

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*

AGENDA

KEIZER CITY COUNCIL
REGULAR SESSION

Tuesday, September 4, 2007

7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon

1. CALL TO ORDER

2. ROLL CALL

3. FLAG SALUTE

4. PUBLIC TESTIMONY

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

5. PUBLIC HEARINGS

- a. Appeal of Hearings Officer Decision – Subdivision 2007-26 – Bolf Terrace/Jack Lowery applicant

6. ADMINISTRATIVE ACTION

- a. City Council Position #2 Appointment Process
- b. RESOLUTION – Authorizing the Mayor to Sign Intergovernmental Agreement for Chemawa Road Maintenance and Repair – Keizer Rapids Park

7. CONSENT CALENDAR

- a. RESOLUTION – Continuing Hearing for Keizer Station Village Center Street Lighting Local Improvement District
- b. RESOLUTION – Granting Step Increase and Tuition/Educational Payment to the City Manager
- c. Approval of August 20, 2007 Regular Session Minutes

8. COMMITTEE REPORTS

- a. Something Special Task Force Report

9. **OTHER BUSINESS**

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

- a. New Business or Old Business Issues

10. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

11. **AGENDA INPUT**

September 13, 2007 (Thursday)

5:45 p.m. City Council Work Session

- City of Keizer Compensation Policy

September 17, 2007

7:00 p.m. City Council Regular Session

- Keizer Station Area B Master Plan Public Hearing
- Storm Water Utility Fee

September 24, 2007

7:00 p.m. City Council Special Session

- Appointment to City Council Position #2

October 1, 2007

7:00 p.m. City Council Regular Session

October 8, 2007

5:45 p.m. City Council Work Session

- Infill Development Discussion

October 15, 2007

7:00 p.m. City Council Regular Session

12. **ADJOURNMENT**

COUNCIL MEETING: _____
AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY, CITY MANAGER
NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR

FROM: SAM LITKE, SENIOR PLANNER

DATE: August 27, 2007

SUBJECT: Appeal of Subdivision 2007-26

Attachments: Appeal statement
Subdivision site plan
Hearings Officer's decision

BACKGROUND:

The Land Use Hearings Officer approved an application by Jack Lowery for a 14 lot subdivision on property located along Bolf Terrace Drive. Following the Hearing Officer's decision an appeal was received from Mark Murphy who indicated that he believes the Hearing's Officer erred in approving the application.

ISSUE:

Jack Lowery submitted a Lot Line Adjustment / Subdivision / Variance application. The proposal is to adjust a common property line between the Lowery property in the 6600 block of Veranda Ct and Ron and Lore Christopher's property at 184 Bolf Terrace Drive. The Christopher parcel will be increased by 667 square feet to a 11,339 square foot parcel and the Lowery parcel will be decreased by 667 square feet to 3.12 acres. The Lowery parcel would then be subdivided into a 14 lot subdivision and a Variance to adjust the lot to depth ratio for Lots 4 through 10 was approved. The Christophers are only involved in the lot line adjustment and not in the subdivision. The properties are zoned Single Family Residential (RS).

The appellant raised four areas where he believes the decision was flawed:

1. *The appeal statement indicates in Section 2.302.03.A that the findings do not address safety issues.* The street within the subdivision will be required to be designed and constructed to meet city standards. This will result in the construction of a street with a 30 foot wide paved street, sidewalk along each side and a 46 foot wide right of way. A street of such design specification will be constructed with the adopted city standards and has been found by the city to be safe when constructed as designed. The street will be a residential street and not a collector or arterial and as such will experience light traffic volumes on it as is typical on a street of this type. The street will be signed for the appropriate speed limits and since it will not be a long straight street it will not experience traffic traveling at high rates of speed. In addition, the new development will be required to install street lights that will provide illumination at night, further increasing

the public safety along the new street. Presumably, the issue of safety is related not to the design width of the new street but rather to the intersection of this street and Veranda Court. The connection to Veranda Court will be along the public portion of Veranda Court and will not affect the private portion of this street. This portion of Veranda Court has a 32 foot wide paved street within a 46 foot wide right of way that meets or exceeds City street standards. Because this portion of the street complies with street design standards there will be no safety related issues along this portion of the street. At the intersection, the new street within the subdivision will have a stop sign that will control vehicular traffic that enters onto Veranda Court. This will assure that the intersection is not a hazard for vehicular traffic. In addition, it is possible for signage prohibiting a right turn onto the private portion Veranda Court be placed at the intersection. This will help to minimize vehicles from traveling down the private portion of Veranda Court. It should also be pointed out that since the private portion of Veranda Court does not connect with any other street that it is not likely to have increased traffic as a result of this new subdivision. The City of Keizer Street Standards have been developed to provide a higher level of safety and this proposal is required to meet those standards.

2. *The appeal statement indicates that in Section 2.302.03.B the word “encourage” is not in the development code.* While it is true that the word “encourage” is not in the development code it is important to read the Hearing Officer’s finding and the context in which the word is used. The finding states, “At the hearing, there was a suggestion that the proposed street be developed as a cul-de-sac, and not provide connectivity to Veranda Court. Staff recommended a connecting street to allow access in two directions. While the development code and emergency response providers may permit a cul-de-sac, there is no requirement that the applicant construct a cul-de-sac. The development code does not require a cul-de-sac whenever possible, but rather encourages connectivity.” Staff believes that the Hearings Officer correctly interpreted this section of the code since the key provision is to allow for the continuation of, and connection to, existing streets where necessary to promote appropriate traffic circulation in the vicinity of the development. This is consistent with past land use decisions and also with Policy 2 in the Transportation System Plan that states, “The street system shall provide connectivity and continuity of travel between city entrance and exit points and major destinations and activity centers. The purpose is to minimize out-of-direction travel and circuitous routing”. The option of requiring that the new street not connect to the existing public portion of Veranda Court would not only be inconsistent with this provision of the development code but would also result in the construction of a new street cul-de-sac that would in all likelihood be constructed within feet of the edge of the Verdana Court right of way. This would likely result in a confusing situation where the roads would appear to be connected but would not be connected. This could result in people being tempted to make it into a short cut either intentionally or by accident.

3. *The appeal statement indicates that in Section 2.302.03.E findings not in compliance with this section.* This section of code does not require that all streets be designed so that they intersect at right angles but allows for some practicality based on topography or other considerations. The Hearing’s Officer wrote, “The proposed street will intersect Bolf Terrace at a right angle. It will intersect Verdana Court at an approximate 45-degree

angle – in the outside angle of where Veranda Court turns from south to east. This is the only practical way to intersect with Veranda Court because the portion of Veranda Court south and east of the intersection is private”. The intersection design was reviewed by Public Works staff which recommended that the Hearing’s Officer approve the proposed subdivision design, with the intersection as designed. Full connectivity has consistently been a high priority in development to assist efficient circulation of public services, including emergency responders, and pedestrian and bicycle users.

4. Appeal statement states that in Section 2.302.03.F the findings do not confirm that the public portion of Veranda Court conforms to street standards. As was indicated in the Hearing Officer’s decision “Veranda Court is a public street along the frontage of this property, however east of the property it is a private street. The proposed new street will intersect along the public portion of the street. This portion of the street has a 30 foot wide paved street within a 46 foot wide right of way.” In actuality, this portion of the street is 32 feet wide rather than 30 feet. This portion of the street became a public right of way with the recording of Partition Plat 2007-2. This portion of Veranda Court is consistent with and actually exceeds city’s street standards.

RECOMMENDATION:

That the Council direct staff to prepare an order to affirm the Hearing Officer’s decision to approve the proposed subdivision.



August 6, 2007

NOTICE OF HEARINGS OFFICER DECISION

Subdivision Case No. 2007-26

Attached please find a copy of the Hearings Officer decision for Subdivision Case No. 2007-26. The attached Notice of Decision contains a Summary of Evidence, Findings of the Applicable Criteria, Decision and Conditions of Approval.

Any interested person, including the applicant, who disagrees with this decision, may appeal the decision to the City Council. Any such appeal must be filed with the Keizer Community Development Department on an appeal form provided by the City. A fee of \$115.00 is required for any appeal filed. The form may be sent to Keizer City Hall, Community Development Department, 930 Chemawa Road NE, PO Box 21000, Keizer, Oregon 97307-1000. The appeal form and fee must be received by the City by 5:00 p.m. August 16, 2007. Please see the Section Appeal Rights in the Keizer Development Code, for more information.

If you any questions, concerns or comments regarding this decision, please contact the Keizer Community Development Department at (503) 856-3439 or 856-3441.

**DECISION OF THE HEARINGS OFFICER
FOR THE CITY OF KEIZER, OREGON**

SUBDIVISION CASE NO. 2007-26

I. GENERAL INFORMATION

- A. APPLICANTS:** Lowery Development, LLC for Lot Line Adjustment/Subdivision/ Variance; and, Ron and Lore Christopher, owner of property at 184 Bolf Terrace Drive, N for the Lot Line Adjustment.
- B. AGENT:** Mark Grenz, Multi-Tech Engineering Services
- C. PROPERTY OWNERS:** Ron and Lore Christopher, owner of property at 184 Bolf Terrace Drive, N; and, Keizer Church of the Nazarene, owner of property in the 6600 block of Veranda CT. After submittal of the application, Keizer Church of the Nazarene transferred ownership to Lowery Development, LLC.
- D. PROPERTY LOCATION:** The subject properties are located at 184 Bolf Terrace N, and in the 6600 block of Veranda Ct, NE and are identified on Marion County Tax Assessor's Map as Township 6 South; Range 3 West; Section 26CD; Lots # 09301; and, 09302.
- E. EXISTING PARCEL SIZES:** The vicinity map included in the application packet shows Lot 3902 (184 Bolf Terrace Drive, N) as .25 acres in size; the lot line adjustment plan, shows the final parcel would be 11,339 square feet. There are insignificant discrepancies in sizes between the lot line adjustment and preliminary plan maps submitted with the application. Lot 3901 (the parcel within the 6600 block of Veranda Ct. NE) is approximately 3.14 acres and would be approximately 3.12 acres after the lot line adjustment.
- F. EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** Each property is undeveloped. There is a 100-foot wide power utility easement along the southern portion of the site.
- G. PLAN DESIGNATION AND ZONING:** The subject property is designated as Low Density Residential on the Comprehensive Plan Map and zoned RS (Residential Single Family).
- H. ADJACENT ZONING AND LAND USES:** Surrounding properties are developed with residential uses. To the east, south, and west lands are zoned RS (Residential Single Family) and are developed with single-family homes, condos, and a duplex on a corner lot east of the Christopher parcel. To the north land is zoned RM (Medium Density Residential) and developed with duplexes.
- I. PROPOSAL:** The lot line adjustment will involve a 10,672 sq ft parcel and a 3.14 acre parcel in order to create a 11,339 sq ft and a 3.12 acre parcel. The larger parcel is proposed

to be subdivided into a 14-lot subdivision and contains a concurrent variance application to adjust the lot width to depth ratio for Lots 4 through 10 of the proposed subdivision.

- J. NOTICE:** Public notice was mailed, published and posted consistent with notice requirements in KDC § 3.204.

II. SUMMARY OF THE EVIDENCE

Staff Recommendation

Sam Litke, Senior Planner, presented the staff report and recommendation for the proposed subdivision. Mr. Litke recommended that the application complied with the development code and should be approved. He explained that the portion of Veranda that adjoins the two properties that are the subject of the lot line adjustment is public. The rest of the street is private; however, because the precise public/private line is not monumented, the city is requesting a condition of approval to monument it.. He also explained that the applicant is requesting a variance to the lot depth standards because the lot widths are more than three times their depth. There is no option to develop the southern portions of the lots because of a power line easement. To address neighbor concerns, staff has recommended a sight obscuring fence or hedge to be installed and maintained consistent with the requirements of the power line easement. Finally, staff recommends a condition of approval prohibiting further development of lots 4 through 10 for the purpose of residential development.

Applicant's Presentation

Jeremy Grenz, Multi-Tech Engineering, representing the applicant agreed with the staff report except he stated that the applicant disagreed with the requirement to construct a site-obscuring fence. He stated that it is not required by section 2.309.05 because the adjoining uses are also residential and therefore compatible uses.

Oral Testimony Before the Hearings Officer

Noel Peirce stated that parking may be a problem, especially on Bolf Terrace because of the adjacent funeral home. There is a drainage problem on the back of lot 4. He also had a question about street lights. Mr. Litke explained that applicant would be required to establish a lighting district. Mr. Pierce stated that currently children play in the vacant lot and will continue to need a place to play.

Jacque Peirce asked several questions of staff: whether staff was recommending with the properties to the west, how would the city control speeding on Bolf Terrace, where residents would park if there is a funeral, and parking specifically on lots 3 and 4. Mr. Litke explained that staff only recommended a fence to the south, the police department sets and enforces speed limits, that the timing of funerals would be during the day when residents may be away, and the width of the proposed street would allow for parking on both sides of the street.

Mike Smedema stated that he agreed with the Pierces and was also concerned about the safety of children who are already playing on this currently vacant lot. He stated that the children would have to play in the street, that the new subdivision would add an additional 8 children according

to the school district comments, and that more children would result in more safety problems. He proposed having a play area within the power line easement.

Mark Murphy stated that he is concerned about the safety of the proposed street connecting to Veranda Court: adding the road will add congestion. He requested that the city conduct a study to determine if the proposed street could be a cul-de-sac. He believed that the requirement for connectivity should apply only to large developments. He also stated that he would not approve of any additional traffic on the private portion of Veranda Court. He also asked whether the homes would be site-built or manufactured homes. The Hearings Officer explained that the type of homes is not an approval criterion and that state law does not permit the city requiring homes to be site-built.

Tracie Flores stated that she has similar concerns about safety and children playing in the field already, and believed that an accident would occur with an additional 28 cars from the new subdivision. She submitted Exhibit 11, a petition, for the record.

Scott Gillette stated that the original plan for the subject property was for drainage through his property, but he is unsure if the current drainage system on his property could handle water from the proposed subdivision.

Additional Staff Comments

Mr. Litke explained the parking requirements for the lots and the street, and that the city code required connectivity whenever possible.

Applicant's Rebuttal

Jeremy Grenz explained that his engineering company also did the engineering for the adjacent subdivision served by Veranda Court and thus he is confident the street connection will be located only on the public portion of the Veranda Court. He stated that the proposal complies with the street spacing standards. Regarding the type of homes proposed, he stated that the developer has a contract with a Keizer homebuilder who plans stick built homes similar to homes currently being built on McCloud. Mr. Grenz also stated that the children currently playing on the property are playing on private property and that the homes will pay parks SDCs for the city to purchase land. Seven of the lots will be large lots and there may be opportunity for children to play on those lots. Finally, he explained that the developer will conduct appropriate capacity calculations for storm drainage (addressing Mr. Gillette's comments).

Jack Lowery, Lowery Development, LLC, explained that he has been in the development business for many years and that he has presold the lots to Anderson Homes if they are created by November 2007. He will be asked that construction equipment be parked off-site, and also noted that lots 4-10 are large lots for children to play on.

Documents Considered by the Hearings Officer

Keizer Community Development Department Staff Recommendation, Subdivision Case No. 2007-26 (July 12, 2007) with Exhibits 1-9 attached.

Exhibit 1 – Vicinity Map

Exhibit 2 – Reduced copy of Proposed Plan Map

- Exhibit 3 – Public Works’ comments
- Exhibit 4 – Keizer Fire Department’s comments
- Exhibit 5 – City of Salem Public Works’ comments
- Exhibit 6 – Salem/Keizer School District 24J’s comments
- Exhibit 7 – Marion County Surveyor’s Office’s comments
- Exhibit 8 – Letter from Members of Ten at McNary Homeowners Association
- Exhibit 9 – Letter from Jacques Peirce

City of Keizer Subdivision/PUD/Manufactured Home Park Application (received May 22, 2007)
 City of Keizer Major and Minor Variance Application (received May 22, 2007)
 City of Keizer Lot Line Adjustment Application (received May 22, 2007)
 Vicinity Map
 Reduced copies of preliminary plan and lot line adjustment plan
 Bolf Terrace Estates – applicant’s statement (May 22, 2007)
 Full size preliminary plan and lot line adjustment plan

- Exhibit 10 – Letter from Jeremy and Lindsay Everitt, undated, submitted after staff report but before hearing.
- Exhibit 11 – Petition, submitted at hearing by Tracie Flores.

III. FINDINGS FOR LOT LINE ADJUSTMENT

The approval or denial of a lot line adjustment is based on compliance with decision criteria found in section 3.106 of the Keizer Development Code. The criteria, findings, and conclusions are listed below.

A. Section 3.106.04.A. The adjustment of the lot lines results in no more parcels than originally existed.

FINDINGS: The proposal complies with this requirement as it adjusts the property lines between two existing parcels in order to reconfigure them. The result of the reconfiguration is that one parcel (Keizer Church of the Nazarene/Lowery Development, LLC) will slightly decrease in size and one parcel (Christopher property) will slightly increase in size. It will not create a new parcel. Therefore, this request satisfies this criterion.

B. Section 3.106.04. B. The proposed lot line adjustment results in parcels that meet all area and dimension standards of the Keizer Development Code.

FINDINGS: The subject properties are each zoned RS (Residential Single Family). The minimum lot size in the RS zone is 5,000 square feet for a detached, single family dwelling and 4,000 square feet for an attached or zero side yard dwelling. The minimum average lot depth required is 70 feet and the minimum average lot width required is 40 feet. The following illustrates the existing and proposed lot area and dimensions of each parcel:

///

<u>Property</u>	<u>Existing size</u>	<u>After lot line adjustment</u>
184 Bolf Terrace N	10,672 sq ft	11,339 sq ft
6600 block of Veranda Ct	3.14 acres	3.12 acres
	<u>Existing width and depth</u>	<u>After lot line adjustment</u>
184 Bolf Terrace N	125' x 85'	135' x 85'
6600 block of Veranda CT	460' x 350'	460' x 350'

After the property line adjustment, both parcels will meet the minimum area and dimension standards of the RS zone.

In addition to the area and dimension standards for individual lots, the Keizer Development Code requires that lots have access fronting on an existing or proposed public street or to a public street via an access easement. One parcel (Christopher property) will continue to have access onto either Veranda Court or Bolf Terrace while the larger vacant parcel has frontage along both Bolf Terrace and Veranda Court and is proposed to be served by a new street that will connect with both of these streets. At the time of development of the parcels, all provisions of the fire code, including access and address requirements, will be required to be met as a part of any building permit approvals.

The applicants will be required to comply with the Marion County Surveyor's Office requirements regarding any replatting process in order to accomplish the lot line adjustment. As a condition of approval, the replat shall show all area and dimensional standards of each of the lots, which must conform to the requirements of the RS zone. Therefore, with the above mentioned conditions of approval, this request can satisfy this criterion.

C. Section 3.106.04.C. The proposed lot line adjustment does not locate lines in violation of the setback and height provisions of the Code relative to existing structures and improvements.

FINDINGS: The proposed lot line adjustment will adjust the property lines such that the crescent shaped area between the southern property of the Christopher parcel and the proposed new street will be transferred from the Lowery property to the Christopher property. The RS zone requires that single-family dwellings provide a minimum 5-foot side yard setback and a minimum 14-foot rear yard setback for a one-story structure and a 20-foot setback for a two-story structure. Both properties are vacant; therefore, the lot line adjustment will not locate lines in violation of setback requirements. At the time of development of either parcel, any new structure must comply with all setback requirements of the underlying zone.

The City of Keizer Public Works Department submitted comments regarding the need for public facilities to be available to serve each of the parcels, and that those services are to be located on the parcel they serve. In addition, there will be no dedication of right of way along the frontage of property however a 10-foot wide public utility easement must be provided. Therefore, with the above mentioned conditions of approval this request can satisfy this criterion.

D. Section 3.106.04.D. The proposed lot line adjustment does not result in creating Infill parcels which previously did not meet the criteria for an Infill Development parcel as defined in Section 2.316.03.

FINDINGS: The proposed lot line adjustment will not change the status of the lots as infill parcels. The smaller parcel is vacant and was approved by a previous land use decision, and since no division of the parcel is proposed, it is not considered an infill parcel. The larger parcel exceeds 2 acres in area, and is therefore not considered an infill parcel. In addition, the vacant property is not served by public water, sewer, or storm drainage and any development plans will need to be submitted which address these issues.

IV. FINDINGS FOR SUBDIVISION

The approval or denial of a subdivision is based on compliance with decision criteria found in section 3.108 of the Keizer Development Code. The criteria, findings, and conclusions are listed below.

A. SECTION 3.108.06.A – THE PROPOSAL SHALL COMPLY WITH THE APPLICABLE DEVELOPMENT STANDARDS IN SECTION 2.405 AND SECTION 2.3 AS APPROPRIATE, INCLUDING PROVISIONS FOR STREETS AND UTILITIES.

Section 2.405 KDC contains development standards for manufactured home parks and is therefore not applicable in this situation. Section 2.3 KDC contains the standards which guide all development approvals within the City of Keizer. Listed below are the development standards contained in Section 2.3 that are pertinent to this subdivision review.

1. SECTION 2.301.03 – APPLICATION OF PUBLIC FACILITY STANDARDS

FINDINGS: In order to promote and maintain healthy, safe environments and to minimize development impacts upon surrounding properties and neighborhoods, the public facilities improvement requirements specified in the table found in Section 2.301.03 are found to be the minimum necessary. The applicant will be required to provide the following public facilities: fire hydrant, street improvements, water hook-up, sewer hook-up, storm drain and street lights within the proposed Bolf Terraces Estates Subdivision. With these items placed as conditions of approval, this request can meet this criterion.

2. SECTION 2.302 – STREET STANDARDS – GENERAL PROVISIONS

a. Section 2.302.03.A - General Requirement. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of the land to be served by the streets.

FINDINGS: The area proposed to be subdivided has a change in elevation from a high point of 182 feet in the northwest corner of the site to 168 feet in the southeast corner of the property. The applicant proposes to develop the site with 14 single-family dwellings. The site has frontage along the south side of Bolf Terrace, and along a portion of the west side of Veranda Court. The applicant

proposes a new public street that will serve the lots within the proposed Bolf Terrace Estates Subdivision. This street is shown in the portion of the site that is generally flat. The Public Works Department commented that prior to submitting construction plans for the proposed subdivision; a pre-design meeting with the developer's engineer and the Department of Public Works is required. With this placed as a condition of approval, this proposal can satisfy this criterion.

b. Section 2.302.03.B - Continuation of Street. *Development proposals shall provide for the continuation of, and connection to, existing streets where necessary to promote appropriate traffic circulation in the vicinity of the development. Where necessary to give access or permit a satisfactory future division of adjoining land, streets and utilities shall be extended to property boundaries to allow the future extension of streets and infrastructure. A temporary turnaround shall be constructed for stub streets in excess of 150 feet in length. Exemptions from these street extensions can be found in Section 2.302.03.B.1-5.*

FINDINGS: The proposed lots within the Bolf Terrace Estates Subdivision will be served by a new public street that is proposed to connect to both Bolf Terrace and Veranda Court. It is not possible to provide for the proposed street to continue beyond Bolf Terrace or Veranda Court because the properties to the north and east are already developed.

At the hearing, there was a suggestion that the proposed street be developed as a cul-de-sac, and not provide connectivity to Veranda Court. Staff recommended a connecting street to allow access in two directions. While the development code and emergency response providers may permit a cul-de-sac, there is no requirement that the applicant construct a cul-de-sac. The development code does not require a cul-de-sac whenever possible, but rather encourages connectivity.

The proposal complies with this criterion.

c. Section 2.302.03.C - Alignment. *All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the existing centerlines. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet.*

FINDINGS: The subdivision site plan shows that the proposed street will connect Bolf Terrace and Veranda Court. The surrounding land uses and lot and street pattern prevent this proposed street from aligning with existing streets. No streets intersect with Bolf Terrace or McNary in the vicinity of the subject parcel to which the proposed street could be aligned. The intersection of the proposed street with Bolf Terrace will be approximately 220 feet west of the Bolf Terrace/Veranda Court intersection, and the intersection of the new street and Veranda Court is shown approximately 140 feet south of the Bolf Terrace/Veranda Court intersection. Therefore, the street layout complies with this provision.

d. Section 2.302.03.D - Future extension of streets. *When it appears possible to continue a street, bicycle path and/or pedestrian accessway into a future subdivision, adjacent acreage or area attractors such as schools and shopping centers, streets, bicycle paths and/or pedestrian accessway facilities shall be platted and built to a boundary of the subdivision. The street may be*

platted without a turnaround unless the Public Works Department finds a turnaround is necessary for reasons of traffic safety. Any street extension exceeding 150 feet in length shall be provided with an approved turnaround as set forth in Section 902.2.2.4 "Dead Ends" of the Uniform Fire Code, 1994 edition.

FINDINGS: The proposed street will connect to two existing streets in a logical manner. No access is planned onto the private street system to the south. The property to the west can be served off Bolf Terrace so no extension to this property is envisioned. With the property to the south developed with the McNary Estates PUD there is no need for a connection into this developed area. Therefore, this section is not applicable.

e. Section 2.302.03.E - Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 60 degrees shall require special intersection designs. Streets shall have at least 50 feet of tangent adjacent to intersections unless topography requires lesser distances. Intersections that are not at right angles shall have minimum corner radii of 15 feet. Major arterial intersections shall have curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 20 feet.

FINDINGS: The proposed street will intersect Bolf Terrace at a right angle. It will intersect Veranda Terrace at an approximate 45-degree angle—in the outside angle of where Veranda Court turns from south to east. This is the only practical way to intersect with Veranda Court because the portion of Veranda Court south and east of the intersection is private. The developer will be required to obtain appropriate approvals and permits through the City Engineer's office.

f. Section 2.302.03.F - Existing Streets. Whenever existing public streets adjacent to or within a tract are of a width less than the street design standards, additional right-of-way shall be provided at the time of subdivision, partitioning, or development.

FINDINGS: Along the frontage of the applicant's property, Bolf Terrace has a 30-foot wide paved street within a 60-foot wide right-of-way. This section of the street along the frontage of the applicant's property is improved with a curb, gutter and 5-foot wide sidewalk. Veranda Court is a public street along the frontage of this property, however east of the property it is a private street. The proposed new street will intersect along the public portion of the street. This portion has a 30-foot wide paved street within a 46-foot wide right of way. Along the south side of the site is McNary Heights Drive, which is a private street. No access onto this street is planned, nor will any be permitted. Public Works has indicated that neither dedication nor improvements along this street will be required as part of the development of this subdivision.

g. Section 2.302.03.G - Half-streets may be approved where essential to the reasonable development of an area and when the City finds it to be practical to require the dedication of the other half when the adjoining property is developed. When a ¾ width street can reasonably be developed, as determined the Department of Public Works, a half street will be constructed with an additional 10 feet of pavement on the opposite side of the street from full improvement.

FINDINGS: No half streets are proposed; therefore this section is not applicable.

h. Section 2.302.03.H - Cul-de-sacs. The maximum length shall be 800 feet.

FINDINGS: No cul-de-sacs are proposed; therefore this section is not applicable.

i. Section 2.302.03.I - Street names and numbers shall conform to the established standards and procedures in the City.

FINDINGS: The proposed street is shown on the applicant's site plan as "Veranda Ridge Loop." As a condition of subdivision approval, a street name application must be submitted to and approved by the Keizer Community Development Department. This proposal can satisfy this criterion.

j. Section 2.302.03.J - Grades shall not exceed 7 percent on arterials, 10 percent on collector streets or 15 percent on any other street. Street grades of 15 percent shall not exceed 200 feet in length. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. On arterials there shall be a tangent of not less than 100 feet between reversed curves.

FINDINGS: The portion of the subject property that the new street will be constructed is predominately flat and has no grades or slopes that will constrain or impact this development of the property. The storm drainage system makes use of a combination of street and off-street drainage. A grading and drainage plan will be required as a condition of approval to ensure that adequate drainage is provided, as well as construction permits for the new street system. With these conditions of approval, this proposal can satisfy this criterion.

k. Section 2.302.03.K - Frontage Streets. If a development abuts or contains an existing or proposed arterial or collector street, the City may allow frontage streets, or may require reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to preserve the capacity and safety of the collector or arterial street.

FINDINGS: Neither Bolf Terrace, nor Veranda Court is designated as a collector or arterial street in Keizer's Transportation System Plan. Therefore, this section is not applicable.

l. Section 2.302.03.L - Alleys shall be provided in commercial and industrial zones unless other permanent provisions for access to off-street parking and loading facilities are provided. The corners of alley intersections shall have radii of not less than 10 feet.

FINDINGS: No alleys are proposed, therefore, this provision is not applicable.

m. Section 2.302.03.M. - Street Landscaping. Where required as part of the right-of-way design, planting strips shall conform with the following standards:

1. *Street trees shall be planted at a ratio of no less than one tree per 30 feet of property frontage. Street trees shall conform with the list of acceptable trees included in the City's Street Tree Ordinance. Installation of street trees shall be included in any improvement agreement covering the installation of public facilities and services on a property.*

2. *Planting strips shall be planted and maintained in predominantly living groundcover materials with hard surfaces consisting of bricks, pavers, rocks, decorative concrete work, etc., only being included as part of an overall landscape design where living plant material is predominant. In no case shall asphalt be used within the planting strip.*

FINDINGS: A priority of the Keizer's Transportation System Plan is to provide a safe pedestrian and bicycle facility with landscaped planting strips along streets. In addition to providing street trees along the new street, the applicant shall provide street trees along the frontage of Bolf Terrace. Street trees shall be planted consistent with the spacing requirements within Section 2.302. While the landscaped area is within the right-of-way, it will be the homeowners' responsibility to maintain this area. Information regarding the care and maintenance of this landscaping strip must be included in the CC&R's, Homeowners' Association Agreement or other similar type of agreement approved by the Community Development Department. With these placed as conditions of approval, the application can comply with this provision.

n. *Section 2.302.03.N - For streets serving infill development as defined under Section 2.316.03, the Infill Street and Access Easement Standards of Section 2.316.06 may be applied.*

FINDINGS: The property to be subdivided is comprised of over 3 acres and does not meet the definition as qualifying for infill development and so these provisions are not applicable.

3. **SECTION 2.302.04 - GENERAL RIGHT-OF-WAY AND IMPROVEMENT WIDTHS**

The standards outlined in this section shall be the minimum requirements for all streets, except where a variance is requested as permitted under Subsection 2.202.05.

FINDINGS: The applicant does not request any modification to the right-of-way or improvement width for public streets. This proposal meets this criterion.

4. **SECTION 2.302.06 - CONSTRUCTION SPECIFICATIONS**

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

FINDINGS: A public street is proposed to serve the proposed lot within the subdivision, so this section is applicable. The proposed street design is for a 30-foot wide paved street within a 44-foot wide right of way. Sidewalks will be located on both sides of the street. The applicant will be responsible for complying with all conditions regarding the design specifications of the street within the proposed subdivision and so will ensure compliance with this provision.

5. **SECTION 2.303 - OFF-STREET PARKING AND LOADING**

For single family residences, 2 parking spaces per dwelling unit shall be provided on-site, and 1 additional parking space per dwelling unit provided either on-site or on-street within 200 feet of the property or in a parking lot or bay within 200 feet of the property.

FINDINGS: The smallest lot within the subdivision is 5,000 square feet which can accommodate the development of a single family dwelling while providing two on-site parking spaces. This proposal meets this criterion.

6. **SECTION 2.306 - STORM DRAINAGE**

No construction of any facilities in a development included in Subsection 2.306.02 shall be permitted until a storm drainage and erosion control plan for the project is prepared by a professional engineer, and approved by the City. These provisions shall also apply to any cut or fill on a property, which may impact the velocity, volume, or quality of surface water on adjacent property, or may impact any permanent natural body of water.

FINDINGS: To provide for drainage of surface water from residential development, minimize erosion, reduce degradation of water quality due to sediments and pollutants in stormwater runoff, and reduce downstream flooding, a storm drainage and erosion control plan is required. Prior to any development of the proposed subdivision, the applicant must submit a storm drainage and erosion control plan for the project. The applicant will be responsible to make any modifications necessary to the site-grading plan when the final grades are determined. The City of Keizer will require that stormwater detention proposed to be underground will be located within improved street areas. Access to an approved public storm drain system will be required. The submittal indicates a connection to an existing private storm drain system to provide for drainage for the public streets. The private system that the applicant is proposing connecting into **has not been approved as an acceptable drainage outlet**. The submittal includes a storm drain manhole located a considerable distance from the proposed public street. Access to any manholes on easements shall be provided to the satisfaction of the Department of Public Works. No development will be allowed until the plan is reviewed and approved by the City and all prior facility charges (acreage fees) have been paid. With these requirements placed as conditions of approval, this application complies with this provision.

7. **SECTION 2.307 - UTILITY LINES AND FACILITIES**

FINDINGS: To provide adequate services and facilities appropriate for residential development, the applicant shall meet the standards set forth in Section 2.307 of the Keizer Development Code relating to water, sanitary sewer, private utilities, street lights and easements. This is a development requirement and compliance will be ensured during review of the construction and engineering drawings.

a. ***Section 2.307.02.A - The location, design, installation and maintenance of all utility lines and facilities shall be carried with minimum feasible disturbance of soils and site.***

FINDINGS: The proposal to subdivide the site will require utility lines to serve the new lots. A preliminary site plan has been submitted; however, as a condition of approval, a detailed engineer's plan will be required to be submitted for review and approval. As part of the grading plan, erosion control measures will be required. The construction and installation of these facilities will be required to be done so that it satisfies this requirement. Therefore, this proposal can satisfy this criterion.

b. Section 2.307.02(B) - All development that has a need for water service shall install water facilities and grant necessary easements pursuant to the requirements of the City.

FINDINGS: The intent of this provision is to ensure that water lines are installed to city specifications and, if placed outside of public right-of-ways are located within an easement to avoid conflicts. The applicant's statement and site plan indicate the proposed lots will be served by private water lines. The Keizer Development Code requires that water service installed outside of the right-of-way shall be placed within an easement, and the easement be shown on the final plat. Keizer Public Works commented that the developer shall prepare an overall water system plan showing the required changes to the existing system to bring the water mains, fire hydrants and individual services into compliance with the City of Keizer Design and Construction Standards. This plan must be prepared prior to submission of the subdivision plat. Appropriate easements for all public water mains and fire hydrants will be required if construction will be outside of a public right-of-way. Any system development charges for water system improvements will be those in place at the time of individual service connections. With these requirements placed as conditions of approval, this request can meet this criterion.

c. Section 2.307.02(C) - Private Utilities, All development that has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.

FINDINGS: The applicant's written statement does not indicate whether all the utilities will be placed underground. However, unless otherwise prohibited this is a development requirement. The Department of Public Works commented that to minimize utility line conflicts, a master utility plan including all proposed power, telephone, gas and cable lines shall be submitted for review prior to issuance of construction permits for the proposed project. With this placed as a condition of approval this request can satisfy this criterion.

d. Section 2.307.02(D) - Sanitary Sewers, All development that has a need for public/private sanitary sewers shall install the facilities pursuant to the requirements of the city. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.

FINDINGS: The Public Works Department submitted comments addressing this criterion. The subject property is located outside the original Keizer Sewer District. Therefore a sanitary sewer trunk line acreage fee will be required unless the applicant can provide evidence that a previous assessment for sanitary sewers for the subject property has been paid. Sewer construction will be required to meet subdivision standards. Prior to platting of the proposed

new subdivision, new sanitary sewer plans will need to be developed and approved to provide for a public system meeting both state and city requirements. City of Salem approval for local sewer permits will need to be issued prior to construction. Prior to submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer for review and determination of compliance with the city's Master Sewer Plan for the area. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements for any public sewer mains located within the subject property if located outside platted rights-of-way will need to be recorded which meet the City of Salem Design Standards and shown on the subdivision plat.

Stormwater detention for the proposed development will be required. All stormwater and roof drains are to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces. A grading and drainage plan shall be developed for the subject property that takes into consideration all development that will result in modifications of the existing property. The Grading and Drainage Plan shall be consistent with City of Keizer ordinances. Details of the plan shall include adequate conveyance of storm water from adjacent property across the subject property. This plan shall be submitted and approved by the Department of Public Works prior to the issuance of any permits for street or storm drainage construction for the subject property. Additional information regarding street grades, site grading, inverts, etc will be required for review prior to any plan approval. The drainage plan for the development shall comply with the Keizer Development Code. With these addressed as conditions of approval, the applicant complies with this provision.

e. *Section 2.307.02(E) Street Lights. When required, installation of street lights shall be pursuant to the requirements of the city and the company serving the development.*

FINDINGS: A street lighting plan is not included as part of the proposed subdivision plan. Street lights will be required along this new street to provide for public safety in the development. Consistent with City policy, formation of a street lighting district is required. With this as a condition of approval, this request meets this criterion.

f. *Section 2.309.04(B)(7f) – The City may require significant trees that are removed (including trees that are removed within the year prior to the application) be replaced at the rate of up to two new trees for each significant tree removed.*

FINDINGS: The applicant has indicated that there are no significant trees that are defined as trees greater than 50 feet in height and or 12 inches in diameter at 5 feet DBH on the property. Therefore, this section is not applicable.

8. SECTION 2.310 - DEVELOPMENT STANDARDS FOR LAND DIVISIONS

a. *Section 2.310.03.A - Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcels are located.*

FINDINGS: The purpose of this requirement is to allow for the development of the property in a manner consistent with that of the underlying zone district. The subject property is zoned RS

(Residential Single Family). Within the RS zone, the minimum lot size for detached single-family dwellings is 5,000 square feet. The applicant's site plan indicates that the lots within the proposed subdivision range in size from 5,000 sq ft to 16,623 square feet. The lots have an average lot size of 8,350 square feet. All of the proposed lots conform to the minimum lot size requirement of the RS zone district. This proposal satisfies this criterion.

b. Section 2.310.03.C - Lot width and depth. *The depth of a lot or parcel shall not be more than 3 times the width of the parcel.*

FINDINGS: The purpose for establishing lot width-to-depth ratios is to provide for the orderly, safe, efficient and livable development of land. The lot width-to-depth ratio also prevents lots from being created that would be practically unbuildable. The applicant's site plan indicates that the proposal will contain seven lots that have a depth more than three times the width and therefore, do not comply with this criterion. However, section 2.310.02.B allows for the modification of this standard provided, findings are established which indicate compliance with the standard is infeasible. The applicant has submitted a concurrent variance application to vary this section of the code for Lots 4 through 10. The variance request is addressed below. All other lots within the proposed subdivision meet this criterion. If the variance is approved, then this proposal satisfies this criterion.

c. Section 2.310.03.D - Access. *All lots and parcels shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. Cul-de-sac lots shall have a minimum frontage of 25 feet and Flag lots shall have an access strip of no less than twenty (20) feet. The following exceptions shall apply: residential lots or parcels may be accessed via a private street or access easement developed in accordance with the provisions of Section 2.303 when the City finds that a public street is not necessary to provide for the future development of adjoining property.*

FINDINGS: Eleven of the lots have frontage that exceed the minimum 40 foot frontage requirement. Two of the lots (Lots 3 and 4) are considered to be flag lots, which both contain more than the minimum 20 feet of frontage along a public street. Lot 10 is shown with less than 40 feet of frontage (35.61 feet). This lot can be neither a flag lot nor a cul-de-sac lot; therefore, its frontage must be increased. This can be accomplished by shifting lot lines on either side of this lot so as to make it comply with this requirement. A condition of approval is necessary to ensure that lot 10 complies with the frontage requirements. Because increasing the frontage of lot 10 will decrease the frontage of one or more adjoining lots, the condition should require that each of the proposed lots must meet or exceed the minimum standards outlined in the development code. With this placed as a condition of approval, this proposal can satisfy this criterion.

d. Section 2.310.03.E - Flag Lots. *Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed and when in compliance with Section 2.302.03.B. If a flag-lot is permitted, the following standards shall be met:*

1. *The access strip shall not be less than 20 feet wide. The access strip shall be improved with a minimum 12 foot wide paved driveway and paved encroachment which meet applicable City standards.*

2. *The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.*

FINDINGS: Two flag lots (Lots 3 and 4) are proposed and each is shown with almost 22 feet of frontage. However, when the access strip for Lot 3 is subtracted from the area of the lot, its resulting size is less than 5,000 square feet in area. In order to be consistent with minimum lot size requirements, the area for this lot must be increased. With this recommended as a condition of approval, This request can satisfy this criterion.

e. *Section 2.310.03.F - Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. Through lots shall be no less than 100 feet in depth. Screening or buffering, pursuant to the provision of Section 2.307, may be required by the City during the review of the land division request.*

FINDINGS: There is one 'through lot' (Lot 12) proposed, however it contains a depth greater than 100 feet (118 feet) and therefore, complies with this provision. In addition, the lot does not have frontage along any major traffic arteries, nor are there any non-residential activities nearby that should preclude it from being allowed. Lots 5-10 appear to be through lots, but are not because McNary Heights Drive is a private street. The applicant has indicated that the front of Lot 12 will be oriented to the internal street within the subdivision to avoid having any access onto Bolf Terrace. The Public Works Department commented that Lot 12 will not be allowed access onto Bolf Terrace and that a notation must be recorded by deed restriction or on the plat indicating this restriction. With this placed as a condition of approval, this proposal will comply with this criterion.

f. *Section 2.310.03.G - Lot Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than 1/2 the dimension of the front lot line.*

FINDINGS: The subject property is nearly a square shaped area minus the Christopher property, which is not part of the subdivision request. The side lines of lots 10 and 11, which face onto the proposed street, are not at right angles to the proposed street due to the lot pattern surrounding the subject parcel, and the way in which the proposed street must connect to Veranda Court. Because the side lines of these lots run generally parallel to the adjacent lots, they are as close to a right angle as practicable. The rear lot lines are no less than one-half the dimension of the front lot lines. The application complies with this criterion.

g. *Section 2.310.03.H - Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 2.302.04 of this Code.*

FINDINGS: There will be utility lines located in the access and utility easement serving the lots. Public Works commented that it would require that easements be granted to the City and shown on the final plat for any utility lines that would be located on any lot. This is a development

requirement and shall be placed as a condition of approval of this subdivision application. The application can comply with this criterion.

9. **SECTION 2.310.04 - ADDITIONAL DESIGN STANDARDS FOR SUBDIVISIONS**

a. ***Section 2.310.04.A - Standards for Blocks:***

1. ***General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography.***

2. ***Sizes: Blocks should not exceed 600 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet.***

FINDINGS: The length of the new street within the proposed subdivision will be approximately 260 feet and therefore, complies with this provision.

b. ***Section 2.310.04.B - Traffic Circulation. The proposed subdivision shall be laid out to provide safe and convenient vehicle, bicycle and pedestrian access to nearby residential areas, transit stops, neighborhood activity centers such as schools and parks, commercial areas, and industrial areas; and to provide safe and convenient traffic circulation. At a minimum, "nearby" is interpreted to mean uses within ¼ mile which can be reasonably expected to be used by pedestrians, and uses within 1 mile of the subdivision boundary which can reasonably be expected to be accessed by bicyclists.***

FINDINGS: The intent of this provision is to allow for safe pedestrian and bicycle access from the lots within the subdivision to other nearby facilities. There is an existing sidewalk along the frontage of the property with Bolf Terrace. This sidewalk is part of the pedestrian system. In order to provide for a safe pedestrian system within the subdivision the applicant will be required to provide a 5-foot wide sidewalk along each side of the street within the subdivision. In addition, the applicant will be responsible for replacing any portion of the sidewalk along the frontage of the property with Bolf Terrace that may be removed during construction. The application complies with this criterion.

10. **SECTION 2.310.06 - IMPROVEMENT REQUIREMENTS**

a. ***Section 2.310.06.A - Frontage Improvements. Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.303 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.***

FINDINGS: The applicant will be responsible for providing full street improvements along the frontage of each lot within the subdivision. No other improvements along either Bolf Terrace or Veranda Court are required from the applicant. The application complies with this criterion.

b. Section 2.310.06.B - Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 and 2.316 only if sidewalks currently exist along the connecting street.

FINDINGS: The applicant's site plan shows a sidewalk will be constructed along each side of the proposed new street within the subdivision. With this placed as a condition of approval, this proposal complies with this criterion.

c. Section 2.310.06.C - Project Streets. All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.302.

FINDINGS: Public Works has reviewed the proposed subdivision and their detailed comments are included as part of the record. The new street is shown as a 30-foot wide paved street within a 44-foot wide right of way. As a condition of approval the applicant will be responsible for constructing the street so as to comply with all requirements of the City Public Works department regarding street construction. This will ensure compliance with this criterion.

d. Section 2.310.06.D - Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.

FINDINGS: The applicant will be responsible for placing appropriate monuments at the street intersections and with this as a condition; this application can comply with this criterion.

e. Section 2.310.06.E - Bench Marks. Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.

FINDINGS: The applicant will be responsible for placing appropriate bench marks at the street intersections and with this as a condition; this application can comply with this criterion.

f. Section 2.310.06.F - Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas. Drainage shall be designed to avoid impacts on adjacent property.

FINDINGS: This criterion was also addressed previously in this report relating to storm drainage improvements and public facilities. The intent of this provision is to ensure that new development can be done in such a manner to avoid any flooding onto neighboring properties or onto the property being developed. Public Works has commented that a Grading and Drainage Plan must be submitted and approved by the Department of Public Works prior to the issuance of any

permits for street or storm drainage construction for the subject property. The proposed new street shall be served with a public storm drain system meeting the design and construction standards of the Department of Public Works. The City of Keizer will require that storm water detention proposed to be underground will be located within improved street areas. Access to an approved public storm drain system will be required. The submittal indicates a connection to an existing private storm drain system to provide for drainage for the public streets. The private system that the applicant is proposing connecting into **has not been approved as an acceptable drainage outlet**. The submittal includes a storm drain manhole located a considerable distance from the proposed public street. Access to any manholes on easements shall be provided to the satisfaction of the Department of Public Works. No development will be allowed until the plan is reviewed and approved by the City and all prior facility charges (acreage fees) have been paid. With the Public Works' Department's comments applied as conditions of approval, the application complies with this criterion.

g. Section 2.310.06.G - Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.

FINDINGS: The intent of this provision is to protect the public water supplies from failing on-site septic systems and ensure the efficient use of urban land, since homes constructed on lots that can connect to a municipal sanitary sewer system require less land than homes constructed on lots with private on-site septic systems. The site plan indicates that a new sanitary sewer line will be constructed to serve the new subdivision. There is an 8-inch sanitary sewer line in the Bolf Terrace right-of-way. The subject property is located outside the original Keizer Sewer District and so a sanitary sewer trunk line acreage fee will be required. Sanitary sewer construction will be required to meet subdivision standards. Prior to platting of the proposed subdivision, the sanitary sewer plans shall be approved. This will require City of Salem approval for local sewer permits to be issued prior to construction and with City of Keizer approval. Prior to submitting plans to the City of Salem for approval, the developer's engineer shall submit plans to the City of Keizer for review and determination of compliance with the City's Master Sewer Plan for the area. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. Appropriate easements for any public sewer mains located within the subject property if located outside platted rights-of-way will need to be recorded which meets the City of Salem Design Standards and must be shown on the subdivision plat. The proposed sanitary sewer alignment has not been accepted by the Department of Public Works. Further, it will be the responsibility of the developers engineer to locate any existing wells (including on adjacent property) in the vicinity of the proposed new sanitary sewer lines for the subject property. The developer, prior to platting of the proposed subdivision, shall remove any conflicts between existing wells and proposed sanitary sewers. With conditions of approval addressing these issues, this application can comply with this criterion.

h. Section 2.310.06.H - Water System. Water lines with valves and Fire District approved fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed and operating prior to start of combustible construction. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the developer will be responsible for water main sizes necessary to meet minimum fire

flow requirements per Uniform Fire Code. The City will not expect the developer to pay for the extra pipe material cost of mains exceeding 8 inches in size.

FINDINGS: The proposed subdivision will require a new water line to be constructed in order to serve the new subdivision. This line will connect to the main line in the Bolf Terrace right-of-way. Public Works commented that an overall water system plan shall be developed showing the required changes to the existing system to bring the water mains, fire hydrants and individual services into compliance with the City of Keizer Design and Construction Standards and shall be prepared prior to submission of the subdivision plat. Appropriate easements for all public water mains and a fire hydrant if one is determined to be necessary to serve the development will be required. Any system development charges for water system improvements will be those in place at the time of individual service connections. Final development plans shall be reviewed by the Keizer Fire District with regard to access and adequate location of fire hydrants prior to approval of any plans for the development. The location of all meters is to be approved by Keizer Water Department. With conditions of approval addressing these issues, the application can comply with this criterion.

i. *Section 2.310.06.I - Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks (e.g., pedestrian walkways) or sidewalks fronting public property shall not be deferred.*

FINDINGS: There is an existing 5-foot wide sidewalk along the Bolf Terrace frontage. A portion of it may be removed as part of the development of this property and if so will need to be replaced to match up with it. As required by this criterion, sidewalks must be installed along the portion of each lot abutting the proposed new street within the subdivision. Sidewalks may be deferred until the issuance of building permits. This proposal can satisfy this criterion.

j. *Section 2.310.06.J - Street Lights. The installation of street lights is required at locations determined to be appropriate by the City and shall be of a type required by City standards.*

FINDINGS: Street lights are required within new subdivisions to ensure there is adequate lighting for public safety. Street lights must be installed within the subdivision. The subdivision plan does not indicate the placement of any street lights. With a condition of approval requiring streetlights, the application can meet this criterion. In addition, a street lighting district will also be required to be formed to ensure ongoing maintenance and operation of the street lights. Therefore, this proposal can satisfy this criterion.

k. *Section 2.310.06.K - Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type required by City standards. Each street sign shall display the one hundred block range. Street signs shall be installed prior to obtaining building permits.*

FINDINGS: The applicant will be required to install a street name sign at the intersection of the new street and Bolf Terrace, as well as the intersection with Veranda Court. Street name signs must

be consistent with city standards. With this placed as a condition of approval, the application can comply with this criterion.

l. Section 2.310.06.L - Public Works Requirements. All facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works.

FINDINGS: The application can meet this criterion. This is addressed as a condition of subdivision approval.

m. Section 2.310.06.M - Curb Cuts. Curb cuts and driveway installations, excluding common drives, are not required of the subdivider, but if installed, shall be according to the City standards.

FINDINGS: With this as a condition of approval, the application can comply with this criterion.

n. Section 2.310.06.N - Street Trees. Street tree planting is mandatory where a planting strip is part of the street design. Plantings shall conform to Section 2.302.03(M).

FINDINGS: The intent of this provision is to allow for street trees to be planted along streets to improve the streetscape appeal of the street. Section 2.302.03.M requires spacing of one tree every 30 feet. The site plan and applicant statement are silent about street trees. The applicant must plant at least two street trees along the frontage of each lot within the subdivision, and adjacent to the sidewalk along the frontage of Bolf Terrace. With a condition of approval requiring street trees, this application can comply with this criterion.

o. Section 2.310.06.O - Grading & Fills. All grading which results in fills in excess of 3 feet located within the identified building envelope on a subdivision lot or parcel must be engineered.

FINDINGS: Since the property is flat, there should be minimal placement of any fill prior to construction of any dwellings. However, since this is a State Building Code requirement it is intended as advisory at this point of the subdivision review.

p. Section 2.310.06.P - Financial Requirements. All improvements required under this Section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision.

FINDINGS: This requirement will be placed as a condition of approval.

C. SECTION 3.108.06.B - EACH LOT SHALL SATISFY DIMENSIONAL STANDARDS AND DENSITY STANDARDS OF THE APPLICABLE ZONING DISTRICT, UNLESS A VARIANCE FROM THESE STANDARDS IS APPROVED.

FINDINGS: The applicant has indicated that each of the lots will be developed with single-family homes. Section 2.102.05.A of the Keizer Development Code requires that each lot to be developed with a single-family dwelling contain a minimum average width of 40 feet. The lots have widths that are on average, approximately 50 feet, and so each satisfies this requirement. This section also specifies a minimum average depth of 70 feet for lots with single-family homes. Each of the lots

exceeds the minimum lot depth requirements. Section 2.102.06.I specifies a minimum density of 4 units per acre and a maximum density of 8 units per acres. The proposed subdivision has a density of 4.48 dwellings per acre. This complies with the minimum density requirements of this section of the code.

D. SECTION 3.108.06.C - ADEQUATE PUBLIC FACILITIES SHALL BE AVAILABLE TO SERVE THE EXISTING AND NEWLY CREATED PARCELS.

FINDINGS: As previously discussed, public sewer and water are available and will be extended to serve the newly created lots within the proposed subdivision and the applicant will be responsible for complying with the applicable conditions governing the construction and installation of these facilities. With this placed as a condition of approval, this application can comply with this criterion.

E. SECTION 3.108.06.D - ROUGH PROPORTIONALITY. IMPROVEMENTS OR DEDICATIONS REQUIRED AS A CONDITION OF DEVELOPMENT APPROVAL, WHEN NOT VOLUNTARILY ACCEPTED BY THE APPLICANT, SHALL BE ROUGHLY PROPORTIONAL TO THE IMPACT OF DEVELOPMENT. FINDINGS IN THE DEVELOPMENT APPROVAL SHALL INDICATE HOW THE REQUIRED IMPROVEMENTS OR DEDICATIONS ARE ROUGHLY PROPORTIONAL TO THE IMPACT.

FINDINGS: The City has a legitimate governmental interest in assuring the development does not cause a public problem of inadequate, unsafe and inefficient public transportation facilities. This is done by ensuring that adequate streets that logically continue the City's street system are provided in order to avoid traffic generation that exceeds the street system's carrying capacity, which then causes dangerous or hazardous traffic conditions. The conditions requiring the applicant to make particular street improvements or dedications address that public interest by improving the adjacent streets.

The applicant proposes a 14-lot subdivision. The Keizer Development Code requires that new development make road improvements to bring their road frontage up to the road classification and construction standards. The street standards require road improvements and the road construction to be provided by the development as it occurs in proportion to its impacts. The occupants of the subdivision will utilize road systems constructed by other developments at no cost to them or the applicant.

The functional classification of Bolf Terrace and Veranda Court is based on the cumulative traffic impacts from the development of properties in the area which will use the street. Each street is classified as a residential street. Functional classification is established in order to ensure that the streets have adequate carrying capacity for the traffic which will utilize it to avoid traffic generation that would cause dangerous or hazardous traffic conditions. The proposed development will generate additional vehicle trips per day that will contribute to the cumulative traffic impacts on the area. Bolf Terrace is an improved public street with curb, gutter and sidewalk along the frontage of the applicant's property and therefore, the applicant will not be required to provide for additional right of way dedication or street improvement along the

frontage of the property of this street. However, the applicant will be responsible for improving the full extent of the new street within the subdivision in order to serve the residents within the subdivision. Such street improvements and dedications are now, and have traditionally been, part of the cost considered in the developer's reasonable investment-backed expectations for constructing the subdivision. The improvements and dedications required with this application are roughly proportional to the impact of the development.

V. FINDINGS FOR MAJOR VARIANCE

The decision criteria for major variances are contained in section 3.105.05 of the Keizer Development Code. The criteria, findings, and conclusions are listed below.

1. Section 3.105.05.A - The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.

FINDINGS: The subject property is zoned RS. The property is undeveloped and is proposed to be developed with a single-family dwelling on each lot which is an allowed use within the RS zone. The subject property is proposed to be subdivided based on the Keizer Development Code. The standard that the applicant is seeking to be waived is the lot width to depth ratio that limits the depth to no more than 3 times the width. Lots 5 through 9 exceed this requirement by approximately 42 feet or about 30%. Lot 10 by approximately 50% and since Lot 4 is a flag lot it is not quite as simple to calculate, however it is similar to the other lots in its depth. There is an existing 100-foot wide utility easement with transmission tower and power lines crossing the southern portion of the property. The applicant is not allowed to locate buildings within this easement, which limits how the site can be laid out. The submitted site design is one that shows an efficient design of the property given this constraint. The applicant would be able to comply with this lot width-to-depth ratio by either decreasing the depth of the lots by shifting the road further to the south, or by increasing the widths of the lots so as to meet the width-to-depth ratio.

Requiring the new street to be located further south in an effort to make these lots comply with this code provision would not be practicable and would result in an overall design that is less efficient. There would be a significant impact to the buildable area of each of the lots. In fact, each of the lots would lose between 30 and 40 percent of the buildable area, which would force each building to essentially be located right up against the easement. The design as submitted is one that allows for a certain amount of flexibility in building placement and can keep the houses outside of and as far away from the easement as possible. Increasing the individual lot widths in order to comply with the provision, would require that each lot be approximately 64 feet in width. This would result in a reduction of the number of lots within the subdivision by at least 2 lots. This would result in the overall density of the subdivision falling below the minimum standard of 4 units per acre, which is outlined in the Keizer Development Code. The approval of the variance will permit a design that is also consistent with Keizer Comprehensive Plan Policy #2(b)(5) which states, "Provide for and promote generally higher residential densities to encourage a compact urban form". The development as proposed, will have a density of 4.48 dwelling units per acre which meets the minimum provision of the RS zone and with Comprehensive Plan Policy #15(c) which defines Low Density as allowing "[A]s many as 8 units per gross acre. It should be noted that the requested variance is not an attempt by the applicant to create as many lots as possible, maximizing the

allowed density threshold of 8 units per acre, but is rather a request for variance approval, in order for the applicant to comply with the minimum standards of the Development Code.

The variance will allow the applicant to develop the property in a manner consistent with these policies. Therefore, this is the minimum necessary to permit the level of development as proposed by the applicant. The request complies with this criterion.

2. Section 3.105.05.B - The applicant in good faith is unable to comply with the standard without undue burden. The applicant must demonstrate that the burden is substantially greater than the potential adverse impacts caused by the proposed variance.

FINDINGS: The applicant met with staff during a pre-application conference and has submitted an application based on comments received from various city departments. In recognition that the proposal seeks to develop the property in an efficient manner consistent with density provisions as was addressed previously in this report, the burden created by location of the utility easement is greater than any adverse impact created by this proposal. This request complies with this criterion.

3. Section 3.105.05.C - The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property

FINDINGS: Approval of the requested variance will not change to the character of the neighborhood. Properties to the south of the site are developed with single family homes, as are properties to the east. With the easement prohibiting the placement of any buildings within the easement area there will be no homes located in close proximity to the neighbors to the south. In fact the proposal is one that shows the homes located as close as possible to the new street within the subdivision. While it may seem logical that since these lots are large, they may have the potential for redevelopment, given the fact that the easement precludes the placement of homes, there is not possibility of further dividing the properties for residential uses.

Notice was provided to adjacent property owners and several concerns were raised regarding the desire that a sight-obscuring fence be placed along the south property line. Section 2.309.05.A specifies when screening or buffering is required. In this case, the only possible situation would be 2.309.05.A.7, which requires screening or buffering to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar uses. Here, the proposed uses will be residential—the same as the properties to the south. There is no evidence that these residential uses within this residential area on land zoned for residential use will generate visual impacts, dust, noise, or pollution in excess of that generated by the surrounding residential uses. Hence, screening or buffering does not appear to be necessary. This conclusion is further supported by the fact that the houses will be located at least 100 feet north of McNary Heights Drive due to the power line easement. This additional distance acts as a buffer.

At the hearing, other neighboring landowners expressed a desire for screening or buffering to the east and west of the subject property. The hearings officer cannot require the applicant to install screening or buffering to the east and west because there is no evidence that these residential uses within this residential area on land zoned for residential use will generate visual impacts, dust, noise, or pollution in excess of that generated by similar adjacent residential uses.

The applicant, may choose to install a fence that complies with the city's requirements, or to require, as part of homeowners association that the owners of individual lots do so. The HOA requirements may even specify the type of fencing to ensure uniformity.

4. Section 3.105.05.D - There has not been a previous land use action approved on the basis that variances would not be allowed.

FINDINGS: While there has been a previous land use application on this property that partition approval does not expressly prohibit the granting of this variance. Therefore, the proposed variance complies with this criterion.

5. Section 3.105.05.E - The variance will not significantly affect the health or safety of persons working or residing in the vicinity.

FINDINGS: The requested variance will allow for the property to be developed in an efficient manner and meet all other development requirement. Properties to the south of the site are developed with single family homes, as are properties to the east. With the easement prohibiting the placement of any buildings within the easement area there will be no homes located in close proximity to the neighbors to the south. The proposed variance will allow for a level of development that is consistent with the provisions of the Development Code and Comprehensive Plan, which are designed to govern the development of land within the City of Keizer and promote the public health, safety, and general welfare of the community. Therefore, the proposed variance will not result in any significant affects upon the health or safety of persons working or residing in the vicinity. Therefore, this request complies with this criterion.

6. Section 3.105.05.F - The variance will be consistent with the intent and purpose of the provision being varied.

FINDINGS: The provision being varied is specifically *Section 2.310.03.C. Lot width and depth*. The purpose of section 2.310 is, "To provide for the orderly, safe, efficient and livable development of land within the City of Keizer." (Section 2.310.01) By establishing development standards for land divisions, the Development Code strives to provide for lots that can reasonably be developed with a single family home and avoid parcels that may not be efficiently developed due to odd parcel shapes. The Development Code recognizes that modifications to *Section 2.310. Development Standards* may be necessary in certain situations. Section 2.310.02.B states in part that, "The design standards in this section may be modified, provided, findings are established which indicate compliance with these standards is infeasible . . ." In this case, the applicant has demonstrated that compliance with the width-to-depth ratio is not feasible.

Another consideration with the intent of the width-to-depth ratio is to minimize having future partitions of lots that might otherwise affect the livability of the neighborhood, and or preclude developments from achieving a compact, urban form. In this case, the existence of the utility easement precludes the ability of any of these lots from being further divided, so there will be no additional lots created as an unintended result of this application. The applicant's proposal shows that the lots can be developed with single family homes that will be located outside of the easement

and as far away from the existing development to the south as possible which will protect the livability of the existing neighborhood. This request complies with this criterion.

VI. ADDITIONAL DISCUSSION FROM THE HEARINGS OFFICER

At the hearing, several people spoke about safety concerns—apparently, many children in the area play on the subject property. Development of the property will obviously eliminate this property as a play area for children. This, however, is not a matter that the hearings officer can address in this decision. The development code does not require the developer of this subdivisions to set aside land for play areas for neighborhood children. The hearings officer, however, did clarify one recommended condition of approval—that lots 4–10 not be further divided for residential use. This may allow for the current landowner or owners of the individual lots to divide their lots individually or together to create an area adjacent to McNary Heights Road for a neighborhood park. This is not a requirement for this subdivision approval, and persons interested in creating a park will need to work with the city planning staff to determine if a park is permitted and how to amend this approval, amend the final subdivision map, or partition and combine portions of the lots to accomplish their objective.

VII. DEVELOPMENT CONSIDERATIONS

- A. The Keizer Development Code requires the developer to connect to public utility services. The Development Code also requires all utility services to be placed below ground. These requirements apply to this request. Further, the developer is responsible for all utility connection costs.
- B. The City's System Development Charge for park development shall be the fee in place at the time of building permit application. These Development charges, as well as those involving the extension of sewer, water, and storm drainage, will apply to this request.
- C. The subject property is located outside of the original Keizer Sewer District. Therefore a sanitary sewer trunk line acreage fee will be required unless the applicant can provide evidence that a previous assessment for sanitary sewers for the subject property has been paid. Connection to existing sewer lines that serve the general area will be the responsibility of the developer. An overall sanitary sewer master plan for the proposed development shall be submitted to the City of Keizer Department of Public Works for review prior to the submittal of any engineering drawings for public sewer lines for the proposed development.
- D. Any system development charges for water system improvements will be those in place at the time of individual service connections.
- E. Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
- F. All grading which results in fill in excess of three (3) feet located within the identified building envelop on a subdivision lot or parcel must be engineered.

VIII. DECISION AND CONDITIONS OF APPROVAL

Based on the above evidence and findings of fact, the Hearings Officer approves the proposed lot-line adjustment, subdivision, and major variance applications with the following conditions of approval. Compliance with the Conditions of Approval shall be the sole responsibility of the applicants and/or property owner.

General:

1. Improvement work shall not commence until plans have been checked for adequacy and approved by the Department of Public Works. Plans shall be prepared in accordance with requirements of the City. Plans for the proposed subdivision shall be consistent with previously submitted plans for the existing parcels.
2. Improvement work shall not commence until the Public Works Department has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the Public Works Department has been notified.
3. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
4. Any wells on bordering properties within 50 feet of any proposed sanitary sewers shall be located. Development of the subject property will require the design and construction of an adequate public water system to provide for fire protection for the development. A preliminary water master plan shall be submitted to the Department of Public Works for review to indicate fire protection adequacy and where individual water meters are proposed. A-10 foot utility easement is required along the frontage of all public streets within the proposed development, including the frontage of Bolf Terrace.
5. Plans shall be submitted to the Department of Public Works clearly indicating the delineation between public and private streets.
6. Access to Lot 11 shall be restricted to the westerly side of Lot 11.
7. The frontage of Lots 3 and 4 shall be widened as necessary to provide for the required minimum drop curb for a driveway to each parcel. The drop curbs shall be separated by a standard handicap accessible ramp.
8. Lot 12 will not be allowed access to Bolf Terrace. Notation shall be recorded by deed restriction or on the plat.

9. No further dividing of Lots 4 through 10 shall be permitted for the purpose of residential development. Division of these lots for other uses as allowed by the power line easement may occur.
10. No access onto McNary Heights Drive is allowed without written authorization of the appropriate governing body that can issue this authorization.

Prior to Plan Submittal:

11. A Pre-design meeting with the City of Keizer Department of Public Works will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review. An engineering site plan shall be submitted for review and approval to the Keizer Department of Public Works. The site plan shall include information concerning storm water detention, street improvements, easements, sewer, water and other engineering information as necessary to show compliance with Public Works development standards. At the pre-design meeting the following items shall be submitted for review and approval:
 - a. A master water system plan showing proposed routes of public water mains (including a water line to provide for looping of the system to the existing waterline), fire hydrants as required by the Fire District and individual services.
 - b. An overall storm drainage plan which provides service to this development consistent with the City of Keizer Master Storm Drain Plan for this area of Keizer. All storm water and roof drains are to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces. No direct connection of roof drains will be allowed. Weep holes in curbs are the standard method for providing roof drain outlets. A grading and drainage plan shall be developed for the subject property. The grading and drainage shall comply with Section 2.306 (storm drainage) of the Keizer Development Code.

The City of Keizer will require that storm water detention proposed to be underground will be located within improved street areas. Access to an approved public storm drain system will be required. The submittal indicates a connection to an existing private storm drain system to provide for drainage for the public streets. The private system has not been approved as an acceptable drainage outlet. The submittal includes a storm drain manhole located a considerable distance from the proposed public street. Access to any manholes on easements shall be provided to the satisfaction of the Department of Public Works.

Additional information regarding street grades, site grading, inverts, etc, shall be submitted prior to any plan approval.

- c. Local sewer permits are required prior to construction and are issued through the City of Salem. The City of Salem requires sanitary sewer laterals be constructed

that serve each lot conforming to the City of Salem Sewer Design Standards. Sewer laterals shall be located within the access and utility easement or appropriate easements.

Prior to submitting plans to the City of Salem for approval, plans shall be submitted to the Public Works Department for review and determination of compliance with the City of Keizer's Master Sewer Plan for the area.

Prior to Issuance of Construction Permits by the Department of Public Works:

12. Construction permits are required by the Department of Public Works prior to any public facility construction. Prior to issuance of construction permits, all required acreage fees (sanitary sewer and storm drain) shall be paid or evidence provided that previous payments have been made. Contact Scott Peterson at the City Engineer's office at (503) 390-7402 for the required permit information.
13. An improvement agreement shall be executed between the developer and the City of Keizer prior to recording of the subdivision plat. This agreement can be picked up at the City Engineer's Office.
14. Any required connection taps shall be to the City of Keizer standards paid for by the developer. The sanitary sewer acreage fee and the storm drainage acreage fee shall be paid at the time of issuance of construction permits by the Department of Public Works.
15. Final development plans shall be submitted to the Keizer Fire District for review and approval regarding access and adequate location of fire hydrants. Location of all water meters to be approved by Keizer Public Works Department.
16. A master utility plan including all proposed power, telephone, gas and cable TV lines shall be submitted to the Department of Public Works for review prior to the Department issuing construction permits for the proposed project.
17. A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.
18. A power plan shall be submitted to Qwest.
19. An application for a Local Improvement District for the street lighting district can be obtained from the City Recorder. A complete Local Improvement District (L.I.D.) application for street lighting shall be submitted to the City Recorder. Street lighting improvements shall comply with the City regulations and requirements.

During Public Improvements:

20. All underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of any streets or access ways.

21. A street opening permit will be required for any construction within existing right of ways.

Prior to Satisfaction of Improvements:

22. Certified as-built drawings of all public utility improvements and street improvements shall be provided to the City's Public Works Department upon completion of the public improvements and prior to final acceptance of the improvements by the City. As-built conditions and information shall be reflected on one set of Mylar base as-built drawings. The as-built drawings shall be submitted to the City Engineer. Additionally, digital files of the as built plans shall be submitted to the Department of Public Works.

Prior to Preliminary Plat Approval:

23. A detailed preliminary subdivision plat shall be submitted to the Marion County Surveyor's office for review. Marion County Surveyor's office will then submit the plat to Keizer for review and approval. The Preliminary Plat must be submitted for review prior to submittal of a final plat. This shall also include the property involved in the lot line application.
- a. A checking fee and second Mylar fee is required.
 - b. A current or updated title report must be submitted at the time of review. Title reports shall be no less than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.
 - c. Subdivision name must be approved per Oregon Revised Statue 92.090.
 - d. Must be surveyed and platted per Oregon Revised Statue 92.050.
 - e. Per Oregon Revised Statue 92.065 remaining monumentation bond may be required if some of the plat monuments have not been set and/or the installation of street and utility improvements has not been completed, or other conditions or circumstances cause the delay (or resetting) of monumentation.

The detailed preliminary plat shall include the following provisions:

- f. Include all engineering elements as required by the Department of Public Works.
- g. Right of way dedication for the proposed development.
- h. For all public water mains, fire hydrants and any public sewer mains located within the subject property (if located outside platted right of ways) easements will be required and will need to be recorded. These easements shall meet the City of Keizer or City of Salem (where applicable) Design Standards and shall be shown on the subdivision plat.
- i. 10 foot wide public utility easements (PUE) shall be shown along all new dedicated right of ways.
- j. All lots shall conform to lot dimensions standards within the RS zone. Lots 4 through 10 may exceed the lot width-to-depth ratio as approved by variance. Include net area for all flag lots.

- k. Lot 10 shall have a minimum of 40 feet of frontage.

Prior to Final Plat approval (Mylar):

24. All existing wells on the subject property shall be abandoned. Any existing neighboring well conflicts with proposed sanitary sewers shall be reported to the department of Public Works and a method for resolving the conflict shall be determined prior to the construction of any sanitary sewers on the subject property. A copy of a well abandonment permit from the State Water Resources Department indicating completion of the abandonment of all wells on the property shall be submitted to the Public Works Department.
25. Upon approval of the preliminary agreement, a final copy of any CC&R's, Homeowner Agreements, or other instrument shall be submitted to the Community Development Department that conforms to the agreements submitted during preliminary plat approval.
26. Upon approval of the detailed preliminary plat and engineering plans, a final plat for the subdivision, which conforms to the preliminary plat approval, must be submitted for review to Marion County Surveyor's Office.
27. A Street naming application to name the proposed new street is available from the Community Development department. The Street naming application must be completed and submitted to the Community Development department for approval.

Prior To Obtaining Building Permit(s):

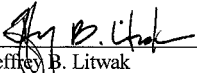
28. No building permits shall be issued until the plat is recorded and all conditions of any construction permits are completed to the satisfaction of the Department of Public Works.
29. No buildings will be allowed within the existing 100-foot wide power utility easement.

Prior to Obtaining Building Permit Final for each dwelling within the Subdivision:

30. The residential address requirements found in the Oregon Uniform Fire Code shall be completed as approved by the Keizer Fire District and Community Development Department.
31. Two (2) streetscape trees shall be required to be planted on each lot along the new street and also along the frontage with Bolf Terrace. The trees shall be planted in conformance with Section 2.316.13 of the Keizer Development Code and shall be planted prior to final inspection approval for each individual lot.
32. No building permits shall be issued until the plat is recorded, street addresses have been assigned, and all conditions of any construction permits are completed to the satisfaction of the Department of Public Works.

33. Sanitary sewer permits must be received and/or sewer taps and system development charges must be paid due and payable to the City of Salem.

DATED this 2 day of August 2007



Jeffrey B. Litwak
Hearings Officer



CITY OF KEIZER APPEAL FORM

RECEIVED
CITY OF KEIZER

AUG 16 2007

Appeal of Staff Decision Fee:

\$200.00

COMMUNITY DEVELOPMENT

Appeal of Hearing Officer / Planning Commission Fee:

\$130.00

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

Any interested person, including the applicant, who disagrees with this decision, may request that the appropriate body at a public hearing consider the application. The appeal is subject to the appellant paying a fee (see fee schedule above) at the time the appeal form is submitted. This fee will be refunded if the appeal is upheld.

The appeal form must be received by the Keizer Community Development Department, 930 Chemawa Road NE, Keizer by 5:00 p.m. on the tenth day following the date of the mailing of the decision. The failure to submit the required fee with the appeal form or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect resulting in the dismissal of the case. *Appeals shall state the alleged errors in the original action and the specific criteria, which the appeal is based upon.*

Land Use Case Appealed: Subdivision Case No. 2007-26

Final Date of Appeal Period: 5:00 pm AUG. 16, 2007

Errors identified in original action & Specific Criteria the appeal is based upon:

Section 2.302.03.A - Findings do not Address
Safety issues.

Section 2.302.03.B - The word "encourage" is
not in the development code with regards to
this section.

Sections 2.302.03E - Findings not in compliance
with this section.

Appellant Name: Mark Murphy

Address, City, Zip: 6682 Veranda Ct. N.
Keizer, OR 97303

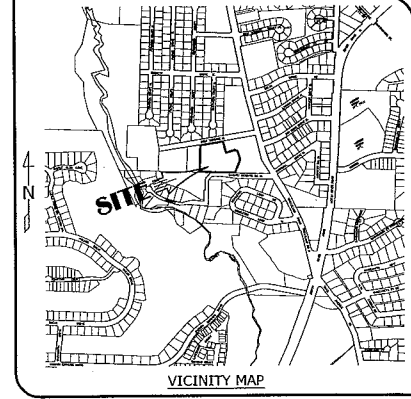
Daytime Phone #: 425-830-9901

The City of Keizer Community Development Department will be in contact to notify you of the scheduled hearing for the appeal of this land use case. If you have any questions, contact the department at (503) 856-3441.

Section 2.32.03.F - Findings do not confirm
that public portion of Veranda Court
conforms to street design standards,

BOLF TERRACE ESTATES

SEC. 26, T. 6 S., R. 3 W., W.M.
CITY OF KEIZER
MARION COUNTY, OREGON



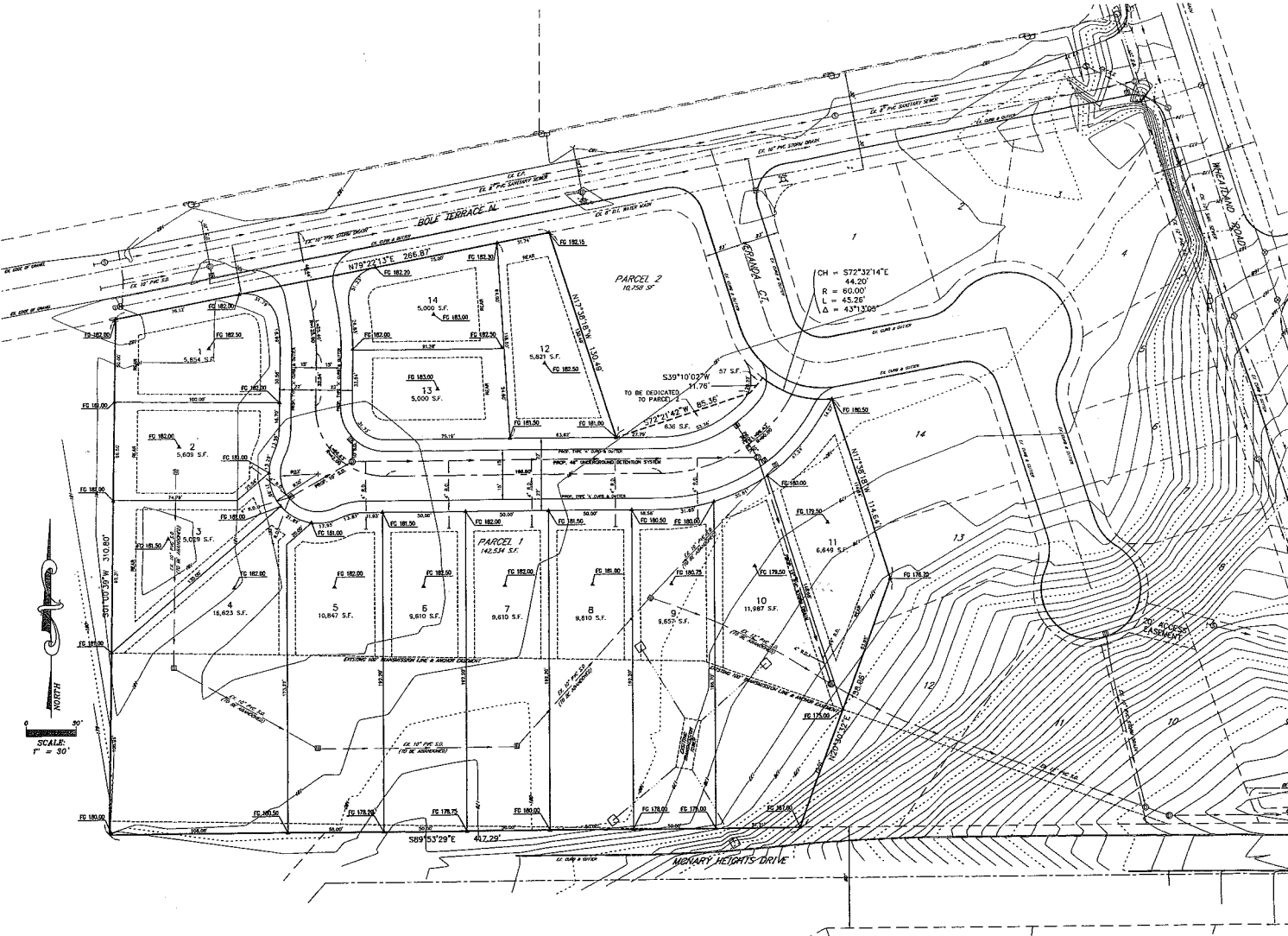
VICINITY MAP

Owner / Developer:
**KEIZER CHURCH
OF THE NAZARINE**
4855 BAILEY RD. N.E.
KEIZER, OREGON 97303

PARCEL SIZE:
DEVELOPABLE AREA 3.27 AC.
NUMBER OF UNITS 14
DENSITY 4.28 UNITS/ACRE
LARGEST LOT 16,623 SQ. FT.
SMALLEST LOT 5,000 SQ. FT.
AVERAGE 8,350 SQ. FT.

EXISTING ZONE RS

UTILITIES:
CABLE COMCAST CABLE SERVICES
POWER P.G.E.
PHONE QWEST COMMUNICATIONS
GAS N.W. NATURAL
STORM DRAIN CITY OF KEIZER
SANITARY SEWER CITY OF SALEM
WATER



MULTI / TECH
ENGINEERING SERVICES, INC.
3189 S.W. 3RD ST., S.W. SALEM, OR 97303
PH: (503) 363-9237 FAX: (503) 364-1360
www.multitech-inc.com office@multitech-inc.com

MULTITECH ENGINEERING EXEMPT FROM
LIABILITY IF NOT STAMPED APPROVED
**NOT FOR
CONSTRUCTION
UNLESS STAMPED
APPROVED HERE**



NO CHANGES, MODIFICATIONS OR
REPRODUCTIONS TO BE MADE TO
THESE DRAWINGS WITHOUT WRITTEN
AUTHORIZATION FROM THE DESIGN
ENGINEER.
DIMENSIONS & NOTES TAKE
PRECEDENCE OVER GRAPHICAL
REPRESENTATION.

Design: M.D.G.
Drawn: P.H.S.
Checked: M.D.G.
Date: MAY 2007
Scale: AS SHOWN
As-Built:

**BOLF TERRACE
ESTATES**

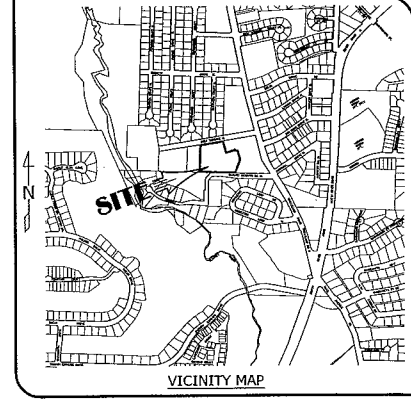
**PRELIMINARY
PLAN**

Drawing Number
4862
Sheet Number
1 of 1

4862b.dwg, 5/22/2007 9:44:25 AM, P.Saunders

BOLF TERRACE ESTATES

SEC. 26, T. 6 S., R. 3 W., W.M.
CITY OF KEIZER
MARION COUNTY, OREGON



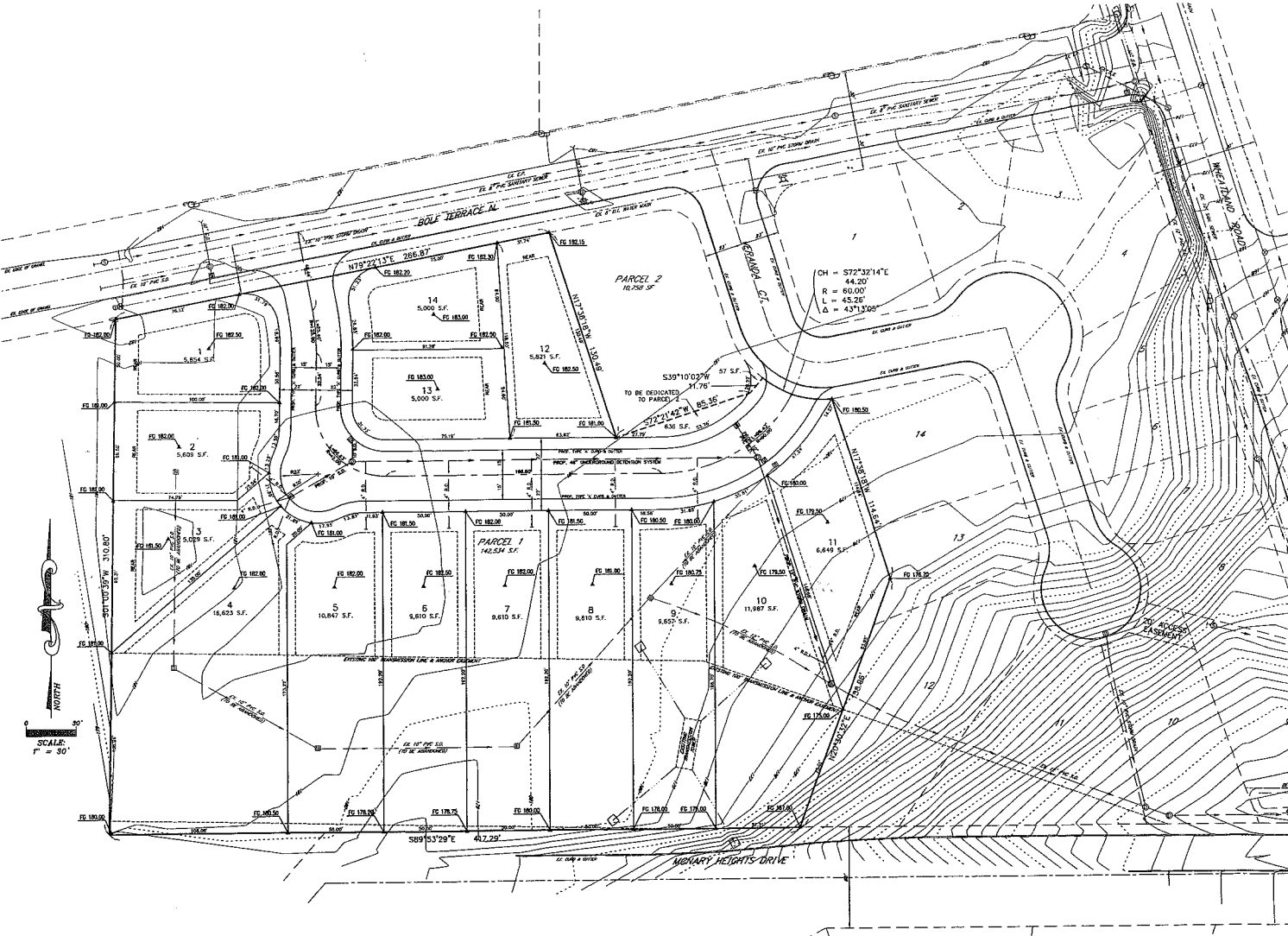
VICINITY MAP

Owner / Developer:
**KEIZER CHURCH
OF THE NAZARINE**
4855 BAILEY RD. N.E.
KEIZER, OREGON 97303

PARCEL SIZE:
DEVELOPABLE AREA 3.27 AC.
NUMBER OF UNITS 14
DENSITY 4.28 UNITS/ACRE
LARGEST LOT 16,623 SQ. FT.
SMALLEST LOT 5,000 SQ. FT.
AVERAGE 8,350 SQ. FT.

EXISTING ZONE RS

UTILITIES:
CABLE COMCAST CABLE SERVICES
POWER P.G.E.
PHONE QWEST COMMUNICATIONS
GAS N.W. NATURAL
STORM DRAIN CITY OF KEIZER
SANITARY SEWER CITY OF SALEM
WATER



MULTI TECH
ENGINEERING SERVICES, INC.
3189 S.W. 3RD ST., S.W. SALEM, OR 97303
PH: (503) 363-9227 FAX: (503) 364-1260
www.multitech.com office@multitech.com

MULTITECH ENGINEERING EXEMPT FROM
LIABILITY IF NOT STAMPED APPROVED
**NOT FOR
CONSTRUCTION
UNLESS STAMPED
APPROVED HERE**



NO CHANGES, MODIFICATIONS OR
REPRODUCTIONS TO BE MADE TO
THESE DRAWINGS WITHOUT WRITTEN
AUTHORIZATION FROM THE DESIGN
ENGINEER.
DIMENSIONS & NOTES TAKE
PRECEDENCE OVER GRAPHICAL
REPRESENTATION.

Design: M.D.G.
Drawn: P.H.S.
Checked: M.D.G.
Date: MAY 2007
Scale: AS SHOWN
As-Built:

**BOLF TERRACE
ESTATES**

**PRELIMINARY
PLAN**

Drawing Number
4862
Sheet Number
1 of 1

4862b.dwg, 5/22/2007 9:44:25 AM, P.Saunders

COUNCIL MEETING: September 4, 2007

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

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

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

SUBJECT: CITY COUNCIL POSITION #2 APPOINTMENT PROCESS

BACKGROUND:

On July 27th, 2007 Troy Nichols resigned from City Council position #2. Councilor Nichols was elected in November 2004 and sworn into office in January 2005 for a four-year term.

On August 20th the City Council adopted a Resolution declaring the position vacant and a timeline to fill the vacancy. Applicants will have until 5:00 p.m. on Friday, September 21st to submit a letter of interest and resume for the position. A special Council session has been scheduled for Monday, September 24th at 7:00 p.m. for presentations by the applicants. The Council agreed by consensus to ask questions of the applicants and to allow follow-up or clarifications of the answers. Upon conclusion of the presentations, the remaining members of the Council will vote to fill the vacancy and the successful applicant will be sworn in.

ISSUE:

At the last City Council meeting, the Council tentatively agreed to a process to allow a five-minute opening statement by each of the applicants, designated questions and follow-up clarifications, and a three-minute closing summary. The following interview questions were suggested:

1. Do you or do you not support building and maintaining a Keizer library?
2. What are your views on the future funding of Keizer's parks?
3. What are your views on urban renewal in Keizer and any extension of the current funding?
4. Where do you stand on expanding Keizer's urban growth boundary to allow for more development in Keizer?
5. How do you envision Keizer in 10 years? 20 years?

The Council asked the City Manager to prepare a question regarding transportation issues. The City Manager suggested the following question:

Traffic safety and congestion concerns continue to rank high by Keizer residents. The current City Council goals include such action items as updating Keizer's Transportation Systems Plan; exploring the addition of a new

North/South collector to reduce traffic on River Road; and pursuing the development of a new I-5 on/off ramp North of Keizer, possibly at Quinaby Road. What do you believe is the most important transportation issue facing Keizer in the next 10-years?

RECOMMENDATION:

It is recommended the Council discuss and reach a consensus on the following items:

1. Confirm each of the applicants will be allowed a five-minute opening statement outlining their qualifications and interest in the position.
2. Confirm the interview questions as outlined above.
3. Determine if each applicant will be asked all six of the questions or only random questions. If random, determine the process for choosing the questions.
4. Decide if a time limit will be given to answer each question or a total time limit for each applicant.
5. Determine if the applicants will be in the Council Chambers to hear all of the presentations or sequestered until their presentation.
6. Discuss the parameters of the follow-up or clarification on the questions.
7. Confirm each of the applicants will be given three-minutes to summarize their interest and qualifications.

CITY COUNCIL MEETING: September 4, 2007

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *INTERGOVERNMENTAL AGREEMENT FOR CHEMAWA ROAD
MAINTENANCE AND REPAIR (KEIZER RAPIDS PARK)***

When Marion County approved the Conditional Use Permit for Keizer Rapids Park, they suggested that the City assume jurisdiction of Chemawa Road from the Keizer City limits to the proposed park. However, though the Marion County Assistant Legal Counsel and our office reviewed the law carefully, we could find no authority to assume jurisdiction of the road in these circumstances. Therefore, we drafted an Intergovernmental Agreement to allow the City to assume responsibilities for road maintenance and repair. If at some time in the future the road is annexed to the City, the agreement would terminate.

RECOMMENDATION:

Adopt the attached Resolution Authorizing the Mayor to Enter Into the Intergovernmental Agreement.

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

ESJ/tmh
attachment

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2007-_____

AUTHORIZING THE MAYOR TO SIGN
INTERGOVERNMENTAL AGREEMENT FOR CHEMAWA
ROAD MAINTENANCE AND REPAIR (KEIZER RAPIDS PARK)

WHEREAS, the approval by Marion County for the Conditional Use Permit to operate Keizer Rapids Park suggested that the City assume jurisdiction of Chemawa Road in the vicinity of such park;

WHEREAS, there appears to be no authority in this situation for assumption of jurisdiction by a city;

WHEREAS, Marion County and the City of Keizer wish to enter into an intergovernmental agreement to provide for the City to assume road maintenance and repair responsibilities for such section of road;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the Mayor is hereby authorized to sign that certain Intergovernmental Agreement for Chemawa Road Maintenance and Repair, a copy of which is attached as Exhibit "A" and by this reference incorporated herein.

PASSED this _____ day of _____, 2007.

SIGNED this _____ day of _____, 2007.

Mayor

City Recorder

INTERGOVERNMENTAL AGREEMENT
FOR
ROAD MAINTENANCE AND REPAIR

PARTIES:

City of Keizer, an Oregon municipal corporation (“Keizer”)

Marion County, an Oregon municipal corporation (“County”)

RECITALS:

- A. Keizer has acquired lease rights and/or ownership of approximately 120 acres adjacent or nearby the Willamette River for development of a regional park known as Keizer Rapids Park. A portion of Chemawa Road North adjacent to the new park is a county road outside of the City limits.
- B. Since Keizer Rapids Park is outside the City limits and under the jurisdiction of Marion County for purposes of land use approval, Keizer applied and the County has approved Conditional Use Permit No. 06-44 allowing use of the subject property as a park. Such decision states:

“1. Marion County suggests that, as part of this development, the City of Keizer assume jurisdiction of Chemawa Road from Keizer City Limits to the proposed park.”
- C. Review of applicable law indicates no apparent method for Keizer to assume jurisdiction of Chemawa Road, unless the subject property is annexed.
- D. Though Keizer may consider annexation in this area, prior to such potential annexation, Keizer and the County wish to enter into this Intergovernmental Agreement pursuant to ORS 190 to provide for the assumption of responsibility of the subject road by Keizer pursuant to Condition #1 of the land use decision quoted above.

NOW, THEREFORE, the parties, based on the mutual promises and covenants made hereby, agree as follows:

AGREEMENT:

- 1. Keizer shall assume any and all responsibility for repair, construction, reconstruction, and inspection for all public right-of-way on Chemawa Road from the

Keizer City Limits west to the termination of such road. All work shall be done pursuant to City of Keizer standards.

2. Such responsibility shall include, but is not limited to, the inspection, repair, widening, paving of right-of-way, curbs, gutters and sidewalks in the existing public right-of-way and any future right-of-way and/or public easements. However, nothing in this Agreement shall be interpreted as requiring construction of any particular improvements, other than repairs and reconstruction of the existing improvements.

3. County will remain the Road Authority for the subject right-of-way pursuant to state law. County agrees to accommodate reasonable requests by Keizer as to change in speed limits, road designation, etc., subject to state approval as required under applicable law.

4. Keizer and County agree that they shall indemnify and hold harmless each other for, from and against all claims, costs, expenses (including attorney fees), losses, damages, fines, charges, actions or other liabilities arising from their own intentional or negligent acts or those of their agents, contractors or employees.

5. This Agreement shall terminate the earlier of December 31, 2027, or when, and if, the subject right-of-way is annexed by the City of Keizer.

CITY OF KEIZER, an Oregon
Municipal corporation

MARION COUNTY, an Oregon
municipal corporation

By: _____
Lore Christopher, Mayor

By: _____
Commissioner

Dated: _____

Dated: _____

Approved as to form:

By: _____
Commissioner

City Attorney

Dated: _____

Signatures Continue on Next Page

By: _____
Commissioner

Dated: _____

Approved as to form:

Legal Counsel

CITY COUNCIL MEETING: September 4, 2007

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *KEIZER STATION VILLAGE CENTER STREET LIGHTING
LOCAL IMPROVEMENT DISTRICT***

At the last meeting, City Council adopted Resolution R2007-1799 setting a date of September 4, 2007 for the public hearing for the Keizer Station Village Center Street Lighting Local Improvement District. However, staff has determined that the plat/replat for Keizer Station Village Center (Area A) was not recorded in time to send notice as required by the street lighting district ordinance. Therefore, staff recommends continuing the hearing to September 17, 2007.

RECOMMENDATION:

Adopt the attached Resolution amending R2007-1799 to continue the hearing to September 17, 2007.

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

ESJ/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2
3 Resolution R2007-_____

4
5
6 CONTINUING HEARING FOR KEIZER STATION VILLAGE
7 CENTER STREET LIGHTING LOCAL IMPROVEMENT DISTRICT;
8 **AMENDING RESOLUTION R2007-1799**
9

10
11 WHEREAS, Resolution R2007-1799 provided that notice would be provided for
12 a public hearing to be held on September 4, 2007 for the Keizer Station Village Center
13 Street Lighting Local Improvement District;

14 WHEREAS, due to the fact that a plat/replat of the Keizer Station Village Center
15 Area was not recorded in time to send notice for such hearing;

16 WHEREAS, the City Council of the City of Keizer wishes to amend Resolution
17 R2007-1799 to continue such hearing;

18 NOW, THEREFORE,

19 BE IT RESOLVED by the City Council of the City of Keizer, that Resolution
20 R2007-1799 is hereby amended in Section 3 as follows:

21 Section 3. That the City Council hereby directs the City
22 Recorder to give notice of its intention to form Keizer Station
23 Village Center Street Lighting Local Improvement District and to
24 make the improvements by sending notice to the property owners
25 within the district stating a public hearing will be held on
26 September 17, 2007, said notice to also provide that information

1 required under City of Keizer Ordinance 94-278, an ordinance
2 providing for procedures for municipal lighting districts and
3 special assessments.

4 PASSED this _____ day of _____, 2007.

5
6 SIGNED this _____ day of _____, 2007.

7

8

9

10

Mayor

11

12

13

City Recorder

CITY COUNCIL MEETING: September 4, 2007

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *CITY MANAGER COMPENSATION*

Each year the City Manager's contract is extended around the first of the year. However, the compensation for the City Manager is not changed until July 1 of each year.

This year there was some delay due to the fact that the new salary survey results were problematic. Our office had initially held up on doing the annual resolution for a step increase for the City Manager so that the matter could be resolved. However, the salary survey matter has been delayed further, so the City Manager's regular step increase under the current salary matrix never went into effect. The Mayor indicated that we should move forward with the routine step increase, and depending on the results of the new salary survey, come back a second time for further review of the compensation package. All other employees have received the annual increase effective July 1, 2007.

I have enclosed a Resolution for your consideration. The Resolution grants a one step increase under the current salary matrix and a \$5,000 tuition reimbursement similar to last year's resolution. It is retroactive to July 1, 2007.

RECOMMENDATION:

Take action as appropriate.

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

ESJ/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2007-_____

3 GRANTING STEP INCREASE AND TUITION/EDUCATIONAL
4 PAYMENT TO THE CITY MANAGER

5
6 WHEREAS, the Keizer City Council has extended the contract of the City
7 Manager to June 30, 2008 pursuant to Resolution R2007-1752;

8 WHEREAS, the employment contract as amended does not require formal
9 contract amendment for salary increases;

10 WHEREAS, the Council has determined that a one Step salary increase and a
11 \$5,000.00 tuition reimbursement to the City Manager is appropriate and warranted;

12 NOW, THEREFORE,

13 BE IT RESOLVED by the City Council of the City of Keizer that the City
14 Manager's salary shall be increased from Step 6 to Step 7 pursuant to the current salary
15 matrix, including any Cost of Living Adjustments, retroactive to July 1, 2007.

16 BE IT FURTHER RESOLVED that the City Manager shall be paid \$5,000.00 to
17 be applied to education costs related to the city manager position. This payment is
18 provided under the City's Educational Assistance Program, or in the alternative, is a cash

19 ///

20 ///

21 ///

1 payment for City Manager's tuition/expenses for obtaining a Masters Degree in Public
2 Administration. The City Manager shall provide proof of payment for educational
3 expenses. The City Manager shall be responsible for taxes or withholdings if applicable.

4 PASSED this _____ day of _____, 2007.

5 SIGNED this _____ day of _____, 2007.

6

7

8

9

10

11

Mayor

City Recorder



MINUTES
KEIZER CITY COUNCIL
Monday, August 20, 2007
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

**CALL TO
ORDER**

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

Present:

Mayor Lore Christopher
Richard Walsh, Council President
Jim Taylor, Councilor
Jacque Moir, Councilor
Cathy Clark, Councilor
David McKane, Councilor

Absent:

Troy Nichols, Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community
Development
Rob Kissler, Public Works
Marc Adams, Chief of Police
Tracy Davis, City Recorder

FLAG SALUTE
PUBLIC
TESTIMONY

Mayor Christopher led the pledge of allegiance.

Jeanne Bond-Esser, representing the Parks Advisory Board, reported on the Showdown in K-Town thanking the sponsoring businesses and contributing entities individually: Santiam Bicycle of Salem, Fall Line of Silverton, Exit Real World, Officers Mindy Tucker, Trevor Wenning and Dave Carpenter of KPD, Keizer Professional Firefighters and Cadets, Valley Recycling and Disposal and Coca-Cola Bottling of Wilsonville. Mayor Christopher encouraged viewers to check Channel 23 for photos of the event. Ms. Bond-Esser reported that the Master Plan review is nearing completion, Keizer Rapids Park Work Group has been formed to address specific projects, clearing of Bair Park has been addressed, Meadows tree and stump removal is complete and irrigation should be restored soon, Labish Ditch improvements which will provide a complete pedestrian connection between Country Glen Park and Hidden Creek Park are nearing completion and the Board is working on reorganization to include the new members, reassignment of parks and division of secondary assignments. Ms. Bond-Esser also noted that she would be attending training to refine her grant writing skills in order to bring some money into the park system. Councilor Walsh noted that in many cities this is a paid position and he thanked Ms. Bond-Esser for volunteering.

Jim Igou, Keizer, commended staff for recent improvements at Meadows Park and suggested improvements for several other parks in the city including adjustments to hard surface courts, fencing and barriers and installation of swings.

Mayor Christopher invited everyone to attend the Volcanoes game on August 31 and participate in the world's largest kazoo band in an effort to get in the Guinness Book of World Records.

PUBLIC HEARING

a. RESOLUTION ~ Certification of Street Lighting Districts

City Manager, Chris Eppley, explained that every year the City fronts the cost for supplying electricity to lighting districts and at the end of the year calculates those costs and provides certification to the County and they collect the costs via the tax rolls. This resolution certifies the costs to those lighting districts. Staff recommends Council approve the resolution as presented.

Mayor Christopher opened the public hearing. With no testimony, Mayor Christopher closed the public hearing.

Councilor Walsh moved to adopt Resolution R2007 Certification of Lighting District Assessments. Councilor Taylor seconded. Motion passed as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Nichols (1)

b. RESOLUTION ~ Certification of Delinquent Sewer Accounts

City Manager, Chris Eppley, explained that at the end of each year delinquent sewer accounts are tallied and the County and residents are notified of the amount. He explained the various fees adding that staff has requested that the administration fee be increased to cover processing costs. Recommendation is to adopt the resolution certifying the delinquent water and sewer accounts.

Mayor Christopher opened the public hearing. With no testimony Mayor Christopher closed the public hearing.

Councilor Walsh moved to adopt Resolution R2007 Certification of Delinquent Sewer Accounts. Councilor Moir seconded. Motion passed as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Nichols (1)

c. RESOLUTION ~ Forming Wheatland Meadows Street

City Manager, Chris Eppley, provided the history of the formation of this Street Lighting Local Improvement District and noted that the Public Hearing was to consider remonstrances to the project and objections to proposed assessments. Staff recommendation is that City Council open a Public Hearing to consider oral objections and written remonstrances to

Lighting District

the formation of Wheatland Meadows Street Lighting Local Improvement District and, if there are no objections, close the public hearing and consider adoption of the resolution forming the district and the proposed assessment ordinance.

Mayor Christopher opened the public hearing. With no testimony Mayor Christopher closed the public hearing.

Councilor Walsh moved to adopt Resolution R2007 Forming Wheatland Meadows Subdivision Street Lighting Local Improvement District. Councilor Taylor seconded. Motion passed as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Nichols (1)

ORDINANCE ~ Spreading Assessments to Wheatland Meadows Street Lighting District

Councilor Walsh moved to adopt Ordinance 2007 Spreading Assessments to Wheatland Meadows Subdivision Street Lighting Local Improvement District. Councilor Taylor seconded. Motion passed as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Nichols (1)

ADMINISTRATIVE ACTION

a. RESOLUTION ~ Authorizing the City Manager to Sign Amend- ment to the Keizer/Salem Emergency Water Agreement (Construction of Permanent Structure)

City Attorney, Shannon Johnson, reminded Council of the agreement entered into with Salem several years ago and the construction of the temporary structure at a pump station. He noted that the pilot project was successful so this amendment is to make the agreement more permanent and allow improvements to the structure. Mr. Johnson and Mr. Lawyer then fielded questions regarding compensation, term of the agreement, well rights, increasing the capability of the pump station and mixing water from the different systems.

Councilor Walsh moved to adopt Resolution R2007 authorizing the City Manager to Sign Amendment to the Keizer/Salem Emergency Water Agreement (Construction of Permanent Structure). Councilor Taylor seconded. Motion passed as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Nichols (1)

b. RESOLUTION ~ Initiating Legislative Amendment to

City Attorney, Shannon Johnson, reported that RPS Development and Allan Roodhouse have requested that the city initiate a legislative process to allow larger format stores in Area C because currently the code allows a 10,000 sf single building maximum and 120,000 sf has been requested. Community Development Director, Nate Brown, pointed out that this

**Keizer Station
Plan/Keizer
Development
Code to Allow
Large Scale
Format Stores
in Area C –
Keizer Station
Plan**

procedure is simply to begin the process with notice to the DLCD and hearings before the Planning Commission and go forth with consideration of the text amendment. Discussion followed regarding the process, the effect on the mixed use zone and traffic, traffic impact studies and grocery operations. Wendi Kellington and Chuck Sides fielded questions from Council regarding grocery/retail elements and Mr. Sides listed the upcoming tenants at Keizer Station. Additional discussion took place regarding the text amendment process and anticipated resultant changes.

Councilor Walsh moved to adopt Resolution R2007 Initiating Legislative Amendments to the Keizer Station Plan to Consider Amending Section 2.107.02(I) and Section 2.107.05(D) and Other Relevant Sections to Allow up to One Building up to 120,000 Square Feet of Gross Leasable Area in Area C – Keizer Station Plan and Possible Associated Amendments. Councilor Taylor seconded. Motion passed as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Nichols (1)

**c. RESOLUTION ~
Approving the
Public Works
Report for
Keizer Station
Street
Lighting
District and
Setting Public
Hearing**

City Manager Chris Eppley reviewed the process which was undertaken to form this street lighting district noting that the report filed by Public Works meets the guidelines set forth in Keizer Ordinance for development of street lighting districts and explaining that adoption of the report will allow the scheduling of a public hearing to receive any remonstrances to the formation of this street lighting district. City Attorney Shannon Johnson explained that Keizer Station Boulevard was not included in this district because it is considered a collector street.

Councilor Walsh moved to adopt Resolution R2007 Approving the Report: Declaring the City's Intent to Form Keizer Station Village Center Street Lighting Local Improvement District; Providing Notice and Setting Hearing. Councilor Taylor seconded. Motion passed as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Nichols (1)

**d. RESOLUTION ~
Declaring
Keizer City
Council
Position #2
Vacant**

City Attorney Shannon Johnson explained that Councilor Troy Nichols had submitted his resignation at the last Council meeting and reviewed the process for filling the position, noting that those who have expressed interest in the position will be heard at the October 1 Council meeting followed by a Council vote to fill the vacancy with the successful candidate immediately taking position at the Council table. Discussion took place regarding adjusting the dates in order for the new Councilor to attend the League of Oregon Cities Conference.

Members agreed by consensus to adopt the process for Councilor appointment and hold a special session on September 24 at 7 p.m. for

the purpose of hearing the presentations and appointing the Position 2 Councilor.

Councilor Taylor moved to adopt Resolution R2007 Declaring a Vacancy for City Council Position Number Two. Motion passed as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Position #2 Vacant (1)

Discussion then took place regarding the interview process, time allotted and questions for the candidates. Shannon Johnson suggested that the process be placed on the next Council agenda for approval.

e. Approving the Change of Ownership – Keizer Mart Liquor License

Taken out of order.

City Manager Chris Eppley reported that an application was submitted for a Change of Ownership for the Liquor License for Keizer Mart at 4940 River Road North, Keizer, Oregon. A public hearing is not required, a background check was done, and Keizer Planning Department finds the location of the establishment to be properly zoned and has no comment on the application. Staff recommends Council approve the application.

Councilor Taylor encouraged Ziad Rezk, owner of Keizer Mart, to participate in the Responsible Vendor program. Mr. Rezk explained that food such as catfish and chicken will be available at the Keizer Mart.

Councilor Walsh moved to forward a recommendation for approval to the Oregon Liquor Control Commission for a Change of Ownership of Keizer Mart. Councilor Taylor seconded. Motion passed as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Nichols (1)

f. RESOLUTION ~ Changing the Name of River's Edge Park to Wallace House Park

City Attorney Shannon Johnsons explained that the park naming process was recently changed through Resolution R2006-1740. Discussion followed regarding outreach to the neighborhood regarding the name change.

Councilor Walsh moved that adopt Resolution R2007 Changing the Name of River's Edge Park to "Wallace House Park". Councilor Taylor seconded. Motion passed as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Position #2 Vacant (1)

g. RESOLUTION ~ Authorizing the

City Manager, Chris Eppley, reviewed the process that had been undertaken to conduct a salary survey comparing all City positions to

**City Manager to
Enter
Agreement with
Local
Government
Personnel
Institute (LPGI)
for City of
Keizer Salary
Compensation
Survey**

similar organizations within the recruitment area. He explained that because of discrepancies encountered reanalysis was done a number of times with a draft survey presented to Personnel Rules Committee in July 2007. Because of the amount of lapsed time and the modifications required, Mr. Eppley reported that he had gotten a quote of \$12,320 to resurvey 42 positions within the city from Local Government Personnel Institute (LPGI) and recommends that, in order to provide management staff and Council with a high level of confidence that the salary survey results are accurate and valid, Council authorize the signing of the agreement.

Discussion followed at length regarding recruitment and retention of employees, comparables, review of the personnel policy, timing of the salary survey, competitive compensation and impact on morale. Council members discussed reviewing the Personnel Policy at the next work session.

Councilor Walsh moved to adopt Resolution R2007 Authorizing the City Manager to Enter into an Agreement with The Local Government Personnel Institute (LPGI) for City of Keizer Salary Compensation Survey. Councilor Taylor seconded. Motion passed as follows:

AYES: Christopher, Walsh, Moir, Clark and Taylor (6)

NAYS: McKane (1)

ABSTENTIONS: None (0)

ABSENT: Position #2 Vacant (1)

**CONSENT
CALENDAR**

A. Approval of August 6, 2007 Regular Session Minutes

Councilor Walsh corrected the vote on page 5 noting that he voted no and did not abstain.

Councilor Walsh moved for approval of the Consent Calendar as corrected. Councilor Moir seconded. Motion passed as follows:

AYES: Walsh, McKane, Moir, Clark and Taylor (5)

NAYS: None (0)

ABSTENTIONS: Christopher (1)

ABSENT: Position #2 Vacant (1)

**COMMITTEE
REPORTS**
**a. Appointments
to the Keizer
Points of
Interest
Committee**

City Manager, Chris Eppley, reported that there were 3 vacancies on the Keizer Points of Interest Committee. Notice of the vacancies was published and the following citizens were unanimously recommended to fill the vacancies by the Volunteer Coordinating Committee:

- Marvin Pacheco (Position Number 3; term expiring November 3, 2008)
- Ken Whitler (Position Number 4; term expiring November 3, 2009)
- JoAnne Beilke (Keizer Area Visitor Center/Chamber of Commerce)

Councilor Walsh moved to accept the recommendation of the Volunteer Coordinating Committee and appoint Marvin Pacheco to position number 3, term expiring November 3, 2008; Ken Whitler to position number 4,

term expiring November 3, 2009; and JoAnne Beilke to serve as the Keizer Area Visitor Center/Chamber of Commerce representative. Mayor Christopher seconded. Motion passed as follows:

AYES: Christopher, Walsh, McKane, Moir, Clark and Taylor (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Position #2 Vacant (1)

Councilor Clark thanked Officer Carrie Meier for being her host on National Night Out and commended neighborhoods for working together and making the community a better place to live. She added that she had attended the first 2008 Iris Fest meeting and will be serving as city liaison on the committee and that she and Councilor Walsh attended the River Crossing meeting recently and encouraged interested citizens to participate in this effort. She noted that additional information is available at the website: www.salemrivercrossing.org.

Councilor Taylor thanked Officer Lance Inman for being his host for National Night Out and reported that:

- KPIC supported the renaming of River's Edge Park to Wallace House Park
- Bikeways did not meet this month but has submitted a grant request for helmets
- River Road Renaissance will meet Tuesday at 5:30
- Something Special Task Force will meet on August 29 to formulate a final recommendation to Council

Mayor Christopher reported that Volunteer Coordinating Committee had met and recommended the volunteers to fill KPIC vacancies and also tabled filling the third Parks Board vacancy until December. City Attorney Shannon Johnson then explained that the motion was improper because the issue was "tabled" and not "postponed" and "tabling" does not allow for debate.

Councilor Clark moved to suspend the rules so that the Parks Board vacancy could be addressed. Councilor Taylor seconded. Motion passed as follows:

AYES: Christopher, Walsh, Moir, Clark and Taylor (5)

NAYS: McKane (1)

ABSTENTIONS: None (0)

ABSENT: Position #2 Vacant (1)

Councilor Clark moved to appoint David Loudon to fill position number 3 on the Parks Board, term ending December 2007. Councilor Taylor seconded.

Discussion followed regarding this action, the applicants, and Council duty to make the appointment and making the Parks Board whole.

Motion passed as follows:

AYES: Christopher, Walsh, Moir, Clark and Taylor (5)

NAYS: McKane (1)

ABSTENTIONS: None (0)

ABSENT: Position #2 Vacant (1)

Councilor Walsh reported that

- There are 12 different River Crossing plans being studied; he requested Council feedback on the preferred plan and explained the process.
- Keizer Rapids Work Group is meeting at City Hall on the third Wednesday of each month. All interested citizens are encouraged to attend.
- Commissioners Breakfast went well.
- Ribbon cutting for the "Fruit Box" in Keizer just took place.
- Darlene Hooley will travel down the Willamette River on September 4 and 5 to unveil the United River Act. She will be traveling from Eugene to Portland. The Bill will be submitted to the Federal Government with funding going to provide grants for improving parks and recreation and the environment. Council agreed by consensus to write a letter supporting this bill. Chris Eppley agreed to write the letter.

Councilor Moir thanked Captain John Teague for being her host during National Night Out. She added that the Technical Advisory Committee for updating the Transportation System Plan would be meeting on the 28th. Nate Brown interjected that a survey was on the web regarding this update and encouraged interested citizens to participate. He added that a copy of the existing TSP is posted on the web as well.

City Manager Chris Eppley directed Council attention to the Peer Court quarterly report adding that the program continues to be a good program and worth supporting. Mayor Christopher read statistics from the report and commended coordinator Cari Emery and the Keizer Police Department for their continued efforts in this program.

Chief Adams reported that two resignations have been received in the department and background checks are currently underway for the replacements. The new dog flunked the training program so he has been replaced by another.

Bill Lawyer, Public Works, reported that the Chemawa Bridge project is about three weeks ahead of schedule, the water tower will be painted on the outside when the weather improves, Tepper underpass will be completed in approximately 3 to 4 weeks. Discussion followed regarding the "pedestrian only" issue with the underpass. Councilor Taylor volunteered to approach the Vice Chair of Bikeways committee to publicly

endorse dismounting bicycles when traveling through the underpass.

OTHER BUSINESS

- a. New Business
- b. Old Business

Mayor Christopher

- Presented an oar with "In grateful recognition of the driving force of Keizer Rapids Park" printed on it to Richard Walsh.
- Explained that the Saturday Market has been struggling perhaps due to construction on Chemawa so it is moving to the grass area behind City Hall. She encouraged non-profit groups to get involved.
- Reported that Keizer 23 now has "cool jazz" playing all day.
- Thanked citizens for their ongoing contributions of bollard pictures.

WRITTEN COMMUNICATIONS

None

AGENDA INPUT

September 4, 2007 (Tuesday)

7:00 p.m. City Council Regular Session

- Keizer Station Street Lighting District Public Hearing

September 10, 2007

5:45 P.m. City Council Work Session

- City of Keizer Compensation Policy Study

September 17, 2007

7:00 p.m. City Council Regular Session

- Keizer Station Area B Master Plan Public Hearing
- Storm Water Utility Fee

ADJOURNMENT

Mayor Christopher adjourned the meeting at 10:43 p.m.

APPROVED:

MAYOR:

Debbie Lockhart, Deputy City Recorder

Lore Christopher

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Cathy Clark

~ Vacant ~
Councilor #2

Councilor #5 – Richard Walsh

Councilor #3 – Jacque Moir

Councilor #6 – James Taylor

Minutes approved:

COUNCIL MEETING: September 4, 2007

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

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

SUBJECT: SOMETHING SPECIAL TASK FORCE

BACKGROUND:

In March of 2007, the City Council adopted short and long term goals for 2007-2009. One of the short term goals was to initiate a Something Special Task Force. The Task Force was given the following mission:

- Options regarding needs: Community Center & Kids Recreation Space - April 2007
- Options regarding land use for 5 acres north of Volcano Stadium - December 2007
- Identify timelines
- Adopt recommendations – December 2007

The Task Force first met on April 12th and has held monthly meetings since that time. Councilor Jim Taylor serves as the chair of the Task Force. The following motions have been approved and are being forwarded to the City Council for discussion.

June Motions

Teresa Walsh moved to recommend that Council direct staff to pursue purchase of the Buchholz property, continuing with negotiations with Floyd Buchholz and wrap it up as quickly as possible. Bill Quinn seconded. Motion passed unanimously. (Taylor, Quinn, Walsh, Zielinski, Keller and Crager)

To recommend to Council that a building similar to the steel building on Bob Zielinski's property be built on property, if it is purchased, in order to accommodate various recreational needs of the city and that urban renewal money be used to cover the construction costs. Motion passed unanimously. (Taylor, Quinn, Walsh, Zielinski, Keller and Crager)

August Motion

Bob Zielinski moved to have Jim carry to City Council a recommendation to direct staff to see if the 5 acres north of volcano stadium were sold would the proceeds from such sale be unencumbered; can the proceeds from the sale be used inside or outside city limits for an activity center? Clint Holland seconded. Motion passed unanimously. (Taylor, McLeod, Walsh, Holland, Zielinski and Crager) (Keller and Walker absent)