

AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION
Monday, September 15, 2014
7:00 p.m.
Robert L. Simon Council Chambers
Keizer, Oregon

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. 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.

5. PUBLIC HEARINGS

a. Dim Sum Restaurant Liquor License Application

b. RESOLUTION – Relating to Medical Marijuana Facility Permit Application and Investigation Fee

c. Keizer Development Code Text Amendments – Non Conforming Uses

6. ADMINISTRATIVE ACTION

a. ORDINANCE – Adopting the Keizer Medical Marijuana Facility Permit Process (Second Reading)

b. Keizer Station Area C Master Plan Amendment

7. CONSENT CALENDAR

8. **COMMITTEE REPORTS**

a. **Keizer Economic Development Commission Appointments**

9. **OTHER BUSINESS**

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

a. **New Business or Old Business Issues**

10. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

11. **AGENDA INPUT**

October 6, 2014

7:00 p.m. – City Council Regular Session

October 13, 2014

5:30 p.m. – City Council Work Session

October 20, 2014

7:00 p.m. – City Council Work

12. **ADJOURNMENT**

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

CITY COUNCIL MEETING: September 15, 2014

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

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

**FROM: TRACY L. DAVIS, MMC
CITY RECORDER**

SUBJECT: DIM SUM RESTAURANT – LIQUOR LICENSE APPLICATION

BACKGROUND:

On August 28, 2014 the City received an application for a new liquor license for Dim Sum Restaurant, located at 3843 River Road N, Keizer, Oregon. The former name of this establishment was Blooming Cuisine. The Oregon Liquor Control Commission requires a new application when changing ownership, location, or license type. The new owners/applicants are Jian Zhuang Ma and Ximei Huang.

As required by Keizer Ordinance a public hearing was scheduled; notice was published and mailed to all property owners within 200 feet of the proposed establishment. The Keizer Police Department reports a clear background check on the applicants. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned and has no additional comment on the application.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicants or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council recommend approval of the application under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall then be forwarded to the Oregon Liquor Control Commission for final approval.



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)
☐ Commercial Establishment
☐ Caterer
☐ Passenger Carrier
☐ Other Public Location
☐ Private Club
☒ Limited On-Premises Sales (\$202.60/yr)
☐ Off-Premises Sales (\$100/yr)
☐ with Fuel Pumps
☐ Brewery Public House (\$252.60)
☐ Winery (\$250/yr)
☐ Other: _____

ACTIONS

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

CITY AND COUNTY USE ONLY

Date application received: 8-28-14

The City Council or County Commission:

(name of city or county)

recommends that this license be:

☐ Granted ☐ Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: [Signature]

Date: 8-28-14

90-day authority: ☐ Yes ☐ No

90-DAY AUTHORITY

☒ Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

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

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① DIM SUM RESTAURANT CORP ③ _____
② _____ ④ _____

2. Trade Name (dba): DIM SUM RESTAURANT

3. Business Location: 3843 RIVER RD N KEIZER MARION OR 97303
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 3843 RIVER RD N KEIZER OR 97303
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503 393 9898 SAME
(phone) (fax)

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

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

8. Former Business Name: _____

9. Will you have a manager? ☒ Yes ☐ No Name: XIMEI HUANG
(manager must fill out an Individual History form)

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

11. Contact person for this application: XIMEI HUANG (503) 998 8323
(name) (phone number(s))

5403 MIRAGE ST N KEIZER maymayma123@gmail.com
(address) (fax number) (e-mail address)

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

Applicant(s) Signature(s) and Date:

① [Signature] Date 8/22/2014 ③ _____
② _____ Date _____ ④ _____

RECEIVED
OREGON LIQUOR CONTROL COMMISSION

AUG 26 2014
SALEM REGIONAL OFFICE



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: DIM SUM RESTAURANT CORP. Phone: (503) 998 2718

Trade Name (dba): DIM SUM RESTAURANT

Business Location Address: 3843 RIVER RD N

City: KEIZER OR ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 11:30 to 9:00
Monday 11 to 9
Tuesday 11 to 9
Wednesday 11 to 9
Thursday 11 to 9
Friday 11 to 10
Saturday 11:30 to 9:00

Outdoor Area Hours:

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

The outdoor area is used for:

- ☐ Food service Hours: _____ to _____
☐ Alcohol service Hours: _____ to _____
☐ Enclosed ~~How~~

The outdoor area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

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

ENTERTAINMENT

Check all that apply:

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

DAYS & HOURS OF LIVE OR DJ MUSIC

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

SEATING COUNT

Restaurant: 40
Lounge: _____
Banquet: _____

Outdoor: Lottery
Other (explain): 5
Total Seating: 45

OLCC USE ONLY

Investigator Verified Seating: ☒ (Y) ☐ (N)
Investigator Initials: SP
Date: 8-28-14

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

Applicant Signature: [Signature] Date: 8/22/2014

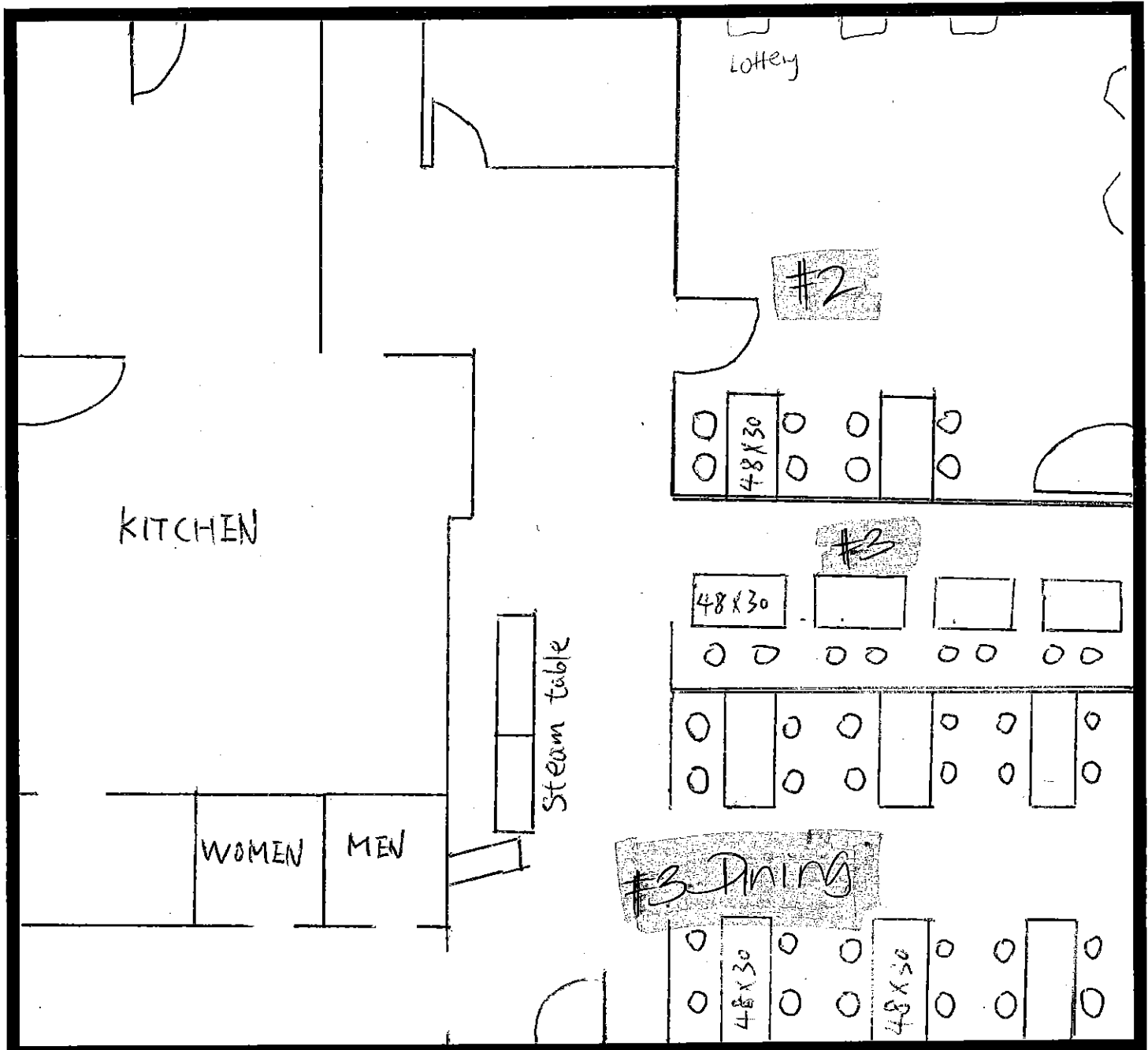
1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)



OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

- **Your floor plan must be submitted on this form.**
- Use a separate Floor Plan Form for each level or floor of the building.
- The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)
- Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.



DIM SUM RESTAURANT CORP.

Applicant Name

DIM SUM RESTAURANT

Trade Name (dba):

KEIZER OR 97303

City and ZIP Code

.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)
#2 Lottery, #3 Dining
Date: 8.28.14 Initials: SP

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 09/12)

CITY COUNCIL MEETING: September 15, 2014

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: PERMIT FEES FOR MEDICAL MARIJUANA FACILITIES

This issue is before the City Council for a public hearing regarding the appropriate fees for the medical marijuana facilities permit process.

Council had indicated that they wished to at least consider Salem's fee, and if reasonable, try to adopt something similar so that the two adjacent cities will not have widely different fees. Salem is currently considering, but has not adopted, a \$2,000 initial fee and a \$2,000 annual fee. If the application is denied or withdrawn, \$1,500 would be refunded.

Typically, the City of Keizer tries hard to adjust the fees to the actual costs; i.e., usually the staff time involved in regulation and oversight. This industry is subject to a significant amount of regulation, and we anticipate a fair amount of police department and community development department time will be spent. However, it is simply not possible to guess at the amount of time that will be required.

After discussing the matter with Nate Brown and Deputy Chief Kuhns, staff recommends adopting the fees as referenced above, however to review the matter in approximately three years to determine what actual time has been spent on regulation and oversight. At that time, it may be appropriate to either raise or lower the fees to put them in line with our baseline of actual costs.

RECOMMENDATION:

Open the public hearing and take testimony. Following close of the public hearing, deliberate the matter and adopt the Resolution setting the initial and annual fee at \$2,000.

Please let me know if you have any questions. Thank you.

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2014-_____

RELATING TO MEDICAL MARIJUANA FACILITY PERMIT
APPLICATION AND INVESTIGATION FEE

WHEREAS, the City Council of the City of Keizer wishes to implement medical
marijuana facility permit application and investigation fees;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the medical
marijuana facility permit application and investigation fee is as follows:

A non-refundable application/investigation fee of \$500 and a
refundable \$1,500 registration fee.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
annual medical marijuana facility permit renewal application and investigation fee is as
follows:

A non-refundable application/investigation renewal fee of \$500
and a refundable \$1,500 registration fee.

BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
registration fee must be refunded to the applicant if an application is returned to the
applicant as incomplete, if the City denies an application, or if an applicant withdraws an
application. The registration fee will not be refunded to the applicant if the City

1 suspends or revokes a permit for noncompliance with any City Ordinance or regulations,
2 or violations of any state laws.

3 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
4 fee to appeal a denial, suspension, or revocation of a permit to the Keizer Hearings
5 Officer is \$500.00.

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

8 PASSED this _____ day of _____, 2014.

9

10 SIGNED this _____ day of _____, 2014.

11

12

13

Mayor

14

15

16

City Recorder

COUNCIL MEETING: Sept 15, 2014
AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS
THROUGH: CHRIS EPPLEY, CITY MANAGER
NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR
FROM: SAM LITKE, SENIOR PLANNER

SUBJECT: Text amendments to non-conforming uses

Attachments:

- Section 2.204 - draft

ISSUE:

The proposed text amendment is related to revisions within the nonconforming uses section of the development code. The Planning Commission voted unanimously to support the proposed text amendments.

DISCUSSION:

The proposed text amendment Section 1.200 defines a non-conforming structure or use as: “A lawfully existing structure or use at the time this Ordinance, or any amendments, becomes effective, which does not conform to the requirements of the zone in which it is located”. In common terms they are referred as being “grandfathered in” which is accepted to mean that while the development does not meet today’s codes it is allowed to remain.

There are sub-sections of the existing code that appear to be in conflict with each other and other sections that don’t really seem to mean anything. So in an effort to eliminate the conflict and remove the ambiguities, this section has been significantly rewritten.

The intent is to develop a set of regulations that are relatively straight forward and understandable while being fair to property owners. The City Council may want to consider several policy issues such as:

- Whether the termination of a nonconforming use (proposed 67% threshold) is appropriate;
- Whether the proposed amendment is more restrictive than the current code;
- Whether to allow building additions onto a nonconforming use if they can meet existing regulations;
- Conditional use criteria.

RECOMMENDATION:

Open the public hearing to consider the proposed amendment and policy issues above, close the public hearing, and direct staff to prepare an ordinance with findings to adopt the proposed revisions.

2.204 NONCONFORMING USES

2.204.01 Purpose

This chapter provides standards and procedures for nonconforming uses, developments and improvements. While the intent is to bring nonconforming uses, developments, and structures into compliance with the KDC, thereby minimizing the impacts of such nonconforming status, this chapter makes allowance for these nonconformities to continue and to discourage their perpetuation.

2.204.01 2 Effect on Other Regulations

The provisions of this chapter relate exclusively to the use and development conditions and regulations imposed directly in this Ordinance. Nothing in this Section shall be deemed a waiver, relaxation or abrogation of any provision of any other applicable law, ordinance, or regulation controlling the use or development of buildings, structures or land.
(5/98)

2.204.03 Nonconforming Uses.

- A. **Generally.** A nonconforming use is any use on real property that was lawfully established under the applicable City or county land use regulations at the time the use was established, but which is no longer allowed due to the adoption of, or amendment to, the City's land use regulations, a change in the zone, or annexation of the property into the City. A nonconforming use is a lawful use, and may be continued on the real property until terminated as provided in subsection (E) of this section.
- B. **Ordinary Repairs and Maintenance.** Except as otherwise provided in this section, buildings and structures occupied by nonconforming uses may be repaired and maintained.
- C. **Extension, Alteration, and Expansion of Nonconforming Uses.** If approved pursuant to subsection (D) of this section:
 - (1) A nonconforming use in a portion of a building may be extended into other portions of that building.
 - (2) A building or structure occupied by a nonconforming use may be structurally altered or enlarged for the benefit of such use as provided below.
- D. **Application for Extension, Alteration, and Expansion of a Nonconforming Use.**
 - (1) **Applicability.** Except as provided in subsection 2.204.03.F of this section, a nonconforming use shall not be extended, altered, expanded, or substituted for another nonconforming use without receiving approval as provided in this section.

- (2) **Conditional Use Required.** The nonconforming uses specified in Section 2.204.03 are considered conditional uses in the applicable zone. However, unlike conditional uses generally, they are not permitted uses. ~~Nonconforming uses may be expanded or changed to a use of the same or more restricted nature where such use is granted a conditional use permit.~~ (5/98)
- (3) **Application Procedures.** The procedures and criteria set forth in Section 3.103 shall apply for a nonconforming conditional use application. Granting of a conditional use allowing the alteration does not remove the nonconforming status of the use or structure. (5/98) In addition, to the criteria in Section 3.103 the findings must address the following:
- (a) The proposed extension, alteration, enlargement of use is consistent with the general development character of the surrounding area;
 - (b) The degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line will not be increased by the proposed extension, alteration, enlargement of use;
 - (c) The number and kinds of vehicular trips will not exceed the maximums typical for the zoning district within which the nonconforming use is located;
 - (d) The amount and nature of outside storage, loading, and parking will not be increased or altered by the proposed extension, alteration, enlargement of use so as to cause further impacts;
 - (e) The hours of operation for the proposed extension, alteration, enlargement of use will not be altered or increased beyond those of the existing nonconforming use; and
 - (f) If the proposal includes the alteration or enlargement of a building or structure, the alteration or enlargement must comply with the applicable development standards of the KDC and all other applicable ordinances and regulations.

E. Termination of Nonconforming Use.

- (1) A nonconforming use shall terminate if the building, structure, or land ceases to be occupied for the nonconforming use, for any reason for a continuous period of one year.
- (2) A nonconforming use dependent upon a building or structure that is declared a "dangerous building" shall be deemed terminated upon the date the order declaring the building or structure a dangerous building becomes final.

- (3) A nonconforming use dependent upon a building or structure that is substantially damaged or destroyed by any cause, to the extent that the cost of repair or restoration would exceed sixty-seven percent of the building or structure replacement cost using new materials and conforming to current building codes, shall be deemed terminated upon the date of such damage or destruction. Cost of repair or restoration, and replacement cost, shall be determined by the Community Development Director based on information provided by the applicant, the valuation information used in the International Building Code, and other relevant evidence.
 - (4) A nonconforming use dependent upon a building or structure that is redeveloped or renovated to the extent that the cost of redevelopment or renovation exceeds sixty-seven percent of the building or structure replacement cost using new materials and conforming to current building codes shall be deemed terminated upon the date such redevelopment or renovation commences. Cost of redevelopment or renovation shall be determined by the Community Development Director based on information provided by the applicant and the valuation information used in the International Building Code, and other relevant evidence.
 - (5) A nonconforming use which has terminated shall not be re-established.
- F. Residential Exception. Non-conforming single family residences and associated accessory uses may be replaced within one year of the date of destruction without the need for a conditional use if the replacement is of closely similar scale and height. (5/98)

2.204.04. Nonconforming Development (Improvements and Structures).

- A. **Generally.** Nonconforming development is any development which met the applicable City or county development standards imposed at the time the development was constructed, but which no longer complies with development standards due to the adoption of, or amendment to, the City's land use regulations, a change in the zone, or annexation of the property into the City. A nonconforming development may be continued until the development's nonconforming status is terminated as provided in subsection (D) of this section.
- B. **Ordinary Repairs and Maintenance.** Nonconforming development may be repaired and maintained.
- C. **Alteration and Enlargement.** Unless the alteration or enlargement is undertaken in connection with a nonconforming use a nonconforming development may be altered or enlarged provided such new development complies with all applicable development standards of the KDC and all other applicable laws, ordinances, and regulations.

D. Termination of Nonconforming Development.

- (1) Nonconforming development that is determined to be a "dangerous building" pursuant to city ordinances and state building codes shall be deemed terminated upon the date the order declaring the building or structure a dangerous building becomes final.
- (2) Nonconforming development that is redeveloped or renovated to the extent that the cost of redevelopment or renovation exceeds sixty-seven percent of its replacement cost using new materials and conforming to current building codes shall be deemed terminated upon the date that such redevelopment or renovation commences. Cost of redevelopment or renovation shall be determined by the Community Development Director based on information provided by the applicant, the valuation information used in the International Building Code, and other relevant evidence.
- (3) Nonconforming development that is substantially damaged or destroyed by any cause to the extent that the cost of repair or restoration of the development would exceed sixty-seven percent of its replacement cost using new materials and conforming to current building codes shall be deemed terminated upon the date of such damage or destruction. Cost of repair or restoration, and replacement cost, shall be determined by the Community Development Director based on information provided by the applicant, the valuation information used in the International Building Code, and other relevant evidence.
- (4) Nonconforming development which has terminated shall be brought into conformity with the applicable development standards or removed.

2.204.02 Termination of Nonconformity

- A. ~~Nonconforming Use. The nonconforming use of a building, structure, or land shall be considered terminated if the Director determines that the use of the building, structure, or land ceased, for any reason, for a continuous period of one year. (5/98)~~
- B. ~~Nonconforming Building, Structure, Land. A nonconforming building, structure, or land shall be considered terminated if the Director determines that the building, structure, or land ceased to be occupied, for any reason, for a continuous period of one year. (5/98)~~
- C. ~~Dangerous Building. Any nonconforming use dependent upon a building or structure which is substantially damaged or becomes deteriorated to the extent that it has been declared a "dangerous building" and ordered demolished pursuant to the Uniform Building Code or other federal, state or local regulations, shall be considered terminated upon such destruction or declaration and order. (5/98)~~

- D. ~~Damaged Structure. A nonconforming building or structure which is substantially damaged or deteriorated to the extent that the cost of repairing the building or structure exceeds 60 percent of its replacement cost (using new materials and conforming to current building codes) shall be deemed terminated upon the date of such damage or deterioration. Replacement or repair of the building or structure shall require a conditional use permit. (5/98)~~
- E. ~~Re-establishment Prohibited. No terminated nonconforming use or development shall be re-established. (5/98)~~
- F. ~~Residential Exception. Non-conforming single family residences may be replaced within one year of the date of destruction without the need for a conditional use. (5/98)~~

2.204.03 Continuation and Expansion of a Nonconforming Use

~~Except as provided in Section 2.204.04 and 2.204.05, any lawfully established nonconforming use, structure or development may be continued unless and until it is terminated. Nonconforming uses, structures or development are subject to the following restrictions as to expansion, alteration, change, and replacement of the use, structures, or development: (5/98)~~

- A. ~~Expansion Within a Building. A legal nonconforming use of a portion of a conforming or nonconforming building may be expanded into other portions of that building existing prior to this ordinance. (5/98)~~
- B. ~~Alteration. A conforming or nonconforming building, structure, or development occupied by a legal nonconforming use may be altered, enlarged or replaced for the benefit of such use, provided that the alteration, enlargement or replacement is otherwise lawful under the development standards of this Ordinance. (5/98)~~

~~In the case of a rear setback for a single family residential or duplex structure, the rear wall of the structure, if it was erected in accordance with the applicable setback standards at the time of construction and now is not in compliance with applicable setback standards, shall proscribe the required rear setback for all future additions providing the additions do not exceed the height of the original wall. (5/98)~~

- C. ~~Conditional Use Required. The nonconforming uses specified in Section 2.204.03 are considered conditional uses in the applicable zone. However, unlike conditional uses generally, they are not permitted uses. Nonconforming uses may be expanded or changed to a use of the same or more restricted nature where such use is granted a conditional use permit. (5/98)~~
- D. ~~Application Procedures. The procedures and criteria set forth in Section 3.103 shall apply for a nonconforming conditional use application. In addition, findings must indicate the alteration of the use or structure is necessary to comply with a lawful~~

~~requirement, or, will not result in a greater adverse impact on the neighborhood. Granting of a conditional use allowing the alteration does not remove the nonconforming status of the use or structure. (5/98)~~

2.204.04 Nonconforming Residential uses in Commercial or Industrial Zones

- ~~A. Continuation Permitted. Any legally established nonconforming residential use in any commercial or industrial zone may be continued unless and until terminated. Such uses may be expanded and their buildings structurally altered provided the expansion or alteration complies with the setback and height provisions of the RM zone and all applicable development standards in this Ordinance. (5/98)~~
- ~~B. Change in Residential Use. Changes of use from a nonconforming residential use to another nonconforming residential use may be made without review provided that the change of use complies with the setback and height provisions of the RM zone and all applicable development standards in this Ordinance. (5/98)~~
- ~~C. Replacement Permitted. Replacement of a legally established nonconforming residential use in any commercial or industrial zone shall be permitted. (5/98)~~

2.204.05 Nonconforming Special Uses

Any lawfully established use that is listed as a special use in the applicable zone shall be considered a conforming use even though it may not conform to the Ordinance requirements. The alteration, enlargement or replacement of a use, or, the structure or building occupied by the use shall require compliance with all of the requirements of this Ordinance. (5/98)

2.204.06 Nonconforming Permitted and Conditional Uses

~~Any legally established use existing prior to this ordinance which is listed in this Ordinance as a permitted or conditional use in the applicable zone, shall be a conforming use even though it may not conform to the requirements for such uses in this ordinance, provided:~~

- ~~A. Expansion. A conditional use permit shall be required for the expansion of any use or if primary structures or buildings occupied by the use are expanded. This provision does not apply to single family dwellings. (5/98)~~
- ~~B. Conformance to Conditions. Pre-existing uses, structures and buildings conform to any condition imposed at the time of approval unless modified as part of a conditional use permit approved pursuant to the requirements of this Ordinance. (5/98)~~

2.204.07 Repairs and Maintenance

~~Except as otherwise provided in this chapter, nonconforming structures and developments, and premises occupied by nonconforming uses may be repaired and maintained without restriction. (5/98)~~

2.204.0 7 Effect of Zone Changes

~~Wherever the zoning on any lot or portion thereof is changed, the provisions in this chapter shall apply to any use, structure or development made nonconforming by the zone change. (5/98)~~

CITY COUNCIL MEETING: September 15, 2014

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: ORDINANCE ADOPTING THE KEIZER MEDICAL
MARIJUANA FACILITY PERMIT PROCESS**

At the last Council meeting, the Council voted 4-3 to pass the medical marijuana facilities regulations ordinance. Because the vote was not unanimous, it is before the Council for a Second Reading.

RECOMMENDATION:

Take action as deemed appropriate.

Please let me know if you have any questions or concerns. Thank you.

ESJ/tmh

1 BILL NO. ____

A BILL

ORDINANCE NO.

2014-_____

3 FOR

4
5 AN ORDINANCE

6
7
8 ADOPTING THE KEIZER MEDICAL MARIJUANA
9 FACILITY PERMIT PROCESS

10
11
12 WHEREAS, Section 4 of the Keizer City Charter provides:

13 SECTION 4. POWERS OF THE CITY. The city shall have all
14 powers which the constitutions, statutes, and common law of the
15 United States and of this state expressly or impliedly grant or
16 allow municipalities, as fully as though this charter specifically
17 enumerated each of those powers;

18
19 WHEREAS, the above referenced grant of power has been interpreted as
20 affording all legislative powers home rule, constitutional provisions reserved to Oregon
21 Cities;

22 WHEREAS, the Oregon Legislature enacted House Bill 3460 in 2013 (ORS
23 475.314) which requires the Oregon Health Authority to develop and implement a
24 process to register Medical Marijuana Facilities;

25 WHEREAS, under Oregon law, local governments may regulate the operation and
26 location of certain types of businesses within their jurisdiction except when such action
27 has been specifically preempted by state statute;

1 WHEREAS, the City Council of the City of Keizer desires to allow operation of
2 Medical Marijuana Facilities in the City in ways that protect and benefit the public
3 health, safety and welfare of existing and future residents and businesses of the City;

4 WHEREAS, the Council finds that the unique characteristics of Medical
5 Marijuana Facility operations and their potential impacts makes it necessary to establish
6 particular time, place, and manner requirements for such operations and a separate
7 permitting process for Medical Marijuana Facilities;

8 WHEREAS, the Keizer Medical Marijuana Facilities Regulations Task Force has
9 considered the matter and made recommendations to Council;

10 WHEREAS, the City Council has duly considered the recommendation of the
11 Task Force and comments from the public;

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

13 Section 1. Purpose. The purpose of this Ordinance is to minimize any adverse
14 public safety and public health impacts that may result from allowing Medical
15 Marijuana Facilities in the City by adopting particular time, place and manner
16 requirements and a permitting process for such Facilities.

17 Section2. Definitions.

18 A. “Manager” means the City Manager of the City of Keizer or his/her
19 designee.

- 1 B. “Cash Accounting” means a cash basis system of accounting in which the
2 Operator of an enterprise records revenue and expenses when they are
3 paid, regardless of when goods are received or delivered.
- 4 C. “Company Principal” means a Person who is an officer or director of a
5 legal entity or has a controlling interest in the entity, through ownership or
6 control of 10% or more of the stock in the entity or 10% or more of the
7 total membership interest in the entity or 10% or more of the total
8 investment interest in the entity.
- 9 D. “Controlled Substances” means substances designated as Schedule I or
10 Schedule II controlled substances in the Code of Federal Regulations Title
11 21, Chapter II, Part 1308.
- 12 E. “Convicted” means found guilty by verdict or finding entered in a
13 criminal proceeding in a court of competent jurisdiction.
- 14 F. “Debt Financing” means secured or unsecured loans to provide funds for
15 use in the Medical Marijuana Facility business, except for monies owed
16 for the reasonable cost of goods or services received.
- 17 G. “Facility or Facilities” means a Medical Marijuana Facility or Medical
18 Marijuana Facilities.
- 19 H. “Financial Interest” exists when a Person, the Person’s immediate family,
20 or a legal entity to which the Person is a Company Principal (1) receives or

1 is entitled to receive directly or indirectly any of the profits of the Facility;
2 (2) rents or leases real property to the Operator for use by the business; (3)
3 rents or leases personal property to the Operator for a commercially
4 unreasonable rate; or (4) lends or gives money, real property, or personal
5 property to the Operator for use in the business.

6 I. “Marijuana” means all parts of the plant of the Cannabis Moraceae,
7 whether growing or not, the resin extracted from any part of the plant; and
8 every compound, manufacture, salt, derivative, mixture, or preparation of
9 the plant or its resin, as may be defined by Oregon Revised Statutes or as
10 they currently exist or may from time to time be amended. It does not
11 include the mature stalks of the plant, fiber produced from the stalks, oil or
12 cake made from the seeds of the plant, any other compound, manufacture,
13 salt, derivative, mixture, or predation of the mature stalks (except the resin
14 extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant
15 which is incapable of germination.

16 J. “Medical Marijuana” means all parts of marijuana plants that may be used
17 to treat or alleviate a Medical Marijuana Qualifying Patient’s debilitating
18 medical condition or symptoms associated with the patient’s debilitating
19 medical condition.

1 K. “Medical Marijuana Facility or Facilities” means a Medical Marijuana
2 Facility that is registered by the Oregon Health Authority under ORS
3 475.300-475.346 and that sells, distributes, transmits, gives, dispenses or
4 otherwise provides Medical Marijuana to qualifying patients.

5 L. “Medical Marijuana Qualifying Patient” means a registry identification
6 cardholder (Person who has been diagnosed by a physician as having a
7 debilitating medical condition) as further defined by ORS 475.302(3) or
8 the designated primary caregiver of the cardholder is defined by ORS
9 475.302(5).

10 M. “Minor” means any Person under 18 years of age.

11 N. “Operator” means the Person who is the proprietor of a Facility, whether
12 in the capacity of Company Principal, owner, lessee, sub-lessee,
13 mortgagee in possession, licensee or any other capacity. If the Operator is
14 a corporation, the term Operator also includes each and every member of
15 the corporation’s Board of Directors whose directorship occurs in a period
16 during which the Facility is in operation. If the Operator is a partnership
17 or limited liability company, the term Operator also includes each and
18 every member thereof whose membership occurs in a period during which
19 the Facility is in operation.

1 O. "Person" means natural Person, joint venture, joint stock company,
2 partnership, association, club, company, corporation, business, trust,
3 organization, or any group or combination acting as a unit, including the
4 United States of America, the State of Oregon and any political
5 subdivision thereof, or the manager, lessee, agent, servant, officer or
6 employee of any of them.

7 P. "Premises" means a location registered by the State of Oregon as a
8 Medical Marijuana Facility and includes all areas at the location that are
9 used in the business operated at the location, including offices, kitchens,
10 restrooms, storerooms, and including all public and private areas where
11 individuals are permitted to be present.

12 Q. "Public Property" means all City of Keizer parks, and any real property
13 zoned Public.

14 Section 3. Annual Permit Required. The Operator of any Medical Marijuana
15 Facility in the City must possess a valid annual Medical Marijuana Facility permit
16 issued under this Ordinance and must comply with the requirements of any and all
17 state or local laws.

18 Section 4. Initial Permit Application and Fee Requirements.

19 A. Application forms for Medical Marijuana Facility permits will be available
20 at the Keizer Community Development Department. Applications for

1 initial and renewal Medical Marijuana Facility permits must be submitted
2 to the Community Development Department and must be signed under
3 penalty of perjury. The application documents must include at least the
4 following:

- 5 1) The location of the proposed Facility.
- 6 2) The true names and addresses of the Persons or legal entities that
7 have an ownership interest in the Facility; that have loaned or given
8 money or real or personal property to the applicant for use by the
9 Facility within the preceding year; or that have leased real property
10 to the applicant for use by the Facility.
- 11 3) A detailed description of the type, nature and extent of the
12 enterprise to be conducted.
- 13 4) A detailed description of the proposed accounting and inventory
14 systems for the Facility.
- 15 5) Certification that the proposed Facility is registered as an Oregon
16 Medical Marijuana Facility pursuant to ORS 475.300-475.346.
- 17 6) Certification that the proposed Facility has met all applicable
18 requirements in the Keizer Development Code.
- 19 7) Certification that all current fees and taxes owed have been paid.

1 8) Detailed illustrations (to scale) of all proposed signage and location
2 of such signage.

3 9) Such other information deemed necessary by the Manager to
4 conduct any investigation or background check (including the
5 names and fingerprints) of the Operator(s), employees, volunteers,
6 Persons with a Financial Interest, and Persons or entities providing
7 Debt Financing for the Facility.

8 B. At the time of submission of an initial Facility permit application, the
9 applicant must pay a Medical Marijuana Facility permit application and
10 investigation fee. The fee amount shall be set by Council Resolution. No
11 portion of the Medical Marijuana Facility permit fee is refundable in the
12 event operation of the Facility is discontinued for any reason.

13 C. A separate permit application must be submitted for each proposed
14 Facility location.

15 Section 5. Permit Termination – Renewal – Fee.

16 A. A Facility permit terminates automatically on June 30 of each year, unless
17 a permit renewal application is approved.

18 B. A Facility permit terminates automatically if federal or state statutes,
19 regulations or guidelines are modified, changed, or interpreted in such a

1 way by state or federal law enforcement officials as to prohibit operation
2 of the Facility under this Ordinance.

3 C. A permit renewal application shall include information similar in nature to
4 that provided on the permittee's initial permit application and must be
5 submitted to the Community Development Department no less than thirty
6 (30) days prior to expiration of the permit.

7 D. At the time of submission of a Facility permit renewal application, the
8 permittee must pay a Medical Marijuana Facility permit renewal
9 application and investigation fee. The fees shall be set by Council
10 Resolution.

11 Section 6. Permit Conditions. Any Medical Marijuana Facility must comply
12 with the following requirements, in addition to any other state or local requirements:

13 A. The Facility must continue to be registered in good standing as an Oregon
14 Medical Marijuana Facility pursuant to state law.

15 B. The Facility must meet applicable laws and regulations, including, but not
16 limited to, building and fire codes, including the payment of all fines, fees,
17 and taxes owing to the City.

18 C. The Facility must not manufacture or produce any extracts, oils, resins or
19 similar derivatives of Marijuana on-site and must not use open flames or
20 gases in the preparation of any products.

1 D. Marijuana and tobacco products must not be smoked, ingested or
2 otherwise consumed on the Premises of the Facility.

3 E. Operating hours for retail sales to Medical Marijuana Qualifying Patients
4 must be no earlier than 10:00 a.m. or later than 7:00 p.m. on the same day.

5 F. The Facility must utilize an air filtration and ventilation system which, to
6 the greatest extent feasible, confines all objectionable odors associated
7 with the Facility to the Premises. For the purposes of this provision, the
8 standard for judging “objectionable odors” shall be that of an average,
9 reasonable Person with ordinary sensibilities after taking into
10 consideration the character of the neighborhood in which the odor is made
11 and the odor is detected.

12 G. The Facility must provide for secure disposal of Marijuana remnants or
13 by-products; such remnants or by-products shall not be placed within the
14 Facility’s exterior refuse containers.

15 H. The Facility must not be co-located on the same tax lot or within the same
16 building with any Marijuana social club, smoking club, or grow site.

17 I. A Facility shall not be located:

18 A) Within 1500 feet from any public or private school; or

19 B) Within 1000 feet of any Public Property, not including right-of-
20 way;

1 C) Within 1000 feet of another Medical Marijuana Facility.

2 Such distances shall be measured between the closest points of the
3 respective lot lines.

4 J. Signage shall not include logos or illustrations, and shall emphasize
5 identification of the Premises without drawing undue attention.

6 K. The Facility shall have no Marijuana in edible form.

7 L. No Minor is allowed on the Premises unless the Minor is a Medical
8 Marijuana Qualifying Patient and is accompanied by a parent, guardian, or
9 caregiver whose purpose is to procure the Minor's Medical Marijuana.

10 M. A Person with any felony convictions may not (1) be an Operator,
11 Company Principal, employee, or volunteer of a Facility; or (2) have a
12 Financial Interest in the Facility.

13 N. The Facility must have an accounting system specifically designed for
14 enterprises reliant on transactions conducted primarily in cash and
15 sufficient to maintain detailed, auditable financial records. If the Manager
16 finds the books and records of the Operator are deficient in any way or if
17 the Operator's accounting system is not auditable, the Operator must
18 modify the Facility's accounting system to meet the requirements of the
19 Manager.

O. Each Facility Operator must keep and preserve for a period of at least three (3) years records containing at least the following information:

- 1) Daily wholesale purchases (including grow receipts) and retail sales, including a cash receipts and expenses journal;
- 2) State and federal income tax returns;
- 3) Names and any aliases of any Operator of the Facility, as that term is defined in Section 2 of this Ordinance;
- 4) Names and any aliases of employees/volunteers of the Facility;
- 5) Names of and any aliases of Persons with a Financial Interest in the Facility; and
- 6) The Manager may require additional information as he or she deems necessary.

P. Each Facility must display its current permit inside the Facility in a prominent place easily visible to Persons conducting business in the Facility.

Q. Sales or any other transfers of Marijuana products must occur completely inside the Facility building and must be conducted only between the Facility and Medical Marijuana Qualifying Patients. No walk-up or drive-through service is allowed.

1 R. The Facility shall not place, allow, or use any type of device or apparatus
2 designed to injure, maim, or kill by the contact of any person with any
3 string, wire, rod, stick, spring, or other contrive affixed to it or connected
4 with it or with its trigger, including, but not limited to, any spring gun or
5 set gun as prohibited under state law.

6 Section 7. Background Checks. The Community Development Department
7 will send to the Keizer Police Department the information provided on each initial or
8 renewal Facility permit application pursuant to Section 4(A)(2). The Police
9 Department will conduct criminal background checks under ORS 181.534 to
10 determine whether any Person therein (including, but not limited to, an Operator,
11 Person with Financial Interest, Company Principal, employee or volunteer) has any
12 history of felony convictions and inform the Community Development Department
13 whether or not all the Persons named in the permit application passed the required
14 background checks. If, following an initial application or renewal, an additional
15 person is proposed to be an Operator, Person with Financial Interest, Company
16 Principal, employee or volunteer, then such person must pass the background check
17 prior to assuming such position.

18 Section 8. Examination of Books, Records and Premises.

19 A. To determine compliance with the requirements of this Ordinance, Keizer
20 Development Code, and any and all applicable regulations, the Manager

1 may examine or cause to be examined by an agent or representative
2 designated by the Manager, at any reasonable time, the Premises of the
3 Facility, including wastewater from the Facility, and any and all Facility
4 financial, operational and Facility information, including books, papers,
5 payroll reports and state and federal income tax returns. Every permittee
6 is directed and required to furnish to the Manager the means, Facilities and
7 opportunity for making such examinations and investigations.

8 B. As part of investigation of a crime or violation of this Ordinance which
9 law enforcement officials reasonably suspect has taken place on the
10 Premises, the Keizer Police shall be allowed to view surveillance
11 videotapes or digital recordings at any reasonable time.

12 C. Without reducing or waiving any provisions of this Ordinance, the Keizer
13 Police Department shall have the same access to the Facility, its records
14 and its operations, as allowed to state inspectors. Denial or interference
15 with access shall be grounds for revocation or suspension of a Facility
16 Permit.

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1 Section 9. Administrative and Other Remedies for Noncompliance,
2 Administrative Appeals, and Penalties.

3 A. The Manager may deny, suspend, or revoke a Facility permit for failure to
4 comply with this Ordinance or rules adopted under this Ordinance, for
5 submitting falsified information to the City or the Oregon Health
6 Authority, or for noncompliance with any other City Ordinances or
7 regulations, or violation of any state laws.

8 1) Any suspension or revocation pursuant to this section shall be in
9 writing, setting forth the reasons therefor, and giving the permittee
10 written notice by first-class United States Mail at least ten (10)
11 calendar days prior to effective date of the revocation or
12 suspension.

13 2) A decision to deny, suspend, or revoke a Facility permit may be
14 appealed by filing a Notice of Appeal in writing physically
15 delivered to the Manager on or before the effective date. Unless
16 Manager has declared imminent danger to the public will exist, the
17 Manager's decision to revoke or suspend is stayed pending appeal.
18 The matter shall be heard by the Keizer Hearings Officer who
19 shall determine, by preponderance of the evidence, whether the
20 Manager's decision should be upheld or reversed, or upheld in part

1 and reversed in part. The hearing shall be conducted no later than
2 twenty (20) days from the date of appeal, unless a different date is
3 stipulated by the City and the applicant, or good cause is shown for
4 setting the matter forward. Testimony at the hearing shall be taken
5 upon oath or affirmation of the witnesses. The Hearings Officer
6 shall consider only the matters set forth in the Notice of Appeal.
7 The Findings and Decision of the Hearings Officer shall be served
8 upon the appellant by first class mail within ten (10) days after the
9 hearing concludes. The Hearings Officer decision shall be
10 effective ten (10) days following the date of the decision. The
11 Findings and Decision of the Hearings Officer shall be final and
12 conclusive, subject only to writ of review under ORS 34.010 to
13 34.100, which shall be the sole remedy.

14 B. In addition to the remedies of suspension and revocation, failure to comply
15 with the requirements of this Ordinance constitutes an infraction under the
16 Civil Infraction Ordinance. Violations are subject to fines not to exceed
17 \$500.00 per day. Each day in violation constitutes a separate offense.
18 Company Principals, Operators, employees, and volunteers are jointly and
19 severably liable for such offenses.

1 C. The remedies provided in this Section are not exclusive and shall not
2 prevent the City from exercising any other remedy available under the law,
3 nor shall the provisions of this Ordinance prohibit or restrict the City or
4 other appropriate prosecutor from pursuing criminal charges under state
5 law or City Ordinance. Such remedies include, but are not limited to, any
6 equitable remedies such as temporary restraining orders or other injunctive
7 relief.

8 Section 10. Confidentiality. Except as otherwise required by law, it shall be
9 unlawful for the City, any officer, employee or agent to divulge, release or make
10 known in any manner any financial or employee information submitted or disclosed
11 to the City under the terms of this Ordinance. Nothing in this Section shall prohibit:

12 A. The disclosure of the names and addresses of any Operator or provider of
13 equity or Debt Financing for a Facility; or

14 B. The disclosure of general statistics in a form which would prevent
15 identification of financial information regarding a Facility Operator; or

16 C. The presentation of evidence to a court, or other tribunal having
17 jurisdiction in the prosecution of any criminal or civil claim by the City
18 under this Ordinance; or

19 D. The disclosure of information when such disclosure of conditionally
20 exempt information is ordered under public records law procedures.

1 Section 11. Severability. If any section, subsection, paragraph, sentence or
2 word in this Ordinance is deemed to be invalid or beyond the authority of the City, either
3 on its face or is applied, the invalidity of such provision shall not affect the other
4 sections, subsections, paragraphs, sentences, or words of this Ordinance, and the
5 application thereof; and to that end sections, subsections, paragraphs, sentences and
6 words of this Ordinance shall be deemed severable.

7 Section 12. Effective Date. This Ordinance shall take effect thirty (30) days after
8 its passage.

9 PASSED this _____ day of _____, 2014.

10

11 SIGNED this _____ day of _____, 2014.

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Mayor

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City Recorder

Council Meeting: September 15, 2014

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: NATE BROWN
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AREA C MASTER PLAN AMENDMENT HEARD BY CITY COUNCIL

BACKGROUND:

We have been contacted by a group who will be coming in for a Pre-application conference, scheduled on September 23rd, to revise the plan of the Area C master plan. It is anticipated that the conditions of approval will remain intact, with the very same conditions governing the development of the site as have been established. Our code does not make provision for an amendment to approved Keizer Station Master Plan approvals. Staff is strongly urging Council to hear this amendment request directly. The Development Code gives the Zoning Administrator the authority to send this to the Council. If this were a new application for a master plan, the process would be to have an additional hearing before Planning Commission.

This is being sent directly to council for the following:

- The decisions, including the responses to LUBA remands, have been developed after lengthy and arduous work; are complex and nuanced.
- The Council has background and familiarity with the issues regarding the current approval.
- The decisions and conditions will remain largely intact.
- The applicant is under an extremely tight timeline.
- The Council is the final decision body in Master Plan applications.
- The reported changes will not significantly change the overall plan, stormwater or transportation issues.

RECOMMENDATION:

Staff recommends: Passing a minute motion to direct staff to refer the Area C master plan amendment directly to the City Council.

COUNCIL MEETING: September 15, 2014

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: NATE BROWN
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: APPOINTING MEMBERS OF KEIZER ECONOMIC DEVELOPMENT
COMMISSION**

BACKGROUND:

At the March 3, 2014 meeting, City Council established the Keizer Economic Development Commission (KEDC) by Resolution R2014-2421 (Attachment 1). This resolution specifies a nine member body with six members appointed by the council, one council representative appointed by the Mayor and two members appointed by the Keizer Chamber of Commerce.

The names being put forward for Council appointment are:

- Mardi Smith (Town and Country Bowling)
- Cesar Vallejo (Plaza Morelia)
- Tim Smith (Development Professional)
- Rick Day (Advantage Precast Concrete)
- Anthony Williams (Bank of the Cascades)
- Troy Young (Dale's Remodeling)

The two names appointed by the Chamber of Commerce are:

- Scott White (Big Town Hero)
- AJ Nash (Hancock Real Estate)

Staff is recommending (assigned by random lottery) the terms to expire on the following dates:

Two year terms ending September 15, 2016: Tim Smith, AJ Nash, Anthony Williams

Three year terms ending September 15, 2017: Troy Young, Council Liaison, Scott White

Four year terms ending September 15, 2018: Cesar Vallejo, Rick Day, Mardi Smith.

There are no term limits. The next appointments will be through the Volunteer Coordinating Committee process.

RECOMMENDATION:

Staff recommends that the Mayor make an announcement of the Keizer City Councilor for a term ending September 15, 2017 and that the Council by minute motion, appoint the remaining members with the above listed terms of office to the Keizer Economic Development Commission as listed in the staff report.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2014-2421

4
5 ESTABLISHING KEIZER ECONOMIC DEVELOPMENT
6 COMMISSION

7
8 WHEREAS, the Keizer City Council finds it necessary and appropriate to appoint a
9 commission to provide strategic planning recommendations regarding the economic development of
10 the City in order to:

- 11 • Establish a network of communications between resources and talents within the
12 City,
13 • Identify, address, and use the resources and talents of the community in the pursuit of
14 job creation and retention,
15 • Create outreach efforts to target-industries, and local businesses
16 • Create development incentives,
17 • Remedy regulatory barriers to jobs;

18 WHEREAS, the Commission may also advise the City Council on such things as
19 recommendations on cost/benefit analysis of Growth Boundary issues pertaining to employment
20 lands, and to make recommendations to the Urban Renewal Agency on the disposition of Urban
21 Renewal assets from the perspective of job creation/retention;

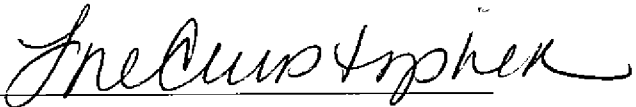
22 NOW, THEREFORE,

23 BE IT RESOLVED by the City Council of the City of Keizer that the Keizer Economic
24 Development Commission is hereby established as outlined in Appendix "A", which is attached
25 hereto and by this reference made a part hereof.

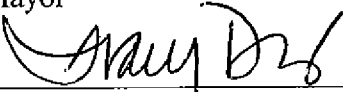
1 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the
2 date of its passage.

3 PASSED this 3rd day of March, 2014.

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5 SIGNED this 3rd day of March, 2014.

6
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8

9 Mayor

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11
12 City Recorder

Appendix "A"
City Council Commission

Name: Keizer Economic Development Commission

Purpose: The Commission will serve in an advisory capacity to the City Council/Urban Renewal Agency. The Commission will provide strategic planning recommendations regarding the economic development of the City in order to:

- Establish a network of communications between resources and talents within the City,
- Identify, address, and use the resources and talents of the community in the pursuit of job creation and retention,
- Create outreach efforts to target-industries, and local businesses
- Create development incentives,
- Remedy regulatory barriers to jobs.

The Commission may also advise the City Council on such things as recommendations on cost/benefit analysis of Growth Boundary issues pertaining to employment lands, and to make recommendations to the Urban Renewal Agency on the disposition of Urban Renewal assets from the perspective of job creation/retention. The Commission will make an annual report to the City Council/Urban Renewal Agency on the status of their efforts and anticipated work. The Commission will evaluate the effectiveness of past efforts and make recommendations to City Council/Urban Renewal Agency regarding the continuation or implementation of the actions and make recommendations to appropriate governing bodies on how to address and influence the creation and/or retention of jobs. The Commission will schedule an annual Economic Development Asset field evaluation to become familiar with the physical attributes of properties, vacant buildings and redevelopment potentials with the City Council/Urban Renewal Agency.

Membership: The Commission will consist of nine (9) voting members: One (1) member shall be Keizer City Councilor to be appointed by the Mayor and announced at a regularly scheduled Council meeting, two (2) representatives from the Keizer Chamber of Commerce appointed by the Chamber, and six (6) citizen-at-large members, however it is recommended that the citizen-at-large members have a diverse perspective and skill-set drawing upon such talents as: Commercial Real Estate Profession Member; Design Profession Member (Architect, Landscape Architect); Development Profession Member (ie. Keizer Station, Assisted Living, Medical Facility Developer); and, Banking/Finance Profession Member. The initial membership of the Commission shall be appointed by the Council at a regularly scheduled Council meeting. After the initial appointment, the six (6) citizen-at-large members shall be appointed as outlined by the City Council Rules of Procedure. The Commission will be staffed by non-voting staff liaisons to be appointed by the City Manager.

Term of Office: Each member shall be appointed for a four year term, except for the initial terms. The initial terms shall be staggered so that not more than three will expire in the same year. Members may be reappointed.

Chair and Vice-Chair: The Commission shall elect a Chair and Vice-Chair at the first meeting of each calendar year.

Meetings: Members of the Commission shall establish a regular meeting date and shall meet as deemed necessary by the Chair. All meetings of the Committee shall follow Roberts Rules of Order Newly Revised and the Oregon Public Meeting Laws.

Attendance: It is the duty of each member to attend at least 75% of the meetings each calendar year. When a member is unable to attend a meeting, the member shall notify the Chair. Members of the Committee may be removed by a two-thirds majority vote of the City Council.