

CITY COUNCIL AGENDA PACKET

TUESDAY, SEPTEMBER 7th, 1999

- 7:00 P.M. CITY COUNCIL
MEETING
- URBAN RENEWAL AGENCY
MEETING
(FOLLOWING COUNCIL MEETING)
- EXECUTIVE SESSION
(FOLLOWING URBAN RENEWAL AGENCY MEETING)

Please contact Wally Mull, City Manager if you have any questions or need additional information regarding any of the staff reports or issues contained on the agenda.

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

Tuesday, September 7, 1999

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 matters not scheduled for public hearing or listed on the agenda.

4. COMMITTEE REPORTS

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

- **Introduction of New City of Keizer Employees**

b. Old Business

6. PUBLIC HEARINGS

- a. Appeal of Hearings Officer Decision – Partition/Variance Case No. 99-23 (1295 Harmony Drive)**

7. ADMINISTRATIVE ACTION

- a. RESOLUTION – Fund Exchange Agreement – Cherry Avenue**

8. **CONSENT CALENDAR**

- a. **RESOLUTION** – Approving Engineer Report for Jordan Run Street Lighting District
- b. **RESOLUTION** – Approving Engineer Report for Prairie Clover Street Lighting District
- c. Approval of August 16, 1999 Regular Session Minutes

9. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications and petitions.

10. **AGENDA INPUT**

September 20, 1999

- 7:00 p.m. City Council Meeting
 - Y2K Report
 - Burglary Alarm Ordinance

October 4, 1999

- 7:00 p.m. City Council Meeting

11. **RECESS TO URBAN RENEWAL AGENCY MEETING**

12. **EXECUTIVE SESSION**

Pursuant to ORS 192.660(1)(d) – Labor Negotiations

13. **ADJOURN**

Upon request, auxiliary aids and/or special services 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.



September 7, 1999

AGENDA ITEM 5a

NEW CITY OF KEIZER EMPLOYEES

The City of Keizer would like to welcome three new employees

Dina Brown started today, September 7, in the newly created part-time position Building Permit Specialist in the Planning Department. This position will assist the public with planning related questions as well as receive applications for building permits. Dina has worked with at the City of Salem as a word processing specialist and has experience with various computer software programs, which will be an asset to the City of Keizer.

Michael Griffin was hired August 25 in the Public Works Department as a Municipal Utility Worker I. He replaced Tim Coburn who resigned to take a position with the Keizer Fire District. Michael will work with the operational maintenance of the city's water, streets and parks systems. His most recent job was with the City of Albany in their public works department. His previous city experience will be greatly utilized here in Keizer.

Michael Alexander was hired August 17 as a Community Services Officer in the Police Department. This is a non-sworn position. Michael replaced Jeremie Fletcher who became a Keizer police officer. Michael most recently worked for the Lake Oswego Police Department.

Welcome

Michael Alexander, Michael Griffin, and Dina Brown



September 7, 1999

AGENDA ITEM 6a

**APPEAL OF HEARINGS OFFICER DECISION
PARTITION/VARIANCE – CASE NO. 99-23
1295 HARMONY DRIVE NE**

COUNCIL MEETING: September 7, 1999

AGENDA ITEM NUMBER: _____

TO: MAYOR NEWTON AND CITY COUNCILOR MEMBERS

THROUGH: WALLY G. MULL
CITY MANAGER 

FROM:  AMY C. DROUGHT, AICP
SENIOR PLANNER

SUBJECT: APPEAL OF HEARINGS OFFICER DECISION
PARTITION/VARIANCE CASE NO. 99-23
1295 Harmony Drive; James Toney, Applicant

BACKGROUND:

The City of Keizer is appealing the Hearings Officer's final order for Partition/Variance Case No. 99-23. The applicant is James Toney. The subject property is located at 1295 Harmony Drive and contains approximately 3.11 acres. The applicant requested to divide the 3.11 acre lot into three parcels with the following dimensions: .45 acres, 1.93 acres, and .73 acres. The applicant also requested a variance to allow an accessory structure to be placed within the front yard of proposed Parcel 1. (See Exhibit A and B attached to this report).

The City approved both the Partition and Variance requests. As a condition of approval, the City required that the street frontage along the subject property be improved to City standards for a 3/4 width public street, including sidewalks.

Staff feels that the authority for this requirement comes from Section 2.310.05 (b)(2) which provides that street improvements shall be required in connection with partitions under certain circumstances:

1. *If the street frontage of the subject property exceeds 250 feet, or extends an existing dedicated right of way, the applicant shall improve the following:*
 - a. *Public streets upon which the property front to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities."*

Since the subject property has approximately 292' of frontage, staff placed this standard as a condition of approval. The applicant objected to this condition and appealed the staff decision. In his final order, the Hearings Officer upheld the appeal by concluding that the Keizer Development Code (KDC) excluded the subject property from having to make the required street improvements. Staff respectfully disagrees with the Hearings Officer's interpretation.

ISSUE:

Section 2.302 contains the City's "Street Standards" which outlines the specific standards according to which street improvements must be constructed. Section 2.302.02 also contains an "exception" which reads "E. Exceptions. *Provisions of this Section do not apply in existing developed areas of the City. Improvements in these areas shall be based on standards adopted by the Department of Public Works.* " Without any explanation or discussion, the Hearings Officer concluded that the subject property lies within an "existing developed" area of the City for purposes of Section 2.302.02 (E). He therefore concluded that the Street Standards in Section 2.302 have no application to the subject property.

Staff disagrees with the Hearings Officer's conclusion that the subject property lies within an "Existing Developed Area" of the city. Staff feels that an "Existing Developed Area" implies an area that is completely built out and cannot be further divided. In this situation, the applicant seeks to divide an existing parcel that is 3.11 acres into three parcels. Each of the proposed parcels can be further divided in the future. Therefore, although the subject property is located on a street with properties that are developed with single family residences, because of the enormous development potential of the subject property, staff feels that it does not fall under the category of "Existing Developed Area" as cited by the Hearings Officer.

Since it does not fall under this category, staff feels that the Applicant is compelled to complete the street improvements pursuant to Section 2.310.05 Improvement Requirements – Partitions and as cited above.

RECOMMENDATION:

Staff recommends that the City Council open, conduct and close the public hearing. Staff recommends that the City Council reverse the Hearings Officer's decision and approve the Partition/Variance request with all conditions as outlined in the original Notice of Decision.

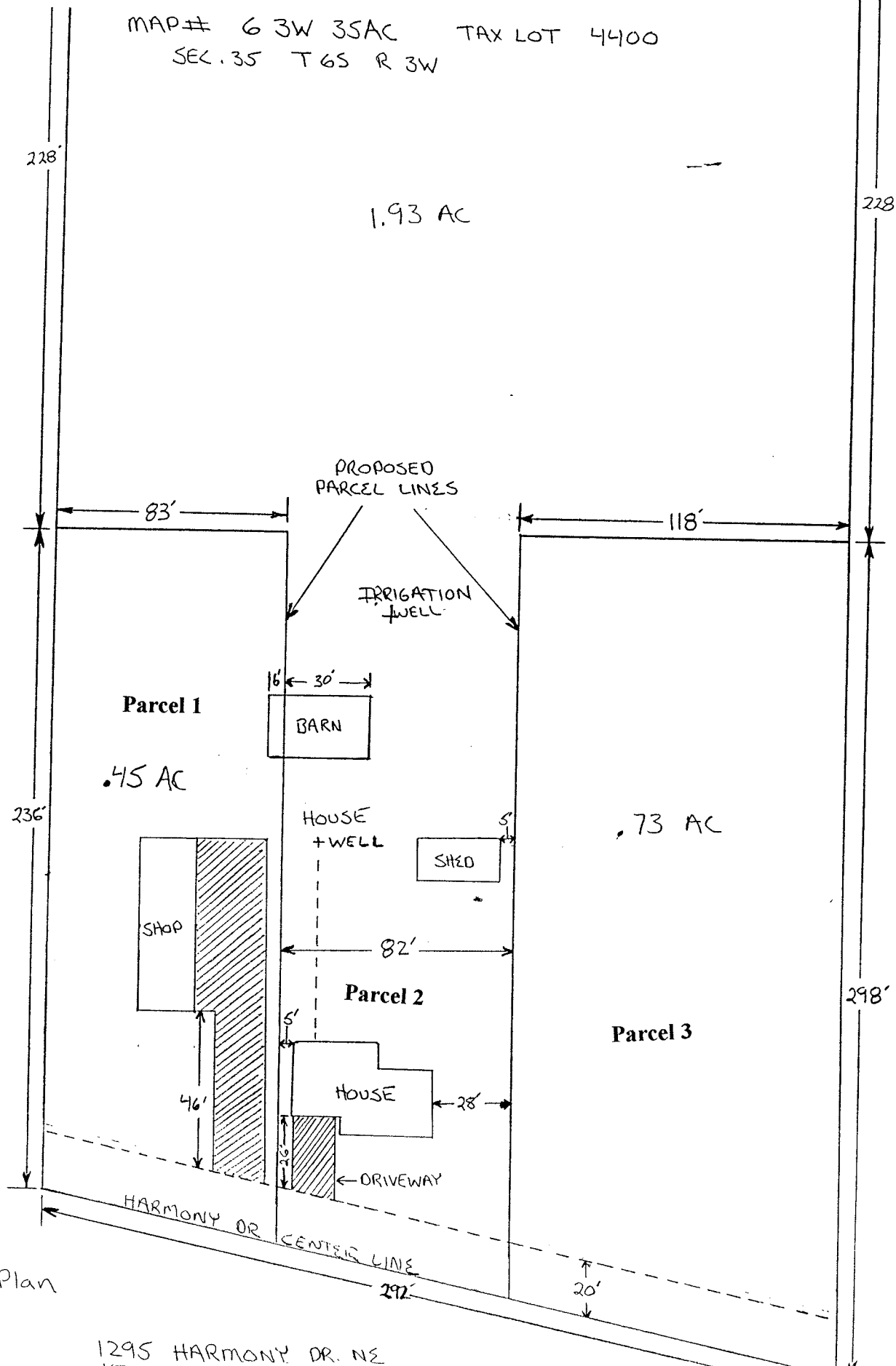
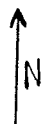
For your information, the application materials, staff decision, and Hearings Officer decision are attached to this staff report. Please let me know if you have any questions. Thank you.

EXHIBIT "A"

OWNER
VT

JAMES TONEY
4733 CLARK AVE NE
KEIZER, ORE 97303

MAP# 6 3W 35AC TAX LOT 4400
SEC. 35 T 6S R 3W

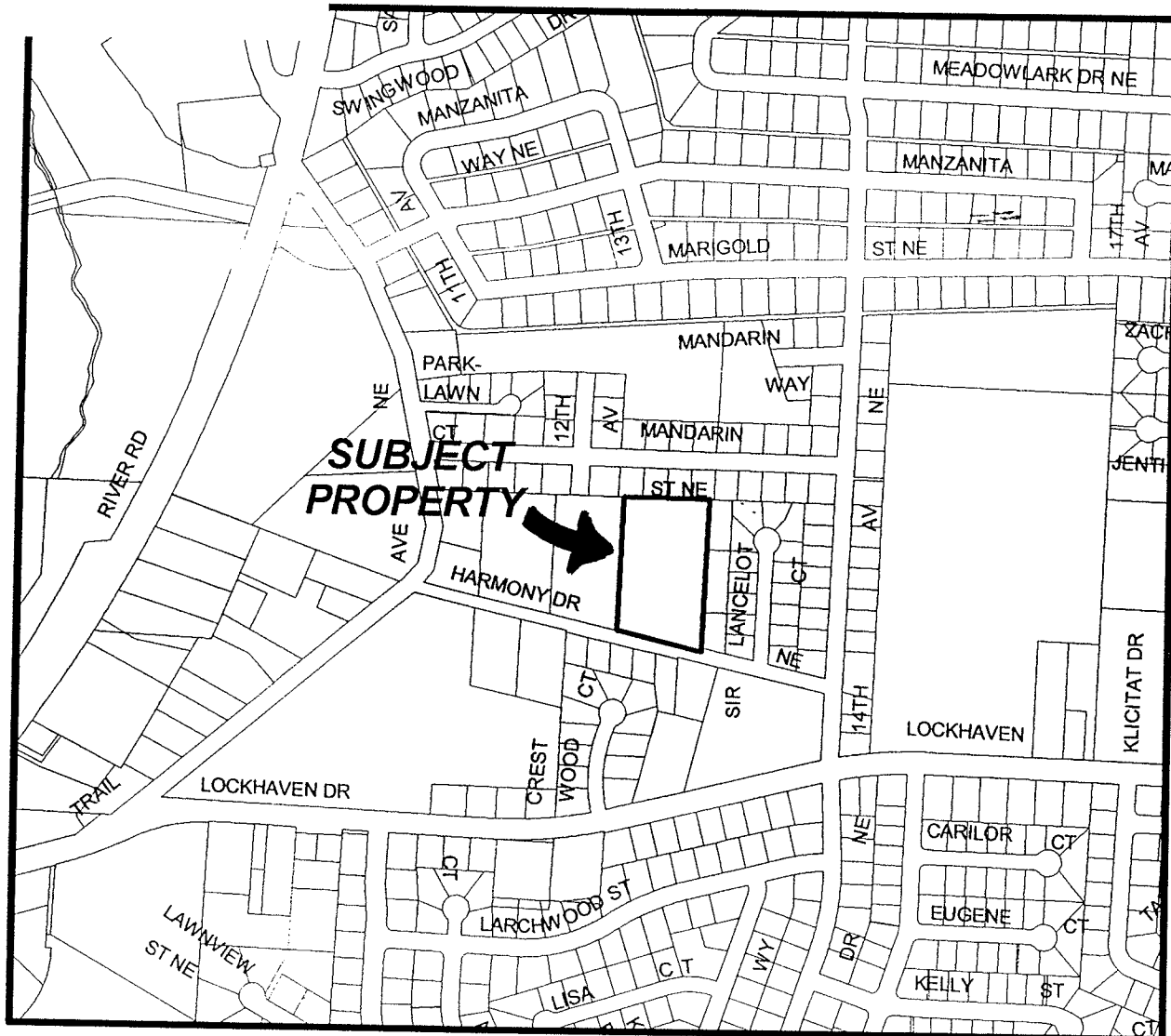


4-1-99
Preliminary Plan
SCALE 1"=50'

1295 HARMONY DR. NE

EXHIBIT "B"

Partition/Variance Case No. 99-23 295 Harmony Drive NE, Keizer



Scale 1:600

Applicant: James Toney

Agent: Rick Weddle

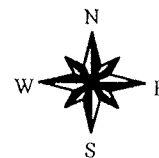
Property Location: 1295 Harmony Drive NE. The Marion County Assessor's Office identifies the property as T6S, R3W, Section 35, Tax Lot 4400.

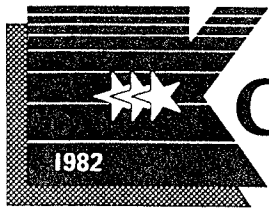
Parcel Size: Approximately 3.11 acres

Existing Development and Public Facilities: The subject property contains an existing single family dwelling with three accessory structures. The parcels have access to a public road and can be served by public water and sewer.

Zoning: RS (Single Family Residential)

Land Use Application Proposal: To divide one parcel into three lots with the following dimensions: .45 acres, 1.93 acres, and .73 acres. The applicant also requested a variance to allow an accessory structure in a front yard.





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

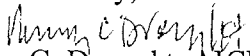
August 9, 1999

City of Keizer
Community Development Department
930 Chemawa Road NE
Keizer, OR 97307

RE: Partition/Variance Case No. 99-23

The City of Keizer is appealing the Hearings Officer final order regarding Partition/Variance Case No. 99-23. The City of Keizer respectfully disagrees with the Hearings Officer interpretation of *Section 2.302.03 Street Standards E Exceptions*: "Provisions of this Section do not apply in existing developed areas of the City."

Submitted by,


Amy C. Drought, AICP
Senior Planner



CITY OF KEIZER APPEAL FORM

APPEAL RIGHTS: Upon final action on a land use application by the Zoning Administrator, Hearings Officer or Planning Commission, the applicant or any persons receiving notice of decision may appeal the decision by filing within ten (10) days from the date of the mailing of the decision. An appeal to the Hearings Officer, Planning Commission or City Council shall include notice at least ten (10) days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision.

Any interested person, including the applicant, who disagrees with this decision may request that the application be considered by the appropriate body at a public hearing. The appeal is subject to the appellant paying an \$150.00 fee at the time the appeal form is submitted. This fee will be refunded if the appeal is upheld. In addition, the applicant may request reconsideration of the decision on the basis of new information; provided, a waiver of the 120-day time limit for the review of zoning application is signed.

The appeal form must be received by the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on the tenth day following the date of the mailing of the decision. The failure to submit the required fee with the appeal form or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect resulting in the dismissal of the case.

FEE: \$150

Land Use Case Appealed: Partition / Variance Case 99-23

Final Date of Appeal Period: August 16, 1999

Purpose of Appeal: City of Keizer staff disagrees with
Hearings Officer Decision in final order re
Partition / Variance Case No 99-23. Specifically
staff' disagrees with Hearings Officer interpretation of
Section 2.302.02 & Exceptions provisions of the
Ordinance. do not apply in existing developed area of
the city.

Appellant Name: Murray C. Drought, Zoning Administrator / Senior Planner 8/9/99.

Address, City, Zip: 4700 Chemawa Rd NE
Keizer OR 97307

Daytime Phone Number: 390 3100

The City of Keizer Community Development Department will be in contact to notify you of the scheduled hearing for the appeal of this land use case. If you have any questions, contact the department at (503) 390-3700.

BEFORE THE LAND USE HEARINGS OFFICER
FOR THE CITY OF KEIZER

Regarding an appeal by James Toney from the
Zoning Administrator's imposition of frontage
improvements as a condition of partition/variance approval

)
)
)
)

FINAL ORDER

Partition / Variance Case No. 99-23
(Toney)

— APPEAL FROM ZONING ADMINISTRATOR'S DECISION: *Sustained* —

A. SUMMARY OF PERTINENT FACTS

Appellant James Toney (hereafter "Appellant"), also the underlying Applicant in this matter, seeks Hearings Officer review of the Zoning Administrator's imposition of certain frontage improvements as a condition of partition/variance approval.

The Zoning Administrator's (apparently undated) approval of Appellant's request for partition and variance approval imposed, as one of the conditions in part IV thereof, the requirement that Appellant comply with the various recommendations in Exhibit "B" to the approval. Exhibit "B" comprises the Public Works Department's comments and recommendations, and includes the following language:

"STREET AND DRAINAGE IMPROVEMENTS:

- "a.) The Keizer Development Code requires that the street frontage along the proposed partitioning be developed to City of Keizer Standards for a 3/4 [-]width public street, including sidewalks.

" * * * * "

(Exhibit "B" at 2.)

The Public Works Department's recommendations cites no approval criteria or development standard, or any authority at all for that matter, in support of the recommended improvements.

Appellant timely appealed, challenging the logic of any requirement of frontage improvements in light of the fact that the entire street lacks curbs, sidewalks, or standard pavement width, as portrayed in the photographic exhibits submitted by Appellant at the appeal.

B. HEARING AND RECORD

The Hearings Officer heard the appeal at a public hearing on July 1, 1999. All exhibits and records of testimony have been filed with the Keizer Community Development Department.

The Hearings Officer had no *ex parte* contacts, bias, or conflicts of interest to disclose. Pursuant to ORS 197.763(5), the Hearings Officer declared to those in attendance at the hearing that: (1) the partition approval criteria in KDC § 2.310.05 and the various development standards in KDC § 2.3 would control Appellant's appeal; (2) all testimony and documentary evidence must be directed to the prescribed approval criteria or to other identified approval criteria in the City's DEVELOPMENT CODE, COMPREHENSIVE PLAN, or other identified source; and (3) the failure to raise any factual or legal issue with specificity and clarity sufficient to allow the Hearings Officer or any participant to address and respond to such issue may preclude any appeal based upon the Hearings Officer's resolution of such issue.

City Planner Maria Meier summarized the application and the STAFF REPORT, following which the Hearings Officer took testimony and other comments. Rick Weddle appeared and testified on behalf of Appellant. Larry Thies, Eloise Chochalas, Gwen Johnson, and Patrick Courtney testified in support of the appeal. Patricia Toney and Robert Toney posed questions concerning the City's street classifications and the street standards. No one else testified.

The Hearings Officer left the record open until 5:00 p.m. on July 8 to accord the City the opportunity to submit additional comments concerning the authority in the KEIZER DEVELOPMENT CODE to impose 3/4-width street improvements under the circumstances. The City submitted a July 8 comment memorandum that cites various provisions within the KEIZER DEVELOPMENT CODE. He further left the record open until 5:00 p.m. on July 15 to accord all other hearing participants the opportunity to submit responses. He received two such responses.

The record closed at 5:00 p.m. on July 15.

C. DISCUSSION AND FINDINGS

If the City has prescribed the kind of frontage improvement requirement that the Public Works Department seeks to impose, then the Hearings Officer has no authority to either ignore it or modify it. Therefore, the Hearings Officer must reject Appellant's initial argument that frontage improvements should not be required because, as the photographs above demonstrate, they would result in a neighborhood anomaly.

However, the City must have prescribed the requirement somewhere; it cannot simply impose frontage improvements without the requisite criteria or standards having already been adopted.

KDC § 2.310.05(B)(2) provides that certain street frontage shall be required in connection with partitions under certain circumstances:

- “2. If the street frontage of the subject property exceeds 250 feet, . . . the applicant shall improve the following:
 - “a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities.

“* * * * *

However, nothing in KDC § 2.310.05(B) prescribes the specific *standards* according to which the improvements must be constructed. Thus, the standards must be found elsewhere.

KDC § 2.302 contains the City’s “Street Standards.” KDC § 2.302.02 specifically defines both the “scope” of the Street Standards (KDC §§ 2.302.02(A)–(D)) as well as an “exception”:

“* * * * *

- “E. Exceptions. Provisions of this Section *do not apply* in *existing developed areas* of the City. Improvements in these areas shall be based on standards adopted by the Department of Public Works.” (Emphasis added.)

The Hearings Officer finds that the subject property lies within an “existing developed” area of the City for purposes of KDC § 2.302.02(E). Therefore, he concludes that the Street Standards in KDC § 2.302 have no application to the subject property.

KDC § 2.302.02(E) thus renders “standards adopted by the Department of Public Works” as the applicable substitute standards for “exception” areas. However, nothing in the record either cites, describes, or incorporates any such “standards” — if indeed any such “standards” exist. And the Hearings Officer has some uncertainty whether such duly-adopted standards actually exist.

Although the appeal record does contain a copy of a February, 1993, ordinance (Ordinance No. 93-248) that empowers the Public Works Director with the “authority to prescribe standards of *design and construction* consistent with sound engineering practice” (emphasis added), and which appears to contain standard drawings that govern the construction of certain improvements, nothing about that ordinance (or the accompanying drawings) authorizes the Public Works Director to prescribe criteria that determine when, and under what circumstances, street improvements can be required in conjunction with a partition in an “existing developed” area.

The City has not identified any authority for the imposition of street improvements along the frontage of the subject property, and the Hearings Officer knows of none. It may well be that at some point the City actually adopted the kind of standards referenced in KDC § 2.302.02(E), but the Hearings Officer must presume from this record that none exist.

The Hearings Officer will reserve for another day the separate question whether, as the Public Works' comments in this case declare, "[t]he Keizer Development Code requires that the street frontage along the proposed partitioning be developed to City of Keizer Standards for a 3/4 [-]width public street, including sidewalks." If the KEIZER DEVELOPMENT CODE does so declare (and it must *specifically* declare as much in order to be enforceable), the Hearings Officer has been unable to find any such declaration.

D. DECISION

Because KDC § 2.302.02 specifically exempts the subject property from the Street Standards under the circumstances, and because the record identifies no pertinent authority for the imposition of the kind of frontage improvements required by the partition / variance approval, the Hearings Officer **sustains** the appeal.

E. APPEAL RIGHTS

Any interested person, including the applicant, who disagrees with this decision may appeal the decision to the City Council. Any such appeal must be filed with the Keizer Community Development Department, 930 Chemawa Road, N.E., Keizer, Oregon 97303, by 5:00 p.m. on or before the tenth day following the date of mailing of this decision, and accompanied by any necessary filing fee.

The appeal must:

- ♦ be in writing,
- ♦ request that the Council hold a hearing on the application, and

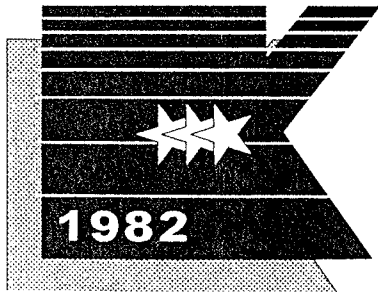
- ♦ *either* explain why the appellant believes the decision to be factually or legally incorrect or based on incomplete facts, *or* present new facts material to the decision, the omission of which resulted in a factually or legally incorrect decision, *or* offer modifications to the decision that will conform the proposal to the requirements of the pertinent criteria governing the application.

This decision shall be effective and final after the tenth day following the date of mailing, unless appealed.

DATED this _____ day of _____, 1999.

BARRY ADAMSON, Hearings Officer

[Submitted to City by fax and mail: July 29, 1999]



To: Berry Adamson **Fax:** (503) 675-4313
From: Maria Meier, Associate Planner **Fax:** (503) 393-9437
Date: July 14, 1999
RE: Response filed to the record for Partition/Variance Case No. 99-23

Attached are two letters submitted to the record for your review regarding Partition/Variance Case No. 99-23.

A hard copy of this information will be mailed to you as well.

Date: July 14, 1999
To: Barry Adamson
Hearings Officer
From: James Toney/Rick Weddle
Applicant
Subject: Partition Variance Case 99-23

Dear Mr. Adamson:

As I and our neighbors concerns were voiced at the hearing, we wish to leave Harmony Drive the way it is until such time total street improvements are to be done. I refer to **page #3** Keizer Development code Section 2.302.05 Modification of Right of Way and Improvement Width letter "A" number 3 and 4 which states, a modification is necessary to preserve trees or other natural features determined by the City to be significant to the **aesthetic character** of the area; or The modification of street standards is necessary to provide greater privacy or **aesthetic quality** to the development. (I would like to note that some neighbors do not wish the rural appearance to be disturbed with side walk improvements.)

Again, I will refer to **page #4**, the Memorandum on July 1, 1999 from Dick Woelk, City Traffic Engineer, where Dick Woelk states that currently Harmony Drive is classified as a collector. Please see **page #5** Street Standards Section 2.3. letter (h) and (i) at the bottom of the page stating that these cases can be determined on an individual bases.

I will also refer to **page #2** the requirements as stated by Rob Kissler, Director of Public Works. First the property being approximate 40' greater than 250' wide would not make a difference in the Harmony Drives improvements to be good for the community. Second, although, the memorandum provides more information, I am still not completely clear to what a 3/4 street is. Thirdly as stated in the folder provided by the City of Keizer **page #6**, letter "E" Zoning and letter "F" Adjacent Zoning and Land Uses, all structures on and using Harmony Drive is Residential Single Family Dwelling with a total of 27 dwelling units at this time. I do not believe we should be required to develop this frontage for a Residential Multi-Family Zoning that at this time is farmland and an orchard. It does not seem right to be required to over develop for land that may or may not be developed for some time in the future.

Thank you,



Rick Weddle

Greg and Lori Pedersen
1345 Harmony Drive NE
Keizer, Oregon 97303

July 12, 1999

Mr. Barry Adamson
Hearings Officer
Partition Case #99-23

Dear Mr. Adamson,

This letter is in regard to the appeal which our neighbors, James Toney and Rick Weddle have filed with the City of Keizer.

It is our opinion that requiring our neighbors to put in the proposed street and sidewalk improvements would cause more problems for not only us, but for others on this street. We already receive some run-off from the street during heavy rains, but with the placement of the proposed sidewalks we would receive even more. If curb and gutter are going to be put on any part of this street, then it needs to be done on the whole street to prevent run-off problems.

By increasing the width of the street in front of this property, as the City of Keizer wants, it would create an area which would make it easier for vehicles which are following the speed limit to be passed by faster moving traffic. This would cause a traffic hazard to the residents who live on this street.

Considering the number of small acreage homes along Harmony Drive, this area is not ready for such improvements. Therefore, we are against the city requiring our neighbors to make such improvements on a piece of property that has a rural appearance. Common sense should tell you that these requirements are unnecessary, and would detract from the appearance of the neighborhood as a whole.

Sincerely,


Greg Pedersen



Lori Pedersen

Greg and Lori Pedersen
1345 Harmony Drive NE
Keizer, Oregon 97303

July 12, 1999

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Hearings Officer
Partition Case #99-23

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Considering the number of small acreage homes along Harmony Drive, this area is not ready for such improvements. Therefore, we are against the city requiring our neighbors to make such improvements on a piece of property that has a rural appearance. Common sense should tell you that these requirements are unnecessary, and would detract from the appearance of the neighborhood as a whole.

Sincerely,


Greg Pedersen



Lori Pedersen

Date: July 14, 1999

To: Barry Adamson
Hearings Officer

From: James Toney/Rick Weddle
Applicant

Subject: Partition Variance Case 99-23

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Thank you,



Rick Weddle



CITY OF KEIZER

MEMORANDUM

DATE: July 8, 1999

TO: Barry Adamson
Hearings Officer

FROM: Rob Kissler
Director of Public Works

SUBJECT: Partition Variance Case 99-23

BACKGROUND:

It is my understanding the hearings officer is requesting clarification on the Public Works requirement as outlined in exhibit B of the staff report street and storm drainage improvements letter "a", and which standard to build the proposed street.

REQUIREMENTS:

Under current Keizer Development Code section 2.310.02 letter "A" and section 2.310.05 Improvement Requirements-Partitions, letter "B" number "2", the applicant is required to improve their frontage along the Public Road known as Harmony NE, because the frontage is greater than 250 feet.

The Keizer Development Code Section 2.301.02 requires all partitions to conform to all of Section 2.3. Section 2.302.03 "F" Existing Streets, allows the City to require additional right of way if needed. In this situation the City is not requiring additional right of way. However the City is requiring a one half street improvement from existing centerline. If the applicant's design engineer cannot make the drainage system work properly along Harmony, Public Works will require an additional one-quarter street improvement for a total of a $\frac{3}{4}$ improvement as indicated in exhibit "B" of the staff report. The Keizer Development Code Section 2.302.03 "G" Half Streets, gives the City authority to make this requirement.

Under current Keizer Development Code section 2.302.04 General Right of Way and Improvement Widths, the applicants total property and adjacent vacant properties along Harmony with RM zoning designation will exceed the Local Street type III designation of 80 or more dwelling units, 800 ADTs and more than 320,000 square feet of developable property as outlined in the street standards. The Public Works Department will require the construction of a Local Street type III in the existing Harmony Right of Way. However, a portion of the required sidewalk will be located in an easement along the frontage of Harmony.

2.302.05 Modification of Right-of-Way and Improvement Width

The City, pursuant to variance approval, may allow modification to the public street standards of Subsection 2.302.04, when the following criteria are satisfied: (5/98)

- A. Modification Permitted. The modification is necessary to provide design flexibility where: (5/98)
 - 1. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
 - 2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 2.302.04; or
 - 3. A modification is necessary to preserve trees or other natural features determined by the City to be significant to the aesthetic character of the area; or
 - 4. The modification of street standards is necessary to provide greater privacy or aesthetic quality to the development. (5/98)
- B. Vehicular Access Maintained. Modification of the standards of Section 2.302.04 shall only be approved if the City finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes. (5/98)

2.302.06 Construction Specifications

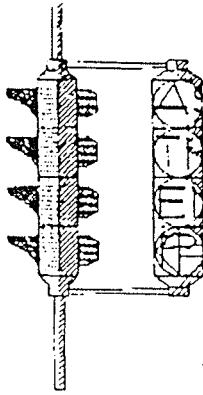
Construction specifications for all public streets shall comply with the standards of the most recently adopted public works/street standards of the City of Keizer. (5/98)

2.302.07 Private Streets

Streets and other right-of-ways serving a subdivision or planned unit development that are not dedicated for public use shall comply with the following: (5/98)

- A. Width. Private streets shall only be allowed where the applicable criteria of Section 2.310.03, D., are satisfied. Private streets shall have a minimum easement width of 25 feet and a minimum unobstructed paved width of 20 feet with no on-street parking allowed within the 20 feet. A minimum vertical clearance of 13 feet 6 inches shall be maintained. (5/98)
- B. Construction Standards. All private streets serving more than two dwelling units shall be constructed to the same cross-sectional specifications required for public streets. Provision for the maintenance of the street shall be provided in

PAGE - 4



ASSOCIATED
TRANSPORTATION
ENGINEERING &
PLANNING (ATEP)

P.O. BOX 13185
SALEM, OR 97309

(503) 859-3040 (503) 636-9232
dwatep@wvi.com

MEMORANDUM

DATE: July 1, 1999

TO: Maria Meier

FROM: Dick Woelk, City Traffic Engineer

PROJECT: Harmony Drive Hearing

SUBJECT: Roadway Designation

Maria - As I indicated on the phone, it is my opinion that Harmony Drive should be classed as a Local Type III street since it will carry in excess of 800 vehicles per day.

Under the current and approved transportation plan, Harmony Drive is classified as a Collector Street, but in the new plan (not yet adopted) it is designated a local street (page 17).

As a bit of history, before Lockhaven Drive was constructed, Harmony Drive was designated as an Arterial street and it was downgraded to a collector street after construction of Lockhaven Drive.

As you are aware page 11 of the street standards contains two errors in the required right of way column, a Local Type III street should have a right of way width of 48 feet, not 58 as shown.

As to why the Public Works Department did not require additional right of way, I can only assume that since in the new plan it is downgraded to a local street, no additional right of way is required. If you have any questions, Call me at 503-859-3040.

cc:

P.O. BOX 13185 SALEM, OR 97309
4040 DOUGLAS WAY LAKE OSWEGO, OR 97035
dwatep@wvi.com

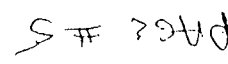
(503) 859-3040
(503) 636-9232
Fax (503) 859-3041

ATTACHMENT
"D"

TOTAL P.02

STREET STANDARDS

SERVICE AREA (street must be under all three thresholds to be in a classification) (a),(b),(c),(d)	IMPROVEMENT WIDTH CURB/CURB	FULL HEIGHT CURB (f),(g)	SIDEWALK (e)	TOTAL RIGHT-OF-WAY WIDTH	UTILITY EASEMENT (h) (Adjacent to R-O-W)
LOCAL STREET I Up to 19 d/u or serving 190 ADT or 79,999 sq. ft.	Parking two sides: (5/98) 30 feet	6" each side (1 foot total)	5 foot curbline Two sides	44 feet	5 ft. minimum 10 ft. maximum
LOCAL STREET II 20 to 79 d/u or 200 to 790 ADT or 79,999 to 319,999 sq. ft.	Parking two sides: (5/98) 32 feet	6" each side (1 foot total)	5 foot curbline Two sides	56 feet	5 ft. minimum 10 ft. maximum
LOCAL STREET III 80 or more d/u or 800 or more ADT or more than 320,000 sq. ft.	Parking two sides: (5/98) 34 feet	6" each side (1 foot total)	5 foot curbline Two sides	58 feet	5 ft. minimum 10 ft. maximum
CUL-DE-SAC Max. length = 800 feet or less than 450 ADT or less than 183,999 sq. ft.	Width as above: (5/98) Min. Curb Radius 38 feet	6" each side (1 foot total)	5 foot curbline for entire cul-de-sac	Width as above: (5/98) Min. ROW Radius: (5/98) 45 feet	5 ft. minimum 10 ft. maximum
COLLECTOR	64 to 68 feet	(i)	(i)	(i)	5 ft. minimum 10 ft. maximum
MINOR ARTERIAL	68 feet	(i)	(i)	(i)	5 ft. minimum 10 ft. maximum
MAJOR ARTERIAL	68 to 84 feet	(i)	(i)	(i)	5 ft. minimum 10 ft. maximum
(a) ADT = Average Daily Trips (ITE, Trip Generation Manual) (b) Trip Generation Rate for SFD = 10 ADT (c) Minimum Lot Size = 4,000 sq. ft.; Duplex = 7,000 sq. ft. (5/98) (d) Calculated per street entrance; use largest number. (5/98) (e) Required width around signs, mailboxes, utility poles, etc.		(f) Full curb height between driveways. (5/98) (g) Max. 2 weep holes through curb face per lot. (5/98) (h) Additional easements may be necessary. Widths may be reduced or increased on a case by case basis as determined by the Department of Public Works. (5/98) (i) Collector and arterial streets will be evaluated on an individual basis.			



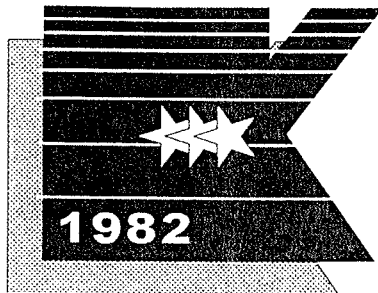
**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF DECISION
PARTITION/VARIANCE CASE No. 99-23**

I. REQUEST

The following report reviews a land use application to divide one parcel into three lots with the following dimensions: .45 acres, 1.93 acres, and .73 acres. The applicant also requests a variance to allow an accessory structure in a front yard where *Section 2.313.01(A) Accessory Structures and Uses*, requires accessory structures to be located within a side or rear yard.

II. BACKGROUND

- A. APPLICANT: James Toney
- B. PROPERTY LOCATION: The subject property is located at 1295 Harmony Drive NE. The Assessor's Office identifies this property as T6S, R3W, Section 35, Tax Lot 4400 (See Exhibit "A.")
- C. PARCEL SIZE: 3.11 acres
- D. EXISTING DEVELOPMENT AND PUBLIC FACILITIES: The subject property contains a single family dwelling with three accessory structures. The parcels have access to a public road and can be served by public sewer and water.
- E. ZONING: Single Family Residential (RS).
- F. ADJACENT ZONING AND LAND USES: Surrounding property is zoned RS and single family homes are the dominant adjacent land use.
- G. PROPOSAL: The applicant is requesting approval to divide the existing parcel to create three separate lots with the following dimensions: .45 acres (Parcel 1), 1.93 acres (Parcel 2), and .73 acres (Parcel 3). In addition, the applicant is proposing to vary the location requirement for an accessory structure to be located in the front yard where *Section 2.313.01(A) Accessory Structures and Uses*, requires accessory structures to be located within the rear or side yard. Please see "Exhibit A."



