

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 6, 1994
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

- a. Volunteer of the Quarter Award - Chalmers Jones
- b. Housing Advisory Committee Report - Bob French
- c. Planning Commission Appointments

5. PUBLIC HEARINGS

- a. ORDINANCE - Manufactured Home Standards (cont. from 8-1-94)
- b. Conditional Use Case 93-9 (Brewster) (cont. from 8-1-94)

6. ADMINISTRATIVE ACTION

- a. RESOLUTION - Planning Fees
- b. ORDINANCE - School District Zone Change for New Clearlake School

7. CONSENT CALENDAR

- a. RESOLUTION - 1993-94 Street Light Certification
- b. RESOLUTION - Certification of Delinquent Sewer Accounts
- c. Approval of August 10, 1994 Special Session Minutes
- d. Approval of August 15, 1994 Regular Session Minutes

8. OTHER BUSINESS

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

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications and petitions.

10. AGENDA INPUT

SEPTEMBER 19, 1994

7:00 p.m. City Council Meeting

Vehicle Impound Ordinance

Ordinance - Vehicle For Hire Public Hearing

OCTOBER 3, 1994

5:30 p.m. Council Worksession

7:00 p.m. City Council Meeting

Clear Lake Neighborhood Association Annual Report

11. 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.

COUNCIL MEETING: September 6, 1994

AGENDA ITEM NUMBER: 4a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *Tracy*
CITY RECORDER

SUBJECT: VOLUNTEER OF THE QUARTER AWARD

The Volunteer Coordinating Committee and the Keizer Police Department recently selected Chalmers Jones as the recipient of the Volunteer of the Quarter Award. Chief of Police, Charles Stull will introduce Mr. Jones for the presentation of this award.

CITY COUNCIL MEETING: September 6, 1994

AGENDA ITEM NUMBER: 4b

TO: MAYOR KOHO AND COUNCIL MEMBERS
FROM: DOTTY TRYK, CITY MANAGER 
SUBJECT: REPORT FROM THE LIAISON TO THE HOUSING ADVISORY COMMITTEE

BACKGROUND:

Bob French, the City's liaison to the Housing Advisory Committee, will be present tonight to report on the activities and issues being addressed by the Housing Advisory Committee.

CITY COUNCIL MEETING: September 6, 1994

AGENDA ITEM NUMBER: 4c

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *Tracy*
CITY RECORDER

SUBJECT: KEIZER PLANNING COMMISSION APPOINTMENTS

ISSUE:

On September 30, 1994, the Planning Commission terms of Sam Goesch and Elaine Smith will expire. At the August Volunteer Coordinating Committee meeting it was unanimously voted to recommend the reappointment of Ms. Smith and Mr. Goesch. These terms will expire on September 30, 1997.

RECOMMENDATION:

It is recommended the City Council accept the recommendation of the Volunteer Coordinating Committee and reappoint Sam Goesch and Elaine Smith to the Keizer Planning Commission.

CITY COUNCIL MEETING: September 6, 1994

AGENDA ITEM NUMBER: 5a

TO: MAYOR KOHO AND COUNCIL MEMBERS

THROUGH: DOTTY TRYK *Dottry*
CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY *ESJ*

SUBJECT: AMENDMENTS TO THE MANUFACTURED HOUSING
DEVELOPMENT STANDARDS

ISSUE:

Shall the City Council direct staff to prepare a formal ordinance amending the development standards for manufactured homes in residential zones?

BACKGROUND:

This matter is set for public hearing tonight as a continuation of the hearing on August 1, 1994. At issue are amendments to the roofing and siding requirements for manufactured homes being placed in residential zones. Staff has suggested changing the current language of the ordinance, which is arguably subjective and overly discretionary. The current language allows any roofing and siding materials which are commonly used within the community (community standard) or are comparable to the predominant materials used on the surrounding dwellings (surrounding dwelling standard). The City Council is required to give the applicant the opportunity to meet either standard, but the Council may make the process more objective by amending the ordinance. I have attached a copy of the staff report and the proposed language from the August 1 meeting. That staff report provides additional background.

At the August 1 meeting, the Oregon Manufactured Housing Association and other industry representatives provided testimony about what they felt were commonly used siding materials. Several citizens felt that the list contained in the August 1 draft was too broad in both the description and the number of materials allowed. (There were no apparent disagreements with regard to the roofing materials list.)

Staff has determined that though the list should be broad, it should not cover every conceivable type of siding. Therefore, staff recommends using the following list of siding materials:

1. Horizontal lap siding composed of wood, or other materials giving the appearance of wood;
2. Vertical or horizontal grooved siding composed of wood or wood composites;

3. Board and batten siding composed of wood or wood composites; and
4. Brick, brick veneer, stucco or other masonry materials.

This entire section of the ordinance is set forth in the attached draft. Staff feels this list describes the siding materials commonly used in the community based upon building permits and observation of new construction.

To clarify the word "predominant," I added a definition section to indicate that "predominant" means the majority, if there is a majority, of houses using the same materials, or the greatest plurality, if there is no majority of houses using the same materials. The comparison to surrounding houses would probably only be used if the applicant did not have a siding material that complied with the new list.

RECOMMENDATION:

Open the public hearing and consider any new testimony. If the Council wishes, continue the public hearing until September 19 and direct staff to come back with a formal ordinance adopting the new standards.

ESJ:clt
Enclosure

824COK2.031

PROPOSED MANUFACTURED HOMES AMENDMENT

12.03 MANUFACTURED HOMES. Where permitted as a special use, manufactured homes located on lots outside of a designated mobile home subdivision or mobile home park shall meet the following requirements:

- (a) The manufactured home shall have been manufactured after June 15, 1976, and exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards; and,
- (b) The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet; and,
- (c) The manufactured home shall be placed on an excavated and back-filled foundation enclosed at the perimeter. The manufactured home shall not be more than 1 foot above grade; and,
- (d) The manufactured home shall have a pitched roof with a nominal slope of 2 to 3 feet for each 12 feet in width; and,
- ~~(e) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings; and,~~
- (e) *The manufactured home shall utilize one of the following roofing materials:*
 - (i) *tile;*
 - (ii) *wood shake;*
 - (iii) *wood shingle*
 - (iv) *composition-roofing material; or*
 - (v) *the predominant roofing material used on the residences within the review area. If there is no predominant material used on the residences in the review area, then the applicant can use any one of the materials used on the residences in the review area.*
- (f) *The manufactured home shall utilize one or more of the following exterior siding materials:*

- (i) *horizontal lap siding composed of wood, or other materials giving the appearance of wood;*
 - (ii) *vertical or horizontal grooved siding composed of wood or wood composites;*
 - (iii) *board and batten siding composed of wood or wood composites;*
 - (iv) *brick, brick veneer, stucco or other masonry materials; or*
 - (v) *the predominant siding material used on residences within the review area. If there is no predominant material used on the residences in the review area, then the applicant can use any one of the materials used on the residences in the review area.*
- (g) *As used herein, "review area" shall include the five nearest residences to the subject lot that are on the same street and are within 250 feet as measured from lot line to lot line. If there are not five residences within 250 feet, only those homes within 250 feet shall be used.*
- (h) *As used herein, "predominant material" shall be the material used on the majority of the residences within the review area. If there is no majority of residences using the same material, then the material used on the largest plurality of the homes used in the review area shall be the predominant material.*
- (f)(i) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss equivalent to the performance standards required of single-family dwellings constructed under the state building code; and,
- ~~(g)(i)~~ (j) If the immediate surrounding dwellings have garages or carports, then the manufactured home shall have a garage or carport, as the case may be, and such garage or carport shall be constructed of like materials consistent with the predominant construction of the immediately surrounding dwellings have roofing and siding that matches the manufactured home; and,
- ~~(h)~~(k) The manufactured home, and the placement thereof on the site, shall meet all applicable standards in the Keizer Zoning Ordinance including, but not limited to, the standards set forth in Chapters 17 through 20.

MEMORANDUM

TO: Mayor and City Council

THROUGH: Dorothy Tryk,
City Manager

FROM: E. Shannon Johnson,
City Attorney

RE: Amendments to the Manufactured Housing Development Standards

DATE: July 27, 1994

The public hearing tonight is a continuation from the hearing opened on June 20, 1994. The issue is the adoption of an ordinance amending the development standards for manufactured homes on single lots.

The ordinance must not be more restrictive than the state statute on the subject. Such statute is set forth below:

A manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

ORS 197.307(5)(d).

The Land Use Board of Appeals has determined that an ordinance must allow for an applicant to meet either the "community standard" or the "surrounding dwelling standard". The purpose of the proposed amendments is to make the process more objective and less discretionary than the current ordinance which uses wording nearly identical to the state statute.

One of the ways to accomplish this is by making a list of the materials that are commonly used on dwellings in the community. In this way an applicant would know what materials are acceptable and by using those materials the inquiry is at an end. The job for staff and the council is to come up with a list which fairly covers materials that are commonly used in the community.

Mayor and City Council
Page 2
July 27, 1994

The other option for an applicant is to use materials that may not be on the approved list, but nevertheless match the predominant materials used on the surrounding dwellings. The challenge is to create an objective process to determine this. Staff suggested that if the applicant wished to match the homes in the area, he would look at the five closest homes within 250 feet. If the applicant's siding materials matches the predominant siding used in the five homes, then it would be approved.

The attached draft language is changed substantially from the June 20 draft. Much of the language is suggested from the Oregon Manufactured Housing Association (OMHA). I spoke at length to Don Miner of OMHA about the matter. Though we did not agree on every point, we did agree that a broad list of materials should be adopted, thereby avoiding the determination of what is the most predominate material in the review area and limiting staff administrative time.

Mr. Miner also suggested a "catch-all" paragraph for future types of siding in which an applicant could demonstrate that a non-listed material was commonly used in the community. Since this would defeat the purpose of simplifying the process, Mr. Miner and I agreed that this provision could be dropped with the understanding that if a totally new type of siding was introduced and became commonly used, then the ordinance should probably be amended at that time to include such new material.

The decision for the council is whether the listed materials are commonly used in the community thereby meeting the requirements of state statute, and whether the "review area" concept presents a fair and objective process for those applicants that have roofing and siding materials that do not fit on the list.

RECOMMENDATION:

City Council should open the public hearing, accept any testimony, continue the hearing to the next meeting, and direct staff to prepare a draft ordinance to adopt the appropriate amendments.

PROPOSED MANUFACTURED HOMES AMENDMENT

12.03 MANUFACTURED HOMES. Where permitted as a special use, manufactured homes located on lots outside of a designated mobile home subdivision or mobile home park shall meet the following requirements:

- (a) The manufactured home shall have been manufactured after June 15, 1976, and exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards; and,
- (b) The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet; and,
- (c) The manufactured home shall be placed on an excavated and back-filled foundation enclosed at the perimeter. The manufactured home shall not be more than 1 foot above grade; and,
- (d) The manufactured home shall have a pitched roof with a nominal slope of 2 to 3 feet for each 12 feet in width; and,
- ~~(e) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings; and,~~
- (e) *The manufactured home shall utilize one of the following roofing materials:*
 - (i) *tile;*
 - (ii) *wood shake;*
 - (iii) *wood shingle*
 - (iv) *composition-roofing materials;*
 - (v) *the predominant roofing materials used on the residences within the review area. If there are no predominant materials used on the residences in the review area, then the applicant can use any of the materials used on the residences in the review area.*
- (f) *The manufactured home shall utilize one or more of the following exterior siding materials:*

- (i) *lap siding composed of wood, plywood, oriented strand board, hardboard, composite materials; vinyl, metal or other materials giving the appearance of wood;*
 - (ii) *grooved horizontal panel siding composed of plywood, oriented strand board or composite materials;*
 - (iii) *grooved vertical panel siding composed of plywood, oriented strand board, hardboard or composite materials;*
 - (iv) *any of the above siding materials laid diagonally on the home;*
 - (v) *brick or brick veneer;*
 - (vi) *stucco;*
 - (vii) *the predominant siding materials used on residences within the review area. If there are no predominant materials used on the residences in the review area, then the applicant can use any of the materials used on the residences in the review area.*
- (g) *As used herein, "review area" shall include the five nearest residences to the subject lot that are on the same street and are within 250 feet as measured from lot line to lot line. If there are not five residences within 250 feet, only those homes within 250 feet shall be used.*
- (f)(h) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss equivalent to the performance standards required of single-family dwellings constructed under the state building code; and,
- (g)(i) If the immediate surrounding dwellings have garages or carports, then the manufactured home shall have a garage or carport, as the case may be, and such garage or carport shall be constructed of like materials ~~consistent with the predominant construction of the immediately surrounding dwellings~~ have roofing and siding that matches the manufactured home; and,
- (h)(j) The manufactured home, and the placement thereof on the site, shall meet all applicable standards in the Keizer Zoning Ordinance including, but not limited to, the standards set forth in Chapters 17 through 20.

PROPOSED MANUFACTURED HOMES AMENDMENT

12.03 MANUFACTURED HOMES. Where permitted as a special use, manufactured homes located on lots outside of a designated mobile home subdivision or mobile home park shall meet the following requirements:

- (a) The manufactured home shall have been manufactured after June 15, 1976, and exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards; and,
- (b) The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet; and,
- (c) The manufactured home shall be placed on an excavated and back-filled foundation enclosed at the perimeter. The manufactured home shall not be more than 1 foot above grade; and,
- (d) The manufactured home shall have a pitched roof with a nominal slope of 2 to 3 feet for each 12 feet in width; and,
- ~~(e) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings; and,~~
- (e) *The manufactured home shall utilize composition-type roofing materials; and,*
- (f) *The siding for the manufactured home shall be determined as follows:*
 - (i) *Except as noted below, all manufactured homes shall utilize wood lap siding, or material similar in appearance, including vinyl or metal lap siding.*
 - (ii) *If more than fifty percent (50%) of the residences located within the review area have siding other than lap siding, the applicant may use lap siding or the most common siding used on the front of the residences in the review area. If applicants wish to use siding other than lap siding, they must document the type of siding on the residences in the review area when the application is submitted.*

(iii) *As used herein, "review area" shall include the five nearest residences to the subject lot that are on the same street and are within 250 feet as measured from lot line to lot line. If there are not five residences within 250 feet, only those homes within 250 feet shall be used.*

- (f)(g) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss equivalent to the performance standards required of single-family dwellings constructed under the state building code; and,
- (g)(h) If the immediate surrounding dwellings have garages or carports, then the manufactured home shall have a garage or carport, as the case may be, and such garage or carport shall be ~~constructed of like materials consistent with the predominant construction of the immediately surrounding dwellings~~ have roofing and siding that matches the manufactured home; and,
- (h)(i) The manufactured home, and the placement thereof on the site, shall meet all applicable standards in the Keizer Zoning Ordinance including, but not limited to, the standards set forth in Chapters 17 through 20.

CITY COUNCIL MEETING: Sept. 6, 1994

AGENDA ITEM NUMBER: 5b

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONDITIONAL USE CASE 93-9 (BREWSTER)

DISCUSSION:

The public hearing on the reconsideration of this case was opened on August 1, 1994 and continued until this evening.

When the August 1 hearing was held over, several points were left needing clarification. This report will discuss these and one new issue.

- At the end of the August 1 meeting, Mr. Brewster stated from the audience that his intent is to place the 1989 double wide manufactured home on the lot. After that meeting, staff discussed this point with him and he confirmed to staff his intention to use the 1989 home, however this has not been stated formally on the record of this case.
- An issue raised at the last hearing was the capability of the home Mr. Brewster is proposing to use on the property to meet all the standards of the Keizer Zoning Ordinance for placement of a manufactured home on a single lot. For Council's information, attached to this report is a Keizer Community Development Bulletin listing those requirements. This information was specifically referenced in both the original staff decision on this issue and the Hearings Officer decision on the appeal, noting that these requirements must be shown to be met at the time a Manufactured Home Set-Up Permit is being considered. The Hearings Officer further found that it appeared all the requirements can be met, with the exception that: "Ronald Brewster must establish that his manufactured dwelling is certified, has the necessary insulation, and can meet all the

applicable standards....". It would be appropriate to specifically reference these standards and the obligation to meet them as a condition of approval.

- Mr. Brewster and several of the neighbors have been in communication during the last month, with the assistance of a mediator, in an effort to resolve their differences. As of the preparation of this report no issue resolutions have been reported to the staff.
- A letter to the Council has been received from Bill Sanders, a neighbor to the Brewster property. This letter is attached to this report. In the letter, Mr. Sanders cites a concern about Mrs. Watson's septic system failing. This is on the property north of Mr. Brewster's property and is the original property from which Mr. Brewster's parcel is being partitioned. Mr. Sanders requests that a condition of approval be attached requiring Mrs. Watson's house be connected to the public sewer at this time and that a sewer line be extended across the entire frontage of her property.

This request is proposed as a condition of approval of the partitioning. However, the partitioning was granted by the City Council on January 3, 1994 at the same time the Council denied the conditional use. While the issues raised by Mr. Sanders may have been worthy of consideration in the partitioning decision, that matter is closed and not before the Council.

It should be noted that the sewerage situation was reviewed by the Public Works Department before the issuing of the original staff decision. The question of how sewage disposal is accomplished is generally dealt with when construction occurs on a property and is not part of the criteria or consideration for partitionings.

RECOMMENDATION

It is recommended Council reopen the public hearing, take any testimony, close the hearings, and direct Legal Council to prepare an order approving the Conditional Use Permit.



City of Keizer Development Bulletin

Requirements for Placement of a Manufactured Home on a Single Lot

12.03 MANUFACTURED HOMES. Where permitted as a special use, manufactured homes located on lots outside of a designated mobile home subdivision or mobile home park shall meet the following requirements:

- (a) The manufactured home shall have been manufactured after June 15, 1976, and exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards; and,
- (b) The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet; and,
- (c) The manufactured home shall be placed on an excavated and back-filled foundation enclosed at the perimeter. The manufactured home shall not be more than 1 foot above grade; and,
- (d) The manufactured home shall have a pitched roof with a nominal slope of 2 to 3 feet for each 12 feet in width; and,
- (e) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings; and,
- (f) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss equivalent to the performance standards required of single-family dwellings constructed under the state building code; and,
- (g) If the immediate surrounding dwellings have garages or carports, then the manufactured home shall have a garage or carport, as the case may be, and such garage or carport shall be constructed of like materials consistent with the predominant construction of the immediately surrounding dwellings; and,
- (h) The manufactured home, and the placement thereof on the site, shall meet all applicable standards in the Keizer Zoning Ordinance including, but not limited to, the standards set forth in Chapters 17 through 20.

17.19 STANDARDS FOR SINGLE FAMILY DWELLINGS. The following standards will be applied to all single family dwellings, whether modular or manufactured homes, or site-built homes, to be constructed or located in RS, RL, or RM zones:

- (a) All single family homes shall utilize at least two of the following design features to provide visual relief along the front of the home:
 - 1. dormers;
 - 2. gables;
 - 3. recessed entries;
 - 4. covered porch entries;
 - 5. cupolas;
 - 6. pillars or posts;
 - 7. bay or bow windows;
 - 8. eaves (minimum 6" projection);
 - 9. off-sets on building face or roof (minimum 16")

August 27, 1994

Mayor and City Council Members

City of Keizer
PO Box 21000
Keizer Oregon 97307-1000

RECEIVED

Ref: Partitioning and Variance Case No. 93-9-Brewster & Watson
04 AUG 29 PM 2 09

I am writing to you to voice my concerns regarding the above noted land use matter as it relates to sanitary sewer service.
OREGON 97303

I don't feel that the concerns that I noted in my letter dated July 26, 1993 to Skip Wenvolowski has been addressed to my satisfaction and I question whether they truly represent the cities position.

I have checked with Marion County Officials regarding the location, size and capacity of Mrs. Watson's septic tank and drainfield. The county could find no records to indicate the size, location and capacity of the system nor do they know if it was installed in accordance with county regulations in force at that time.

My septic system drainfield failed in the middle of the winter (December) of 1988. We were unable to repair it until July of 1989 due to inclement weather conditions. Had a public sewer been available, I would have connected, but the closet public sewer was over 500 feet away. The Orchard Crest Subdivision did not exist at that time.

What I am requesting and I think it would be prudent for the city of Keizer to require as part of the conditions of approval for this partitioning application is as follows:

1. Require the partitioner (Mrs. Watson) to extend the public sewer line across her entire frontage to my south property line, with a reimbursement agreement should I need to connect in the future.
2. Require the partitioner (Mrs. Watson) to connect to this new line prior to any permits being issued for the new lot Mrs. Watson wants to create.
3. Require the partitioner to properly abandon her existing sub surface disposal system in accordance with DEQ requirements.

At this point in time, the partitioners have not provided drawings, copies of permits and ect. as to where the existing septic system is located. So far, it's only here say as to where the system is.

It would not be prudent for the city of Keizer to approve the noted application as it is now conditioned, when no one really knows the location of the drainfield. If the drainfield is located in the area being partitioned and found during excavation for the foundations, the lot could not be build on. Why go through all these hearings and ect., when no one knows the drainfields location?

As a 20 year employee of Clackamas County Department of Utilities and I deal with this same situation on a monthly basis. I work in conjunction with the counties planning department on various land use matters such as this one, when public sanitary sewer service is involved. When confronted with the exact same issue, when an existing parcel is to be divided, it is always required that the existing home be connected to the public sanitary sewer system as a condition of approval.

When service does not exist to the existing house, the partitioner owner is required to extend the public sewer across their frontage so the next lot can connect to the sewer.

The counties reasoning behind these requirements is that if the partitioner cannot afford to extend the sewer now, how do you expect them to extend it later once there is a failure? It takes anywhere from 3 to 4 months to get a sewer extension designed, (by the governing agnecy) and to get it constructed.

When a failure happens in the middle of the winter, it takes even longer to accomplish sewer extension.

Your prudent and thoughtful consideration to include items 1 thru 3 noted above as part of the partitioning conditions of approval is sincerely appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Sanders", written in a cursive style.

Bill Sanders

CITY COUNCIL MEETING: Sept. 6, 1994

AGENDA ITEM NUMBER: 6a

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP *JN Morgan*
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PLANNING APPLICATION FEES

BACKGROUND

The City of Keizer charges fees for various land use cases (see Exhibit "A"). The fee schedule was originally established in 1987 and was updated in 1992. The 1992 revision was a major update based on the establishment of the City's own planning program. It is now appropriate to re-examine the fee schedule as the City has two year's experience in administrating its own codes and can better judge the actual cost of providing the service.

This report will examine the existing fee schedule and identify necessary adjustments to help assure cost recovery.

In FY 93-94, \$25,000 was budgeted for planning fee revenue. \$27,109 was received. For FY 94-95, \$30,000 was budgeted for planning fee revenue. The increase was based on an anticipated increase in the number of cases, and an increase in the fee schedule.

ANALYSIS

APPLICATION PROCESS

There are three basic types of land use actions:

- Administrative Decisions - Administrative decisions are regulatory actions such as a sign permit or an auto dealer license.
- Staff Decisions - Staff decisions are those which involve an application and staff review and include conditional uses, variances, adjustments, lot line adjustments and partitionings. Notice of the decision is made after the decision.
- Hearings Officer Decisions. Hearings Officer decisions are similar to staff decisions but require notice of the request and a public hearing before a decision is made. Hearings are required for zone changes, subdivisions and comprehensive plan changes, as well as appeals of staff decisions. In some cases, these matters are heard before the City Council in addition to or instead of the Hearings Officer.

Administrative decisions are generally processed on the same-day and essentially involve validating a form and establishing a file. The application process for Staff and Hearings Officer Decisions involves staff review of the application with a final decision taking anywhere from 30 to 120 days. The process for both (b) and (c) is similar, except that in (c), the staff report is only a recommendation to the Hearings Officer or City Council, not a final decision.

The following briefly reviews the steps necessary to complete a land use action involving a staff report.

1. Pre-application Conference: Practically every land use action involves discussions with staff prior to the actual submittal of an application. This is usually involves an informal conference with a potential applicant, outlining various options and probabilities for approval. While this is not an Ordinance requirement, it does reflect actual time spent in assisting the customer.
2. Accepting Application: This step involves checking for completeness (copy of deed, site plan, applicant's statement, signature, etc.) and coordinating with the Administrative Secretary to establish a file.
3. Comments: After a file is established, requests for comments are sent out to affected agencies.
4. Staff Review: Every case is reviewed by the Public Works staff with the preparation of a written response. All subdivisions and zone changes, and many other applications, are extensively reviewed with numerous inter-departmental meetings in order to coordinate and assure adequate staff review. All cases are discussed in weekly engineering staff meetings.
5. Staff Report: This is the written staff report reviewing the application against the decision criteria. With regard to time, this step consumes about 50% of the application process.
6. Review/Corrections: All staff reports are reviewed and approved by the Community Development Director. This step allows time for necessary corrections and to print the final document.
7. Preparation for Mailing: This step includes preparation of the area map, and site plan, included with each staff report, as well as the final organization of the file. This step applies only to a staff decision. An abbreviated version of this step, limited to the map, site plan and hearing notice, is generated for a public hearing application and sent prior to the completion of the staff report.
8. Mailing: For Staff Decisions, the decision documents are reproduced and mailed to the applicant and all parties within the notification area. For cases with public hearings, notice is mailed to all parties.
9. Public Hearing: Cases involving a public hearing include staff time preparing for and managing the hearing, and the presentation of the staff report at the hearing, along with answering questions and providing additional information.
10. Decision: The Hearings Officer, following the public hearing, prepares a decision and mails that decision to all participants in the hearing.
11. Post-decision: Between notified property owners and the applicant, there is considerable time spent discussing the decision, conditions of approval, possible area impacts, and in some case, appeal procedures. In cases where an appeal is carried to the City Council, the City Attorney becomes involved in the preparation of findings and a final order.

Between the 1992 analysis and now, this list expanded by recognizing the time spent in review and coordination between the applicant, and the impacted departments and agencies. It also recognizes more time spent on organizing and preparing mailings than originally estimated.

TIME REQUIREMENTS

Obviously the time and cost to process each decision will depend on the type of application. Administrative decisions involve at most one or two hours, while the preparation of a staff report for a public hearing generally requires more time than the preparation of a staff decision, much less the additional cost of mailings and the Hearings Officer's time.

The following chart reviews the various steps in the City's application process and the average Staff time requirement (in hours) for each step.

ACTION	STAFF DECISION	HEARINGS OFFICER
Pre-Application	0.5-1.0	1.0-2.0
Acceptance	0.5-1.0	0.5-1.0
Comments	0.5-1.0	0.5-1.0
Staff Review	1.0-2.0	1.0-4.0
Draft Staff Report	2.0-4.0	6.0-8.0
Review	0.5-1.0	1.0-2.0
Finalize Staff Report	1.0-2.0	1.0-2.0
Printing and Mailing	0.5-1.0	1.0-2.0
Public Hearing	0.0-0.0	1.0-4.0
Post Decision	0.5-1.0	1.0-2.0
TOTAL	7.5-14.0	14.0-28.0

The total time necessary to complete each report depends on the type of application. The following chart reviews the various types of applications and the average time requirement (in hours) for the planning staff to complete an application.

STAFF DECISIONS	AVERAGE HOURS
Adjustments	6.0
Conditional Use	9.0
Conditional Use/floodplain or greenway	9.0
Lot Line Adjustment	6.0
Partitioning	9.0
Variance	9.0

PUBLIC HEARING REPORTS	AVERAGE HOURS
Subdivision	20.0
Zone Change	16.0
Comprehensive Plan Amendment	16.0
Comprehensive Plan/Zone Change	20.0
Annexation	16.0
Annexation w/ Zone Change	24.0

PROCESSING COSTS

The Finance Officer has computed the rate to be used in computing the costs of each land use case at \$38 per hour. The proposed fee schedule, shown below, is computed using this rate, plus the average cost of the hearings officer and city attorney for appropriate cases. The computed rate is rounded to the nearest \$10 figure.

LAND USE CASE	FEE	INCREASE
Adjustments	230	70
Conditional Use	340	140
Conditional Use/floodplain or greenway	320	165
Lot Line Adjustment	230	70
Partitioning	340	140
Variance	340	140
Subdivision	1000	200
Zone Change	860	135
Comprehensive Plan Amendment	860	135
Annexation	860	135

An important adjustment to be made to the fee schedule is to adjust the fee structure for applications involving several land use actions. Currently, the highest fee of those applied to each type of application is charged for the combined application. However, this has proven inadequate to cover the costs. While the supportive actions, such as preparation of the file, developing of the public hearing notice, and mailing are constant, the time that must go into writing distinct analysis for each application, plus the preparation of independent findings, outweighs much of the savings from combining the cases.

Therefore, it is recommended that the fee for a combined application be the total of the largest fee and one-half of each of the other applicable fees. This will generate more of a fee for each case, and better reflects the cost of processing the total application.

ADMINISTRATIVE TIME AND COSTS

As noted, the other major planning fee area involves administrative actions. These only involve staff time for paper work and filing. The following is a list of administrative functions and their respective staff times.

ADMINISTRATIVE ACTION	HOURS
Dealer License (New)	1.0
Dealer License (Renewal)	0.5
Floodplain Determination	2.0
Land Use Compatibility Statement	1.0
Legal Lot Determination	2.0
Site Plan Review (commercial)	4.0
Site Plan Review (Industrial)	5.5
Written Determination	1.5

All costs, with the exception of those costs related to mailing a letter, will reflect planning staff time. Using the chargeable rate, the processing costs for administrative actions are as follows:

ADMINISTRATIVE ACTION	FEE	INCREASE
Dealer License (New)	35	10
Dealer License (Renewal)	15	5
Floodplain Determination	70	20
Land Use Compatibility Statement	35	10
Legal Lot Determination	70	20
Site Plan Review (Commercial)	150	0
Site Plan Review (Industrial)	200	0
Written Determination	50	35

OTHER FEES

The City charges fees for sign permits. Staff time to work with the applicant and process the application is approximately 1 to 2 hours. However, the permit fee is also based, in part, on the size of the sign. It appears the current sign permit fees are in line with staff time.

The City charges fees for reviewing the detail map (\$100.00) and final plat (\$50.00) for a subdivision. Both fees reflect the cost of Public Works, City Engineer and planning staff review. The time involved is usually 2 hours for engineering, 1 hour for public works and 1 hour for planning staff. The current \$150.00 review fee adequately reflects costs of the combined staff time.

Finally, the City charges a fee for any appeal. The cost associated with appeals can be fairly substantial as it includes staff time at the appeal hearings, the cost of the hearings officer, clerical costs for the public hearing notice and usual overhead costs. A one hour appeal hearing will cost the City approximately \$336.60. The current appeal fees of \$150 for a staff decision and \$100 for a hearings officer decision are not adequate to cover the full cost. However, in setting these appeal fees in 1992, it was argued that the purpose of the fee was more to prevent frivolous appeals rather than to recover costs, since most appeals are by opponents to a granted request and the process should invite their participation. The current fees probably should stand.

PROPOSED FEE SCHEDULE

The fee schedule should reflect, to a certain degree, the cost of doing business. One line of reasoning holds that since the applicant will receive the benefit of the decision, the applicant should bear all processing costs. An alternative approach holds that the planning process benefits the entire City so that the costs should be shared.

The proposed fee schedule assumes nearly full cost recovery.

RECOMMENDATION

It is recommended Council approve the attached resolution adopting the revised Fee Schedule.



City of Keizer — Community Development

Phone: 390-3700 • Fax # 390-8295

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

CITY OF KEIZER - LAND USE FEE SCHEDULE (Resolution 92-549; Adopted March 2, 1992)

STAFF DECISIONS

1.	Adjustments	\$160.00
2.	Conditional Uses	\$200.00
3.	Conditional Use/Floodplain Greenway	\$175.00
4.	Lot Line Adjustments	\$160.00
5.	Partitioning (Minor or Major)	\$200.00
6.	Variance	\$200.00

PUBLIC HEARINGS

1.	Annexations	\$725.00
2.	Annexations w/Zone Change	\$800.00
3.	Comprehensive Plan Amendments	\$725.00
4.	Comprehensive Plan/Zone Changes	\$800.00
5.	Subdivisions	\$800.00
6.	Zone Changes	\$725.00

All land use applications requiring a public hearing are subject to a supplemental fee of \$25/acre for property containing four (4) or more acres.

ADMINISTRATIVE ACTIONS

1.	Dealers License (New)	\$25.00
2.	Dealers License (Renewal)	\$10.00
3.	Floodplain Determination	\$50.00
4.	Land Use Compatibility Statement	\$25.00
5.	Legal Lot Determination	\$50.00
6.	Site Plan Review, w/Building Permit (Commercial)	\$150.00
	(Industrial)	\$200.00
7.	Written Determination	\$35.00

APPEALS

1.	Appeals of Staff Decisions	\$150.00 (Full refund if staff decision is reversed)
2.	Appeals of Hearing Officer	\$100.00 (Full refund if Hearings Officer decision reversed)

Refunds are cumulative if a staff decision is eventually reversed by the City Council. The City Council may, at its discretion, refund all or part of the appeal fee for a decision which is upheld but where the Conditions of Approval are substantially modified.



CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

RESOLUTION R94-_____

ADOPTING THE
LAND USE FEE SCHEDULE

WHEREAS, it is the City Council's intent to have applicants for planning actions and building permits pay the cost of providing the service; and

WHEREAS, the current fee schedule for planning actions was adopted in 1992 and has not been updated to reflect current costs other than a minor amendment in 1994; and

WHEREAS, the cost of providing the services has increased;

NOW THEREFORE BE IT RESOLVED that Resolutions R92-549 and R94-702 adopting and amending the fee schedule are repealed; and

The attached fee schedule is adopted and shall take effect upon the passage of this resolution.

PASSED this _____ day of _____, 1994

SIGNED this _____ day of _____, 1994

Mayor

City Recorder

CITY OF KEIZER - LAND USE FEE SCHEDULE

(Resolution 94-____; Adopted _____, 1994)

STAFF DECISIONS

Adjustments	\$230.00
Conditional Uses	\$340.00
Conditional Use/Floodplain Greenway	\$320.00
Lot Line Adjustments	\$230.00
Partitioning (Minor or Major)	\$340.00
Variance	\$340.00

PUBLIC HEARINGS

Annexations	\$860.00
Comprehensive Plan Amendments	\$860.00
Subdivisions	\$1000.00
Zone Changes	\$860.00

All land use applications requiring a public hearing are subject to a supplemental fee of \$25/acre for property containing four or more acres.

When an application involves more than one type of request, such as a zone change with a variance, the fee shall be the total of the highest fee as given above, plus half of the other applicable fees.

ADMINISTRATIVE ACTIONS

Dealers License (New)	\$35.00
Dealers License (Renewal)	\$15.00
Floodplain Determination	\$70.00
Floodplain Determination (Subdivision)	\$70.00 (plus \$10 per lot)
Land Use Compatibility Statement	\$35.00
Legal Lot Determination	\$70.00
Site Plan Review, w/Building Permit	
(Commercial)	\$150.00
(Industrial)	\$200.00
Written Determination	\$50.00

APPEALS

Appeals of Staff Decisions	\$150.00
	(Full refund if staff decision is reversed)
Appeals of Hearing Officer	\$100.00
	(Full refund if Hearing Officer decision is reversed)

Refunds are cumulative if a staff decision is eventually reversed by the City Council. The City Council may, at its discretion, refund all or part of the appeal fee for a decision which is upheld but where the Conditions of Approval are substantially modified.

CITY COUNCIL MEETING: September 6, 1994

AGENDA ITEM NUMBER: 6b

TO: MAYOR KOHO AND COUNCIL MEMBERS
FROM: E. SHANNON JOHNSON, CITY ATTORNEY *esj*
THROUGH: DOTTY TRYK *dottryk*
CITY MANAGER
SUBJECT: SCHOOL DISTRICT ZONE CHANGE
FOR NEW CLEAR LAKE SCHOOL

ISSUE:

Shall the City Council adopt the attached ordinance finalizing the zone change for the new Clear Lake School?

BACKGROUND:

During 1993, the Hearings Officer approved a zone change for the school district with regard to the new Clear Lake school in December 1992. There was no appeal from that decision during the ten-day appeal period.

During preparation of the dedication of a new road by the school, review of the planning files indicated that the Council had never formally adopted an ordinance in accordance with the Hearings Officer's recommendation. The Hearings Officer styled the recommendation as an "order," which was misleading. Therefore, there was no referral to the City Council for finalization of the zone change.

As you may know, zone changes and comprehensive plan changes are literally amending the original ordinances. Any amendment of an *ordinance* must be done by another ordinance. Therefore, the Hearings Officer's, "order" should have been a recommendation, followed up by the adoption of the ordinance.

Because there was no appeal from the Hearings Officer's decision, there is no public hearing requirement. This a housekeeping measure to formally put the new zone in the books.

RECOMMENDATION:

The staff recommends Council adopt the attached ordinance changing the school property from UT (Urban Transition) to RS (Single Family Residence).

ESJ:clt
Attachment

824COK2.030

1 BILL NO. _____

A BILL

ORDINANCE NO.

2

94-_____

3

FOR

4

AN ORDINANCE

5 IN THE MATTER OF THE APPLICATION OF SALEM-KEIZER
6 SCHOOL DISTRICT 24-J FOR A ZONE CHANGE FROM UT
7 (URBAN TRANSITION) TO RS (SINGLE FAMILY RESIDENTIAL)
8 AND A CONDITIONAL USE TO ESTABLISH AN ELEMENTARY
9 SCHOOL ON APPROXIMATELY 14.99 ACRES OF PROPERTY IN
10 WHICH THE CITY GRANTS APPROVAL IN ACCORDANCE WITH
11 THE KEIZER HEARINGS OFFICER'S RECOMMENDATION/
12 ORDER DATED DECEMBER 7, 1992

13 The City of Keizer ordains as follows:

14 Section 1 - THE APPLICATION. This matter comes before the Keizer City
15 Council on the application of Salem-Keizer School District 24-J for a zone change
16 from UT (Urban Transition) to RS (Single Family Residential) and a conditional
17 use to establish an elementary school on 14.99 acres of property located at 1450
18 Barnick Road North, Keizer, Oregon (Section 26A; Township 6 South; Range 3
19 West; Tax Lots 400 and 500).

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

25 Section 3 - PUBLIC HEARING. A public hearings was held on this matter
26 before the Hearings Officer on November 19, 1992. The following persons either
27 appeared at the hearing or provided written testimony on the application:

28 ///

1 - ORDINANCE NO. 94-_____

LIEN, HOBSON & JOHNSON

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

1	1.	Walter Wendolowski	City Planner
2	2.	Kevin Wickman	City Parks Director
3	3.	David Young	Heery International, planner for applicant
4	4.	Ken Sutherland	Area Resident
5	5.	Dan Zahn	Area Resident
6	6.	Jay Gordon	Area Resident
7	7.	Bill Medford	Area Resident
8	8.	Jerry Vessello	Area Resident
9	9.	Larry Gooch	Area Resident
10	10.	Sally Johanson	Area Resident
11	11.	Jean Lee Stimac	Area Resident

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

14 Section 5 - OBJECTIONS. No objections have been raised as to notice,
15 jurisdiction, alleged conflicts of interest, bias or prejudice, evidence presented or
16 testimony taken at the hearing.

17 Section 6 - CRITERIA AND STANDARDS. The criteria and standards
18 relevant to the decision in this matter are set forth in Exhibit "A" attached.

19 Section 7 - FACTS. The facts before the City Council in this matter are set
20 forth in Exhibit "A" attached.

21 Section 8 - JUSTIFICATION. Justification for the City Council's decision
22 in this matter is explained in Exhibit "A" attached.

23 Section 9 - ACTION. The City Council grants the zone change as set forth
24 in Exhibit "A" attached. (Conditional use approval has been granted by the
25 Hearings Officer and such approval is final.)

26 Section 10 - FINAL DETERMINATION. This Ordinance is the final
27 determination in this matter.

28 ///

2 - ORDINANCE NO. 94-_____

LIEN, HOBSON & JOHNSON

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

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

SIGNED this _____ day of _____, 1994.

City Recorder

EXHIBIT "A"

BEFORE THE CITY OF KEIZER HEARINGS OFFICER

In the matter of the application of:) Case No. ZC/CU 92-3
SALEM-KEIZER SCHOOL DISTRICT 24-J) ZONE CHANGE/
CONDITIONAL USE

ORDER

1. Nature of the Application

This matter came before the City of Keizer Hearings Officer upon an application by the Salem-Keizer School District 24-J for a zone change from UT (Urban Transition) to RS (Single Family Residential) and a conditional use to establish an elementary school on 14.99 acres of property located at 1450 Barnick Road North, Keizer, Oregon (Section 26A; Township 6 South; Range 3 West; Tax Lots 400 and 500).

2. Relevant Criteria

The applicable criteria for this proposed zone change and conditional use are embodied in the following:

1. Keizer Zoning Ordinance, especially Sections 4.16 and 8.30 and 23.02.

3. Public Hearing

A public hearing was held on November 19, 1992. Official notice was taken of the Keizer Community Development Department file in this matter. The record was left open until December 4, 1992, to allow the participants and city staff time to address a new site plan presented at the hearing by applicant. The following persons appeared at the hearing and provided testimony on the application:

1. Skip Wendolowski City Planner
2. Kevin Wickman City Parks Director
3. David Young Heery International, planner
for applicant

- | | | |
|-----|-----------------|---------------|
| 4. | Ken Sutherland | Area Resident |
| 5. | Dan Zahn | Area Resident |
| 6. | Jay Gordon | Area Resident |
| 7. | Bill Medford | Area Resident |
| 8. | Jerry Vessello | Area Resident |
| 9. | Larry Gooch | Area Resident |
| 10. | Sally Johanson | Area Resident |
| 11. | Jean Lee Stimac | Area Resident |

The following documents were marked as Exhibits and entered into the record:

- Ex. 1 Addendum to Staff Report, including
 comments of City Parks Director and
 City Public Works Director

In addition to this, the following documents were received on or before December 4, 1992, and are admitted into the record:

Comments of Jerry Vessello dated November 20, 1992

Supplemental Staff Report dated November 25, 1992

Response of Heery International dated December 3, 1992

No objections were raised as to notice or jurisdiction, conflicts of interest, bias or prejudice, or evidence or testimony taken at the hearing.

4. Findings of Fact and Conclusions

The Hearings Officer, after careful consideration of the testimony and evidence in the record, issues the following findings and conclusions:

1. The 14.99 acre subject property consists of two parcels both of which are vacant. The property is part of a larger ownership. At this moment, the subject property does not have direct access to a public road. However, a public road can readily be extended to the subject property from the south.

2. The subject property is designated Low Density Residential in the Keizer Comprehensive Plan. It is currently zoned UT (Urban Transition). Property to the northwest, north, east and south is designated Low Density Residential and zoned UT. The majority of this property is developed with acreage residences, although the Keizer Comprehensive Plan calls for single-family residential development at urban densities. Land to the west is designated Medium-High Density Residential and is also zoned UT. This land is currently undeveloped, although the Keizer Comprehensive Plan expects higher density residential development in the future.

3. The applicant's site plan, as presented at the hearing, calls for the placement of an elementary school on the southern 10 acres of the subject property in a fashion chosen to maintain the northern 5 acres open for development as a neighborhood park, to maintain substantial setbacks from adjacent residential properties, and to maintain a grove of trees located on the southern portion of the property. (Development of a park is not part of this application, and will require a separate land use decision).

4. The following agency comments were received, including the factual comments which were not disputed and are hereby accepted:

a. Marion County Rural Fire Protection District #1 stated that the school must comply with all Uniform Fire code and Uniform Building Code requirements, including sprinklers, fire alarms, fire hydrants, lock boxes, adequate fire apparatus roads and fire lanes.

b. PGE and Northwest Natural Gas stated that facility services are available.

c. The City Public Works Department and City Engineer commented that public facilities are some distance away from the site and the City has no plans to extend public improvements. The developer of the subdivision to the south, Meadows Group, has installed or is planning to install most of the required services as it has previously agreed to do. Extension of a sewer trunk line from River Road to Wheatland Road should be completed by September 1, 1994. However, the developer cannot guarantee completion of the trunk line in time for the opening of the proposed elementary school. The applicant will need to negotiate with the Meadows Group to connect with sewer, water and storm drain facilities. Before any

building permits will be extended, the City must have assurances that these facilities will be extended to the site.

5. There was no written or verbal opposition to the placement of an elementary school on the subject property. The principal concerns of area residents were providing adequate buffering of the school from established residential acreages to the north of the subject property, and preserving the grove of trees on the subject property to the maximum extent possible. These concerns can be adequately addressed as conditions of approval of this application. Written comments presented by Jerry Vessello competently express the concern of area residents with the protection of the trees. His suggestions have been largely incorporated into the City's supplemental recommendations for a tree removal/protections plan. The applicant has written, accepting the terms of this condition. And the applicant has taken steps to inventory the trees through the services of a professional land surveyor, and to undertake a survey and evaluation of the trees by an arborist. The actions of the city and the applicant should provide assurance to the area residents that the grove of trees is valued and will be preserved and protected to the maximum extent possible, while ensuring that space is made available for a neighborhood park and residential properties are protected by setbacks from the elementary school building.

ZONE CHANGE

6. A zone change to RS (Single Family Residential) is needed to permit establishment of the proposed elementary school. Approval of the zone change requires compliance with the criteria found in Section 4.16 of the Keizer Zoning Ordinance. The criteria are addressed below:

a. The zone is appropriate for the Plan designation.

Section 4.02 of the Keizer Zoning Ordinance identifies Comprehensive Plan designations and their corresponding zones. Pursuant to this section, the RS zone is appropriate for the Low Density Residential Plan designation. Furthermore, the RS zone is consistent with the actual development of adjacent properties to the south.

b. Proposed uses can be accomodated on the property.

The applicant has submitted three site plans. The most recent site plan submitted at the public hearing, as well as the previous plans, demonstrate the ability of the subject property to accommodate the proposed elementary school. There are no physical limitations on the property that would prohibit development of the school. The elementary school can be sited on the property and still allow ample room for a neighborhood park, buffering from adjacent residential development, and preserve a grove of trees located on the property.

c. Proposed uses can comply with development standards found in Chapters 17 to 20 of the Zone Code.

Chapters 17 to 20 establish requirements for access, vision clearance areas, landscaping, buffering, special setbacks, parking and other development standards.

The applicant will obtain access to the subject property from an east-west collector street that will be installed when the final phase of the Meadows subdivision is constructed. This street will have direct access to the River Road and O'Neil Road intersection, thereby avoiding traffic through residential neighborhoods.

The proposed site plans show compliance with vision clearance and landscaping. No special setbacks or buffering requirements are demanded of schools. Ample room exists on the subject property to provide parking as set forth in the zoning code. Driveways can conform to the standards in Chapter 19.

Issuance of a building permit will depend on the applicant presenting a detailed site plan showing conformance with all required development standards, which the Hearings Officer believes can and will be done by applicant.

d. Adequate public facilities available.

Generally, adequate public services and facilities can be extended to the subject property. A condition can be placed on the approval of this application, which requires the applicant to produce evidence that connections to public sewer, water and storm drainage facilities will be made.

e. Satisfaction of applicable zone change criteria.

The Comprehensive Plan does not contain zone change review criteria for this application.

f. Zone change is consistent with the criteria listed in the purpose statement of the proposed zone.

Chapter 23 of the Keizer Zoning Ordinance states that the purpose of the RS zone is to allow development of single family residences on individual lots. Elementary schools are identified as a compatible use within the RS zone. The zone change is consistent with the purpose of the zone. Conditions will be necessary to ensure the development is served by public facilities. However, this does not diminish the property's ability to comply with the zone change criteria.

CONDITIONAL USE

7. Elementary schools are not permitted in the UT zone. However, Section 23.02 of the Keizer Zoning Ordinance identifies elementary schools as a conditionally permitted use within the RS zone.

8. The proposed school would be located in the southern portion of the subject property with parking along the east side of the building. The school will contain up to 24 classrooms with administrative offices, a music room, multi-purpose room, gymnasium, and other ancillary facilities.

9. The conditional use criteria are set forth in Section 8.30 of the Keizer Zoning Ordinance. The criteria are addressed below:

a. Use is listed as conditional use in zone.

Section 23.02 identifies the elementary school as a conditional use in the RS zone.

b. Parcel is suitable for the proposed use.

Previous findings in reviewing the zone change indicate the parcel is suitable for the proposed school and is able to meet the development standards in chapters 17 to 20 of the Keizer Zoning Ordinance.

c. The proposed use will not materially alter the character of the area.

Substantial subdivision development has already occurred to the south of the subject property. Adjacent property to the immediate south will also be developed for residential use. An elementary school is a common and necessary element of residential development. The proposed elementary school will not materially alter the character of the area. Rather the school will support the character of the area. Conditions can be imposed to address the basic concerns that arise from this particular site: a setback from existing acreage residences and other planned residences adjacent to the subject property, and provision for protection of the grove of trees located on the subject property.

d. The proposed use will not adversely affect existing wind and solar energy systems.

There are no existing wind or solar energy systems in the area. The proposed use, given the setbacks, will not adversely affect future installation of wind or solar energy systems.

e. Adequate public utility facilities available.

Generally, public services and facilities can be extended to the site. Applicant must provide assurance that connection to public sewer, water and storm drainage facilities will be made.

SITE PLAN

10. Schools are required to comply with the site development standards in Section 12.62 of the Keizer Zoning Ordinance. The standards are addressed below:

a. Minimum lot size of 3 acres.

The proposed site contains 15 acres.

b. Off-street parking and loading areas are prohibited within 10 feet of any residential zone.

Based on the site plans proposed by applicant, no parking or loading areas need be located within the 10 foot setback.

c. Secondary use of school facilities are permitted only to the extent otherwise permitted in the zone.

This limitation is placed on operation of the facility and does not affect site design or the application for a zone change or conditional use.

5. ORDER

It is hereby found that the applicant has met the burden of proving that its application meets the relevant criteria in the Keizer Zoning Ordinance. It is hereby ordered that the subject property be rezoned to RS (Single Family Residential) and that a conditional use for an elementary school is approved, subject to the following conditions:

1. Development of the site shall substantially conform with the revised site development plan submitted at the public hearing on November 19, 1992, including the following site design requirements:

a. No part of the school building shall be located within 350 feet of the north property line.

b. The building shall maintain a minimum 100 foot setback from any adjacent residentially designated or zoned property.

c. The building shall be limited to a maximum of 24 permanent classrooms and ancillary facilities. Expansion beyond 24 permanent classrooms shall require additional conditional use approval.

2. Applicant shall submit evidence of the availability of public sewer, water and storm drainage facilities to serve the site. The evidence shall be reviewed and approved by the Keizer Public Works Director prior to issuance of building permits.

3. Applicant shall take part in a conference with the applicable public facility providers for the purpose of coordinating facility improvements. This conference shall occur prior to submitting engineering drawings. It is recommended the conference participants include the Keizer Department of Public Works, Keizer

City Engineer, Keizer Fire District, City of Salem Public Works Department (sewer), U.S. West Communications, Portland General Electric, Northwest Natural Gas. In addition, the applicant shall coordinate with the City of Keizer to obtain sanitary sewer trunk line easement to serve the property. The location, size and other engineering factors shall comply with City Public works standards. This easement shall be obtained prior to the issuance of a building permit.

4. Before obtaining building permits, applicant shall submit a site plan to the Keizer Department of Public Works for its review and approval. The site plan shall include information concerning storm water detention, street improvements, easements, sewer, water and other information as necessary to show compliance with Public Works development standards and the Keizer Zoning Ordinance.

5. Prior to obtaining a building permit the applicant shall submit a tree removal/protection management plan. This plan shall conform to the requirements in the attached exhibit "B" and shall be reviewed and approved by the Community Development Director and Planning Director.

6. Nothing in this decision shall be construed as prohibiting the development of the subject property for other uses permitted or conditionally permitted in the RS zone.

6. APPEALS

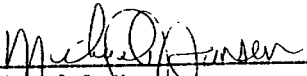
Any interested person, including the applicant, who disagrees with this decision, may appeal this decision to the City Council. An appeal must be filed with the Keizer Community Development Department, 930 Chemawa Road NE, Keizer, Oregon, 97303, by 5:00 p.m. on the 17th day of December, 1992, (ten days from the mailing of this Order).

The appeal must be in writing, must request that the Council hold a hearing on the application, and must explain why the decision is factually or legally incorrect, or based on incomplete facts, or present new facts material to the decision, or present modifications that will conform the proposal to the requirements of the ordinance and regulations governing the application. (Consult the Community Development Department to determine if a filing fee is required.)

This Order shall be effective ten days from the date the Order is mailed, unless appealed.

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

DATED this 7th day of December, 1992.



Michael J. Hansen
City of Keizer Hearings Officer

EXHIBIT "B"

PROVISIONS FOR THE TREE REMOVAL/PROTECTION PLAN

A. Purpose

It is the intent of these provisions to reflect a high value placed on the preservation of existing mature tree stands located on the subject property and therefore assure that the inherent character of the stand is not diminished by the proposed development. The City does, however, recognize that factors such as disease, concerns for student safety and significant effects on site development may require some limited tree removal of mature trees.

B. Management Provisions

The applicant shall be required to provide a tree removal/protection management plan as part of the site plan review. This plan shall consist of the following items:

1. A site plan shall be submitted. This plan shall include a survey performed by a professional land surveyor or arborist indicating the location and species of each tree with a girth of 8" or greater as measured 6' from the ground. The plan shall also identify the proposed development including the route of all proposed utilities on site and shall indicate which trees are to be removed.
2. The site plan shall be accompanied by a written rationale for the tree removal. Documentation from an established arborist shall be required to support the removal of trees for disease or safety reasons related to the health of the tree. No tree of 8" girth (as measured 6' above the ground) shall be removed from this site except for diseased trees, those needing removal for reasons of safety, and to accommodate the school building and pathway.
3. A management plan shall be submitted indicating protection methods in removal of the trees. This plan shall include precautions to minimize tree damage, including damage from falling trees, and stump and log removal, as well as methods of underbrush removal. In addition, the plan shall identify the selection of appropriate equipment to minimize soil compaction and root damage.

C. Approval

The site plan and management plans shall be reviewed and approved by the City of Keizer Community Development Director and Parks Director prior to issuance of a building permit. The City will also use the services of a professional arborists in determining the appropriateness of the submitted plans. The approved management plan shall become a part of the conditions of approval and remain as a continual operating condition on the property. For this reason, the plan can and shall be enforced consistent with the violation and enforcement provisions of the Keizer Zoning Ordinance.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Order on the following persons:

Jean Lee Stimac
380 Snead Drive North
Keizer, Oregon, 97303

Ken Sutherland
7228 Park Terrace Dr. NE
Keizer, Oregon, 97303

Dan Zahn
1323 Barnick Road NE
Keizer, Oregon, 97303

Jay Gordon
7127 Park Terrace Dr. NE
Keizer, Oregon, 97303

Bill Medford
1179 Ridgepoint Street NE
Keizer, Oregon, 97303

Jerry Vessello
1356 Parkview Ct. NE
Keizer, Oregon, 97303

Larry Gooch
1353 Barnick Road NE
Keizer, Oregon, 97303

Sally Johanson
1350 Barnick Road NE
Keizer, Oregon, 97303

David Young
Heery International
3630 State Street
Salem, Oregon, 97301

by mailing to them copies thereof. I further certify that said copies were placed in sealed envelopes addressed as noted above, that said copies were deposited in the Post Office at Salem, Oregon, on the 7th day of December, 1992, and that the postage thereon was prepaid.



Michael J. Hansen
City of Keizer Hearings Officer

CITY COUNCIL MEETING: September 6, 1994

AGENDA ITEM NUMBER: 7a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *Tracy*
CITY RECORDER

SUBJECT: RESOLUTION - CERTIFICATION OF LIGHTING DISTRICT ACCOUNTS

ISSUE:

Each year the City of Keizer certifies to the Marion County Tax Assessor the cost of installation, operation and maintenance of street lights. These street lights benefit the properties within their respective street lighting districts.

The City of Keizer pays the cost of operation and maintenance of the street lights throughout the year. At the end of the fiscal year, the amount paid by the City is totaled up, a 8.5% administration charge is added, and the amounts are spread out among the affected properties. While the majority of the districts are calculated on a "per lot" basis, some are calculated on a "front footage" basis. Those computed on the latter method are the Hicks-Jones Lighting District, the Greenwood Drive Lighting District and a portion of the Shady Lane Lighting District. The amounts assessed to each of the properties are attached to the Resolution as Exhibit "A".

RECOMMENDATION:

It is recommended the Council approve the attached Resolution certifying the lighting district accounts to the Marion County Assessor.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R94-_____

3 CERTIFICATION OF LIGHTING DISTRICT ACCOUNTS

4
5 BE IT RESOLVED by the City Council of the City of Keizer that Keizer has
6 determined and computed the amount of money necessary to be raised by assessment to
7 cover funds spent to operate and maintain certain street lighting facilities within Keizer,
8 including administrative costs in the amount of \$207,398.72; and

9 BE IT FURTHER RESOLVED that Keizer certifies Exhibit "A" attached hereto, is
10 a true and correct list of the properties within the various lighting assessment district in
11 Keizer giving the proper assessment and apportionment of costs and expenses to be assessed
12 against the respective properties for operation and maintenance of street lighting facilities
13 for the year; and

14 BE IT FURTHER RESOLVED that Exhibit "A" attached hereto, is certified to the
15 County Assessor to be added to the appropriate tax accounts for the respective properties
16 indicated.

17 PASSED this _____ day of _____, 1994.

18 SIGNED this _____ day of _____, 1994.

19
20
21 _____
22 Mayor

23
24 _____
25 City Recorder
26

EXHIBIT "A"**1993-94 STREET LIGHTING CERTIFICATION
CITY OF KEIZER**

MC #	DISTRICT NAME	LOTS	PER LOT	TOTAL
8	MARDELL	209	32.06	6700.16
12	WILLARK PARK	190	68.51	13017.43
14	MAI LIN DISTRICT	293	31.13	9121.10
15	APPLEBLOSSOM	89	20.08	1786.88
17	RIVERCREST	324	22.94	7434.00
18	IVY WAY	120	19.02	2281.89
19	ARNOLD WAY	40	11.04	441.62
22	NORTHVIEW TERRACE	85	29.06	2470.19
23	MCNARY HGTS	88	54.94	4834.96
24	CEDAR PARK	19	56.21	1067.91
25	MENLO	27	26.80	723.52
28	NORTHWOOD PARK #1	49	61.67	3021.90
41	WILARK PARK #6	18	41.66	749.87
42	WILARK PARK ANN #7	16	46.87	749.87
43	NORTHWOOD #2	43	54.67	2350.60
44	CHURCHDALE (MAI LIN #2)	23	26.72	614.52
45	MCLEOD PARK	36	41.66	1499.73
46	LANCER PARK	36	48.11	1732.05
47	HILLIGOS	14	30.02	420.22
48	CARLHAVEN ADDN	27	19.93	538.20
49	WINDSOR ESTATES	23	51.48	1184.11
50	WHITEAKER PARK	78	49.21	3838.46
79	ANDREW PARK	15	50.82	762.26
80	GLYNBROOK	42	39.47	1657.77
81	LAWNDALE SUB	34	56.45	1919.23
82	NORTHWOOD PARK #4	98	69.20	6781.12
83	PALMA CIEA 5	22	27.40	602.83
84	WILARK PARK ANN #5	18	55.55	999.82
87	CARLHAVEN ADDN #2	29	21.80	632.15
94	WILLAMETTE MANOR 4	23	39.31	904.24
95	WHEATLAND LANE	7	56.39	394.70
96	NORTHTREE ESTATES	100	64.33	6432.62
97	CHEMAWA PARK	18	76.75	1381.47
108	MCLEOD PARK #2	28	52.93	1482.09
120	CHEMAWA ESTATES #1	30	58.32	1749.68
122	SIX SUBDIVISION	21	25.78	541.48
126	MCLEOD ESTATES	74	50.67	3749.30

128	CHEHALIS SUB	16	26.72	427.48
129	DENNIS LANE N	45	27.12	1220.52
130	CRESTWOOD VILLAGE	12	41.66	499.91
131	CHEMAWA ESTATES #2	34	58.81	1999.62
132	CHARLOTTE	45	23.44	1054.95
141	PALMA CIEA	446	25.92	11562.54
142	RIVERVIEW N	29	24.15	700.37
143	MEADOWBROOK	9	34.09	306.84
144	JUNIPER	20	28.01	560.29
146	TERRACE GLEN	16	49.34	789.41
147	WEDGEWOOD ESTATES	32	24.94	797.97
148	JULIE ESTATES	20	74.99	1499.73
150	KEPHART ESTATES	41	38.05	1560.11
159	JOHNISEE ADDN	13	24.55	319.20
161	WALENWOOD SUB	9	17.73	159.59
162	WARNER PARK	10	15.96	159.59
163	SPRINGTIME PARK SUB	15	49.99	749.87
164	STONEHEDGE ESTATES	100	57.31	5731.31
165	RIVERVIEW N #2	28	25.05	701.27
181	TIMBERVIEW SUBDIVISION	141	44.32	6248.83
182	VISTA VIEW ESTATES #2	60	31.92	1915.13
183	NORTHRIAGE PARK	32	26.90	860.67
184	JUNIPER SUB #2	22	39.42	867.13
185	KEIZER HEIGHTS	65	47.25	3071.33
191	CLARK STREET NE	29	15.63	453.35
192	FRIENDSHIP ADD	11	25.81	283.94
193	TEN AT MCNARY	15	72.34	1085.13
194	BUCHOLZ ADDITION	21	18.92	397.34
195	PARKLAWN ADDITION	6	44.15	264.89
205	GLYNBROOK II N	44	49.27	2167.94
206	FOUR WINDS ADD N	134	26.13	3501.84
207	FERNBROOK	39	25.66	1000.59
208	EDEN ESTATES	43	46.54	2001.17
209	COUNTRY CLUB ESTATES	29	34.27	993.77
212	LAWNDALE I SUB-P 2	39	43.68	1703.61
213	STONEHEDGE ESTATES II	90	41.30	3717.23
215	GARY STREET	37	16.40	606.84
216	ARNOLD STREET #2	19	15.37	291.97
217	FOUR WINDS III	16	16.25	260.07
218	GREENWAY	20	24.55	491.03
219	NOON AVENUE	32	23.02	736.54
220	STONEHEDGE ESTATES III	32	41.30	3717.23

221	STONEHEDGE ESTATES 4 & 5	31	52.15	1616.77
227	WILLOW LAKE ESTATES	46	60.60	2787.77
228	THE MEADOWS PHASE I	56	70.95	3973.18
231	FOUR WINDS II	20	18.41	368.27
232	WHITEAKER HEIGHTS	34	32.10	1091.29
233	THE MEADOWS PHASE III	35	66.48	2326.67
235	THE MEADOWS PHASE II	37	69.17	2559.34
236	THE MEADOWS PHASE IV	39	66.48	2326.67
237	ORCHARD CREST PHASE I	54	33.40	1803.37
238	STONEHEDGE ESTATES 6	31	52.46	1626.28
239	SPRING MEADOWS ESTATES	1	3250.53	3250.53
241	WILLOW LAKE 2 & 3	96	43.56	4181.88
249	THE MEADOWS PHASE V	42	30.81	1294.19
250	ORCHARD CREST PHASE II	53	34.22	1813.44
248	MAX COURT	10	65.42	654.20
247	ORCHARD CREST PHASE III	35	26.54	928.84
252	ROCKLEDGE ADDITION	16	43.56	696.93
246	CHERRYLAWN COURT	8	53.86	430.88
251	RIVERCREST 1-2	44	46.94	2065.26

LIGHTING DISTRICTS BASED ON FRONT FOOTAGE

26	SHADY LANE	\$1603.48
34	GREENWOOD	\$ 900.16
86	HICKS-JONES	\$5091.23

(*** worksheets attached***)

TOTAL 1993-94 CERTIFICATION \$207,398.72

1993-94 LIGHTING DISTRICTS
M/C CODE TAX ACCT FRONT FOOT ASSESSMENT

86 HICKS-JONES LIGHTING DISTRICT

53711000	100.00	\$26.72
53717000	110.00	\$29.39
53722000	73.67	\$19.68
53726000	162.57	\$43.44
53734000	105.00	\$28.06
53736000	20.00	\$5.34
53739000	385.00	\$102.87
53746000	33.01	\$8.82
53747000	33.91	\$9.06
53752000	225.00	\$60.12
53758000	115.00	\$30.73
53764000	105.00	\$28.06
70315000	84.11	\$22.47
70315030	80.00	\$21.38
71064001	94.33	\$25.20
71064041	103.14	\$27.56
71670010	93.22	\$24.91
71670040	83.86	\$22.41
71670050	85.00	\$22.71
71670060	85.00	\$22.71
71670070	85.00	\$22.71
71670080	85.00	\$22.71
71670090	85.00	\$22.71
71670100	85.00	\$22.71
71670120	85.00	\$22.71
71680000	80.00	\$21.38
71680010	80.00	\$21.38
71680020	115.00	\$30.73
71680030	115.00	\$30.73
71680040	80.00	\$21.38
71680050	80.00	\$21.38
71680060	79.86	\$21.34
71680061	107.18	\$28.64
71680070	65.00	\$17.37
71680080	80.00	\$21.38
71680090	80.00	\$21.38
71680100	103.04	\$27.53
71680110	115.00	\$30.73
71680120	80.00	\$21.38
71680130	80.00	\$21.38
71680140	80.00	\$21.38
71680150	80.00	\$21.38
71680160	115.00	\$30.73
71700000	66.70	\$17.82
71700010	70.00	\$18.70
71700020	83.96	\$22.43
71700030	48.68	\$13.01
71700040	40.85	\$10.92
71700050	40.00	\$10.69
71700060	42.12	\$11.25
71700070	87.00	\$23.25

71700080	72.78	\$19.45
71990020	70.00	\$18.70
71990030	77.00	\$20.57
71990090	70.00	\$18.70
75090000	116.90	\$31.24
75090010	80.00	\$21.38
75090020	80.00	\$21.38
75090030	70.00	\$18.70
75090040	41.62	\$11.12
75090050	66.10	\$17.66
75090060	85.00	\$22.71
75090070	85.00	\$22.71
75090080	98.32	\$26.27
75090090	80.00	\$21.38
75090100	85.00	\$22.71
75090110	80.00	\$21.38
75090120	90.00	\$24.05
75090130	107.72	\$28.78
80120000	59.98	\$16.03
80120008	83.50	\$22.31
80120010	99.98	\$26.71
80120020	194.90	\$52.08
80120030	104.00	\$27.79
80120210	260.00	\$69.47
80120220	150.00	\$40.08
80130000	50.71	\$13.55
80130720	70.00	\$18.70
80130910	70.00	\$18.70
80130920	70.00	\$18.70
80130930	60.00	\$16.03
81756001	100.00	\$26.72
81756361	100.00	\$26.72
81756371	62.50	\$16.70
81756381	62.50	\$16.70
81756391	62.50	\$16.70
81756401	62.50	\$16.70
81756411	107.00	\$28.59
81756461	107.40	\$28.70
82256000	68.00	\$18.17
82256010	68.00	\$18.17
82256020	68.00	\$18.17
82256030	68.00	\$18.17
82256048	138.13	\$36.91
82256051	75.72	\$20.23
82256060	75.72	\$20.23
82256066	75.72	\$20.23
82256075	75.72	\$20.23
82256120	90.00	\$24.05
82256130	103.60	\$27.68
82256140	96.80	\$25.86

82256150	96.80	\$25.86
82257370	129.07	\$34.49
82257380	61.07	\$16.32
82257390	68.00	\$18.17
82257400	129.07	\$34.49

82257410	193.60	\$51.73
82257420	63.86	\$17.06
82257430	63.86	\$17.06
82257440	196.18	\$52.42
82257450	61.18	\$16.35
82257460	35.84	\$9.58
82257468	18.82	\$5.03
82257470	144.99	\$38.74
82257650	430.00	\$114.90
82257730	108.81	\$29.07
82257740	90.50	\$24.18
82257750	101.55	\$27.13
82257760	75.50	\$20.17
82257770	85.00	\$22.71
82257780	85.00	\$22.71
82257790	100.00	\$26.72
82257807	64.73	\$17.30
82257810	70.00	\$18.70
82257820	150.95	\$40.33
82257830	194.74	\$52.03
82257850	110.09	\$29.42
82257860	84.61	\$22.61
82257900	79.00	\$21.11
82257920	79.65	\$21.28
82257930	100.00	\$26.72
82257941	70.00	\$18.70
82257950	96.21	\$25.71
82257960	101.00	\$26.99
82257970	65.00	\$17.37
82257990	78.00	\$20.84
82258000	144.33	\$38.56
82258010	35.00	\$9.35
82258020	81.00	\$21.64
82258030	105.00	\$28.06
82258040	130.00	\$34.74
82258050	75.00	\$20.04
82258060	75.00	\$20.04
82258090	80.00	\$21.38
82258100	114.00	\$30.46
82258110	97.00	\$25.92
82258130	96.50	\$25.78
82258150	193.60	\$51.73
82258160	87.60	\$23.41
82258170	6.00	\$1.60
82258180	100.00	\$26.72

82258190	95.00	\$25.38
82258200	82.71	\$22.10
82258210	30.00	\$8.02
82258220	87.89	\$23.48
82258230	87.89	\$23.48
82258240	76.05	\$20.32
82258250	76.00	\$20.31
82258260	82.00	\$21.91
82258270	76.00	\$20.31
82258280	87.20	\$23.30

82258300	70.00	\$18.70
82258310	67.81	\$18.12
82258320	67.81	\$18.12
82258330	50.00	\$13.36
82258340	50.00	\$13.36
82258350	50.00	\$13.36
82258360	50.00	\$13.36
82258370	65.78	\$17.58
82258380	70.00	\$18.70
82258420	91.19	\$24.37
82258430	109.00	\$29.12
82258440	80.20	\$21.43
82258450	60.00	\$16.03
82258460	126.70	\$33.85
82258470	75.00	\$20.04
82258480	72.00	\$19.24
82258490	73.50	\$19.64
82258500	64.66	\$17.28
82258510	70.16	\$18.75
82258520	140.00	\$37.41
82258540	20.00	\$5.34
82258550	70.00	\$18.70
82258560	80.00	\$21.38
82258580	115.00	\$30.73
82258590	83.79	\$22.39
82258600	82.00	\$21.91
82258610	100.00	\$26.72
82258630	162.33	\$43.37
82258650	21.00	\$5.61
82258660	62.02	\$16.57
82258662	17.72	\$4.73
82258663	70.26	\$18.77
82258673	70.00	\$18.70
82258680	75.00	\$20.04
82258690	14.00	\$3.74
82258700	116.00	\$31.00
82258705	51.00	\$13.63
82258710	65.00	\$17.37
82258720	67.62	\$18.07
82258730	50.00	\$13.36

82258740	78.00	\$20.84
82258750	66.00	\$17.64
82258758	66.00	\$17.64
82258760	20.00	\$5.34
82258770	62.00	\$16.57
82258780	100.00	\$26.72
82258790	62.00	\$16.57
82258800	101.54	\$27.13
82258810	75.57	\$20.19
82258820	75.00	\$20.04
82258830	106.55	\$28.47
82258840	75.00	\$20.04
82258850	81.41	\$21.75
82258870	74.93	\$20.02
82258890	73.75	\$19.71

82258900	63.71	\$17.02
	19,053.99	5,091.23

34 GREENWOOD DRIVE LIGHTING DISTRICT

53137000	100.61	\$23.93
53138000	101.00	\$24.02
53139000	101.00	\$24.02
53142000	122.32	\$29.09
53143000	122.00	\$29.01
53146000	100.00	\$23.78
53242000	100.00	\$23.78
53243000	100.00	\$23.78
53244000	100.00	\$23.78
53245000	100.00	\$23.78
53249000	100.00	\$23.78
53251000	100.00	\$23.78
53252000	100.00	\$23.78
53253000	100.00	\$23.78
53254000	100.00	\$23.78
73290001	110.00	\$26.16
73290010	100.00	\$23.78
73290020	100.00	\$23.78
73290030	100.00	\$23.78
73290040	200.00	\$47.56
73290050	100.00	\$23.78
73290060	100.00	\$23.78
73290070	100.00	\$23.78
73290080	100.00	\$23.78
73290090	120.00	\$28.54
73290100	165.42	\$39.34
73290110	104.00	\$24.73
73290120	104.00	\$24.73
73290130	104.00	\$24.73

73290140	104.00	\$24.73
73290160	104.00	\$24.73
73290170	105.00	\$24.97
73290180	104.00	\$24.73
73290190	104.00	\$24.73
73290200	110.00	\$26.16

3,785.35	900.16
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26 SHADY LANE LIGHTING DISTRICT

53684000	\$14.86
53831000	\$14.86
53832000	\$14.86
75080000	\$14.86
75080020	\$14.86
75080030	\$14.86
75080040	\$14.86
75080050	\$14.86
75080060	\$14.86

75080070	\$14.86
75080080	\$14.86
75080090	\$14.86
75080100	\$14.86
75080110	\$14.86
75080120	\$14.86
75080130	\$14.86
75080140	\$14.86
75080150	\$14.86
75080160	\$14.86
75080200	\$14.86
75080210	\$14.86
75080220	\$14.86
75080230	\$14.86
75080240	\$14.86
75080251	\$14.86
75080270	\$14.86
75080280	\$14.86
75080290	\$14.86
75080300	\$14.86
75080310	\$14.86
75080320	\$14.86
75080330	\$14.86
75080340	\$14.86
75080350	\$14.86
75080370	\$14.86
75080380	\$14.86
75080390	\$14.86
75080400	\$14.86
75080410	\$14.86

75080420		\$14.86
75080430		\$14.86
80120170	163.02	\$29.26
80120180	76.98	\$13.82
80120190	80.00	\$14.36
80120200	80.00	\$14.36
80120480	50.00	\$8.97
80120500	100.00	\$17.95
80120510	100.00	\$17.95
80120520	100.00	\$17.95
82256160	75.00	\$13.46
82256170	30.00	\$5.38
82256180	50.00	\$8.97
82256190	50.00	\$8.97
82256200	74.00	\$13.28
82256210	60.00	\$10.77
82256220	15.00	\$2.69
82256230	75.00	\$13.46
82256241	75.00	\$13.46
82256250	75.00	\$13.46
82256260	75.00	\$13.46
82256270	75.00	\$13.46
82256275	75.00	\$13.46
82256280	75.00	\$13.46
82257100	136.92	\$24.58

82257110	73.09	\$13.12
82257120	60.00	\$10.77
82257130	67.00	\$12.03
82257140	63.00	\$11.31
82257150	68.14	\$12.23
82257160	60.00	\$10.77
82257170	64.53	\$11.58
82257180	64.53	\$11.58
82257190	64.53	\$11.58
82257200	64.53	\$11.58
82257210	64.53	\$11.58
82257220	193.60	\$34.75
82257230	20.00	\$3.59
82257236	76.80	\$13.79
82257240	20.00	\$3.59
82257250	76.80	\$13.79
82257260	96.80	\$17.38
82257270	96.30	\$17.29
82257280	60.00	\$10.77
82257290	210.63	\$37.81
82257300	54.75	\$9.83
82257320	64.30	\$11.54
82257330	120.00	\$21.54
82257350	89.00	\$15.98
82257360	100.00	\$17.95

82257480	116.67	\$20.94
82257490	100.00	\$17.95
82257500	100.00	\$17.95
82257510	118.00	\$21.18
82257520	64.69	\$11.61
82257530	64.46	\$11.57
82257540	64.54	\$11.58
82257550	193.60	\$34.75
82257560	96.80	\$17.38
82257570	96.80	\$17.38
82257580	96.80	\$17.38
82257590	96.80	\$17.38
82257600	125.00	\$22.44
82257630	100.87	\$18.11
82257660	67.00	\$12.03
82257670	67.00	\$12.03
82257680	67.00	\$12.03
82257690	67.00	\$12.03
82257710	77.00	\$13.82

5,538.81	\$1,603.48
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CITY COUNCIL MEETING: September 6, 1994

AGENDA ITEM NUMBER: 7b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *Tracy*
CITY RECORDER

SUBJECT: CERTIFICATION OF DELINQUENT SEWER ACCOUNTS

ISSUE:

The City of Keizer collects sewer fees for the City of Salem from residents of Keizer. The attached list, marked as exhibit "A" represents an itemized list of delinquent accounts from July 1, 1990 through July 31, 1994. Each resident has been notified by certified letter and given a sufficient amount of time to remit payment for their account. ORS 454.225 authorizes the City to certify the delinquent amounts to the County Assessor to be assessed against the premises serviced. The statute also allows City to collect penalty, interest or costs associated with the delinquencies. A 10% delinquent amount has been added as a penalty and a \$10.00 administration costs has been added to the delinquent amount.

RECOMMENDATION:

It is recommended the City Council adopt the attached Resolution which certifies the delinquent sewer accounts to the County Assessor for collection.

EXHIBIT "A"

DELINQUENT SEWER ACCOUNTS
As of July 31, 1994

<u>TAX ACCT</u>	<u>PROPERTY ADDRESS</u>	<u>OWNER ADDRESS</u>	<u>DELINQ. AMOUNT</u>
48554-000	7890 Wheatland Rd N Keizer, OR 97303-9727	James Ingerson 7890 Wheatland Rd N Keizer, OR 97303-9727	869.95
48881-000	7495 Wheatland Rd N Keizer, OR 97303-3452	Patrick Bryant 7495 Wheatland Rd N Keizer, OR 97303-3452	220.40
49223-001	5905 McLeod Ln NE Keizer, OR 97303	Willie Laird 114 Delta Dr N Keizer, OR 97303-8005	680.31
49287-000	5635 Ridge Dr NE Keizer, OR 97303-2142	Mike McDermitt 5635 Ridge Dr NE Keizer, OR 97303-2142	226.18
52991-000	1618 Chemawa Rd NE Keizer, OR 97303-3659	Francis Lara 1618 Chemawa Rd NE Keizer, OR 97303-3659	802.11
52998-000	266 Evans Ave N Keizer, OR 97303-5432	Chester Rushing 266 Evans Ave N Keizer, OR 97303-5432	381.70
53236-001	4345 Verda Ln NE Keizer, OR 97303	Landmaster 1743 Lancaster Dr NE Salem, OR 97305	150.92
70450-330	4737 Thorman Ave NE Keizer, OR 97303	Leland Curry 5825 Hideaway Ln SE Salem, OR 97301-9158	39.50
70570-190	4697 13th Ave NE Keizer, OR 97303-3809	Tony Mendezona 4697 13th Ave NE Keizer, OR 97303-3809	43.53
70790-030	1256 Jays Dr N Keizer, OR 97303-3437	Edward Murphy 1256 Jays Dr N Keizer, OR 97303-3437	657.04
70840-650	4915 Rickman Rd NE Keizer, OR 97303-3824	James Cowley 4915 Rickman Rd NE Keizer, OR 97303-3824	700.75

70940-050	968 Mistletoe Lp N Keizer, OR 97303-4307	Ed Pineda 968 Mistletoe Lp N Keizer, OR 97303-4307	41.85
73120-210	4613 Rivercrest Dr N Keizer, OR 97303	Rosalie Bowles 6141 Fruitland Rd NE Salem, OR 97301-3346	132.03
73761-110	802 Moneda Ct N Keizer, OR 97303-5848	Phillip Beeks 802 Moneda Ct N Keizer, OR 97303-5848	65.53
74200-060	381 Sunset Ave N Keizer, OR 97303-5916	Michael Bergerson 381 Sunset Ave N Keizer, OR 97303-5916	185.66
74350-290	375 Sandy Dr N Keizer, OR 97303-0060	Harold Dixon 375 Sandy Dr N Keizer, OR 97303-0060	42.71
82257-200	1250 Shady Ln NE Keizer, OR 97303-4738	E E Asher 1250 Shady Ln NE Keizer, OR 97303-4738	802.11
82258-580	1355 Alder Dr NE Keizer, OR 97303-4717	Jamie Jenniches 1355 Alder Dr NE Keizer, OR 97303-4717	72.21

Total Delinquent Sewer Amount

\$ 6,114.49

For comparison:

1990 Certified Amount

\$ 1,245.55

MINUTES

**KEIZER CITY COUNCIL
SPECIAL SESSION
Monday, August 10, 1994
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon**

CALL TO ORDER

Mayor Dennis Koho called the special meeting to order at 6:30 p.m. Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Jim Keller, Councilor
Al Miller, Councilor
Chet Patterson, Councilor
Jerry Watson, Councilor
Marlene Wellin, Councilor

Absent:

Jerry McGee, Councilor

Staff:

Dotty Tryk, City Manager
John Lien, City Attorney
Tracy L. Davis, City Recorder

Mayor Koho announced Councilor McGee will be unable to attend the meeting due to a death in the family.

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

DISCUSSION

IRIS LANE PROJECT

Dotty Tryk, City Manager summarized the chronology of events of the Iris Lane project. In April of 1993, a meeting was held with the property owners of both the north and south sides of the proposed lane. At this meeting, the property representatives from Bi-Mart expressed their concern with the potential loss of parking spaces. As a result of these concerns, Peterson Engineering prepared preliminary plans which minimized the loss of spaces for Bi-Mart. In June, these plans were forwarded to Bi-Mart for their review, and as of this date no response has been received.

In December, 1993 a decision was made to develop a Cherry Avenue Design plan to look at other alternative east/west connections. As a result of this

decision, Peterson Engineering put the Iris Lane project on hold. However, in January statements were made by the Community Development Department that indicated negotiations were continuing.

In April 1994 during budget preparations, Peterson Engineering recommended placing funds in the budget for the possible need to acquire right-of-way. After budget presentation and discussion, the funds were removed and a policy direction was given not to offer to purchase the right-of-way from Bi-Mart.

City Manager Tryk noted the project is on hold until Council decisions are made on a east/west access. She also stated no offers have been made, no money spent, no contracts awarded, nor have promises have been made on the Iris Lane project. Ms. Tryk noted the lack of communication between Mr. Morgan and Peterson Engineering lead to the misinformation represented in this matter.

Based upon these events, disciplinary action has been taken, a workplan has been developed and implemented and a letter of apology has been submitted by Mr. Morgan.

Councilor Miller submitted a statement issued by Councilor McGee.

Councilor Watson inquired if Councilor McGee had read the information provided by the City Manager prior to writing the letter. City Manager Tryk stated the information was mailed on Monday and was unsure if he had received it prior to his departure.

Mayor Koho read the letter from Councilor McGee.

Councilor McGee outlined four areas of concern in this letter:

- The Council's concern the City Manager's report trivialized this issue as "over selling";
- Is this an isolated incident or a pattern of conduct, i.e. transportation plan, the housing contract and the \$400,000 in special projects in the Urban Renewal budget;
- The time factor of the City Manager's knowledge of the misinformation prior to the budget presentations;
- The City Manager's actions to staff regarding the "over sell".

Mayor Koho stated he felt Councilor McGee's comments were based upon the previous staff report rather than the information packet provided for this meeting.

Councilor Keller noted the reference to the Iris Lane project in the engineering meeting agendas was odd since Mr. Morgan does not regularly attend these meetings. City Manager Tryk stated these are construction oriented meetings that do not require the Community Development Department to attend on a regular basis. However, the agenda noted Mr. Peterson's intent to discuss the project with Mr. Morgan, but due to other pressing issues both were involved with, the meeting did not occur. Ms. Tryk also noted with the development of the Cherry Avenue design plan, it did not seem urgent to discuss this project.

In response to a question from Councilor Keller, City Manager Tryk stated she knew negotiations would most likely be necessary to acquire property and therefore did not question the inclusion of funds in the budget document.

Mayor Koho felt he was lead to believe that negotiations were actively being pursued with Bi-Mart at the dollar amount included in the budget.

Councilor Miller stated the budget recommendation to place \$170,000 of tax payers money in the budget was based on inaccurate information and should not have been included. City Manager Tryk stated this amount was placed in the budget due to Mr. Peterson's concern that a response from Bi-Mart had not been received and it might be necessary to purchase the right-of-way. She noted with the inclusion of this amount, it stayed within the Council recommended level of \$1.00 per \$1000, without requesting additional funds.

Councilor Miller voiced his concern that Bi-Mart stated their objection to the project prior in April, 1993 well before the budget document was prepared.

In response to a question from Councilor Watson, City Manager Tryk stated her information was based upon interviews with participants in this matter. Councilor Watson expressed his desire to accept the report, the workplan and the apology and move on.

Councilor Miller said he is not only concerned with the misinformation received on the Iris Lane project but with other instances which show a continuing pattern of misinformation being given to the Council, i.e. housing consortium report, driveway closures on River Road and transportation plan report. Mayor Koho noted the workplan addresses better communication from the department in the future. City Manager Tryk responded to the other instances raised by Councilor Miller.

Councilor Watson stated the information or lack of information provided was an honest mistake and does not feel it was intended to mislead the Council.

Councilor Keller asked for further clarification on the budget document

presented to the Budget Committee which included \$400,000 for special projects and raised the rate to \$1.36 per \$1000. City Manager Tryk stated the budget document was a recommendation of the River Road Redevelopment Board, not staff. She noted these issues were highlighted in the budget message in order to inform and be discussed at the Council level.

Councilor Patterson stated the information was laid out and brought to the Council's attention. Mayor Koho also noted the Council was aware of these items and voted to remove them in order to lower the tax rate.

Councilor Miller stated it is important that information received from staff is accurate and discloses all the facts before Council makes final decisions. Mayor Koho added information should be received from staff not the media or on the street.

Councilor Keller added that the Council should be made aware of instances when there is insufficient staff time to complete projects.

Councilor Watson moved to accept the report of the City Manager, staff recommendation, the action plan and apology of Mr. Morgan as a final resolution of this matter. Councilor Patterson seconded the Motion.

Councilor Patterson noted both Mr. Morgan and Mr. Peterson are responsible for the misinformation in this instance.

The Motion passed with the following votes:

AYES: Keller, Koho, Miller, Patterson, Watson and Wellin (6)

NAYS: None (0)

ABSTENTIONS : None (0)

ABSENT: McGee (1)

OTHER BUSINESS

Councilor Watson asked for a report from the City Manager regarding the present workload of the Community Development Department. City Manager Tryk stated all long range planning is on hold. Building permits and direct building related site review plans are the only issues being handled by the department at this time. She noted interviews for the Assistant Planner are scheduled for August 24, 1994.

There was no other business to come before the Council.

**WRITTEN
COMMUNICATION**

Mayor Koho noted the receipt of letters from Councilor McGee, Larry Epping, Sam Goesch, Mary Hardison and Jeff Taylor.

There was no other written communication to come before the Council.

ADJOURNMENT

The Meeting was adjourned at 7:20 p.m.

Tracy L. Davis
City Recorder

APPROVED:

MAYOR:

COUNCIL MEMBERS:

Councilor Jerry Watson

Councilor Marlene Wellin

Councilor Chet Patterson

Councilor Al Miller

Councilor Jim Keller

Councilor Jerry McGee

Minutes approved:

MINUTES

KEIZER CITY COUNCIL
Monday, August 15, 1994
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon

CALL TO ORDER Mayor Dennis Koho called the regular meeting to Order at 7:00 p.m. Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Chet Patterson, Councilor

Absent:

Jerry Watson, Councilor
Marlene Wellin, Councilor

Staff:

Dotty Tryk, City Manager
John Morgan, Community Development Director
Charles R. Stull, Chief of Police
Wally Mull, Public Works Director
Kim Krause, Finance Officer
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

There was no public testimony to come before the Council.

**ADMINISTRATIVE
ACTION**

ORDINANCE -

**Disposal of
Unclaimed and
Surplus Property
Amendments**

RESOLUTION -

**Declaring Structures
Surplus Property
(4965 Rickman Rd
& 4930 Bailey Rd)**

Shannon Johnson, City Attorney reported an Ordinance adopted in 1988 (88-117) sets forth the procedure for disposition of unclaimed and surplus property and provides that property of nominal value may be destroyed or transferred with or without consideration to a government agency. However, this Ordinance does not provide any means to donate or transfer property of nominal value to a nonprofit organizations. Mr. Johnson noted the amendment to the Ordinance was drafted in response to a request by the Oregon Housing and Associated Services (OHAS) to donate two City owned structures which are in a state of disrepair and are no more than nominal value.

Councilor Keller moved a bill for an Ordinance Providing for Disposal of Unclaimed and Surplus Property to Nonprofit Organizations; Amending Ordinance No. 88-117; and Declaring an Emergency. Councilor Patterson seconded the Motion.

In response to a question from Councilor McGee, City Manager Tryk stated the emergency clause in the Ordinance will allow the OHAS to move the structures during fair weather.

Councilor McGee inquired if churches would be considered nonprofit organizations under this Ordinance? Mr. Johnson noted most churches should have received this status from the Internal Revenue Service and by including this language in the Ordinance it will exclude informal organizations from being considered.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller and Patterson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Watson and Wellin (2)

In response to a question from Councilor Keller, Public Works Director Mull indicated the house on Bailey has been used for storage since the City purchased the property. The house on Rickman Road was previously rented but due to the needed plumbing, heating, roofing and electrical repairs, the City elected to move the tenants to another home. Mr. Mull indicated this house is on the tax rolls for \$13,000 for the property and \$16,000 for the structure. He estimated repairs to be approximately \$12,000 to \$15,000 in order to bring the house up to code. These factors contributed to designating the home as nominal value.

Mr. Mull indicated materials presently stored in the house on Bailey Road will be moved to the water department shop, street sweeper shop or other areas at City Hall.

Councilor McGee voiced his concern with designating this home as nominal value or no value at all. He suggested separating the two homes and putting the house on Rickman Road up for auction as he believes there is value in this house.

Councilor Patterson stated the cost of moving the house is greater than any economic value the City could attain from the house. It also helps alleviate the City from the landlord responsibility and cleans up two lots at no cost to the City. He also credited OHAS for providing a home to a family in need.

Councilor Keller asked for assurance the houses could not be returned to the City if OHAS finds them undesirable.

In response to a question from Councilor McGee, City Manager Tryk estimated costs of advertising the house for bid would be approximately \$150.00 and minimum bids would start at \$2500.00 to assure the property is left in good condition when the structure is removed.

Mayor Koho moved a Resolution Declaring Structures Located at 4930 Bailey Road and 4965 Rickman Road, Keizer, Oregon as Surplus Property and Authorizing Transfer. Councilor Patterson seconded the Motion.

Mayor Koho noted by removing these structures from City property will eliminate the exposure to possible liability claims.

Councilor McGee reiterated his concern that the homes were of no value to the City.

The Motion passed as follows:

AYES: Keller, Koho, Miller and Patterson (4)
NAYS: McGee (1)
ABSTENTIONS: None (0)
ABSENT: Watson and Wellin (2)

**RESOLUTION -
Hotel/Motel Tax
Concept**

Dotty Tryk, City Manager reported as a result of the discussion at a previous Council worksession, a Resolution was drafted to establish the Council's desire to institute a transient room tax in the future.

Councilor Patterson moved a Resolution Establishing Council Intent to Impose a Transient Room Tax. Councilor Keller seconded the Motion.

In response to a question from Councilor Miller, Mayor Koho noted by passing this Resolution it will notify any future motel/hotel developers the City intends to have a room tax.

Councilor McGee voiced his concern that the language in the Resolution which states visitors place a demand on public services is hostile.

Councilor Keller moved to amend the Resolution to delete line 15 (Whereas, visitors to the community place a demand on public services;) Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller and Patterson (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Watson and Wellin (2)

Councilor McGee voiced his concern this is a business tax in which the City would benefit and the hotel/motel owner would receive a kick-back. The tourist is the victim.

Mayor Koho noted it would be inappropriate to institute a transient room tax at this time since there are not any rooms presently for rent within the City. However, this Resolution gives notice to any potential hotel/motel developer that the City is interested in approaching this issue.

The Motion as amended passed as follows:

AYES: Keller, Koho, Miller and Patterson (4)
NAYS: McGee (1)
ABSTENTIONS: None (0)
ABSENT: Watson and Wellin (2)

**RESOLUTION -
Establishment of
Lien Check Fee**

Dotty Tryk, City Manager reported this issue was discussed at a previous worksession. A Resolution has been drafted which establishes a fee of \$5.00 to recover the actual costs for staff conducting lien checks.

Councilor Keller moved for a Resolution Establishing Fees for Property Lien Searches. Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller and Patterson (5)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Watson and Wellin (2)

**RESOLUTION -
Publication Fees**

Dotty Tryk, City Manager stated this Resolution brings together current fees which are in existence, formalization of fees currently charged but not contained in a Resolution and new fees associated with the GIS mapping systems.

Councilor Patterson moved for a Resolution Establishing Fees for the Cost of Making City Records Available. Councilor Keller seconded the Motion.

Councilor McGee raised his concern with the fee waiver portion of the Resolution. He suggested including language which states fees may be waived when used for official city business.

Councilor Keller supported changing wording to allow the City Manager the discretion to waive the fees. Councilor Patterson stated this will burden the City Manager to waive fees on each individual matter.

Councilor Miller suggested by changing the wording from shall to may waive fees, will give the City Manager the discretion to stop any abuse of this waiver. He also suggested the City Manager establish a policy to the employees so she is not continually burdened.

Councilor McGee moved to amend the Resolution to change the wording on page 2, line 3 to read *may* instead of *shall* and strike *or* in line 5. Councilor Keller seconded the Motion.

The Motion to amend passed as follows:

AYES: Keller, Koho, McGee and Miller (4)
NAYS: Patterson (1)
ABSTENTIONS: None (0)
ABSENT: Watson and Wellin (2)

The Motion as amended passed as follows:

AYES: Keller, Koho, McGee and Miller (4)
NAYS: Patterson (1)
ABSTENTIONS: None (0)
ABSENT: Watson and Wellin (2)

CONSENT CALENDAR

The Consent Calendar consisted of the following:

- a. RESOLUTION - Abandon Sieberg Street Local Improvement District
- b. RESOLUTION - Initiate Northside Estates Street Lighting LID
- c. RESOLUTION - Hidden Creek Phase II Street Lighting LID (Engineer Report)
- d. RESOLUTION - Larsen Park Street Lighting LID (Engineer Report)
- e. RESOLUTION - Park Meadow Drive Street Lighting LID (Engineer Report)

f. RESOLUTION - Springridge Estates Street Lighting LID (Engineer Report)

g. RESOLUTION - Creation of Bicycle Advisory Committee

h. RESOLUTION - Creation of Traffic Safety Commission

I. Approval of July 18, 1994 Regular Session Minutes

j. Approval of August 1, 1994 Regular Session Minutes

Councilor Keller removed items "g" and "h" from the consent calendar.

Councilor Keller moved for approval of the remaining items on the consent calendar. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller and Patterson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Watson and Wellin (2)

Items "g" and "h"

Councilor Keller cited his concern with the creation of these two committees, it will require additional staff time. He suggested combining these two committees into one.

Mayor Koho noted the members of the biking community would not agree these committees should be combined.

Councilor Keller moved to have staff rewrite the Resolution to combine these two committees. Councilor McGee seconded the Motion.

Councilor McGee supports the creation of a Traffic Safety Commission to focus on traffic issues. He stated it is possible that a bike sub-committee be appointed from within this committee. Councilor Miller also supported combining these two committees in order to limit the amount of staff time.

Wally Mull, Public Works Director stated there is currently a water department staff member who belongs to the regional bike committee who would be interested in staffing this committee. City Manager Tryk also

advised a member of the Police Department has expressed interest in serving on the Traffic Safety Commission.

Councilor Patterson noted traffic and bike issues are significant by themselves and they whether the committees are combined or separated, each will generate the same amount of work.

Councilor McGee stated that if non-management staff individuals are interested in serving on these committees it would decrease the demand on the management staff.

Councilor Miller suggested including wording to reflect this intention in the Resolution. Councilor McGee noted the City Manager should have the right to name the individual staff member to each committee.

Councilor Keller withdrew his motion based upon the new information he has heard. Councilor McGee withdrew his second.

Councilor Keller moved for approval of items "g" and "h" on the consent calendar. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Keller, Koho, McGee, Miller and Patterson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Watson and Wellin (2)

OTHER BUSINESS

Mayor Koho confirmed Councilors Miller and McGee will participate in the water rate committee.

In response to a question from Councilor McGee, City Manager Tryk stated a citation has not been issued to the Fortune Cookie Restaurant and the property should be cleaned up in the next two weeks.

Wally Mull, Public Works Director informed the Council the UNOCAL property should be cleaned up and the fence removed by the end of August.

Councilor McGee asked for an update on the status of street sweeping. City Manager Tryk stated this matter should be before the Council for discussion in the upcoming months.

City Manager Tryk announced there will be a meeting on Tuesday, August 16, 1994 at the Dayspring Church to make a presentation on the proposed improvements to Lockhaven Drive.

There was no other business to come before the Council.

**WRITTEN
COMMUNICATION**

City Manager Tryk submitted a memorandum to the Council regarding the acceptance of grant funds from the Department of Land Conservation and Development for the purpose of rewriting the zoning ordinances.

There was no other written communication to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items listed.

ADJOURNMENT

The Meeting was adjourned at 7:55 p.m.

Tracy L. Davis
City Recorder

APPROVED:

MAYOR:

COUNCIL MEMBERS:

Councilor Jerry Watson

Councilor Marlene Wellin

Councilor Chet Patterson

Councilor Al Miller

Councilor Jim Keller

Councilor Jerry McGee

Minutes approved:
