. Johnson takes a positive and helpful approach, with the result that when he says "No", you know he has a good reason for doing so.

Keizer has gone through dramatic change in the years since its incorporation, and I believe that Lien and Johnson has grown with the city, and that the continuation of its relationship with the firm will clearly be in the interests of the community.

Very truly yours,

SHERMAN, SHERMAN, MURCH & JOHNNIE, LLP

By:


Kenneth Sherman, Jr.



August 28, 2000

To Whom It May Concern:

I am pleased to offer a positive recommendation for Shannon Johnson and the firm of Lien and Johnson to serve as your City Attorney.

I have worked with Mr. Johnson in three different jurisdictions. We first met when I was Community Development Director for the City of Keizer where the firm provides City Attorney services. Mr. Johnson was primarily responsible for all planning and community development issues as well as several other areas of municipal law. I developed a great respect for his work in our eight years together serving Keizer. He was astute, straight-forward, ethical and honest, and showed a remarkable ability to work with a broad variety of people and groups. He served the Council well in not only providing legal advice on specific issues, but also in keeping the Council operating and moving forward in accordance with applicable law and accepted procedures. Mr. Johnson worked directly with me on many complex and varied projects. He represented the City in many negotiations and inter-agency relations.

When I became contract City Manager of St. Paul in early 1998, I hired Mr. Johnson to serve as City Attorney. St. Paul is a community with serious legal and political difficulties involving many facets of municipal operations. With Mr. Johnson's land use law experience, as well as his strong grasp of all aspects of municipal law, he was the perfect choice to come in and help guide the community through its legal jungle.

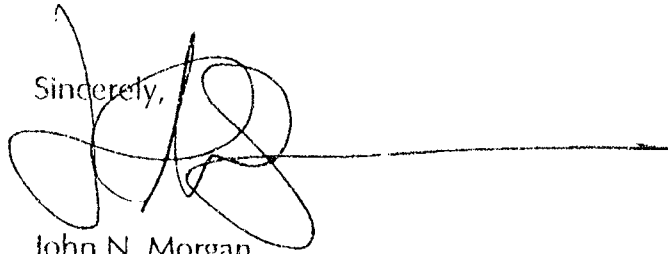
I became City Manager of Sherwood in November of 1999. A City Attorney who was a member of the management team and who regularly worked with the City Council had never served the City. It showed in the number of claims and suits pending against the City. We conducted a search involving a Request for Proposals process and a selection panel. Lien and Johnson was selected by the panel from a number of proposing firms and Shannon Johnson became Sherwood's City Attorney. He has worked on numerous projects since beginning the position last Spring. He is an integral part of the Management Team. He attends all Council and Planning Commission meetings.

I have heard nothing but the highest acclaim for Mr. Johnson's work. He receives strong accolades from the Planning Commission for his efforts to educate them on

proper process and procedures and to help them become more effective in their work, as well as his regular work advising the Commission on on-going legal matters. In a recent City Council evaluation of my work, I received unanimous accolades for hiring Mr. Johnson and for his work with the City and the Council. The Council in particular cited how helpful he is in supporting them in working through difficult decision making processes.

I strongly encourage you to give the highest consideration to the firm of Lien and Johnson and to Shannon Johnson in particular for provision of City Attorney services. I will be happy to answer any questions you may have. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be "JN Morgan", written over a horizontal line.

John N. Morgan
City Manager

**CITY OF KEIZER
RFQ – CITY ATTORNEY
AUGUST 2000**

NAME/ADDRESS	CONTACT NO.	DATE SENT	DATE REC'D	COMMENTS
Shannon Johnson Lein & Johnson 4855 River Rd. N. Keizer, OR 97303	503-390-1635	8/15/00	8/30/00	
Ajit Phadke 1555 California St. #505 Denver, CO 80202	(503) 820-0820	8/17/00		No longer with firm.
John F. Gardner 20080 Larkspur Ln, Ste 55 West Linn, OR 97068-2365	(503) 722-1191 johnfg@lawfirmsites.net	8/18/00		9/12 - E-mailed 9/14 Called/left msg 9/18 - No response
Ross Day O'Donnell & Clark 1706 NW Glisan St., Ste 6 Portland, OR 97207	503-306-0224 Fax: 503-306-0257 Rossd@oandc.com	8/22/00		Due to heavy work-load they were unable to complete by due date.
Bill Millar, Attorney 12090 SW Burnett Ct Beaverton, OR 97008	503 524-0302 profmillarwoc@cs.com	8/22/00		9/12 - E-mailed 9/12 Called/left msg 9/18 - No response
Larry Andrews 494 State St., Ste 230 Salem, OR 97301		8/22/00		Too much time commit. req'd. Also serve Stayton and Detroit. Timeframe -OK RFQ -like COGs
Carrie Richter 1114 NE 39th Ave. Portland, OR 97232	carrie@transport.com	8/23/00		Looking for full-time position.
Rebecca Duewer 350 NE 13th St. #311 Salem, OR 97301		8/28/00		Recent graduate. After receiving RFQ she realized she was not qualified.
Robert Hahn 2533 NE 64th Avenue Portland, OR 97203		8/28/00		Unable to contact. Checked Dir. Assist. No phone number for R. Hahn.

**CITY OF KEIZER
RFQ – CITY ATTORNEY
AUGUST 2000**

NAME/ADDRESS	CONTACT NO.	DATE SENT	DATE REC'D	COMMENTS
Shannon Johnson Lein & Johnson 4855 River Rd. N. Keizer, OR 97303	503-390-1635	8/15/00	8/30/00	
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Rebecca Duewer 350 NE 13 th St. #311 Salem, OR 97301		8/28/00		Recent graduate. After receiving RFQ she realized she was not qualified.
Robert Hahn 2533 NE 64 th Avenue Portland, OR 97203		8/28/00		Unable to contact. Checked Dir. Assist. No phone number for R. Hahn.



September 18, 2000

AGENDA ITEM 7d

SPECIAL POLICY AREA ACTION

CITY COUNCIL MEETING: September 18, 2000

AGENDA ITEM NUMBER: 7d

TO: MAYOR NEWTON AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

SUBJECT: *SPECIAL POLICY AREA DISCUSSION (WILLOW LAKE SETTLEMENT AGREEMENT)*

Willow Lake SPA discussions have been proceeding. As of the date of the packet deadline there are some remaining issues to be resolved. If those issues are resolved by the time of the Council meeting, we will present additional materials for your review.

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

ESJ/tmh



September 18, 2000

AGENDA ITEM 7e

SALEM STORMWATER MANAGEMENT AGREEMENT

CITY COUNCIL MEETING: September 18, 2000

AGENDA ITEM NUMBER: 7e

TO: MAYOR NEWTON AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

SUBJECT: *STORMWATER MANAGEMENT AGREEMENT*

At its last meeting, the Council approved a Resolution authorizing execution of the inter-jurisdictional Stormwater Management Agreement. The Council amended the agreement by requiring the addition of the words "pursuant to Statewide Goal 2" to indicate the method of "meaningful consultation." You may remember that this has to do with the provision in the proposed agreement with regard to increasing the hydraulic capacity of certain undercrossings.

After the last meeting, I discussed the matter at length with Salem legal counsel. He noted that we had all worked to avoid making the agreement itself a "land use decision." The feeling is that the reference to Goal 2 in the agreement would cause the agreement to be viewed as a land use decision. If the agreement is deemed to be a land use decision, Salem will have to start their process over and both Marion County and Keizer will have to go through a full legislative land use process. This contract is a intergovernmental agreement and does not rise to the level of a land use decision. I would like to avoid making the agreement a land use decision. Salem legal counsel and I agreed that would be the better route to take.

Instead of referring directly to "Statewide Goal 2", we are working on a draft provision to get at the same idea. In other words, the language would set forth the requirements that the jurisdictions consult and that the proposing jurisdiction (Salem) take into account and accommodate as much as possible the concerns of the other jurisdictions.

Salem legal counsel (Paul Lee) was out of the office and I was unable to reach agreement on the exact language. I expect that we will be able to bring that language to the council meeting for Council's review.

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

ESJ/tmh



September 18, 2000

AGENDA ITEM 8a

APPROVAL OF SEPTEMBER 5, 2000 MINUTES

MINUTES
KEIZER CITY COUNCIL
Tuesday, September 5, 2000
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Newton called the regular meeting to order at 7:02 p.m. Roll Call was taken as follows:

Present:

Bob Newton, Mayor
Lore Christopher, Council President
Jim Keller, Councilor
Jerry McGee, Councilor
Jacque Moir, Councilor
Richard Walsh, Councilor
J. L. Wilson, Councilor

Staff:

Chris Eppley, City Manager
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Dianne Hunt, Human Resources Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY No public testimony was brought before the Council.

COMMITTEE REPORTS No Committee Reports were submitted to the Council.

OTHER BUSINESS

a. New Business

Carlson Skate Park Summer Finale

Council President Christopher reported that the Summer Finale was scheduled to take place on September 22nd from 5:00 p.m.- 8:00 p.m. at the Carlson Skate Park. A request was being made to allow the park to remain open one hour after dark. Charlane Carlson had secured a donation of lights to be used at the event and would be attempting to have a radio station provide a live broadcast at the event.

Councilor Keller expressed concern that the surrounding

neighbors had not been contacted regarding this event. He felt a noise variance would apply in this situation.

It was the consensus of the Council to have Ms. Carlson contact the neighbors and allow the City Manager Eppley to evaluate and approve the request at his discretion.

b. Old Business

Parks System Development Charge

City Manager Eppley reported that the Park System Development Charge Methodology Report had been reviewed by the City Council and a motion made by the Parks Board at their June 13, 2000 meeting to adopt the SDC Report.

City Manager Eppley noted the three options available to the Council regarding the report were:

- Direct staff to notice a public hearing to deliberate the Parks SDC Methodology Report and set an SDC rate at the November 6th Council Meeting
- Accept the Parks SDC Methodology Report and table the issue to a date certain.
- Accept the Parks SDC Methodology Report and table the issue to a date uncertain.

Council President Christopher moved to direct staff to notice a public hearing to deliberate the Parks SDC Methodology Report and set an SDC rate at the November 6, 2000 Council Meeting. Councilor Keller seconded the Motion.

Responding to questions from Council, City Attorney, Shannon Johnson requested that Council direct any questions regarding the Parks SDC Methodology directing to staff.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Newton reported that the issue of widening Radiant Drive would continue to be reviewed, as there was not enough right-of-way currently to widen the road as discussed.

Public Works Director, Rob Kissler indicated that paving of River Road was continuing and weather permitting should be complete within the next week. Mr. Kissler also noted the process of obtaining quotes for the Carlson Skate paved approach was taking place.

Senior Planner, Maria Meier reported that the Building Department would be changing their hours effective October 1, 2000 to 8:00 a.m.-11:30 a.m.

Responding to questions regarding Radiant Drive, City Manager Eppley indicated that the requirements for Radiant was that it is to be built to collector standards and explained the amount of right-of-way which would be needed for this project.

At Council's request Mr. Kissler indicated that he could bring back estimated costs for Radiant Drive at the next Council Meeting.

The Council and staff discussed some of the issues regarding Radiant Drive whether relocation of the street would be necessary, funding, utility and drainage improvements for the area.

PUBLIC HEARINGS

No public hearing were scheduled.

ADMINISTRATIVE ACTION

a. ORDINANCE- Adoption of City of Keizer Transportation System Plan

Senior Planner, Maria Meier reported at the last Council meeting staff was directed to prepare the appropriate Ordinance to adopt the Transportation System Plan.

Staff recommended adoption of the Keizer Transportation System Plan.

Public Works Director, Rob Kissler answered questions from the Council regarding bike paths.

Councilor Moir moved to Adopt the Keizer Transportation Systems Plan; Amending the Keizer Comprehensive Plan (Ordinance 87-007). Mayor Newton seconded the Motion.

The motion passed as follows:

AYES: Christopher, Keller, McGee, Moir, Newton and Wilson (6)

NAYS: None (0)

ABSTENTIONS: Walsh (1)

ABSENT: None (0)

Mayor Newton thanked everyone who had participated in the development of the plan.

**b. RESOLUTION-
Authorizing the City
Manager to Sign a
Storm Water
Management
Agreement between the
City of Keizer, City of
Salem and Marion
County**

Public Works Director, Rob Kissler reported on April 20, 2000 Mayor Newton initiated the SKAPAC process in a letter to Mayor Swaim, requesting a 60 day extension of Salem's adoption of their Storm Water Master Plan. This was to allow staff from the City of Keizer, City of Salem, Marion County and Polk County the opportunity to work through technical issues of the plan.

Mr. Kissler noted attachments regarding the Storm Water Management Plan. Staff recommended that the Council adopt the Resolution authorizing the City Manager to enter into the Storm Water Management Agreement with the City of Salem and Marion County and allowing Mayor Newton to issue a letter ending the SKAPAC regional process.

After discussion it was the consensus of the Council to add the wording "pursuant to statewide goal two" at the end of page three, bullet two.

Councilor Keller moved a Resolution Authorizing the City Manager to the Sign Storm Water Management Agreement Between the City of Keizer, City of Salem and Marion County amending page three, bullet two and B(1) adding the wording "pursuant to statewide goal two".
Mayor Newton seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Moir moved to direct staff to send a letter to Salem to Stop the SKAPAC Process Contingent Upon

CONSENT CALENDAR

Salem Agreeing with the Proposed Changes to the Agreement.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

a. Request for Qualifications-Engineering Services

b. Approval of August 21, 2000 Regular Session Minutes

Mayor Newton pulled item "a" from the Consent Calendar.

Councilor Keller moved for approval of the remainder of the Consent Calendar consisting of August 21, 2000 Regular Session Minutes. Mayor Newton seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

City Manager Eppley noted additions that had been made to the final draft for the Engineering Request for Qualifications. He requested that the Council submits any additional changes and requested a release of the RFQ based on the timeline provided and that the Council approves the format as written.

Council President Christopher requested that the minimum qualifications for the City Engineer be reduced from ten years to five years, thus allowing a wider range of applicants to be reviewed.

Councilor Keller and McGee felt that ten years of experience was an appropriate number to request in the Engineering RFQ.

The Council questioned staff regarding the option of the engineer carrying one million dollars in liability insurance

and being bondable. It was felt that adding the "bondable" requirement was appropriate. It was decided to also include the wording "That the Principal in the engineering firm must have ten years experience".

Councilor Keller moved to Direct the City Manager to Distribute the Request for Qualifications for Engineers Services with Approval of the the RFQ as an Appropriate Format. Also to add the amendment on page three, number one to include the wording "at least one principal in the firm has ten years experience". Also the Engineer must be bondable and be able to meet insurance requirements. Mayor Newton seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Keller, McGee, Moir, Newton, Walsh and Wilson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

No written communications were brought before the Council.

AGENDA INPUT

September 18, 2000

7:00 p.m. Keizer City Council Meeting

- Monterey Development Land Use Case Public Hearing
- Appropriation of Contingency Funds-Personal Services

September 25, 2000

5:30 p.m. Keizer City Council Special Session

- City Council Goal Setting

October 2, 2000

7:00 p.m. Keizer City Council Meeting

Mayor Newton noted the agenda items indicating that action regarding the Special Policy Area would be addressed at the September 18th Council Meeting.

Mayor Newton noted he would invite the City Council candidates to the September 25th meeting and provide them with Council packets.

ADJOURNMENT

Mayor Newton adjourned the meeting at 8:04 p.m.

APPROVED:
MAYOR:

Tracy L. Davis
City Recorder

Bob Newton

COUNCIL MEMBERS:

Councilor #1 - J. L. Wilson

Councilor #4 - Jacque Moir

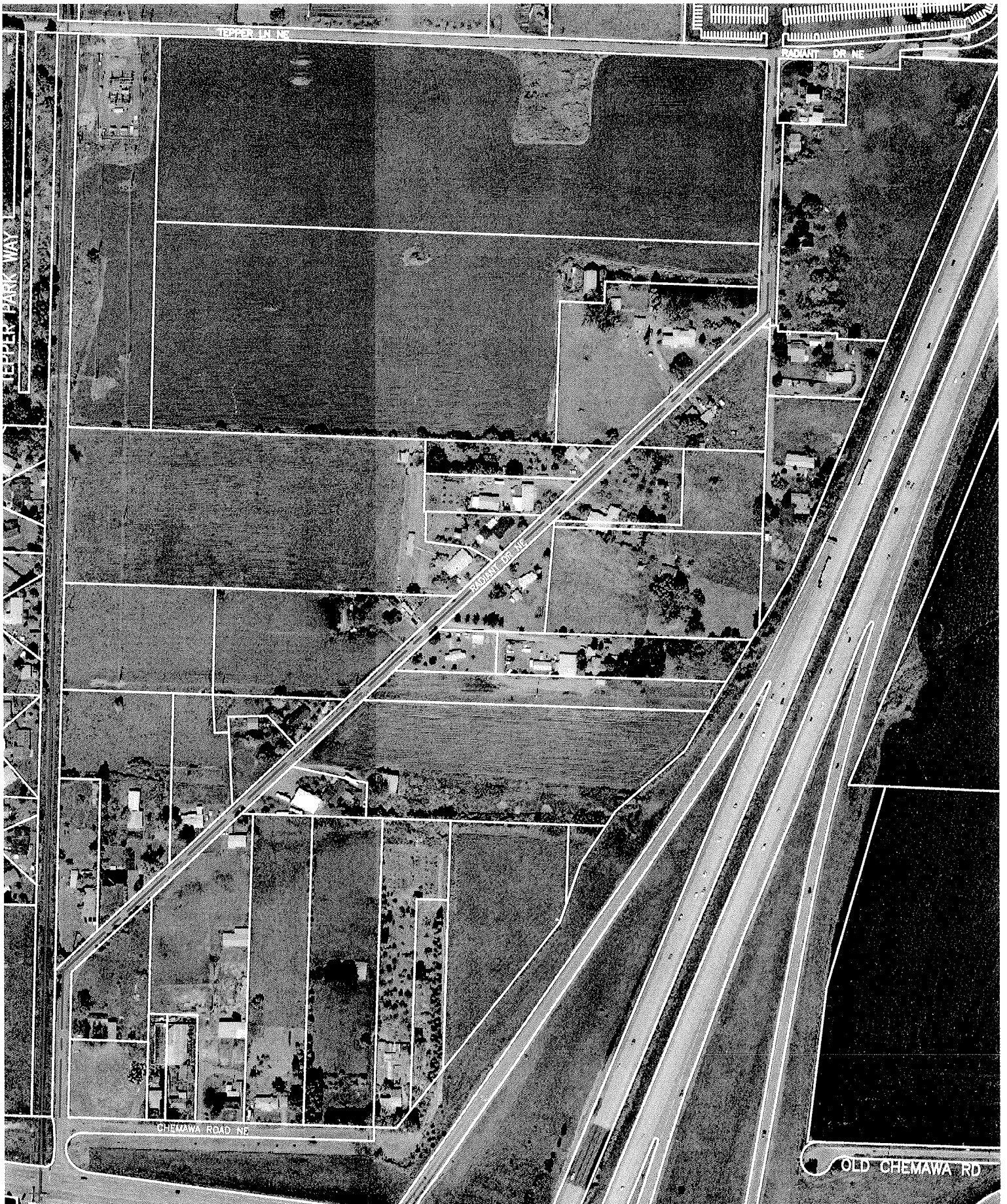
Councilor #2 - Lore Christopher

Councilor #5 - Richard Walsh

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:



ALIGNMENT 1

Monterey Develop
Case #00-51
Submitted 9/15/00

Response to proposal of Zone Change Case No. 00-51

9/9/2000

My name is Greg Lange. I live at 925 Irwin CT. N. McNary Estates. My Home backs up to the property that Monterey Development Company wants changed to LDR.

For the record, I am **against** the proposal for housing in that area. One of the main reasons I chose the home that I did in McNary Estates is the quiet, privacy and view afforded by the undeveloped land behind my house. To build in that area would lessen the appeal of my home and thus the resale value.

I would be particularly affected if the covenants, conditions and restrictions of a new development were not up to the standards of McNary Estates CC&R, as my home is situated on my lot only 12 feet from the undeveloped land.

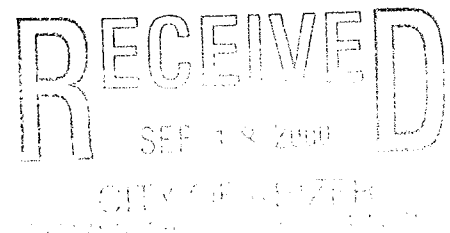
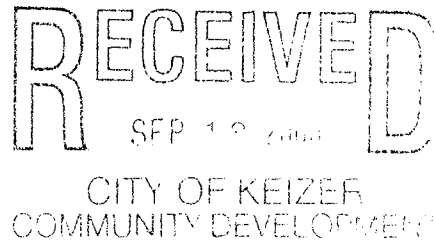
Additionally, I find it surprising that any one would want to live any closer to the sewer plant than the Western edge of McNary. The odor can be bad enough at times living this close given prevailing winds. I can't imagine how bad it would be if one lived closer.

Sincerely,

Greg Lange



925 Irwin CT. N.
Keizer, OR 97303
503.390.3645



September 17, 2000

To Keizer City Council:

We are unable to attend the important public hearing on September 18th regarding the Pending McNary Estates Expansion.

However we feel adamant about the issue of allowing Monterey Development Co. to incorporate sixty four single family homes into McNary Estates, and, to use our private infrastructure. We were told this would be for the ingress and egress of McNary Estate residents and visitors only. After living here eleven years it is obvious that McNary Drive cannot sustain this much added traffic.

The legal disputes over rezoning and other legal factors of the development would be of a concern.

We have not been a part of the Monterey Development Co for some time and feel it is very unfair and not a good solution to this problem, only setting up McNary Estates owners for possible issues in the future.

We have struggled through new development issues and have come to a very satisfactory stage. With our very capable McNary Board, and separate street associations, we all have made this a wonderful place to live. We feel that "McNary Estates", as a unit, are very proud of our homes and also of our "City of Keizer". We have seen both grow and become better each year.

This new proposal by Monterey Development Co would most certainly add nothing to McNary Estates except headaches for all concerned.

We do not reject development, only that all factors of the proposal would be explored and taken into account. For what will be a reasonable solution to the developer's problem, without infringing on the rights of the McNary Estate home owners.

Sincerely,

Col. & Mrs. A. Middleton

Col. and Mrs. A. Middleton
552 Fountain Court, N
Keizer, OR 97303

September 18, 2000

Members of the Keizer Community Development Department

As a resident of McNary Estates I would like to voice my professional objection (I am a retired architect) to the development proposed by applicant Monterey Development Co. It is my understanding that if allowed it will become a part of McNary Estates, and that is my objection.

Having only a brief glimpse of the proposed layout I saw no curved streets, no common areas with ponds or fountains, no streams with stone lined bridges or other aesthetic features as is currently found throughout the existing McNary Estates development. In my opinion it would not be compatible with, or an asset, to existing McNary Estates. We are big enough and satisfied with what we have.

A handwritten signature in cursive script, reading "Don Heyen".

Don Heyen, Architect Emeritus
582 Fountain Court N.
Keizer, OR 97303



PUBLIC HEARING SIGN UP SHEET

PUBLIC HEARING RE: COMP PLAN/ZONE CHANGE CASE NO. 00-51
MONTEREY DEVELOPMENT CORP

DATE: SEPTEMBER 18, 2000 TIME: 7:00 p.m. AGENDA ITEM # 6a

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

NAME	ADDRESS	GENERAL	PROPONENT	OPPONENT
Bonnie Beatty	675 Smead Dr N			X
Robert Beatty	675 Smead Dr N			X
Jim Miller	6489 Creston Dr N			X
May Beatty	6478 Little Rd			X
Carolyn Beatty	" "			X
Bart Ketherman	535 Smead Dr N			X
C. Patrick Lore	538 PALMER DR N			X
Margaret Palmer	558 Palmer Dr N			X
Madeline McDonnell	6586 HOGAN DR			X
Greg McDonnell	6586 HOGAN DR. NO.			X
Rodney Quast	6447 Castle Lake Ct.			X
Patricia Quast	" " "			X
Keith Olson	5405 Hazel Green Rd			
Debra Olson	5405 Hazelgreen Rd			X
Donna Beatty Skoda	6314 Crampston Dr			X

OVER



PUBLIC HEARING SIGN UP SHEET

PUBLIC HEARING RE: COMP PLAN/ZONE CHANGE CASE NO. 00-51
MONTEREY DEVELOPMENT CORP

DATE: SEPTEMBER 18, 2000 TIME: 7:00 p.m. AGENDA ITEM # 6a

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

NAME	ADDRESS	GENERAL	PROPONENT	OPPONENT
Ken Sherman Jr	PO Box 2247 Salem, Or 97308		X	
GEORGE ABEL	230 SNEAD DRIVE N. KEIZER 97303			X
Deirdre Duff	498 Monterey Ct " 97300			X
Danette Ramey	6418 Castle Salem Ct			X
Shirley Fitter	957 Plover Dr. N. Keizer 97303			X
Carl Beckert	6171 LAKESHORE CT.			X
Don Trappette	6140 Lakeshore Ct. 97303			X
Donna Woodlett	779 McNary St NW 97303			
Laser Carraker	493 Fountain Ct NW 97303			
Raymond Hummer	6423 Creeper Dr N.			X
Sharon Hummer	606 W. Hwy 20th St. N.			X
Marvise Reese	250 Snead St. Keizer			X
David Silverman	6088 Campton Dr Keizer			X
Al Moore	6049 Crampton Dr			X
Jennifer Coolin				X



PUBLIC HEARING SIGN UP SHEET

PUBLIC HEARING RE: COMP PLAN/ZONE CHANGE CASE NO. 00-51
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BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS
(PLEASE PRINT)

NAME	ADDRESS	GENERAL	PROPONENT	OPPONENT
Walter, Tracy	6658 Hogan Dr. N	✓		✓
Maggi Vandenberg	" "			✓
Wendell Gail, Gimson	6339 Crenshaw Dr N	✓		
Cecaroy, Williamson	" "			
HELEN TAYLOR	429 MC NARY ESTATES DA N	✓		
DAN TAYLOR	429 MC NARY EST DA N.	✓		
Ron Hill	831 Playon Dr. N.			
Carol Hill	" "			
Dulcie Ewert	799 Mc Nary Est. N.	✓		✓
Paul Ewert	" " "			✓
Robert Luthal	6177 Hogan Dr N	✓		✓
Christine Luthal	✓ " "			✓
Kathy Luthal	819 Crenshaw Dr N.	✓		
R. BRIAN FACKLER	455 SWEAD DA E	✓		✓
Elizabeth Fackler	" " "			✓