To: Berry Adamson Fax: (503) 675-4313
From: ^{mu} Maria Meier, Associate Planner Fax: (503) 393-9437
Date: July 8, 1999
RE: Partition/Variance Case 99-23; Additional information submitted for
the record date 7/8/99.

Attached is a letter from the City of Keizer Public Works Director regarding the requirement for street improvements for the above referenced file. This information has been submitted to the record as of 7/8/99 at 3:00 p.m. In addition to this fax, a hard copy of the attached memo will be sent in today's mail.

Please respond to confirm the receipt of this information.

Please contact the Community Development Department if this information has not been transferred clearly.

Thank you.



CITY OF KEIZER

MEMORANDUM

DATE: July 8, 1999

TO: Barry Adamson
Hearings Officer

FROM: Rob Kissler
Director of Public Works 

SUBJECT: Partition Variance Case 99-23

BACKGROUND:

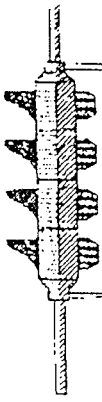
It is my understanding the hearings officer is requesting clarification on the Public Works requirement as outlined in exhibit B of the staff report street and storm drainage improvements letter "a", and which standard to build the proposed street.

REQUIREMENTS:

Under current Keizer Development Code section 2.310.02 letter "A" and section 2.310.05 Improvement Requirements-Partitions, letter "B" number "2", the applicant is required to improve their frontage along the Public Road known as Harmony NE, because the frontage is greater than 250 feet.

The Keizer Development Code Section 2.301.02 requires all partitions to conform to all of Section 2.3. Section 2.302.03 "F" Existing Streets, allows the City to require additional right of way if needed. In this situation the City is not requiring additional right of way. However the City is requiring a one half street improvement from existing centerline. If the applicant's design engineer cannot make the drainage system work properly along Harmony, Public Works will require an additional one-quarter street improvement for a total of a $\frac{3}{4}$ improvement as indicated in exhibit "B" of the staff report. The Keizer Development Code Section 2.302.03 "G" Half Streets, gives the City authority to make this requirement.

Under current Keizer Development Code section 2.302.04 General Right of Way and Improvement Widths, the applicants total property and adjacent vacant properties along Harmony with RM zoning designation will exceed the Local Street type III designation of 80 or more dwelling units, 800 ADTs and more than 320,000 square feet of developable property as outlined in the street standards. The Public Works Department will require the construction of a Local Street type III in the existing Harmony Right of Way. However, a portion of the required sidewalk will be located in an easement along the frontage of Harmony.



ASSOCIATED
TRANSPORTATION
ENGINEERING &
PLANNING (ATEP)

P.O. BOX 13185
SALEM, OR 97303

(503) 859-3040 (503) 636-9232
dwatep@wvi.com

MEMORANDUM

DATE: July 1, 1999
TO: Maria Meier
FROM: Dick Woelk, City Traffic Engineer
PROJECT: Harmony Drive Hearing
SUBJECT: Roadway Designation

Maria - As I indicated on the phone, it is my opinion that Harmony Drive should be classed as a Local Type III street since it will carry in excess of 800 vehicles per day.

Under the current and approved transportation plan, Harmony Drive is classified as a Collector Street, but in the new plan (not yet adopted) it is designated a local street (page 17).

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As to why the Public Works Department did not require additional right of way, I can only assume that since in the new plan it is downgraded to a local street, no additional right of way is required. If you have any questions, Call me at 503-859-3040.

cc:

P.O. BOX 13185 SALEM, OR 97309
4040 DOUGLAS WAY LAKE OSWEGO, OR 97035
dwatep@wvi.com

(503) 859-3040
(503) 636-9232
Fax (503) 859-3041

June 24, 1999

Keizer Community Development Department
930 Chemawa Road N.E.
Keizer, Oregon 97303

regarding Partition/Variance Case No 99-23

Dear Hearing Officer person:

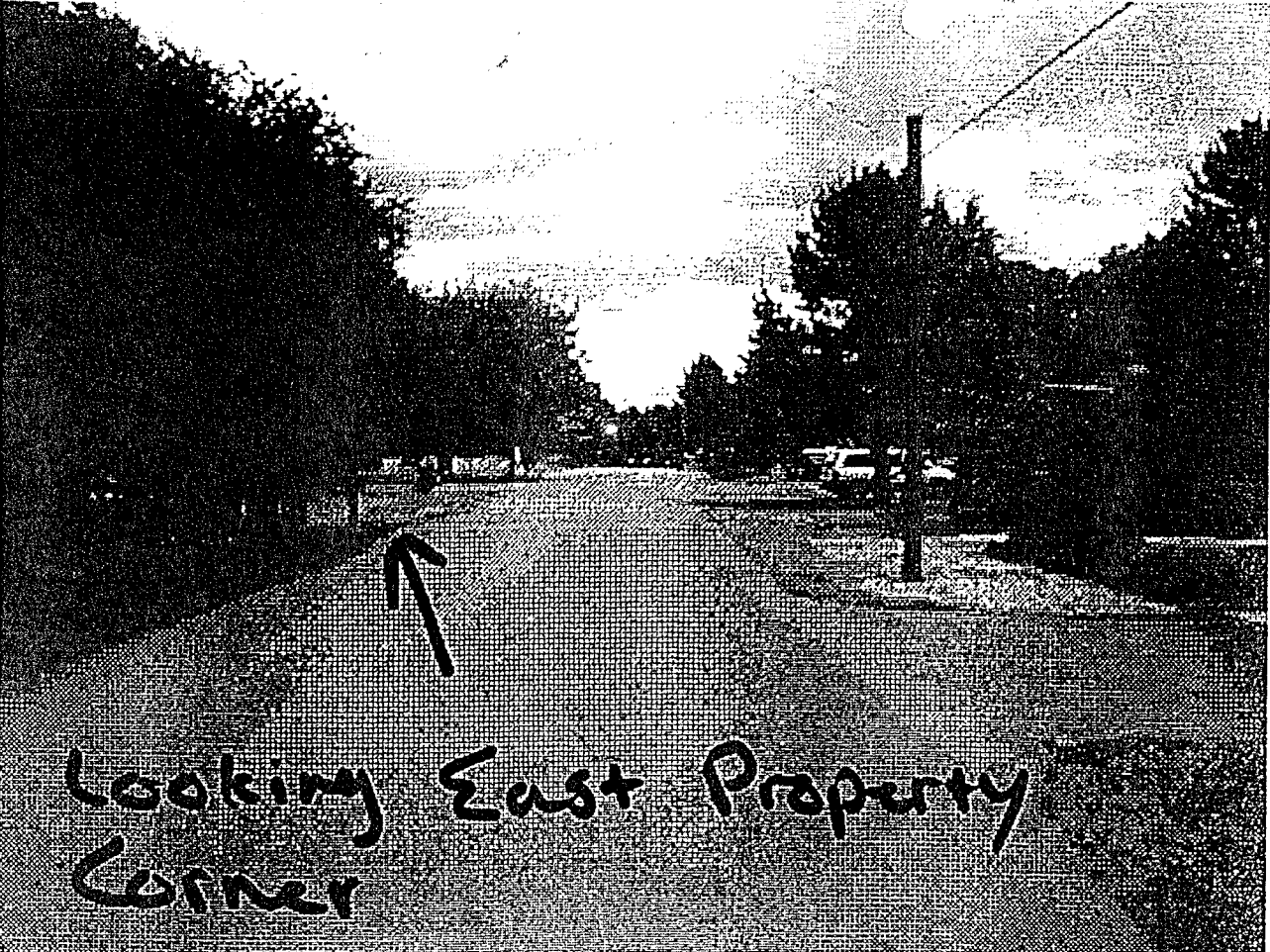
I live at 1340 Harmony Dr. N.E. across the road from the property in question and would like to express my feelings regarding this variance. I feel it would be right and proper to grant the variance (leaving the street the way it is) not requiring widening & installing curb & sidewalk until such time as the street is all being widened & curbed. If and when that is done this property would of course be included at that time instead of a piece meal approach which I feel would ^{be} of small value to the area at this time.

Thankyou for considering this!

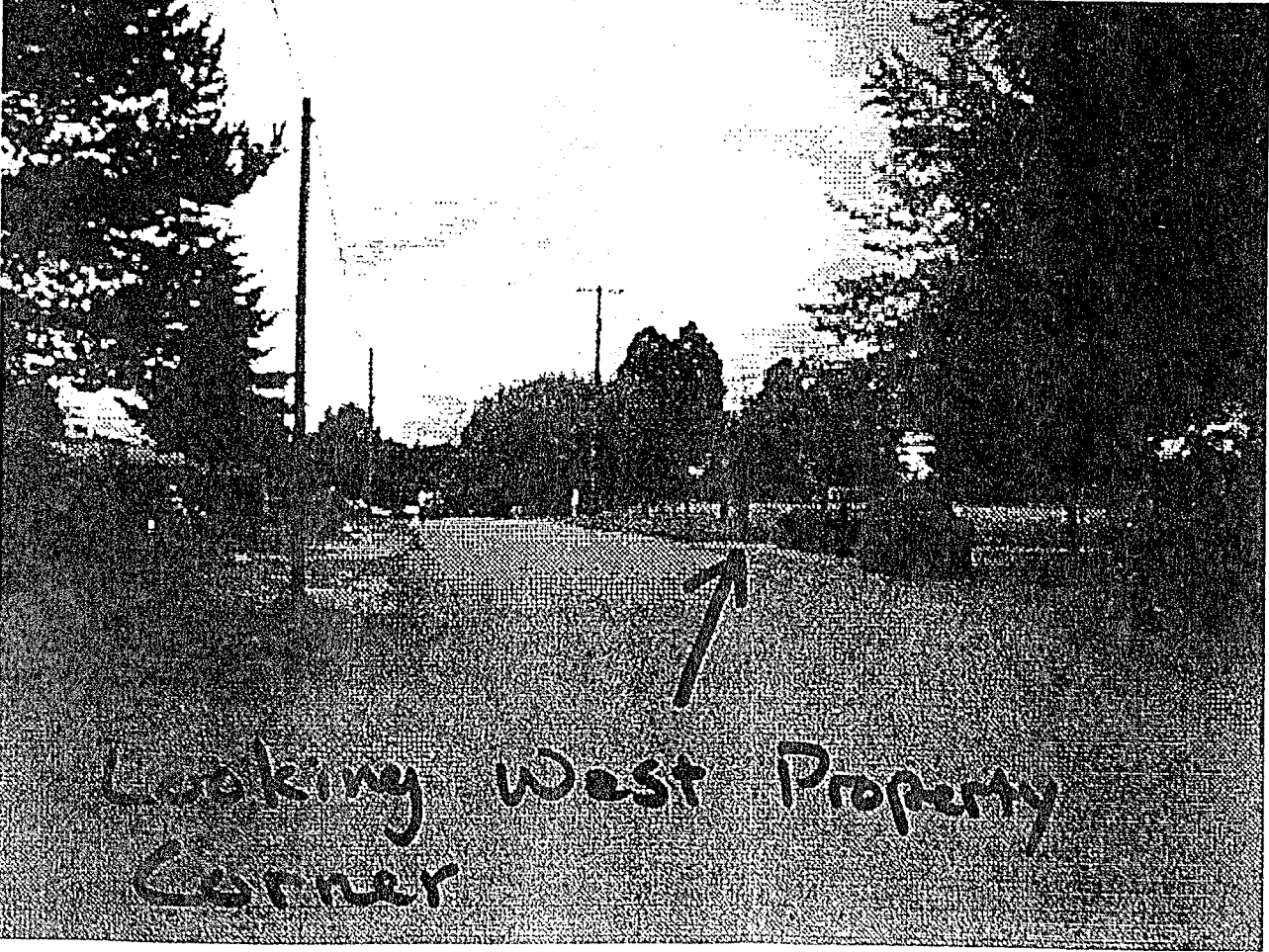
Gordon Dague

Carol R. Dague

27 2

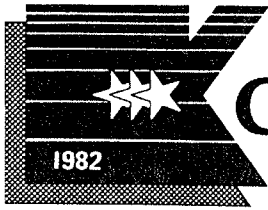


Looking East Property
Corner



Looking West Property
Corner





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

HEARINGS OFFICER MEETING: July 1, 1999

AGENDA ITEM: 1

TO: BERRY ADAMSON, HEARINGS OFFICER

FROM: MARIA C. MEIER
ASSOCIATE PLANNER

THROUGH: AMY DROUGHT, ZONING ADMINISTRATOR

DATE: July 1, 1999

SUBJECT: PUBLIC HEARING
APPEAL OF PARTITION/VARIANCE CASE 99-23
JAMES TONEY/RICK WEDDLE-APPLICANT

DISCUSSION:

This is an appeal of the Zoning Administrator's approval of Partition Case No. 99-23. The subject property is located at 1295 Harmony Drive NE and contains approximately 3.11 acres. The application proposes to divide a 3.11 acre lot into three parcels with the following dimensions: .45 acres, 1.93 acres, and .73 acres.

The appellant/applicant is James Toney/Rick Weddle. The appeal regards the conditions of approval identified in the final decision for the Partition. The following material is also attached:

- The Application
- Staff Report
- Applicant's Appeal
- City Engineer Memorandum
- Keizer Ordinance 93-248 [Construction Standards for Public Improvements]

James D Toney
4733 Clark Avenue NE
Keizer, Oregon 97303
Home Phone (503) 393-6736

April 2, 1999

City Of Keizer
930 Chemawa Rd, NE
Keizer, Ore 97307-1000

Dear Planning Staff,

I believe that each parcel meets access requirements of section 2.310.03 of Keizer Land Development code.

Each parcel satisfies the dimensional standards of applicable zoning district.

Adequate public facilities are available to serve the existing and newly created parcels.

I certify that (A) the partition request does not violate any deed restrictions that may be attached to or impose upon one, both, or all of the subject properties.

(B) I will exercise the rights granted in accordance with that approval and will be subject to all conditions and limitations of approval.

(C) all statements and drawings and exhibits attached are true to the best of my knowledge and permits may be revoked if any statements are found false.

(D) I understand the requirements and criteria for approving or denying the application.

Sincerely,



Rick Weddle Authorized Agent for James D. Toney

Home (503) 390-3330

(503) 393-3765

(503) 580-7193

ATTACHMENT
"A"

James D Toney
4733 Clark Avenue NE
Keizer, Oregon 97303
Home Phone (503) 393-6736

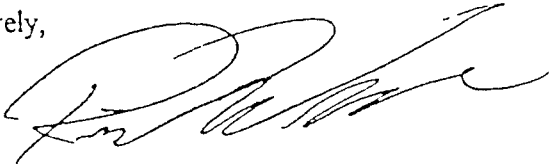
April 7, 1999

City Of Keizer
930 Chemawa Rd, NE
Keizer, Ore 97307-1000

Dear Planning Staff,

Request for a variance of an existing Accessory Structure at 1295 Harmony Dr. 97303.
The proposed variance would allow for a existing Accessory Structure to be in the front yard area
of a new lot.
I believe that there are no standard or deed restrictions that would deny this variance.

Sincerely,

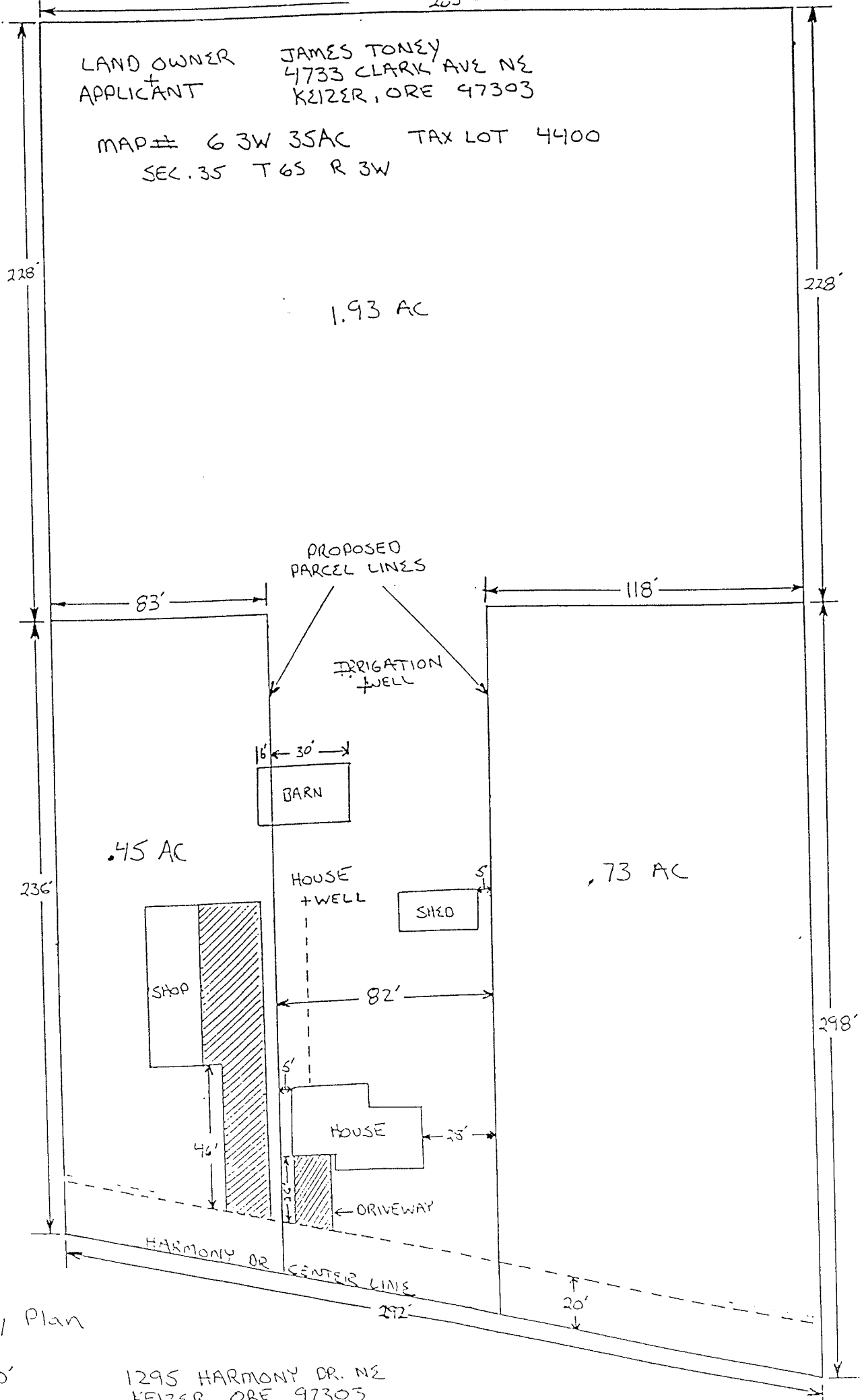
A handwritten signature in black ink, appearing to read "Rick Weddle", written over a horizontal line.

Rick Weddle Authorized Agent for James D. Toney
Home (503)390-3330
Fax (503)393-3765
Mobil (503)580-7193

JAMES TONEY
4733 CLARK AVE NE
KEIZER, ORE 97303

MAP# 63W 35AC TAX LOT 4400
SEC. 35 T6S R3W

1.93 AC



1-1-99

preliminary Plan

'-ε 1'' = 50'

1295 HARMONY DR. N.E.
KEIZER, ORE 97303

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF DECISION
PARTITION/VARIANCE CASE No. 99-23**

I. REQUEST

The following report reviews a land use application to divide one parcel into three lots with the following dimensions: .45 acres, 1.93 acres, and .73 acres. The applicant also requests a variance to allow an accessory structure in a front yard where *Section 2.313.01(A) Accessory Structures and Uses*, requires accessory structures to be located within a side or rear yard.

II. BACKGROUND

- A. APPLICANT: James Toney
- B. PROPERTY LOCATION: The subject property is located at 1295 Harmony Drive NE. The Assessor's Office identifies this property as T6S, R3W, Section 35, Tax Lot 4400 (See Exhibit "A.")
- C. PARCEL SIZE: 3.11 acres
- D. EXISTING DEVELOPMENT AND PUBLIC FACILITIES: The subject property contains a single family dwelling with three accessory structures. The parcels have access to a public road and can be served by public sewer and water.
- E. ZONING: Single Family Residential (RS).
- F. ADJACENT ZONING AND LAND USES: Surrounding property is zoned RS and single family homes are the dominant adjacent land use.
- G. PROPOSAL: The applicant is requesting approval to divide the existing parcel to create three separate lots with the following dimensions: .45 acres (Parcel 1), 1.93 acres (Parcel 2), and .73 acres (Parcel 3). In addition, the applicant is proposing to vary the location requirement for an accessory structure to be located in the front yard where *Section 2.313.01(A) Accessory Structures and Uses*, requires accessory structures to be located within the rear or side yard. Please see "Exhibit A."

III. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED** the Partitioning subject to the conditions and requirements noted below. Findings in support of this decision are found in Section VI.

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED** the Major Variance subject to the conditions and requirements noted below. Findings in support of this decision are found in Section VII.

IV. CONDITIONS AND REQUIREMENTS

This decision does not include approval of a building permit.

A. CONDITIONS: The following conditions must be met before a building permit can be obtained or must be continually met as a condition of the particular land use:

1. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor and which conforms with the requirements in ORS Chapter 92. The final plat shall substantially conform with the proposed partition plan. Following plat approval the applicant shall record it with the Marion County Clerk.
2. The existing 756 square foot accessory structure, designated as “barn” on the preliminary site plan, must be removed from the subject property pursuant to Keizer Development Code Section 2.203.02(A) on that account that the barn is located on a proposed property line. In lieu of removing the 756 square foot accessory structure, the applicant may reduce the area of the structure to meet the required setbacks and requirements as stated in Section 2.313 in the Keizer Development Code.
3. The accessory structure on Parcel 1, designated as “shop” on the preliminary site plan, is permitted to remain on the subject property if a primary residence is constructed within six months of recording the partition plat. If a primary dwelling is not constructed within six months of the recording of the partition plat, the accessory structure then located on Parcel 1 will be required to be removed. If a primary dwelling is not constructed *and* the accessory structure on Parcel 1 is not removed within six months of the recording of the plat, the property owner will be subject to code enforcement. Failure to resolve the situation can result in the

issuance of an infraction summons in the amount of \$ 500.00 per day, per violation and/or an indictment from the Municipal Court.

4. The applicant is required to demonstrate how the development of Parcels 1 and 3 will accommodate future development. The required redevelopment plan must exhibit the location for new street extensions into the subject property to service future development. This plan is required to be submitted to the City of Keizer Community Development Department before approval of the final plat.

B. OTHER CONDITIONS: The Public Works Department submitted requirements, which are contained as Exhibit "B" and attached to this report. The applicant shall meet all requirements for emergency vehicle access and water supplies.

C. REQUIREMENTS: The Keizer Development Code establishes specific development and procedural requirements. These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment process. The information on requirements is included in this report for the benefit of the applicant and is not part of the decision on the application.

1. Completion, submittal and recording of the final partitioning plat shall comply with the requirements contained in the Keizer Development Code. After the final Partitioning plat has been recorded, no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.
2. Development of the individual parcels shall comply with the applicable provisions of the Keizer Development Code.
3. Public facility improvements shall comply with current City of Keizer Public Works Standards.

D. OTHER PERMITS AND RESTRICTIONS: This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon.

V. APPEALS

Any interested person, including the applicant, who disagrees with this decision may request that the application be considered by the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$150.00 fee. This fee will be refunded if the appeal is successful.

Requests for reconsideration, or an appeal request for a hearing in front of the Hearings Officer, must be submitted in writing and be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on May 28, 1999.

Unless further consideration is requested, or the decision is appealed, this decision becomes final on May 29, 1999.

This approval is valid only when the use is established by May 28, 2000. The effective period of an approved application may be extended for an additional year subject to approval of an extension by the Community Development Department.

VI. FINDINGS - PARTITION

Findings for Partition request to divide a 3.11 acre lot into three parcels in accordance with Section 2.310 of the Keizer Development Code.

- A. The proposal is to divide an existing 3.11 acre parcel into three parcels. Parcel 1 will contain .45 acres in area. Parcel 2 will be 1.93 acres in area. Parcel 3 will .73 acres in area. Each parcel will have direct access onto a public street.
- B. The approval or denial of a partitioning is based on compliance with decision criteria found in Section 3.107.05 of the Keizer Land Development Code (KLDC). Section 3.107.05 A., requires all land divisions to comply with the provisions in Sections 2.310.03 and 3.107.05. The criteria and staff's findings are listed below:

- 1. The following standards are required by Section 2.310.03:

A: Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.

The minimum area for a single family detached dwelling in a RS zone is 5,000 square feet with an average depth of 70 feet and an average width of 40 feet. Each parcel meets the minimum requirements.

B: Any adjustment of a lot line between two adjacent parcels shall require approval of a Lot Line Adjustment.

This section does not apply as the request is for a Land division, not a boundary adjustment.

C: Lot width and depth. The depth of a lot or parcel shall not be more than three times the width.

Parcel 1 and 3 are rectangular in shape. Parcel 2 is rectangular in shape between Parcels 1 and 3, and contains additional area directly behind Parcels 1, 2, and 3. Therefore, Parcel 2 is "T" in shape. This design was proposed to maintain the farmland with Parcel 2. The proposed parcels do not contain a depth greater than three and a half times the average width.

D: All lots and parcels shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. Residential parcels may be accessed via a partition access easement developed in accordance with the provisions of Section 2.302.08 when the City finds that a public street is not necessary to provide for the future development of adjoining property.

The minimum width in the RS zone is 40 feet. Each parcel exceeds the frontage standards to public streets.

E: Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed.

Parcel 2 is proposed to be a flag lot. Due to the existing depth of the subject property, a flag lot creates a reasonable configuration for the proposed three lots. This method allows parcels 1 and 3 to have direct access onto Harmony Drive and comply with requirements for lot width and depth. This also allows for Parcel 2 to maintain direct access to Harmony Drive and to maintain the existing farmland with the existing dwelling on the subject property.

F: Through lots shall be avoided except where essential to overcome specific disadvantages of topography and orientation.

This section does not apply as the proposed partition does not contain a through lot.

G: The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the adjacent street. The rear lot line shall be no less than $\frac{1}{2}$ the dimension of the front lot line.

The property boundaries generally run at right angles to the street. The front and rear lot lines for Parcels 1 and 3 are approximately equal in dimension. However, Parcel 2 is a flag lot in form with additional property on both the east and west sides of the stem of the property from Harmony Drive.

H: Utility easements shall be provided on lot area where necessary to accommodate public facilities.

Information regarding the use of any easements must be placed on the final plat.

2. The following standards are required by Section 2.310.03:

B: Each parcel shall satisfy the dimensional standards of the applicable zoning district, unless a variance from these standards is approved.

The proposed partition will create three separate parcels in compliance with the dimensional standards of Section 2.102.05 A of the RS zone. Each lot maintains the required minimum depth of 70 feet and minimum width of 40 feet. The proposed configuration conforms to *Section 2.310.03 Development Standards for Land Divisions*, which states, "*The depth of a lot or parcel shall not be more than 3 times the width of the parcel.*"

C: Adequate public facilities shall be available to serve the existing and newly created parcels.

Public facilities such as water, sewer, and storm drainage are available to serve the proposed parcels.

- C. Section 2.302.03(B) *Continuation of Street*, requires development proposals to provide for the continuation of, and connection to, existing streets where necessary to promote appropriate traffic circulation in the vicinity of the development. Due to the proximity of the subject property to 12th Avenue, the applicant is required to demonstrate how the development of Parcels 1 and 3 will accommodate future development. Therefore, the applicant is required to provide a redevelopment plan that exhibits the location for new street extensions into the subject property to service future development. This redevelopment plan must be provided to the City before the final plat is submitted for approval. This plan will be utilized to process building permits for Parcels 1 and 3.
- D. The final partitioning plat must ensure the existing homes comply with the minimum setbacks for the RS zone.

VI. FINDINGS - VARIANCE

Findings for Major Variance request to vary the location requirement for an accessory structure to be located in the front yard where Section 2.313.01(A) Accessory Structures and Uses, requires accessory structures to be located within the rear or side yard. Please see "Exhibit A."

- A. Section 2.313.01(A) requires accessory structures to be located within the rear or side yard. Proposed Parcel 1 contains an existing accessory structure which contains approximately 1,200 square feet. This accessory structure is indicated as "shop" on the preliminary site plan (See Exhibit "B"). The buildable area within the proposed parcel

would be located within the northern portion of the lot. Therefore, the existing accessory structure would be located in the front yard of the new dwelling. This proposal does not comply with the requirements of the Keizer Land Development Code, therefore a variance approval is required.

B. The decision criteria for a major variance are contained in Section 3.105.05 of the Keizer Development Code. The criteria and staff's findings are listed below:

1. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.

FINDINGS: Section 2.313.01(A) requires accessory structures to be located within the rear or side yard. The intent and purpose of placing an accessory structure within the side or rear yard of a residence is primarily for aesthetics. The subject property contains an accessory structure approximately 1,200 square feet in area on the westerly side of the lot. The accessory structure is set back approximately 46 feet from the property line adjacent to Harmony Drive and faces the proposed east property line for Parcel 1. Whereas the standard setback for single family dwellings is ten feet from the front property line, the existing accessory structure is located more than 4.5 times the setback required for permitted structures. The development of Parcel 1 with the existing accessory structure meets the intent and purpose of the standard set forth in Section 2.102.05(B)(4) of the Keizer Development Code. Therefore, the request for a variance to this standard should be denied.

2. There has not been a previous land use action approved on the basis that variances would not be allowed.

FINDINGS: There are no prior land use actions that expressly prohibit the granting of the variance.

3. The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property.

FINDINGS: The standard set forth by Section 2.313.01(A) regulates neighborhood improvements for aesthetic purposes. The applicant's proposal to maintain the existing accessory structure would not be unreasonably detrimental to property or improvements in the neighborhood of the subject property.

4. The variance will not significantly affect the health or safety of persons working or residing in the vicinity.

FINDINGS: The variance request to allow the existing accessory structure to remain on Parcel 1 would not significantly affect the health or safety of persons working or residing in the vicinity.

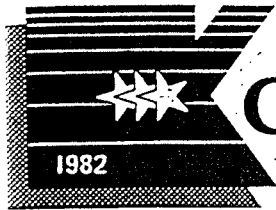
5. The variance will be consistent with the intent and purpose of the provision being varied.

The purpose and intent of requiring accessory structures to be located within the rear or side yard is primarily for aesthetics. The accessory structure is existing and sets back 4.5 times the required setback for permitted structures. The existing placement of the accessory structure in relationship to Harmony Drive meets the intent and purpose of the standard set forth in Section 2.313.01(A) of the Keizer Development Code.

If you have any question about this application or the decision please call 390-3700 or visit the Community Development Department at the above address.

REPORT PREPARED BY: Maria C. Meier, Associate Planner
REPORT APPROVED BY: Amy Drought, AICP, Senior Planner
DATE:

Amy C. Drought 9/1/09



City of Keizer

Phone: 390-3700 • Fax: 393-9347

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

DATE: APRIL 21, 1999

TO: CITY OF KEIZER
PLANNING DEPARTMENT

SUBJECT: PARTITION / VARIANCE CASE NO. 99-23
1295 HARMONY DRIVE NE
TAX ASSESSOR'S MAP NO. 6S3W35AC TAX LOT 4400
JAMES TONEY / RICK WEDDLE

PUBLIC WORKS DEPARTMENT COMMENTS

It is the understanding of the Public Works Department that the property under consideration for development located in property currently zoned appropriate for the proposed partitioning. The applicant indicates that the size of the Parcel with the shop is to be 0.45 acres (19,602 sq. ft.). For simplicity sake we have named this parcel Parcel 1. The Parcel with the house is to be 1.93 acres (84,070 sq. ft.). For simplicity sake we have named this parcel Parcel 2. The remaining Parcel to be 0.73 acres (31,798 sq. ft.). We have named this parcel Parcel 3. All Parcels are large enough for future re-division. The Public Works Staff will require an overall redevelopment plan for future lots prior to approving any building permits for the subject property.

The following comments are being provided to assist in the overall evaluation of the proposal:

SANITARY SEWERS:

- a.) The partitioning will result in a total of three parcels. It is important that all new created parcels are provided with sanitary sewer service. The Department of Public Works will require a pre-design meeting with the City of Keizer prior to submittal of the sewer service plans to the City of Salem for approval. The City of Salem Department of Public Works will require that sewer plans be submitted to the Permit Application Center (PAC) for review by the City of Salem.
- b.) No sanitary sewer construction shall begin on this property without prior notification being given to the City of Keizer Department of Public Works.
- c.) A street opening permit is required from the Department of Public Works prior to any construction within public right of ways.

Public Works Department Comments

PARTITION CASE NO. 99-23

Page 2

- d.) The subject property is located within the original Keizer Sewer District and is therefore not subject to an acreage assessment.
- e.) An overall plan of the proposed development (including location of future water and sewer services) shall be submitted for review by the Department of Public Works.

WATER SYSTEM:

- a.) New individual water services for all parcels must be installed. Location of the connection to an existing water main will be determined by the Department of Public Works. If redivision of the subject property is anticipated, a new main may be required to be extended.
- b.) The Keizer Fire District shall be required to approve any development on the proposed parcels regarding access and fire protection. It may be necessary for the developer of the subject property to install a fire hydrant on an appropriately sized water main to provide fire protection for the proposed new lots.
- c.) Location of all proposed meters to be determined by the Department of Public Works.
- d.) To eliminate the possibility of any cross connections and assure that adequate separation between wells and sanitary sewer lines exist, any wells on the property to be abandoned by a licensed and bonded well driller to the standards of the Oregon State Department of Water Resources and the City of Keizer prior any sanitary sewer construction that would conflict with the existing well or wells. Any existing water service connection from the well or house to the shop on the separate Parcel shall be disconnected prior to the issuance of any new building permits for any of the proposed Parcels.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) The Keizer Development Code requires that the street frontage along the proposed partitioning be developed to City of Keizer Standards for a 3/4 width public street, including sidewalks.
- b.) The developer shall submit a site grading plan to the Department of Public Works indicating where fill will be proposed and showing that no storm water in the area will be impeded by the proposed development.
- c.) Prior to submitting for a building permits on the new parcel, the builder shall indicate to the City of Keizer how the storm drainage disposal will be taken care of. If a connection to a public storm drain line is not available, onsite storm drainage will be required to be developed satisfactory to the Department of Public Works.

GENERAL

- a.) A site grading plan shall be submitted to the Department of Public Works prior to any grading operations on the site.
- b.) Construction permits are required by the Department of Public Works prior to any public facility construction.
- c.) A Pre-design meeting will be required prior to the Developer's Engineer submitting plans to the city for review.

A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the city.



CITY OF KEIZER APPEAL FORM

✓ 150⁰⁰
Pd receipt
7359

APPEAL RIGHTS: Upon final action on a land use application by the Zoning Administrator, Hearings Officer or Planning Commission, the applicant or any persons receiving notice of decision may appeal the decision by filing within ten (10) days from the date of the mailing of the decision. An appeal to the Hearings Officer, Planning Commission or City Council shall include notice at least ten (10) days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision.

Any interested person, including the applicant, who disagrees with this decision may request that the application be considered by the appropriate body at a public hearing. The appeal is subject to the appellant paying an \$150.00 fee at the time the appeal form is submitted. This fee will be refunded if the appeal is upheld. In addition, the applicant may request reconsideration of the decision on the basis of new information; provided, a waiver of the 120-day time limit for the review of zoning application is signed.

The appeal form must be received by the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on the tenth day following the date of the mailing of the decision. The failure to submit the required fee with the appeal form or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect resulting in the dismissal of the case.

FEE: \$150

Land Use Case Appealed: Partition Case No. 99-23

Final Date of Appeal Period: May 28 1999

Purpose of Appeal: Street and Drainage Improvements (a) only.

The appellant along with the community in harmony do not wish to see this improvement of the 9/4 width public street, including sidewalks. the rural appearance is desirable by the community + Appellant. Thank you.

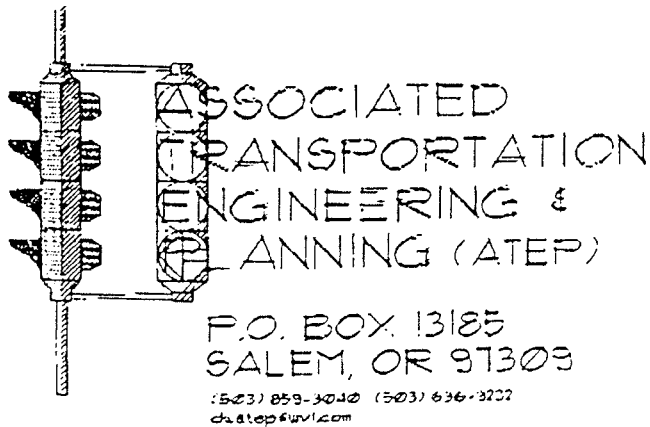
Appellant Name: James O. Toney Auth. Agent Rick Weidole

Address, City, Zip: 4733 Clark Ave NE
KEIZER, OR
97303

Daytime Phone Number: 503 580-7193
FAX 503 343-3765

The City of Keizer Community Development Department will be in contact to notify you of the scheduled hearing for the appeal of this land use case. If you have any questions, contact the department at (503) 390-3700.

**ATTACHMENT
"C"**



MEMORANDUM

DATE: July 1, 1999
TO: Maria Meier
FROM: Dick Woelk, City Traffic Engineer
PROJECT: Harmony Drive Hearing
SUBJECT: Roadway Designation

Maria - As I indicated on the phone, it is my opinion that Harmony Drive should be classed as a Local Type III street since it will carry in excess of 800 vehicles per day.

Under the current and approved transportation plan, Harmony Drive is classified as a Collector Street, but in the new plan (not yet adopted) it is designated a local street (page 17).

As a bit of history, before Lockhaven Drive was constructed, Harmony Drive was designated as an Arterial street and it was downgraded to a collector street after construction of Lockhaven Drive.

As you are aware page 11 of the street standards contains two errors in the required right of way column, a Locale Type III street should have a right of way width of 48 feet, not 58 as shown.

As to why the Public Works Department did not require additional right of way, I can only assume that since in the new plan it is downgraded to a local street, no additional right of way is required. If you have any questions, Call me at 503-859-3040.

cc:

P.O. BOX 13185 SALEM, OR 97309
4040 DOUGLAS WAY LAKE OSWEGO, OR 97035
dwatep@wvi.com

(503) 859-3040
(503) 636-9232
Fax (503) 859-3041

ATTACHMENT
"D"

TOTAL P.02

BILL NO. 230

A BILL

ORDINANCE NO.
93- 248

FOR

AN ORDINANCE

DELEGATION OF AUTHORITY TO PUBLIC WORKS
DIRECTOR TO ESTABLISH DESIGN AND CONSTRUCTION
STANDARDS FOR WATER SYSTEMS, STORM DRAIN
SYSTEMS, AND STREETS

The City of Keizer ordains as follows:

The Keizer Public Works Director shall have the authority to
prescribe standards of design and construction consistent with
sound engineering practice, which shall be applicable to all public
and private water systems, public and private storm drain systems,
and public and private streets becoming a part of, or connected to,
the Keizer water system, storm drain system, or street system.

PASSED this 16th day of February, 1993.

SIGNED this 17th day of February, 1993.

Doris Kato
Mayor

Gracyn K. Davis
City Recorder

824.096

93-248
2-16-93

ORDINANCE NO. 93- 248

ATTACHMENT

"E"

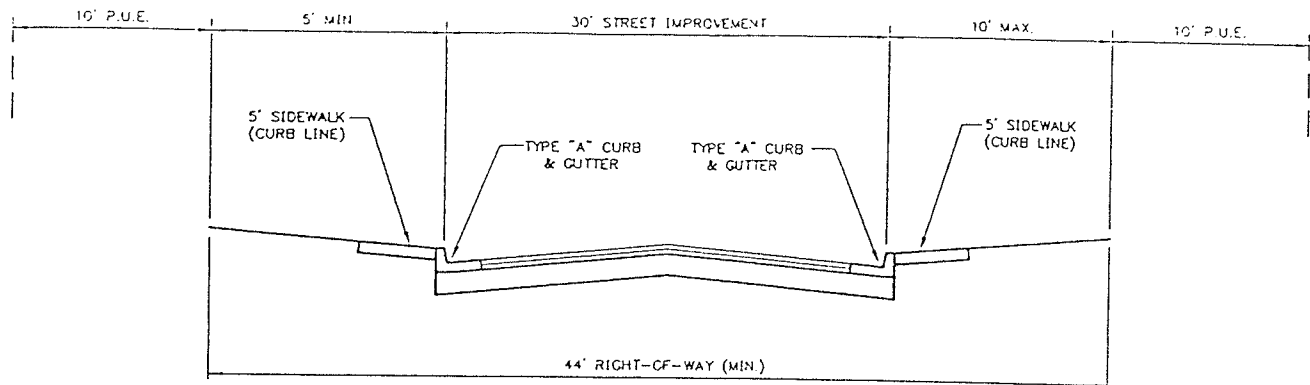
IEN, HOBSON & JOHNSON

Attorneys at Law
4855 River Rd. N.
Keizer, Oregon 97303
(503) 390-1635

RESIDENTIAL STREETS

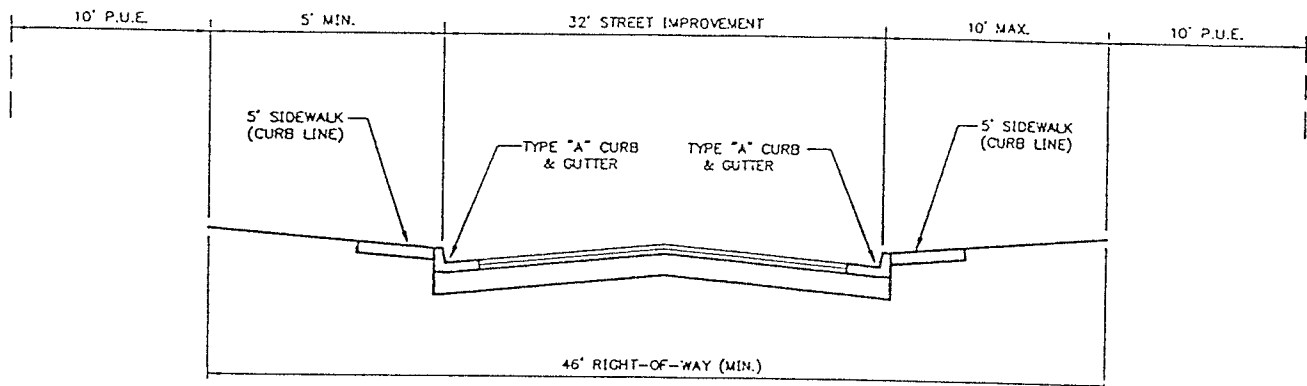
SERVICE AREA

0 - 19 DWELLING UNITS
OR SERVING 190 ADT
OR 79,999 SQ. FT.



SERVICE AREA

20 - 79 DWELLING UNITS
OR 790 ADT OR 80,000
TO 319,999 SQ. FT.



NOTES:

1. ADT = AVERAGE DAILY TRAFFIC BASED ON INSTITUTE OF TRAFFIC ENGINEERS, TRIP GENERATION MANUAL
2. TRIP GENERATION RATE FOR SINGLE FAMILY DWELLINGS - 10 TRIPS PER DAY.
3. SIDEWALKS SHALL BE OF THEIR FULL UNOBSTRUCTED WIDTH AROUND SIGNS, MAILBOXES, UTILITY POLES, ECT. (SEE DETAIL ST-24)
4. LENGTH OF FULL HEIGHT CURB BETWEEN DRIVEWAYS SHALL BE 6" BOTH SIDES (1' TOTAL).
5. LOCATION & WIDTH OF UTILITY EASEMENTS TO BE DETERMINED BY CITY OF KEIZER PUBLIC WORKS.
6. SLOPES IN UTILITY EASEMENTS TO BE 2:1 MAX. UNLESS NOTED BY CITY OF KEIZER PUBLIC WORKS.
7. 18" BEHIND SIDEWALK RESERVED FOR WATER UTILITIES
8. STREET WIDTHS SHOWN OBTAINED FROM RESIDENTIAL STREET STANDARDS AS LISTED IN CITY OF KEIZER SUBDIVISION ORDINANCE.
9. SEE DETAIL ST-12 FOR TYPICAL STREET SECTION.



CITY OF KEIZER

DEPARTMENT OF PUBLIC WORKS

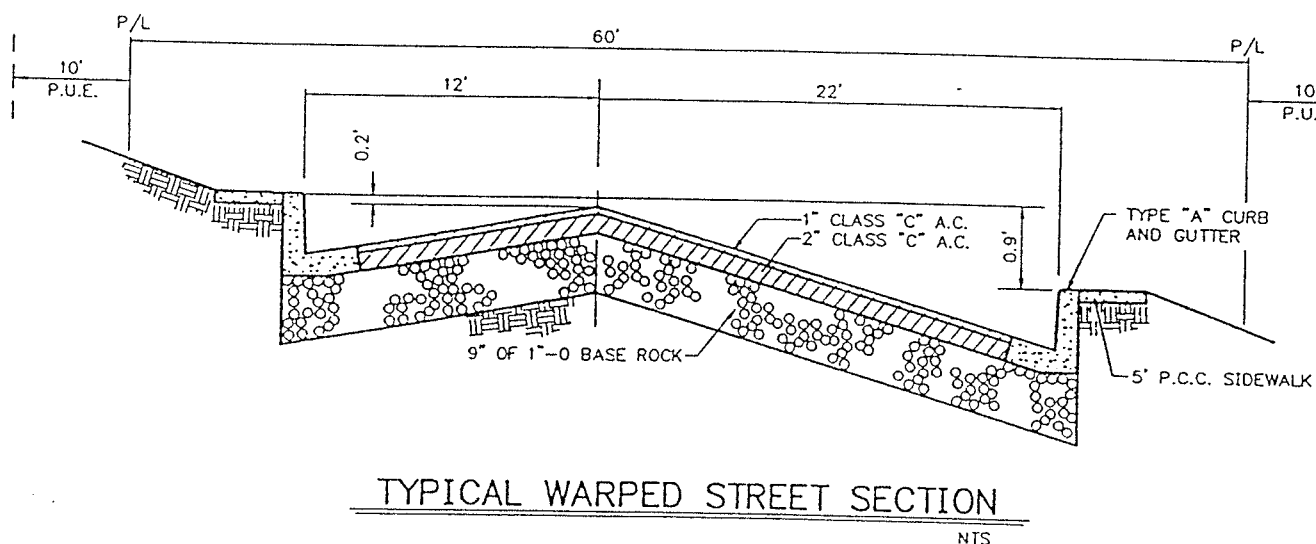
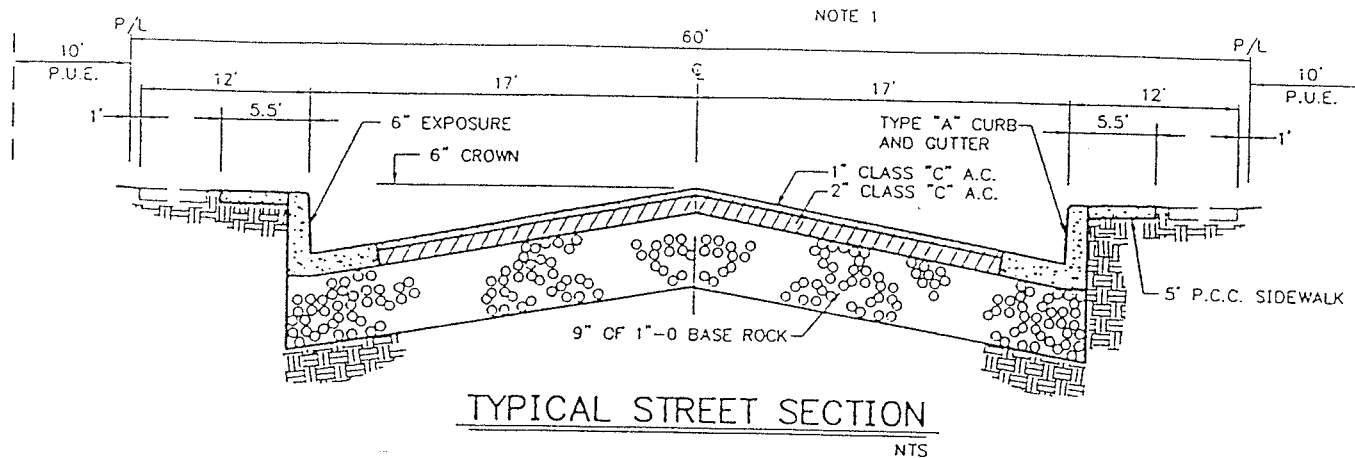
STREET & RIGHT OF WAY
GUIDELINES (SEE ALSO ST-10)

DRAWN: T.A.K.

DATE: 04-04-95

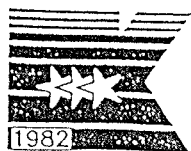
APPROVED: W.I.P.

NUMBER: ST-11



NOTES:

1. SEE STD. DWG. ST-11 FOR STREET AND R.O.W. WIDTHS BASED ON SIZE OF DEVELOPMENT.
2. MAXIMUM SLOPE ON RESIDENTIAL STREETS IS 6.0%.
3. ALTERNATE DESIGNS TO BE APPROVED BY CITY OF KEIZER PUBLIC WORKS DEPT.
4. SEE DWG. ST-20 THROUGH ST-23 FOR CURB AND DRIVEWAY DETAILS.
5. SECOND LIFT OF CLASS "C" A.C. PAVEMENT TO BE PLACED ONE YEAR AFTER PLACEMENT OF 2" LIFT.



CITY OF KEIZER

DEPARTMENT OF PUBLIC WORKS

**STANDARD CROSS SECTIONS
FOR RESIDENTIAL STREETS**

DRAWN: T.A.K.

DATE: 04-04-95

APPROVED: W.I.P.

NUMBER: ST-12



CITY OF KEIZER APPEAL FORM

✓ 150⁰⁰
Pd receipt
7359

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Any interested person, including the applicant, who disagrees with this decision may request that the application be considered by the appropriate body at a public hearing. The appeal is subject to the appellant paying an \$150.00 fee at the time the appeal form is submitted. This fee will be refunded if the appeal is upheld. In addition, the applicant may request reconsideration of the decision on the basis of new information; provided, a waiver of the 120-day time limit for the review of zoning application is signed.

The appeal form must be received by the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on the tenth day following the date of the mailing of the decision. The failure to submit the required fee with the appeal form or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect resulting in the dismissal of the case.

FEE: \$150

Land Use Case Appealed: Partition Case No. 99-23

Final Date of Appeal Period: May 28 1999

Purpose of Appeal: Street and Drainage Improvements (a) only.

The appellant along with the community on
Harmony Dr. Do not wish to see this improvement
of the 3/4 width public street, including sidewalks.
the rural appearance is desirable by the
community + Appellant. Thank you.

Appellant Name: James O. Toney Auth. Agent RICK WOODLE

Address, City, Zip: 4733 Clark Ave NE
KEIZER, OR
97303

Daytime Phone Number: 503 580-7193
FAX 503 393-3765

The City of Keizer Community Development Department will be in contact to notify you of the scheduled hearing for the appeal of this land use case. If you have any questions, contact the department at (503) 390-3700.

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF DECISION
PARTITION/VARIANCE CASE No. 99-23**

I. REQUEST

The following report reviews a land use application to divide one parcel into three lots with the following dimensions: .45 acres, 1.93 acres, and .73 acres. The applicant also requests a variance to allow an accessory structure in a front yard where *Section 2.313.01(A) Accessory Structures and Uses*, requires accessory structures to be located within a side or rear yard.

II. BACKGROUND

- A. APPLICANT: James Toney
- B. PROPERTY LOCATION: The subject property is located at 1295 Harmony Drive NE. The Assessor's Office identifies this property as T6S, R3W, Section 35, Tax Lot 4400 (See Exhibit "A.")
- C. PARCEL SIZE: 3.11 acres
- D. EXISTING DEVELOPMENT AND PUBLIC FACILITIES: The subject property contains a single family dwelling with three accessory structures. The parcels have access to a public road and can be served by public sewer and water.
- E. ZONING: Single Family Residential (RS).
- F. ADJACENT ZONING AND LAND USES: Surrounding property is zoned RS and single family homes are the dominant adjacent land use.
- G. PROPOSAL: The applicant is requesting approval to divide the existing parcel to create three separate lots with the following dimensions: .45 acres (Parcel 1), 1.93 acres (Parcel 2), and .73 acres (Parcel 3). In addition, the applicant is proposing to vary the location requirement for an accessory structure to be located in the front yard where *Section 2.313.01(A) Accessory Structures and Uses*, requires accessory structures to be located within the rear or side yard. Please see "Exhibit A."

III. DECISION

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED** the Partitioning subject to the conditions and requirements noted below. Findings in support of this decision are found in Section VI.

Notice is hereby given that the Zoning Administrator for the City of Keizer has **APPROVED** the Major Variance subject to the conditions and requirements noted below. Findings in support of this decision are found in Section VII.

IV. CONDITIONS AND REQUIREMENTS

This decision does not include approval of a building permit.

- A. **CONDITIONS:** The following conditions must be met before a building permit can be obtained or must be continually met as a condition of the particular land use:
1. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor and which conforms with the requirements in ORS Chapter 92. The final plat shall substantially conform with the proposed partition plan. Following plat approval the applicant shall record it with the Marion County Clerk.
 2. The existing 756 square foot accessory structure, designated as “barn” on the preliminary site plan, must be removed from the subject property pursuant to Keizer Development Code Section 2.203.02(A) on that account that the barn is located on a proposed property line. In lieu of removing the 756 square foot accessory structure, the applicant may reduce the area of the structure to meet the required setbacks and requirements as stated in Section 2.313 in the Keizer Development Code.
 3. The accessory structure on Parcel 1, designated as “shop” on the preliminary site plan, is permitted to remain on the subject property if a primary residence is constructed within six months of recording the partition plat. If a primary dwelling is not constructed within six months of the recording of the partition plat, the accessory structure then located on Parcel 1 will be required to be removed. If a primary dwelling is not constructed *and* the accessory structure on Parcel 1 is not removed within six months of the recording of the plat, the property owner will be subject to code enforcement. Failure to resolve the situation can result in the

issuance of an infraction summons in the amount of \$ 500.00 per day, per violation and/or an indictment from the Municipal Court.

4. The applicant is required to demonstrate how the development of Parcels 1 and 3 will accommodate future development. The required redevelopment plan must exhibit the location for new street extensions into the subject property to service future development. This plan is required to be submitted to the City of Keizer Community Development Department before approval of the final plat.

B. OTHER CONDITIONS: The Public Works Department submitted requirements, which are contained as Exhibit "B" and attached to this report. The applicant shall meet all requirements for emergency vehicle access and water supplies.

C. REQUIREMENTS: The Keizer Development Code establishes specific development and procedural requirements. These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment process. The information on requirements is included in this report for the benefit of the applicant and is not part of the decision on the application.

1. Completion, submittal and recording of the final partitioning plat shall comply with the requirements contained in the Keizer Development Code. After the final Partitioning plat has been recorded, no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.
2. Development of the individual parcels shall comply with the applicable provisions of the Keizer Development Code.
3. Public facility improvements shall comply with current City of Keizer Public Works Standards.

D. OTHER PERMITS AND RESTRICTIONS: This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon.

V. APPEALS

Any interested person, including the applicant, who disagrees with this decision may request that the application be considered by the Keizer Hearings Officer at a public hearing. The appeal is subject to the appellant paying a \$150.00 fee. This fee will be refunded if the appeal is successful.

Requests for reconsideration, or an appeal request for a hearing in front of the Hearings Officer, must be submitted in writing and be received in the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on May 28, 1999.

Unless further consideration is requested, or the decision is appealed, this decision becomes final on May 29, 1999.

This approval is valid only when the use is established by May 28, 2000. The effective period of an approved application may be extended for an additional year subject to approval of an extension by the Community Development Department.

VI. FINDINGS - PARTITION

Findings for Partition request to divide a 3.11 acre lot into three parcels in accordance with Section 2.310 of the Keizer Development Code.

- A. The proposal is to divide an existing 3.11 acre parcel into three parcels. Parcel 1 will contain .45 acres in area. Parcel 2 will be 1.93 acres in area. Parcel 3 will .73 acres in area. Each parcel will have direct access onto a public street.
- B. The approval or denial of a partitioning is based on compliance with decision criteria found in Section 3.107.05 of the Keizer Land Development Code (KLDC). Section 3.107.05 A., requires all land divisions to comply with the provisions in Sections 2.310.03 and 3.107.05. The criteria and staff's findings are listed below:

- 1. The following standards are required by Section 2.310.03:

A: Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.

The minimum area for a single family detached dwelling in a RS zone is 5,000 square feet with an average depth of 70 feet and an average width of 40 feet. Each parcel meets the minimum requirements.

B: Any adjustment of a lot line between two adjacent parcels shall require approval of a Lot Line Adjustment.

This section does not apply as the request is for a Land division, not a boundary adjustment.

C: Lot width and depth. The depth of a lot or parcel shall not be more than three times the width.

Parcel 1 and 3 are rectangular in shape. Parcel 2 is rectangular in shape between Parcels 1 and 3, and contains additional area directly behind Parcels 1, 2, and 3. Therefore, Parcel 2 is "T" in shape. This design was proposed to maintain the farmland with Parcel 2. The proposed parcels do not contain a depth greater than three and a half times the average width.

D: All lots and parcels shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. Residential parcels may be accessed via a partition access easement developed in accordance with the provisions of Section 2.302.08 when the City finds that a public street is not necessary to provide for the future development of adjoining property.

The minimum width in the RS zone is 40 feet. Each parcel exceeds the frontage standards to public streets.

E: Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed.

Parcel 2 is proposed to be a flag lot. Due to the existing depth of the subject property, a flag lot creates a reasonable configuration for the proposed three lots. This method allows parcels 1 and 3 to have direct access onto Harmony Drive and comply with requirements for lot width and depth. This also allows for Parcel 2 to maintain direct access to Harmony Drive and to maintain the existing farmland with the existing dwelling on the subject property.

F: Through lots shall be avoided except where essential to overcome specific disadvantages of topography and orientation.

This section does not apply as the proposed partition does not contain a through lot.

G: The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the adjacent street. The rear lot line shall be no less than ½ the dimension of the front lot line.

The property boundaries generally run at right angles to the street. The front and rear lot lines for Parcels 1 and 3 are approximately equal in dimension. However, Parcel 2 is a flag lot in form with additional property on both the east and west sides of the stem of the property from Harmony Drive.

H: Utility easements shall be provided on lot area where necessary to accommodate public facilities.

Information regarding the use of any easements must be placed on the final plat.

2. The following standards are required by Section 2.310.03:

B: Each parcel shall satisfy the dimensional standards of the applicable zoning district, unless a variance from these standards is approved.

The proposed partition will create three separate parcels in compliance with the dimensional standards of Section 2.102.05 A of the RS zone. Each lot maintains the required minimum depth of 70 feet and minimum width of 40 feet. The proposed configuration conforms to *Section 2.310.03 Development Standards for Land Divisions*, which states, "*The depth of a lot or parcel shall not be more than 3 times the width of the parcel.*"

C: Adequate public facilities shall be available to serve the existing and newly created parcels.

Public facilities such as water, sewer, and storm drainage are available to serve the proposed parcels.

- C. Section 2.302.03(B) *Continuation of Street*, requires development proposals to provide for the continuation of, and connection to, existing streets where necessary to promote appropriate traffic circulation in the vicinity of the development. Due to the proximity of the subject property to 12th Avenue, the applicant is required to demonstrate how the development of Parcels 1 and 3 will accommodate future development. Therefore, the applicant is required to provide a redevelopment plan that exhibits the location for new street extensions into the subject property to service future development. This redevelopment plan must be provided to the City before the final plat is submitted for approval. This plan will be utilized to process building permits for Parcels 1 and 3.
- D. The final partitioning plat must ensure the existing homes comply with the minimum setbacks for the RS zone.

VI. FINDINGS - VARIANCE

Findings for Major Variance request to vary the location requirement for an accessory structure to be located in the front yard where Section 2.313.01(A) Accessory Structures and Uses, requires accessory structures to be located within the rear or side yard. Please see "Exhibit A."

- A. Section 2.313.01(A) requires accessory structures to be located within the rear or side yard. Proposed Parcel 1 contains an existing accessory structure which contains approximately 1,200 square feet. This accessory structure is indicated as "shop" on the preliminary site plan (See Exhibit "B"). The buildable area within the proposed parcel

would be located within the northern portion of the lot. Therefore, the existing accessory structure would be located in the front yard of the new dwelling. This proposal does not comply with the requirements of the Keizer Land Development Code, therefore a variance approval is required.

- B. The decision criteria for a major variance are contained in Section 3.105.05 of the Keizer Development Code. The criteria and staff's findings are listed below:

1. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.

FINDINGS: Section 2.313.01(A) requires accessory structures to be located within the rear or side yard. The intent and purpose of placing an accessory structure within the side or rear yard of a residence is primarily for aesthetics. The subject property contains an accessory structure approximately 1,200 square feet in area on the westerly side of the lot. The accessory structure is set back approximately 46 feet from the property line adjacent to Harmony Drive and faces the proposed east property line for Parcel 1. Whereas the standard setback for single family dwellings is ten feet from the front property line, the existing accessory structure is located more than 4.5 times the setback required for permitted structures. The development of Parcel 1 with the existing accessory structure meets the intent and purpose of the standard set forth in Section 2.102.05(B)(4) of the Keizer Development Code. Therefore, the request for a variance to this standard should be denied.

2. There has not been a previous land use action approved on the basis that variances would not be allowed.

FINDINGS: There are no prior land use actions that expressly prohibit the granting of the variance.

3. The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property.

FINDINGS: The standard set forth by Section 2.313.01(A) regulates neighborhood improvements for aesthetic purposes. The applicant's proposal to maintain the existing accessory structure would not be unreasonably detrimental to property or improvements in the neighborhood of the subject property.

4. The variance will not significantly affect the health or safety of persons working or residing in the vicinity.

FINDINGS: The variance request to allow the existing accessory structure to remain on Parcel 1 would not significantly affect the health or safety of persons working or residing in the vicinity.

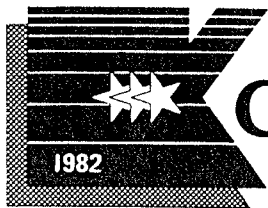
5. The variance will be consistent with the intent and purpose of the provision being varied.

The purpose and intent of requiring accessory structures to be located within the rear or side yard is primarily for aesthetics. The accessory structure is existing and sets back 4.5 times the required setback for permitted structures. The existing placement of the accessory structure in relationship to Harmony Drive meets the intent and purpose of the standard set forth in Section 2.313.01(A) of the Keizer Development Code.

If you have any question about this application or the decision please call 390-3700 or visit the Community Development Department at the above address.

REPORT PREPARED BY: Maria C. Meier, Associate Planner
REPORT APPROVED BY: Amy Drought, AICP, Senior Planner
DATE:

 9/17/11



City of Keizer

Phone: 390-3700 • Fax: 393-9347
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

DATE: APRIL 21, 1999

TO: CITY OF KEIZER
PLANNING DEPARTMENT

SUBJECT: PARTITION / VARIANCE CASE NO. 99-23
1295 HARMONY DRIVE NE
TAX ASSESSOR'S MAP NO. 6S3W35AC TAX LOT 4400
JAMES TONEY / RICK WEDDLE

PUBLIC WORKS DEPARTMENT COMMENTS

It is the understanding of the Public Works Department that the property under consideration for development located in property currently zoned appropriate for the proposed partitioning. The applicant indicates that the size of the Parcel with the shop is to be 0.45 acres (19,602 sq. ft.). For simplicity sake we have named this parcel Parcel 1. The Parcel with the house is to be 1.93 acres (84,070 sq. ft.). For simplicity sake we have named this parcel Parcel 2. The remaining Parcel to be 0.73 acres (31,798 sq. ft.). We have named this parcel Parcel 3. All Parcels are large enough for future re-division. The Public Works Staff will require an overall redevelopment plan for future lots prior to approving any building permits for the subject property.

The following comments are being provided to assist in the overall evaluation of the proposal:

SANITARY SEWERS:

- a.) The partitioning will result in a total of three parcels. It is important that all new created parcels are provided with sanitary sewer service. The Department of Public Works will require a pre-design meeting with the City of Keizer prior to submittal of the sewer service plans to the City of Salem for approval. The City of Salem Department of Public Works will require that sewer plans be submitted to the Permit Application Center (PAC) for review by the City of Salem.
- b.) No sanitary sewer construction shall begin on this property without prior notification being given to the City of Keizer Department of Public Works.
- c.) A street opening permit is required from the Department of Public Works prior to any construction within public right of ways.

- d.) The subject property is located within the original Keizer Sewer District and is therefore not subject to an acreage assessment.
- e.) An overall plan of the proposed development (including location of future water and sewer services) shall be submitted for review by the Department of Public Works.

WATER SYSTEM:

- a.) New individual water services for all parcels must be installed. Location of the connection to an existing water main will be determined by the Department of Public Works. If redivision of the subject property is anticipated, a new main may be required to be extended.
- b.) The Keizer Fire District shall be required to approve any development on the proposed parcels regarding access and fire protection. It may be necessary for the developer of the subject property to install a fire hydrant on an appropriately sized water main to provide fire protection for the proposed new lots.
- c.) Location of all proposed meters to be determined by the Department of Public Works.
- d.) To eliminate the possibility of any cross connections and assure that adequate separation between wells and sanitary sewer lines exist, any wells on the property to be abandoned by a licensed and bonded well driller to the standards of the Oregon State Department of Water Resources and the City of Keizer prior any sanitary sewer construction that would conflict with the existing well or wells. Any existing water service connection from the well or house to the shop on the separate Parcel shall be disconnected prior to the issuance of any new building permits for any of the proposed Parcels.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) The Keizer Development Code requires that the street frontage along the proposed partitioning be developed to City of Keizer Standards for a 3/4 width public street, including sidewalks.
- b.) The developer shall submit a site grading plan to the Department of Public Works indicating where fill will be proposed and showing that no storm water in the area will be impeded by the proposed development.
- c.) Prior to submitting for a building permits on the new parcel, the builder shall indicate to the City of Keizer how the storm drainage disposal will be taken care of. If a connection to a public storm drain line is not available, onsite storm drainage will be required to be developed satisfactory to the Department of Public Works.

GENERAL

- a.) A site grading plan shall be submitted to the Department of Public Works prior to any grading operations on the site.
- b.) Construction permits are required by the Department of Public Works prior to any public facility construction.
- c.) A Pre-design meeting will be required prior to the Developer's Engineer submitting plans to the city for review.

A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the city.



September 7, 1999

AGENDA ITEM 7a

RESOLUTION – FUND EXCHANGE AGREEMENT

CITY COUNCIL MEETING: September 7, 1999

AGENDA ITEM NUMBER _____

TO: MAYOR NEWTON AND COUNCIL MEMBERS

FROM: WALLY MULL
CITY MANAGER 

SUBJECT: AUTHORIZING FUND EXCHANGE AGREEMENT

BACKGROUND

The State of Oregon has been assisting the City of Keizer with funding on the Cherry Ave. Project and has asked that we enter into a fund exchange agreement.

The city has requested the State to exchange 1999 Federal Funds which have been allocated to the city for State funds based on the following ratio: \$94 State for \$100 Federal. Based on this ratio the city wishes to trade \$98,799 Federal Funds for \$92,871 State Funds for the Cherry Ave. Project.

This is in the City's best interest, because it is estimated that the extra paperwork and procedural steps necessary to directly acquire the federal funds reduce the allocation 12 to 15 percent.

RECOMMENDATION

Staff recommends council adopt a resolution authorizing the City Manager and the City Recorder to enter into the 1999 Fund Exchange Agreement with the State of Oregon

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R99-_____

AUTHORIZING THE CITY MANAGER AND CITY RECORDER TO ENTER INTO THE
1999 FUND EXCHANGE AGREEMENT WITH THE STATE OF OREGON

WHEREAS, the City of Keizer has been allocated certain federal funds for transportation projects. The funding for this exchange program was approved by the Oregon Transportation Commission on October 15, 1997 as part of the 1998-2001 Statewide Transportation Improvement Program (STIP); and

WHEREAS, the State of Oregon was willing to exchange the right to such funds with the City in exchange for the City receiving state funds; and

WHEREAS, it is in the best interest of the City to agree to such fund exchange because of the delay and costs inherent in the acquisition of federal funds; NOW, THEREFORE,

BE IT RESOLVED that the City Council hereby authorizes the City Manager and City Recorder to enter into the 1999 Fund Exchange Agreement, a copy of which is attached hereto as Exhibit "A" and by this reference incorporated herein.

PASSED this _____ day of _____, 1999.

SIGNED this _____ day of _____, 1999.

Council President

City Recorder



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Region 2

455 Airport Rd. SE, Bldg B

Salem OR 97301-5395

(503) 986-2600

FAX (503) 986-2630

August 26, 1999

FILE CODE:
--

Mr. Wally Mull
City of Keizer
PO Box 21000
Keizer, OR 97307-1000

SUBJECT: Fund Exchange Agreement
City of Keizer
Agreement No. 17,582

Dear Mr. Mull,

Enclosed are two copies of the agreement covering the reconstruction of Cherry Avenue.

Please review the agreement and, if satisfactory, have the appropriate City personnel sign both copies. Return them to me at 455 Airport Road SE, Building B, Salem, Oregon, 97301-5395. When all the signatures have been obtained, a fully executed copy will be sent to you.

If you have any questions, please feel free to call Debby Corey at (503) 986-2651, or me at (503) 986-5764. Thank you.

Sincerely,

Holly Stucker
Assistant Programs Coordinator

Enclosures

cc: Kevin Boyle
Region 2 Federal Aid Specialist

September 26, 1999

Misc. Contracts and Agreements
No. 17,582

1999 FUND EXCHANGE AGREEMENT

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State", and the CITY OF KEIZER acting by and through its elected officials, hereinafter referred to as "Agency".

RECITALS

1. By the authority granted in ORS 366.770 and 366.775, State may enter into cooperative agreements with counties and cities for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

NOW THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

1. Agency has submitted a completed and signed Part I of the Project Prospectus outlining the schedule and costs associated with all phases of the reconstruction of Cherry Avenue, hereinafter referred to as "Project".
2. To assist in funding the project, Agency has requested State to exchange 1999 Federal Funds, which have been allocated to Agency, for State funds based on the following ratio:

\$94 State for \$100 Federal

Based on this ratio, Agency wishes to trade \$98,799 Federal Funds for \$92,871 State Funds.

3. State has reviewed Agency's prospectus, considered Agency's request for the fund exchange, and has determined that Agency's project is eligible for the exchange funds.
4. The term of this agreement shall begin on the date all required signatures are obtained and shall terminate within two calendar years following that date, unless otherwise extended or renewed by formal agreement of the parties.
5. The parties agree that the exchange is subject to the following conditions:

- A. The Federal Funds transferred to State may be used by State at its discretion.
- B. State dollars transferred to Agency must be used for the project named in Terms of Agreement, Item 1, Page 1, of this agreement. This fund exchange is to provide funding for specific roadway projects and is not intended for maintenance.
- C. State funds may be used for all phases of the project, including preliminary engineering, right of way, utility relocations and construction. Said use shall be consistent with the Oregon Constitution and statutes (Section 3a of Article IX Oregon Constitution). Agency shall be responsible for accounting for expenditure of State Funds.
- D. This Fund Exchange shall be on a reimbursement basis, with State funds limited to a maximum amount of \$92,871. All costs incurred in excess of the fund exchange amount will be the sole responsibility of Agency.
- E. State certifies at the time this agreement is written that sufficient funds are available and authorized for expenditure to finance costs of this agreement within State's current appropriation or limitation. Funds available for reimbursement on or after July 1, 1999 are contingent upon the legislatively approved budget of State.
- F. Agency shall be responsible for all costs and expenses related to its employment of individuals to perform the work under this agreement, including but not limited to retirement contributions, workers' compensation, unemployment taxes, and State and Federal income tax withholding.
- G. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this agreement, including, without limitation, the provisions of ORS 279.312, 279.314, 279.316, 279.320 and 279.555, which hereby are incorporated by reference. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659.425; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

- H. Agency, or its consultant, shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; purchase all necessary right of way in accordance with current State and Federal laws and regulations; obtain all required permits; be responsible for all utility relocations; advertise for bid proposals; award all contracts; perform all construction engineering; and make all contractor payments required to complete the project.
- I. Agency shall compile accurate cost accounting records. Agency shall bill State in a form acceptable to State no more than once a month for costs incurred on the project. State will reimburse Agency at 100 percent of the billing amount not to exceed \$92,871. The cost records and accounts pertaining to the work covered by this agreement shall be retained for inspection by representatives of State for a period of three years following final payment. Copies shall be made available upon request.
- J. Agency shall, upon completion of project, maintain and operate the project at its own cost and expense.
- K. Agency, its consultants or subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017 which requires them to provide workers' compensation coverage for all their subject workers.
- L. This agreement may be terminated by mutual written consent of both parties.
 - 1. State may terminate this agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this agreement _____ within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this agreement, or so fails to pursue the work as to endanger performance of this agreement in accordance with its terms, and after receipt of written notice from State fails to correct

such failures within 10 days or such longer period as State may authorize.

2. Either party may terminate this agreement effective upon delivery of written notice to other party, or at such later date as may be established by the terminating party, under any of the following conditions:
 - a. If either party fails to receive funding, appropriations, limitations or other expenditure authority at levels sufficient to pay for the work provided in the agreement.
 - b. If Federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this agreement is prohibited or either party is prohibited from paying for such work from the planned funding source.
 3. Any termination of this agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.
- M. State and Agency hereto agree that if any term or provision of this agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement did not contain the particular term or provision held to be invalid.
6. Agency personnel who sign this agreement shall be duly authorized to do so by the City Council.
 7. This agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. No waiver, consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this agreement shall not constitute a waiver by State of that or any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

The funding for this fund exchange program was approved by the Oregon Transportation Commission on October 15, 1997, as a part of the 1998-2001 Statewide Transportation Improvement Program (STIP).

The Financial Services Branch Manager approved the fund exchange on August 19, 1999.

The Oregon Transportation Commission on March 18, 1999, approved Subdelegation Order No. 2 in which the Director grants authority to the Executive Deputy Director/Chief Engineer to approve and execute agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program or in a line item in the approved biennial budget.

STATE OF OREGON, by and through
its Department of Transportation

By _____
Executive Deputy Director/Chief Engineer

Date _____

APPROVAL RECOMMENDED

By _____
Region 2 Manager

Date _____

APPROVED AS TO LEGAL
SUFFICIENCY

By _____
Assistant Attorney General

Date _____

CITY OF KEIZER, by and through its
elected officials

By _____

Title _____

By _____

Title _____

By _____

Title _____

Date _____

APPROVED AS TO LEGAL
SUFFICIENCY

By _____
Agency Legal Counsel

Date _____



September 7, 1999

AGENDA ITEM 8a

**RESOLUTION – APPROVE ENGINEER REPORT FOR JORDAN
RUN STREET LIGHTING DISTRICT**

COUNCIL MEETING: September 7, 1999

AGENDA ITEM NUMBER: 8a

TO: MAYOR NEWTON AND CITY COUNCIL

THROUGH: WALLY G. MULL
CITY MANAGER

FROM: TRACY L. DAVIS, CMC
CITY RECORDER



SUBJECT: JORDAN RUN STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

ISSUE:

Upon review of the City Engineer's report filed for Jordan Run Street Lighting Local Improvement District, should City Council adopt a Resolution approving this report - or amend and approve the report as amended - and set a public hearing date to receive remonstrances to the project; or, in the alternative, abandon formation of the district.

BACKGROUND:

On July 17, 1999, the City Council adopted Resolution R99-1120 declaring the City's intent to initiate Jordan Run Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

FISCAL IMPACT:

The costs for establishing the district in the first year include a fee for the engineers report and an administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Utility Fund.

RECOMMENDATION:

It is recommended City Council adopt a Resolution approving the City Engineer's Report and set the public hearing date for September 20, 1999 to consider remonstrances and other comments on the district's formation and objections to proposed assessments, and directing the City Recorder to provide notice of public hearing.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R99-____

4
5 APPROVING THE CITY ENGINEER'S REPORT; DECLARING
6 THE CITY'S INTENT TO FORM JORDAN RUN STREET LIGHTING LOCAL
7 IMPROVEMENT DISTRICT; PROVIDING NOTICE AND SETTING HEARING
8

9 BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

10 Section 1. That the City Council hereby finds the City Engineer's Report,
11 marked as exhibit "A" and by this reference incorporated herein, containing preliminary
12 plans and an estimate of probable costs for Jordan Run Street Lighting Local
13 Improvement District which was filed with the City Recorder on February 8, 1999 to be
14 satisfactory, and the same are hereby approved and adopted.

15 Section 2. That the City Council hereby declares its intention to form the Jordan
16 Run Street Lighting Local Improvement District and to make the lighting district
17 improvements to serve Jordan Run Street Lighting Improvement District.

18 Section 3. That the City Council hereby directs the City Recorder to give notice
19 of its intention to form the Jordan Run Street Lighting Local Improvement District and to
20 make the improvements by sending notice to the property owners within the district
21 stating a public hearing will be held on September 20, 1999, said notice to also provide
22 that information required under City of Keizer Ordinance 94-278, an ordinance
23 providing for procedures for municipal lighting districts and special assessments.

24 PASSED this ____ day of _____, 1999.

25 SIGNED this ____ day of _____, 1999.

26
27 _____
28 Council President

29
30 _____
31 City Recorder



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

ENGINEER'S REPORT

FOR

JORDAN RUN

STREET LIGHTING DISTRICT

For City Council Action September 27, 1999



Renew date: December 31, 2000

PREPARED BY:

William I. Peterson

Engineering Consultants, Inc.

4300 Cherry Ave. N

Keizer, OR 97303

(503) 390-7402

Date: August 23, 1999

Project File 98-0558

“Pride, Spirit and Volunteerism”

Incorporated 1982



August 23, 1999

TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

SUBJECT: Street Lighting District for Jordan Run

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer Ordinance No. 94-278 and Council Resolution 99-1120 for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefitted by the street lights proposed to be installed.

Lighting Plan The lighting improvements will consist of 4, 100 Watt, high pressure sodium luminaires mounted on 4 foot long mast arms and attached to 25 foot fiberglass poles. This design is selected to be consistent with adjacent lighted areas. It is recommended that installation be accomplished by the following method:

Salem Electric (SE) would supply, install and maintain the luminaires, poles and underground wiring. Salem Electric would also supply the electrical power to the District.

Estimated Costs:

Initial Cost and Annual costs -

4 Poles & luminaires @ \$9.96 per month each x 12 mos. =	478.08
Administrative Fee @ 8.5%	40.64
Engineering @ \$14.00/Lot:	<u>140.00</u>
Total Assessment	\$658.72
(1)Per Lot Assessment (First Year , 10 Lots)	\$65.87

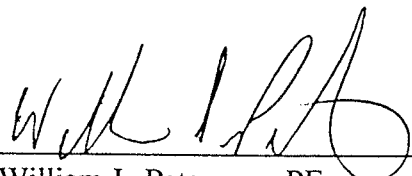
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on a per lot basis to each parcel in the district.

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$47.81 per lot.

Assessment Roll: The attached preliminary assessment roll identifies the benefitted properties and the first year assessments to be levied against each.

Respectfully submitted,



William I. Peterson, PE

PRELIMINARY ASSESSMENT ROLL

JORDAN RUN SUBDIVISION
STREET LIGHTING DISTRICT

*Assessors Map 7 3W 11AB

<u>Address</u>	<u>Owners Name and Address</u>	<u>Cost per Lot</u>	<u>Lots</u>	<u>Assessment</u>
3918 Angie Way	Welcome Homes	\$65.87	9	\$592.85
3919 Angie Way	19141 River Road N			
3928 Angie Way	St. Paul, OR 97137			
3938 Angie Way				
3948 Angie Way				
3958 Angie Way				
3968 Angie Way				
3978 Angie Way				
3988 Angie Way				
3998 Angie Way	Robert & Carroll Biggs 428 Idylwood Drive SE Salem, OR 97302	\$65.87	1	\$65.87
Total Assessment:		\$658.72		

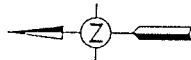
JORDAN RUN TENTATIVE SUBDIVISION

CLIENT: RICH BRANDVOLD AND MICHAEL MURPHY
WELCOME HOMES
19141 RIVER ROAD NE
ST. PAUL, OR 97131

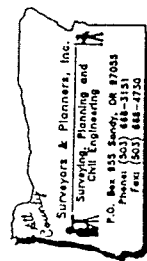
1.301 IIA.B, TAX LOTS: 1700 AND 2700
3815 BROOKS AVENUE NE
KEIZER, OR

ZONED: R9

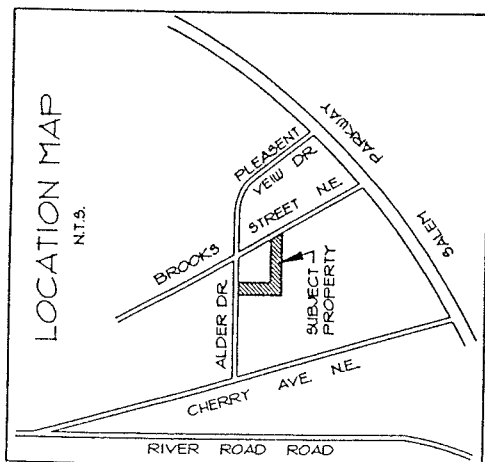
TOTAL PROJECT AREA: 74,348 SQ. FT.
TOTAL ROAD AREA: 19,110 SQ. FT.
TOTAL LOT AREA: 56,238 SQ. FT.



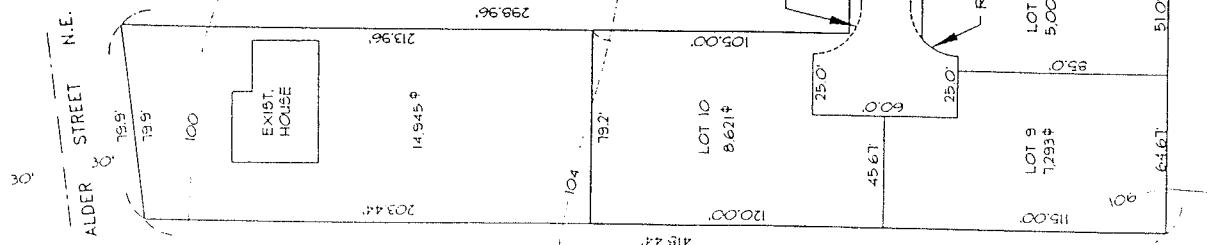
SCALE 1" = 60'
AUGUST 31, 1999



PROJECT NUMBER: 98-199



● — Proposed Street Light
(4) Total





September 7, 1999

AGENDA ITEM 8b

**RESOLUTION – APPROVE ENGINEER REPORT FOR PRAIRIE
CLOVER STREET LIGHTING DISTRICT**

COUNCIL MEETING: September 7, 1999

AGENDA ITEM NUMBER: 8b

TO: MAYOR NEWTON AND CITY COUNCIL

THROUGH: WALLY G. MULL
CITY MANAGER

FROM: TRACY L. DAVIS, CMC
CITY RECORDER



SUBJECT: PRAIRIE CLOVER STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

ISSUE:

Upon review of the City Engineer's report filed for Prairie Clover Street Lighting Local Improvement District, should City Council adopt a Resolution approving this report - or amend and approve the report as amended - and set a public hearing date to receive remonstrances to the project; or, in the alternative, abandon formation of the district.

BACKGROUND:

On July 17, 1999, the City Council adopted Resolution R99-11190000000000000000 declaring the City's intent to initiate Prairie Clover Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

FISCAL IMPACT:

The costs for establishing the district in the first year include a fee for the engineers report and an administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Utility Fund.

RECOMMENDATION:

It is recommended City Council adopt a Resolution approving the City Engineer's Report and set the public hearing date for September 20, 1999 to consider remonstrances and other comments on the district's formation and objections to proposed assessments, and directing the City Recorder to provide notice of public hearing.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R99-____

4
5 APPROVING THE CITY ENGINEER'S REPORT; DECLARING
6 THE CITY'S INTENT TO FORM PRAIRIE CLOVER STREET LIGHTING LOCAL
7 IMPROVEMENT DISTRICT; PROVIDING NOTICE AND SETTING HEARING
8

9 BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

10 Section 1. That the City Council hereby finds the City Engineer's Report,
11 marked as exhibit "A" and by this reference incorporated herein, containing preliminary
12 plans and an estimate of probable costs for Prairie Clover Street Lighting Local
13 Improvement District which was filed with the City Recorder on February 8, 1999 to be
14 satisfactory, and the same are hereby approved and adopted.

15 Section 2. That the City Council hereby declares its intention to form the Prairie
16 Clover Street Lighting Local Improvement District and to make the lighting district
17 improvements to serve Prairie Clover Street Lighting Improvement District.

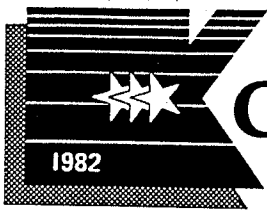
18 Section 3. That the City Council hereby directs the City Recorder to give notice
19 of its intention to form the Prairie Clover Street Lighting Local Improvement District and
20 to make the improvements by sending notice to the property owners within the district
21 stating a public hearing will be held on September 20, 1999, said notice to also provide
22 that information required under City of Keizer Ordinance 94-278, an ordinance
23 providing for procedures for municipal lighting districts and special assessments.

24 PASSED this ____ day of _____, 1999.

25 SIGNED this ____ day of _____, 1999.

26
27 _____
28 Council President

29
30 _____
31 City Recorder



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

ENGINEER'S REPORT

FOR

PRAIRIE CLOVER

STREET LIGHTING DISTRICT

For City Council Action September 7, 1999



Renew date: December 31, 2000

PREPARED BY:
William I. Peterson
Engineering Consultants, Inc.
4300 Cherry Ave. N
Keizer, OR 97303
(503) 390-7402

Date: August 26, 1999

Project File 99-0597

“Pride, Spirit and Volunteerism”

Incorporated 1982

August 26, 1999

TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

SUBJECT: Street Lighting District for Prairie Clover

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer Ordinance No. 94-278 and Council Resolution 99-1119 for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefitted by the street lights proposed to be installed.

Lighting Plan The lighting improvements will consist of 3, 100 Watt, high pressure sodium luminaires mounted on 4 foot long mast arms and attached to 25 foot fiberglass poles, This design is selected to be consistent with adjacent lighted areas. It is recommended that installation be accomplished by the following method:

Portland General Electric (PGE) would supply, install and maintain the luminaires, poles and underground or overhead wiring. PGE would also supply the electrical power to the District.

Estimated Costs:

Initial Cost and Annual costs -

3 Poles & 100 Watt luminaires @ \$16.78 per month each x 12 mos. =	\$604.08
Administrative Fee @ 8.5 %	51.35
Engineering @ \$14.00/Lot:	<u>70.00</u>
Total Assessment	\$725.43
(1)Per Lot Assessment (First Year , 60 Lots)	\$145.09

(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on a per lot-basis to each parcel in the district.

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$ 120.82 per lot.

Assessment Roll: The attached preliminary assessment roll identifies the benefited properties and the first year assessments to be levied against each.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William I. Peterson', written over a horizontal line.

William I. Peterson, PE

PRELIMINARY ASSESSMENT ROLL

PRAIRIE CLOVER STREET LIGHTING DISTRICT

*Assessors Map 6 3W 26AA

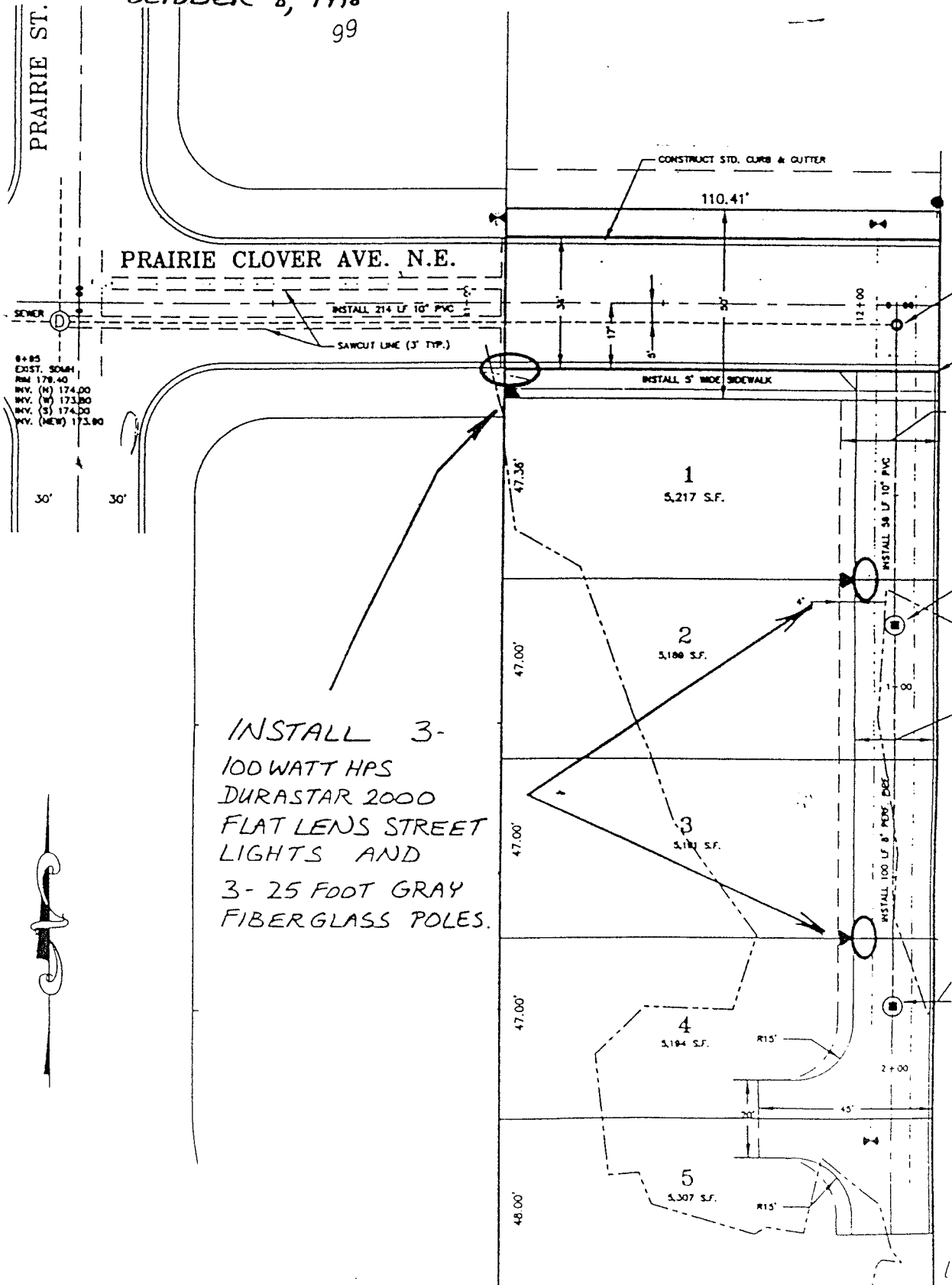
Tax Lot #	Owners Name and Address	Cost per Lot	Lots	Assessment
2702	Dunn, Scott E 12710 Park SE Vancouver, WA 98684	\$145.09	5	\$725.43
TOTAL ASSESSMENT		\$725.43		

PRAIRIE CLOVER ADDITION STREET LIGHT + AREA LIGHT DESIGN

MICHAEL D. CROSSLAND
SENIOR LIGHTING SPECIALIST
PGE LIGHTING SERVICES
(503) 463-4368

OCTOBER 8, 1998

99





September 7, 1999

AGENDA ITEM 8C

**APPROVAL OF AUGUST 16, 1999 REGULAR SESSION
MINUTES**

MINUTES
KEIZER CITY COUNCIL
Monday, August 16, 1999
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Newton called the regular meeting to order at 7:09 p.m. Roll Call was taken as follows:

Present:

Bob Newton, Mayor
Craig Campbell, Councilor
Lore Christopher, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Jacque Moir, Councilor
Garry Whalen, Council President

Staff:

Wally Mull, City Manager
Dianne Hunt, Human Resources Officer
Susan Gahlsdorf, Finance Director
Rob Kissler, Director of Public Works
Kent Barker, Keizer Police Lieutenant
Shannon Johnson, City Attorney
Tracy Davis, City Recorder

PUBLIC TESTIMONY

Linda Bishop, 6131 Bingtree, Keizer- addressed the Council in regards to her interpretation of the Ordinance pertaining to the City's collection of past due water accounts which are owed by former property owners. The present process is to collect these outstanding bills from the new property owner. Ms. Bishop related this practice to that of paying for a meal in a restaurant of a previous guest. She requested that the Council review how the Ordinance was being interpreted.

City Manager Mull indicated he would review this portion of the Ordinance and report back at a future date.

There was no further public testimony to come before the Council.

**COMMITTEE
REPORTS**

Dave Galati – Executive Director of the Mid-Willamette Valley Council of Governments thanked the Council for the opportunity to review the previous activities of the past year. He reviewed the six philosophical principals that

undergirded the organization. They include:

- Council of Governments existence to promote collaboration and cooperation among members;
- Council of Governments is a voluntary association of local units of government;
- Council of Governments operates on the basis of neutral forum. All board members have one vote and are equal;
- Council of Governments contains a broad focus and is not a special interest group;
- Council of Governments is nonpartisan;
- Council of Governments membership is ownership of all members and is dependent upon the commitment of Council of Governments to serve the members.

Mr. Galati pointed out some of the workshops and seminars that Council of Governments had hosted over the past year. He also shared three public policy forums that would be taking place in the near future. These included a forum on Salmon Restoration, October 15, 1999 and in December a workshop on water availability. In May 2000 the Council of Governments would be hosting a public policy forum on hazard mitigation awareness.

Mr. Galati shared some of the regional programs that the Council of Governments is involved in and stressed that their organization has demonstrated that monies received from the Federal Government have been invested wisely and efficiently and are working in Keizer.

Mr. Galati explained how Council of Governments worked with Salem and Keizer to coordinate a wetland inventory project that saved approximately \$90,000 in engineering fees with the collaboration of the two cities through Council of Governments. He supplied how Council of Governments writes grants for its members and has produced seven local transportation plans including one for the City of Keizer.

Councilor McGee expressed his concern that some of the training the Council Governments was offering was a duplicate training from the League of Oregon Cities. He questioned the reasoning for this.

Responding to Councilor McGee's concerns Mr. Galati explained the benefits of belonging to both organizations.

Mayor Newton thanked Mr. Galati for his presentation.

Volunteer Coordinating Committee Appointments- Positions #2 and #3

City Manager Mull reported in July, 1991 the City Council created the Volunteer Coordinating Committee to handle volunteer recruitment, work coordination and recognition of City volunteers. He indicated that the Council further defined the charge of this Committee to make recommendations for volunteer appointments to commissions, committees and task forces. These recommendations are then forwarded to the Mayor and/or City Council. Mr. Mull noted that the Committee consisted of seven members, each who are appointed by an individual member of the Council.

City Manager Mull explained Wayne Thackery serves as Councilor Christopher's (position #2) appointment and Norm Cobb serves as Councilor Keller's (position #3) appointment on the Volunteer Coordinating Committee. Each of their terms will expire on August 31, 1999. Both gentlemen have expressed their desire to be reappointed for an additional three-year term on the Committee.

Councilor Keller moved to reappoint Wayne Thackery and Norm Cobb to the Volunteer Coordinating Committee. Councilor Christopher seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir, Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS

a. New Business

Council President Whalen reported he attended the Waste Water Treatment Task Force Meeting and wanted to share some items of interest of the meeting. This included the COSTA (Cost of Service Analysis) of which a preliminary draft of that data will be completed and reviewed by the committee in November. He explained the plans for a test area for a natural treatment system and indicated if this test was to prove successful siting would be a significant issue.

Council President Whalen shared information from an EPA conference noting they would be taking a zero tolerance to leaky sewage. He shared that the committee would be addressing this issue in an attempt to make the owner of the property responsible.

Mayor Newton expressed his concern with the possible conflict between the salmon restoration program and the sewage treatment plant. He requested that the City Manager arrange a presentation to bring the Council to allow them further information regarding this issue.

Councilor Moir noted that the Emergency Management Committee might be approaching the Council to request funds for a generator which were identified on a previous request list presented during budget preparations.

Mayor Newton distributed a handout regarding the status of the process for the proposed regional library district. He raised the issue of placing a non-binding referendum on the November ballot to allow the citizens of Keizer to voice their support for an election to determine the future of a regional library district. The cost of the election would be approximately \$13,000, however this could be a shared cost if other issues were on the ballot.

Councilor Campbell expressed his concern that the proposed language would not indicate the possibility of Keizer voting against the tax and it still being enacted by a majority vote of the entire district.

Councilor McGee agreed that the ramifications of the vote would need to be spelled out to avoid any confusion and expressed his feeling that citizens of Salem would not vote a tax increase to support a library in Keizer. He emphasized that he would not support placing the issue on the ballot as it was currently being addressed.

Mayor Newton indicated the timeline is very short in order to place this on the ballot for November. He noted he would have additional information from the Library Task Force soon.

Council President Whalen indicated there was not enough information at this time to make a decision on placing an issue on the ballot. He believed this may jeopardize the credibility of the Council to pursue this issue at this time.

Councilor Keller voiced his concern that this is a critical issue and the Council should have all the facts prior to presenting it to the voters.

There was a discussion regarding Keizer enacting it's own library at potentially the same cost as being part of the regional library district. Councilor McGee suggested that a research be done to determine what the costs to the citizens of Keizer would be for their own library.

The Council agreed the issue is not ready to be presented to public at an election with the number of unanswered questions.

Mayor Newton thanked the Council for their input and asked them to keep in mind what the citizens might want.

Dianne Hunt announced a new **Police Support Specialist, Ronna Price** began her tenure with the City on August 9, 1999

Dianne Hunt gave a brief **Y2K update** noting that September 1, 1999 was the city's deadline to assure that critical operations were compliant. She indicated that the new finance system had been installed and is in the testing stages now. A full report will be submitted to the Council in September, 1999.

Responding to questions Ms. Hunt shared that the Municipal Court software had been updated and was in the testing stages and that the 911 phone system is Y2K compliant, but the radio portion was still being tested. To this date she had not received any written confirmation from the RAIN System.

Mr. Mull included that the City of Salem had tested their sewer and water system and are Y2K compliant.

b. Old Business

Shannon Johnson, City Attorney distributed a copy of Exhibit E from the Viesko decision made by the Council at the last meeting. He noted there was some confusion regarding Number 5 on the decision and the applicant was requesting more lead way in the use of Willow Lake Road and wanted the word "primarily" used in this section of exhibit E. He shared that the language adopted was without any amendments and wished to confirm due to the conversation that took place at the Council Meeting.

Councilor Christopher moved for reconsideration of the motion approving the Order for the Viesko Haul Road approved at the August 2, 1999 meeting. Councilor Campbell seconded the motion.

Reviewing the process for a vote of reconsideration, Mr. Johnson noted that the only meeting which had taken place since the August 2, 1999 Council Meeting was the Work Session - Parks Tour, which was not a regular session. Therefore, any reconsideration of the vote is appropriate at this meeting.

Councilor McGee noted that in his vote he understood that they would be restricting all commercial and heavy hauling to the haul road.

Councilor Keller requested to review the minutes from the August 2, 1999 meeting.

Councilor Moir felt that the Council was offering the applicant limited use of the Willow Lake Road for unique circumstances.

Council President Whalen felt that the Council wanted to specify that anyone conducting business with Viesko and heavy vehicles would use the haul road and felt this was the reason for the use of the wording "shall use" as to "primarily".

Mayor Newton referred to Page 10 of the August 2, 1999 Council Meeting. He felt that the issue was covered in the minutes. However, he indicated the public hearing was held on July 20, 1999 in which more details were discussed.

Mr. Johnson noted in the motion the current language in the order adopted read "*that all truck making commercial retail deliveries of Viesko Quality Concrete Products shall use the new haul road*". Mr. Johnson went on to explain Mr. Erickson's reasoning for requesting the use of the word "primarily" being used in the order.

The motion to reconsider failed as follows:

AYES: Christopher, Moir and Newton (3)

NAYS: Campbell, Keller, McGee and Whalen (4)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor McGee noted as the chairman of various committees he will be bringing forward to the Council a draft form of Council Procedures in the near future. The changes include the Council appointment process, voter election ties, and proclamation procedures. Councilor McGee noted the Council process used to break ties in the appointment or election process would be the drawing a name from the official Keizer bucket. This process was used during the appointment of Councilor Christopher approximately one year ago. Councilor McGee noted a draft of the revised procedures would be distributed by the City Recorder and placed on a future agenda for consideration and approval.

ADMINISTRATIVE ACTION

a. ORDER-Amendment to Subdivision/PUD/Variance Case No. 96-04 (Wittenberg)

Shannon Johnson, City Attorney reported the order before the Council in this matter includes a proposal of 301 total parking spaces, 264 of those to be placed in the main parking lot. He noted in Exhibit "E" that the condition required that the 264 spaces be completed before the banquet facility is able to open. Mr. Johnson explained Page 3 of Exhibit "E" pertaining to overflow and employing parking. Mr. Johnson also pointed out the sound wall issue had been investigated by the Planning Department and reviewed with Mary Blankenship of the Claggett Creek neighborhood.

Mr. Mull noted that the applicant was proposing a sound wall constructed of horizontal tongue and groove fence along 7th Street. Along the applicants side of the fence will contain 1x6 vertical cedar with caps on all the posts. He noted the Oregon Department of Transportation considers this type of fence to work as well as a concrete fence. The order also indicated that the applicant would be responsible for maintenance of both sides of the fence.

Responding to questions Mr. Mull pointed out staff is proposing 14 marked parking spots along Claggett Street.

Councilor Keller moved an Order in the Matter of the Application of Paul Wittenberg/Team Management Co for an Amendment and Replat of Subdivision/Planned Unit Development (subdivision/PUD Case No. 99-44. Council President Whalen seconded the motion.

Responding to questions Mr. Mull indicated that as part of the Order, signage will be placed to encourage drivers to make a left hand turn on Claggett Street when exiting. This will eliminate some of the potential traffic from going through the neighborhood.

CONSENT CALENDAR

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir,
Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

- a. RESOLUTION-Initiate The Highlands North Street
Lighting District
- b. RESOLUTION-Certifying Delinquent Sewer Accounts
- c. RESOLUTION-Certification of Street Lighting Districts
Assessments
- d. Approval of August 2, 1999 Regular Session Minutes
- e. Approval of August 9, 1999 Work Session Minutes

Mayor Newton requested that item "b" be removed from
the consent calendar.

Councilor Keller moved for approval of the remaining
items (a,c,d,e) from the consent calendar. Councilor
Campbell seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir,
Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ITEM "B"

Responding to questions Ms. Gahlsdorf indicated that the
accounts in question were sewer accounts only and did
not relate to the earlier public testimony regarding past
due accounts being paid by previous property owners.

Mayor Newton moved for adoption of a Resolution
Certifying Delinquent Sewer Accounts. Council President
Whalen seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Campbell, Keller, McGee, Moir,
Newton, Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

Mayor Newton shared a letter he had received from the Intel Corporation selected Allison Whitey from McNary High School the recipient of an undergraduate scholarship in the amount of \$2500 per year.

AGENDA INPUT

August 18, 1999 (Wednesday) Work Session

5:30 p.m. City Council/Keizer Urban Renewal Board/Planning Commission

- Prudential Real Estate Presentation-Chemawa Activity Center

August 25, 1999 (Wednesday) Work Session

5:30 p.m. City Council/Keizer Urban Renewal Board/Planning Commission

- Urban Renewal Strategic Plan

September 7, 1999 (Tuesday)

7:00 p.m. City Council Meeting

- Sanitary Sewer Reimbursement Agreement –The Highlands
- Harmony Drive Appeal
- Executive Session ORS 192.660 (1) (d)-Labor Negotiations
- Adoption of the City Council Goals

September 20, 1999

7:00 p.m. City Council Meeting

It was noted that Councilor Campbell and Mayor Newton would not be in attendance at the August 25, 1999 meeting.

Mayor Newton and Councilor Christopher also noted they would not be in attendance at the September 7, 1999 City Council Meeting.

Councilor Keller encouraged the Council to get back with him on their feedback for the Urban Renewal Projects.

ADJOURNMENT

Mayor Newton adjourned the meeting at 8:39 p.m.

Tracy L. Davis, CMC
City Recorder

APPROVED:

Bob Newton
Mayor

COUNCIL MEMBERS:

Councilor President - Garry Whalen

Councilor #4 - Jacque Moir

Councilor #2 - Lore Christopher

Councilor #5 - Craig Campbell

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

DATE: SEPTEMBER 7, 1999

TO: MAYOR BOB NEWTON AND COUNCIL MEMBERS

FROM: MARCIA & NEIL BEDNARCZYK

SUBJECT: LACK OF RESPONSE FROM STAFF REGARDING
LETTER DATED 7/30/99

We would like to request that the Council direct staff to respond to our letter regarding the Highland properties adjacent to our property, since it has been over a month , and we have yet to receive a response.

The lots do not correspond to the grading and drainage plan required and approved by City Staff. There are areas adjacent to our property where fill is up to three feet high at the property line, with no retaining wall.

And apparently, no adequate plans for drainage and storm water run off.

The grading of these lots is not in compliance with the grading and drainage plan. The current grading of these lots will redirect drainage, changing the direction and pattern of drainage, causing damage to our property, and other adjacent properties as well.

The Whalen property has installed a small drain next to the utility vault. How will the lot be graded so that the drain will be utilized , and will there be an easement to assure it is maintained?

No effort has been made by the City Staff to meet with the Clear Lake property owners adjacent to Highlands, to discuss the impacts, and possible solutions that could adversely impact their properties. As long time residents and tax payers, shouldn't we expect a basic level of service, which includes communicating with residents regarding potential problems with regard to decisions the administrative staff are making, and a timely response?

Webb & Martinis

Attorneys at Law
1114 - 12th Street S.E.
Salem, Oregon 97302

NORMAN F. WEBB
MICHAEL J. MARTINIS
NORMAN R. HILL

Legal Assistants:
Gretchen M. Kronenberg
Diana L. Anderson
Kimberley L. Burt

September 2, 1999

Sent By Facsimile and
US Mail 390-6557

Shannon Johnson
Lien & Johnson
4855 River Rd N.
Salem, OR 97303

Re: Petition/Variance Case No. 99-23
James Toney/Rick Weddle

Dear Mr. Johnson:

Thank you for speaking with me on September 2, 1999. This letter will confirm our conversation. In it, we agreed that our client would not seek mandamus of the City's actions. In exchange, the City is agreeing that public improvements need not be constructed until there is a further land use action on any part of this part parcel. In other words, the applicant and its predecessors are free to pull building permits and construct not more than three houses on the subject property, including the existing house. However, any land use activity which would either increase the number of lots, or increase the number of dwellings on any part of the subject property to a density of greater than three houses, would require the applicant to improve the streets as set forth in the previous staff report.

We further discussed the fact that timing may be a problem in this settlement. In particular, I was concerned that the City Council may attempt to make a final decision prior to our ability to file a mandamus. We agreed that in the event the City Council does not adopt a decision consistent with the agreement set forth above, on Tuesday night, our client is free to file a mandamus action thereafter. Moreover, the City will not assert any argument that the Councils' verbal decision is a final decision precluding mandamus under the 120 day rule. Only the written decision adopted by the Council will have the effect of being a final decision.

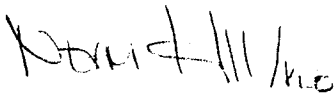
Shannon Johnson
September 2, 1999
Page Two

I trust that the foregoing meets all of our concerns. You also have my commitment that our client will not file a mandamus if the City approves the development on the basis of the above terms.

If any of the foregoing differs from your recollection of our conversation or agreement, please contact me immediately.

Yours very truly,

WEBB & MARTINIS

A handwritten signature in dark ink, appearing to read "Norman R. Hill", followed by a vertical line and the initials "NRH".

Norman R. Hill
NRH/klb
C: Rick Weddle

Webb & Martinis

Attorneys at Law
1114 - 12th Street S.E.
Salem, Oregon 97302

NORMAN F. WEBB
MICHAEL J. MARTINIS
NORMAN R. HILL

Legal Assistants:
Gretchen M. Kronenberg
Diana L. Anderson
Kimberley L. Burt

September 3, 1999

Sent By Facsimile and
US Mail 390-6557

E. Shannon Johnson
Lien & Johnson
4855 River Rd N.
Salem, OR 97303

Re: Petition/Variance Case No. 99-23
James Toney/Rick Weddle

Dear Mr. Johnson:

Thank you for speaking with me September 3, 1999 to clarify our agreement. As we discussed, my client would be required to meet the street improvement requirements in the existing staff report in the event that they torn down and rebuilt the house currently on lot 2. They would not be required to complete the improvements if they demolished and rebuilt or constructed barns or shop buildings on the property. However, all such accessory buildings and any other development on the parcel would be governed by the conditions and standards applicable at the time of any such land use application. All other terms of the parties agreement would remain the same.

I trust this meets each of our client's concerns. If any of the foregoing is not an accurate reflection of your understanding, please contact me immediately.

Yours very truly,

WEBB & MARTINIS



Norman R. Hill
NRH/klb
C: Rick Weddle



DATE: SEPTEMBER 7, 1999 TIME: 7:00 p.m.

(PLEASE PRINT)

[illegible]

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

A G E N D A

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

Tuesday, September 7, 1999

Immediately Following City Council Meeting

Robert L. Simon Council Chambers

Keizer, Oregon 97303

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC HEARING**
4. **ADMINISTRATIVE ACTION**
 - a. **RESOLUTION** – Authorizing City Manager to Enter Agreement for Chemawa Activity Center Sewer Line Construction
5. **CONSENT CALENDAR**
 - a. **Approval of the July 19, 1999 Agency Minutes**
6. **OTHER BUSINESS**

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

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



URBAN RENEWAL AGENCY BOARD

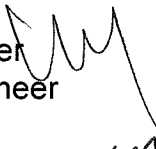
September 7, 1999

AGENDA ITEM 4a

**RESOLUTION – AWARDING BID FOR SANITARY
SEWER LINE WITHIN CHEMAWA ACTIVITY CENTER**

September 1, 1999

TO: Keizer Urban Renewal Agency

THROUGH: Wally Mull, City Manager 
Bill Peterson, City Engineer

FROM: Preston Van Meter, P.E. 
Assistant City Engineer

RE: CAC Sanitary Sewer Trunk (JO 0511)
Recommendation of Award

Bids were received and opened at 10 a.m. local time on Wednesday, August 11, 1999 in the City Hall Council Chambers for the above referenced project.

PROJECT DESCRIPTION

The construction of approximately 4,500 lineal feet of 18" PVC Sanitary Sewer, Bore Under BNSF Rail Road, Inverted Siphon, Connections to 2 Existing Manholes, Excavation and Native Backfill, and Appurtenances.

All bids were received on time, and appear to be balanced. The low bid was received from Kerr Contractors for \$ 377,439.00. The average of the bids received was \$ 420,230.53.

Reference information provided by the low bidder as a part of the Bid Proposal appears satisfactory.

Based upon the above information, we recommend that the project be awarded to Kerr Contractors for the contractual amount of \$ 377,439.00, based upon unit prices and lump sum amounts.

1
2 **KEIZER URBAN RENEWAL AGENCY, CITY OF KEIZER, STATE OF OREGON**

3 **Resolution UR99-_____**

4 **AUTHORIZING THE CITY MANAGER TO ENTER AGREEMENT**
5 **WITH KERR CONTRACTORS FOR CHEMAWA ACTIVITY CENTER**
6 **SANITARY SEWER TRUNK LINE**
7

8 **WHEREAS, in July, 1999 an invitation to bid was published for**
9 **construction of approximately 4,500 lineal feet of sanitary sewer trunk line at**
10 **the Chemawa Activity Cente; and**

11 **WHEREAS, on August 11, 1999 five bids were received and opened.**
12 **Low bidder on the project was Kerr Contractors with a bid of \$377,439.00.**
13 **NOW, THEREFORE,**

14 **BE IT RESOLVED by the Urban Renewal Agency of the City of Keizer that**
15 **the City Manager is hereby authorized to enter an agreement with Kerr**
16 **Contractors for construction of a sanitary sewer trunk line within the**
17 **Chemawa Activity Center for a total of \$377,439.00**

18 **PASSED this _____ day of _____, 1999.**

19 **SIGNED this _____ day of _____, 1999.**

20
21 _____
22 **Agency Chair**

23
24 _____
25 **City Recorder**



URBAN RENEWAL AGENCY BOARD
September 7, 1999

AGENDA ITEM 5a

APPROVAL OF JULY 19, 1999 MINUTES

MINUTES
KEIZER URBAN RENEWAL AGENCY
Monday, July 19, 1999
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Chair Newton called the regular meeting to order at 9:08 p.m. Roll Call was taken as follows:

Present:

Bob Newton, Chair
Lore Christopher
Jim Keller
Jacque Moir

Absent:

Craig Campbell
Jerry McGee
Garry Whalen

Staff:

Wally Mull, City Manager
Susan Gahlsdorf, Finance Officer
Amy Drought, Senior Planner
Shannon Johnson, City Attorney
Tracy Davis, City Recorder

**ADMINISTRATIVE
ACTION**
a. RESOLUTION-
Authorizing the
Issuance and
Negotiated Sale of
Short Term Subordinate
Urban Renewal And
Redevelopment Bonds

Ms. Gahlsdorf reported this resolution would authorize a loan in the Urban Renewal District which was approved in the budget. She noted that this loan would be an overnight loan from the Tax Increment Fund into the Project Fund. Setting up this resolution would allow this process to take place over a three-year period and would save the agency money on bond counsel costs.

Jacque Moir moved a Resolution Authorizing the Issuance and Negotiated Sale of Short Term Subordinate Urban Renewal and Redevelopment Bonds.
Jim Keller seconded the motion.

Responding to questions Ms. Gahlsdorf noted that this had not been done in the past, but due to Measure 50 this was imperative to begin this process.

The motion passed unanimously as follows:

AYES: Christopher, Keller, Moir and Newton (4)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Campbell, McGee and Whalen (3)

OTHER BUSINESS

There was no other business to come before the Council.

ADJOURNMENT

The meeting was adjourned at 9:11 p.m.

Tracy L. Davis, CMC
City Recorder

Bob Newton - Chair

AGENCY MEMBERS:

(absent)
Garry Whalen

Jacque Moir

Lore Christopher

(absent)
Craig Campbell

Jim Keller

(absent)
Jerry McGee

Minutes approved:
