

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

A G E N D A

KEIZER CITY COUNCIL

Tuesday, September 2, 1997

7:00 p.m.

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

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC TESTIMONY**

This time is provided for citizens to address the Council on matters not scheduled for public hearing or listed on the agenda.

4. COMMITTEE REPORTS

- a. PROCLAMATION - United Nations Day - October 24, 1997**
- b. PROCLAMATION - Disability Employment Awareness Month - October 1997**
- c. Council Liaison Reports**
 - Claggett Creek Task Force - Mayor Koho
 - Parks Advisory Board - Councilor Miller
 - River Road Redevelopment Board - Councilor Beach
 - Traffic Safety Commission - Mayor Koho
 - Council Management Committee - Council President Keller

5. OTHER BUSINESS

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

- a. New Business**
- b. Old Business**
 - Land Use Planning Application Notification
 - Hotel/Motel Tax
 - Water Reservoir
 - Keizer Baseball Stadium Revenue Report
 - Neighborhood Associations

6. PUBLIC HEARINGS

- a. Clear Lake Road Subdivision Appeal - Case No. 97-07 (Piculell-Chimento)
(continued from 8-4-97)**

7. **ADMINISTRATIVE ACTION**

- a. Initiating Bonneville Street Vacation
- b. **ORDINANCE** - Wireless Telecommunication Facilities
- c. City Manager Recruitment

8. **CONSENT CALENDAR**

- a. Affirming Co-City Managers Decision to Hire Finance Director
- b. **RESOLUTION** - Amending the City's Deferred Compensation Plan
- c. **RESOLUTION** - Approving City Engineer Report for Leewood Meadows Street Lighting Local Improvement District
- d. **RESOLUTION** - Certification of Street Lighting Districts for 96-97
- e. Approval of June 2, 1997 City Council Regular Session Minutes

9. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications and petitions.

10. **AGENDA INPUT**

SEPTEMBER 8, 1997
5:30 P.M. Council Work Session

- Community Policing

SEPTEMBER 15, 1997
7:00 P.M. City Council Meeting

- Court RFP Report
- Classification Review - Finance Director, Personnel Officer, Administrative Assistant and Community Services Coordinator

OCTOBER 6, 1997
7:00 P.M. City Council Meeting

11. **ADJOURN**



September 2, 1997

AGENDA ITEM 4a

PROCLAMATION - UNITED NATIONS DAY
OCTOBER 24, 1997

CITY OF KEIZER

PROCLAMATION

UNITED NATIONS DAY

WHEREAS, the United Nations was founded in 1945, and the anniversary of its founding is observed each year on October 24; and

WHEREAS, the United Nations system has a commendable record of achievement and faces extraordinary challenges in preventing and resolving conflict, protecting the earth's environment, elevating standards of living through sustainable economic development, and promoting humane and democratic values; and

WHEREAS, the United Nations is the only organization capable of dealing with the global implications of a post-Cold War world, and the best vehicle for finding collective solutions to these challenges; and

WHEREAS, the work of the United Nations impacts all Americans, directly affecting their health, security, economic freedom and democratic values; and

WHEREAS, the United States was one of the founding members of the United Nations, representing the fervent desire of the United States and its World War II allies to "save succeeding generations from the scourge of war," and

WHEREAS, the United Nations deserves support from both the United States government and American citizens if it is to continue its important work in the 21st century; and

WHEREAS, Councilor Dawn Meier has been appointed Chair of United Nations Day in Keizer to work with a United Nations Day Committee composed of community leaders to organize events and activities to educate citizens about the continuing need for the United Nations, and United States leadership in a changing world; and

WHEREAS, Keizer citizens should participate in all activities related to United Nations Day;

NOW, THEREFORE, I Dennis Koho officially proclaim October 24, 1997 as

UNITED NATIONS DAY

PROCLAIMED this 2nd day of September, 1997 by the powers vested in me as
MAYOR of the City of Keizer, Oregon.

MAYOR DENNIS KOHO



September 2, 1997

AGENDA ITEM 4b

PROCLAMATION - DISABILITY EMPLOYMENT AWARENESS
MONTH - OCTOBER 1997

CITY OF KEIZER
PROCLAMATION
DISABILITY EMPLOYMENT AWARENESS MONTH

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the month of October 1997 is designated as

DISABILITY EMPLOYMENT AWARENESS MONTH

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

PROCLAIMED this 2nd day of September, 1997 by the powers vested in me as MAYOR of the City of Keizer, Oregon.

MAYOR DENNIS KOHO



September 2, 1997

AGENDA ITEM 5b

OLD BUSINESS

TO: Mayor Koho and City Council Members

SUBJECT: **Old Business Report**

- Land Use Planning Application Notification
- Hotel/Motel Tax
- Water Reservoir
- Keizer Baseball Stadium Revenue Report
- Neighborhood Association

Land Use Planning Application Notification
(John Morgan, Co-City Manager)

Councilors have expressed concerns that the notification area for certain land use cases is not sufficient enough. Staff has started to use a 250 foot notification area for all applications instead of the current 100 foot area prescribed in the ordinances for subdivisions, partitionings, conditional uses, and variances. Comprehensive Plan amendments and zone changes currently have a 250 foot notification area.

Staff will also be working with the Planning Commission as it begins its deliberations following its public hearings on the draft Development Code to strengthen the notification requirements. The discussions will include the size of the notification area, posting the subject property with a large notice, and the role of the neighborhood associations.

Hotel/Motel Tax
(John Morgan, Co-City Manager)

Staff has been reviewing the research into hotel/motel taxes that was prepared during 1995 and 1996. This information consists of what other Oregon cities charge and what they do with the funds. This is being updated.

Staff has approached both internal departments and external organizations, including the Fire District and the Chamber of Commerce, asking for information and analysis on the needs created by a tourist trade and facilities, and the funds that would be necessary to meet these needs. This data will provide the foundation for a hotel/motel tax proposal. Staff anticipates returning to Council with a full report in the near future.

Water Reservoir
(John Morgan, Co-City Manager)

Staff intends to return to Council by the end of October with a full report on water storage needs, water system needs, and funding options. This report will focus on the reservoir analyzing the options for meeting needs including going underground at the Wiessner site and identifying alternative sites and designs.

Water usage has been high this summer, though not extraordinary. On two days in mid-August, the system was running at over 95% capacity which does not allow for any major draw-down such as a large fire, or for any system problem such as a well going off-line. With approximately 1,000 housing units in the development process, with over 450 of those in the Clear Lake area alone, the system will be running at or near full capacity with much greater frequency in the future. Staff wants to keep the urgency of this issue in the forefront working toward major system capacity improvements as soon as possible.

Keizer Baseball Stadium Revenue Report
(Dianne Suck, Personnel Officer)

The following is a breakdown of revenue the City has received from the Volcanoes for 1997. Please contact me if you have any questions.

Volcanoes Ticket Revenue - January - July 1997

	Total Gross Ticket Receipts	5% Proceeds to City of Keizer	Total Parking Revenue	20% Proceeds to City of Keizer
January	\$153,210.98	\$ 7,660.55	\$ - 0 -	\$ - 0 -
February	119,855.45	5,992.77	958.32	191.66
March	63,436.55	3,171.83	957.51	191.50
April	57,424.46	2,871.22	798.46	159.69
May	76,676.91	3,833.85	547.89	109.58
June	113,382.49	5,669.13	9,701.47	1,940.29
July	192,292.53	9,614.63	30,315.18	6,063.04
Totals:	\$776,279.37	\$38,813.98	\$43,278.83	\$8,655.76

Neighborhood Association
(John Morgan, Co-City Manager)

Staff and KNAG have been working with the two associations (Clear Lake and West Keizer) that are not in compliance with the Neighborhood Ordinance due to not filing an annual report with the City Council. The groups are being encouraged to develop those reports and submit them as soon as possible. Failure to comply can result in the Council withdrawing recognition of the groups.

Three new neighborhood associations are under formation at this time and are expected to have their organizational meetings shortly after the beginning of the school year.

Note: If you have a matter that you would like to see under an old business report, please contact one of the members of the Council Management Committee to forward to the appropriate department



September 2, 1997

AGENDA ITEM 6a

**CLEAR LAKE ROAD SUBDIVISION APPEAL - CASE 97-07
(Piculell-Chimento) (continued from 8-4-97)**

CITY COUNCIL MEETING: Sept. 2, 1997

AGENDA ITEM NUMBER: 6a

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN, AICP
CO-CITY MANAGER
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: SUBDIVISION 97-07

DISCUSSION:

This public hearing was opened on August 4th and continued until tonight to allow the appellants to appear. The application materials were included in the August 4th Council packet.

A draft order has been prepared and attached for the Council's use in deliberating following the hearing.

RECOMMENDATION:

It is recommended the Council:

1. Reopen the hearing and take testimony;
2. Close the hearing; and
3. Adopt the order, or direct Staff to prepare an alternative order for action on September 15, 1997.

CITY COUNCIL MEETING: September 2, 1997

AGENDA ITEM NUMBER: 6a

TO: MAYOR KOHO AND COUNCIL MEMBERS

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *SUBDIVISION CASE NO. 97-7*
*(THE PICULELL CHIMENTO GROUP)***

DATE: August 28, 1997

At its last meeting, the City Council continued the hearing to tonight to allow the appellants to make their presentation. Because the application has been pending for some time, the Council directed our office to prepare an Order granting the subdivision approval in case the Council reaches the conclusion it should be approved after hearing appellants' argument and any rebuttal by the applicant. Should the Council choose to deny the subdivision application, we can prepare such an Order for the next meeting.

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

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 ORDER

3 IN THE MATTER OF THE APPLICATION OF THE PICULELL
4 CHIMENTO GROUP FOR DETAIL APPROVAL OF A 16 LOT
5 SUBDIVISION LOCATED AT 1585 CLEAR LAKE ROAD
6 NORTHEAST (SUBDIVISION CASE NO. 97-7)

7 The City of Keizer orders as follows:

8 Section 1. THE APPLICATION. This matter came before the Keizer City
9 Council on the appeal of Robert A. Ohm and Pamela A. Kingsbury of the hearings
10 officer's approval of the subdivision application by the Piculell Chimento Group for a
11 16 lot subdivision on a 2.67 acre parcel located at 1585 Clear Lake Road Northeast,
12 Keizer.

13 Section 2. JURISDICTION. The land in question in this Order is within the city
14 limits of the City of Keizer. The City Council is the governing body for the City of
15 Keizer. As the governing body, the City Council has the authority to make final land
16 use decisions concerning land within the city limits of the City of Keizer.

17 Section 3. PUBLIC HEARING. A public hearing was held on this matter before
18 the Keizer City Council on August 4, 1997 and September 2, 1997. The following
19 persons either appeared at the City Council hearing or provided written testimony on
20 the application:

- 21 1) John Morgan, Community Development Director
22 2) Charles Chimento, Representative of Applicant

3) Mark Grenz, Engineer for Applicant

4) Bill Aldrich

5) Robert A. Ohrn

6) Pamela A. Kingsbury

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

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

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

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

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

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

Section 10. FINAL DETERMINATION. This Order is the final determination in this matter.

1 Section 11. EFFECTIVE DATE. This Order shall take effect immediately upon
2 its passage.

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

6 PASSED this _____ day of _____, 1997.

7 SIGNED this _____ day of _____, 1997.

8

9

Mayor

10

11

City Recorder

EXHIBIT "A"

Evidence

Official notice has been taken of the Planning Department files and reports in this matter, including the application and exhibits contained therein.

Mayor Koho opened the public hearing on August 4, 1997.

Shannon Johnson, City Attorney requested the reading of the applicable criteria, as outlined in the staff report be waived. There was no objection to this request. In addition, there were no responses to inquiries of conflict of interest or defective notice in this case.

Councilor Meier indicated she previously discussed overall development in the Clear Lake area with Pamela Kingsbury, the appellant. This discussion was in relation to her employment with the School District.

John Morgan, Community Development Director displayed a map showing the development of eleven different subdivisions in this rapidly growing area of Keizer. All of this development has raised issues over sewer, water and storm drainage. The case under appeal, a 16 lot subdivision on 2.67 acres being developed by The Piculell Chimento Group, was approved by the Hearings Officer with certain conditions of approval. The conditions of approval included a recommendation that sewer facilities run north of O'Neill Road and across the frontage of the project making the developer responsible for building the trunk lines. Specifics of this condition have been discussed and approved to the satisfaction of the City Engineer. The street improvements on Clear Lake Road will require the developer to improve to a 3/4 width street (25 feet from the centerline to curb along the frontage of the subject property together with a 12 foot travel lane on the north side of the street) bringing this street to the City of Keizer Collector Street Standards.

Mr. Morgan pointed out the letter of appeal submitted by Bob Ohrn and Pamela Kingsbury is focused on their concern that the sewer and water improvements do not comply with the master water and sewer plans. Also, Mr. Morgan indicated the letter of appeal states the road improvements will only be minimal leaving the north side for future developers to improve. However, the north side will not be developed due to the Urban Growth Boundary location. Mr. Morgan confirmed the condition of approval does require the 3/4 street improvements, more than the minimal improvement mentioned by the appellant. Additional improvements are beyond what is normally required of a developer.

Further concerns of the appellant center on the violation of the Comprehensive Plan guidance to "coordinate new residential development with the provision of an adequate level of services and facilities, such as transportation facilities, schools and parks". Mr. Morgan

pointed out due to the small size of this subdivision the school district does not make comment on the effect to the schools. Previous comments on other subdivisions state the capability to provide school services by a variety of techniques, including revising the attendance boundary of the area. Pertaining to ensuring compatibility among all types of residences in the area, Mr. Morgan stated this area is changing from a rural area to an urban area, however he does not feel it violates the Comprehensive Plan. The issue of denial of due process centers on a lack of response in the hearings officer decision regarding the testimony brought forth during the hearing. Mr. Morgan believed this did not violate due process.

Responding to Councilor McGee, Mr. Morgan believed the proposed plan for the sewer and water lines will not affect the appellant's property. There are several large lots in this area that use well water and sewer septic tanks, however if the service becomes available they will be required to connect.

Mayor Koho confirmed the Comprehensive Plan density goal of 4.6 units per acre is not be violated. Mr. Morgan believed the average subdivision activity has been approximately 5 per acre.

Presenting testimony to the Council were:

Charles Chimento, 3236 SW Kelly Street, Suite 105, Portland, Oregon 97201, introduced himself as the applicant in this case and requested the right for rebuttal to any issues raised.

Mark Grenz, Multi-Tech Engineering, 1155 13th Street SE, Salem, Oregon, confirmed the staff report presentation by Mr. Morgan represents the case in question. Mr. Grenz indicated he has assisted in the development of many of the new subdivisions in the northern portion of Keizer and has achieved many agreements with the developers to make this area flow together. One of these achievements is the extension of a north/south street to Clear Lake Road through this residential subdivision. This will lessen the burden on O'Neill Road, a designated local street in the Transportation Plan. In addition, the sewer and water issues have been discussed and he believes the agreements between the developers will be in the best interest for Keizer.

Responding to an inquiry by Councilor McGee, Mr. Grenz noted the minimum size sanitary sewer line and water line is eight inches. This is what is proposed for this development. A twelve inch water main line will be extended up O'Neill and across Clear Lake Road that eventually will be hooked into the water main that is coming from the opposite direction. Mr. Grenz noted the master plan facility will be built across the frontage of this development, however the elevation determination for the sewer line cannot be completed at this time.

Bill Aldrich, 7850 Timothy Lane NE, Keizer, indicated he is a resident of this area and is here in support of the appellant's concerns. In addition, he voiced his concern with the notification requirements used by the City in land use planning issues. The 100 foot radius is diminutive of the potential affect development could have on the neighboring residents. Mr. Aldrich requested the City review these notification requirements.

Mayor Koho inquired if Mr. Aldrich could provide information on the substance or specifics of the appeal.

Mr. Aldrich indicated it is very difficult for residents to become familiar with the land use planning laws of the area. It takes a great deal of research and understanding of complex issues to bring forth their concerns.

Councilor McGee suggested the notification requirements be discussed and criteria developed to go beyond the obligatory area.

Mr. Morgan pointed out the development code is in the process of being revised and suggested this issue be addressed during the revision. In addition, Mr. Morgan announced the appellant had submitted additional testimony and is requesting a continuance of the hearing so they may address the Council.

Mayor Koho indicated he would like to review the testimony prior to making any decisions in this case. Councilor Meier agreed with the Mayor and also supported extending the notification area. She suggested a sign be posted on the property when any proposed action is planned.

Responding to an inquiry from Councilor Whalen, Charles Chimento pointed out the City staff works in the best interest of the citizens to follow the rules of development. Therefore the citizens are not required to become familiar with all the land use planning laws and issues. The additional conditions placed to widen the street further than necessary and the sewer issues were at the request of the City. Mr. Chimento indicated he believes in working with the City staff to develop the area in the best way. However, the continuance will delay the construction portion and possibly eliminate construction during this building season. He requested the Council make a decision in order to expedite this project.

Mayor Koho continued the hearing until Tuesday, September 2, 1997

EXHIBIT "B"

Criteria and Standards

The applicant has the burden of proving that the proposal meets the applicable criteria and standards. Applicable criteria and standards in this case are set forth in:

1. Section III(1) of the Keizer Subdivision and Partitioning Ordinance.
2. Keizer Zoning Ordinance Chapter 23 relating to lot sizes, parcel dimensions and other development criteria in the RS zone.
3. Section IV, Keizer Subdivision and Partitioning Ordinance (development requirements for roads, streets and easements).
4. Section V, Keizer Subdivision and Partitioning Ordinance (development requirements for blocks and lots).
5. Section IV, Keizer Subdivision and Partitioning Ordinance (public facility improvements).

No other specific criteria and standards were identified at the hearings.

EXHIBIT "C"

Facts

FINDINGS - GENERAL

1. The applicant is The Piculell Chimento Group for property owned by Ricky A. and Alice P. Johnson.
2. The subject property is 2.67 acres in size and is located at 1585 Clear Lake Road NE and is identified by the County Assessor as located within Township 6 South, Range 3 West; Section 23DA; Tax Lot 2000.
3. The subject property fronts a public street and may be served by public water and sewer.
4. The subject property is designated Low Density Residential and zoned Urban Transition (UT). Property immediately to the south contains the recently approved 50 lot subdivision, Case NO. 97-04, and will be rezoned RS when the subdivision is platted. Property on the north, east and west of the subject property is zoned UT. The dominant land use in these areas is large acreage residences.
5. The applicant is requesting approval to create a 16 lot single family subdivision. Access to the proposed subdivision will be provided from St. Charles Street from the Subdivision to the south and from Clear Lake Road to the North.
6. The Keizer Fire District submitted comments requiring that the Fire District review the plan for water supplies and fire hydrants and that access roads shall meet City of Keizer standards or Uniform Fire Code.
7. Marion County Fire District #1 submitted a copy of their standards for Fire Hydrants, Fire Apparatus Access Roads on Private Property, and Address Requirements for Residential Uses.
8. Portland General Electric provided comments that development costs per current tariff on service requirement and 10' public utility easement required on all street frontage lots.
9. The City Engineer provided comments regarding public facility improvements. A brief summary follows:

- a. Sanitary Sewer - The subject property is subject to a current acreage charge of \$4,000.00 per acre for the development of sanitary sewer trunk lines required to serve the general area. Extension of a sanitary sewer trunk line from the current end of the trunk in O'Neil Road will be required to serve the subject property. The route of the trunk line will be along O'Neil Road to the intersection of Clear Lake Road and continuing along Clear Lake Road to the most western boundary of the subject property. A portion of the trunk line may be constructed by other developers prior to the development of the subject property.
- b. Water - A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. A 12 inch water main will be required along O'Neil Road from the current end of the existing main to the intersection of Clear Lake Road. The 12 inch water main will be required to be further extended along Clear Lake Road to the westerly line of the subject property. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways.

Lots 7,8,9,10, 11 and 12 will be served by a 4 inch dead end main to be located in acceptable easements in or adjacent to the proposed private drive (indicated as "access easement") on the preliminary plan.

Final development plans shall be reviewed by the Keizer Fire Department with regard to access and adequate location of fire hydrants prior to any issuance of building permits by the City of Keizer.

(With regard to the sanitary sewer and water comments set forth above, after the initial hearings officer's decision, the Applicant and city staff reviewed the matter further. The city staff reached the conclusion that the sanitary sewer and water master plans did not require the above infrastructure. Instead, the conditions set forth in Exhibit "E" (Section 2) would be sufficient).

- c. Street and Drainage Improvements - An overall master storm drainage plan that will provide service to this area of Keizer needs to be in place prior to issuance of any permits for construction of the proposed development.

Storm water detention will be required for this site. All storm water and roof drains to be connected to any approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces. It will be the responsibility of the applicant's engineer to provide evidence to the public works

department that no natural drainage from or to adjacent property will be impeded by the development of the subject property.

Plans for any proposed private drive to serve lots within the subject development shall be submitted to the Department of Public Works for review prior to approval of any street plans or issuance of any permits for public improvements. Adequate provisions for recorded turnarounds or backing area with appropriate signage will be required. Drop curb locations will be required on the East side of St. Charles Street at the time of the street construction.

Clear Lake Road improvements along the frontage of the subject property shall be required as a condition of the proposed development. Dedication of additional Right of Way along Clear Lake Road will be required to provide a total width from centerline of 34 feet. Actual roadway improvement to be a 3/4 width street (25 feet from centerline to curb line along the frontage of the subject property together with a 12 feet travel lane on the north side of the street) and the depth of the section shall be to the City of Keizer collector Street Standards.

- d. Other - A public street light district shall be created to provide for adequate street lights along the frontage of the proposed new subdivision streets. A pre-design meeting will be required prior to the Developer's Engineer submitting plans to the City for review. A pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.

10. The proposed subdivision features a single access from Clear Lake Road. This street is designed to match up with the street system under construction in the south. The lots range in size from 5,273 square feet to 7,116 square feet. The average lot size is 6,235 square feet with a dwelling density of 5.99 units per acre. This subdivision is designed to accommodate single family homes.

FINDINGS - SUBDIVISION

11. Section III(1) of the Keizer Subdivision and Partitioning Ordinance requires the City to consider whether or not a proposed subdivision is in accordance with the Comprehensive Plan, its implementing Ordinances and other land development policies of the City. This Section also permits the City to prescribe conditions or make changes to the proposed subdivision to bring it into conformance with the applicable policies and regulations. The Comprehensive Plan criteria and the related findings are set forth below:

- a. The Comprehensive Plan contains a number of policies pertinent to the subdivision proposal. The Plan indicates stabilization, in-fill and improvement should be emphasized for existing residential neighborhoods. Residential development is encouraged where full urban services, public facilities and routes of public transportation are available. The Plan also encourages the maximum efficient use of the available land.

FINDINGS: The proposal provides new development within an area designated for residential development. All surrounding land is either in residential use or designated for residential development.

Public facility goals and policies generally encourage the availability of sufficient public facilities prior to development. Full public services, including sewer, water, and public access, can be extended to the property.

- b. The Comprehensive Plan allows a dwelling density of up to 8 units per acre for Low Density Residential designated land with an expected development density of 3.7 units per acre.

FINDINGS: The 16 lot subdivision will have a dwelling density of 5.99 units per acre. This exceeds the minimum expected development density proscribed by the Comprehensive Plan, but is less than the maximum allowed.

- c. Pursuant to Chapter 36 of the Keizer Zoning Ordinance, the subject property is automatically rezoned to Single Family Residential (RS) upon recordation of the final plat. Therefore, the lot sizes and dimension must comply with the requirements of the RS zone.

Chapter 23, of the Keizer Zoning Ordinance, contains requirements for lot sizes, parcel dimensions, permitted uses, setbacks and other related development standards for property within the RS zone. Single family lots must be a minimum of 4000 square feet in size with an average lot width of 40 feet and average lot depth of 70 feet. In addition, Chapter 23 specifies setback requirements for any existing or proposed structures on the proposed lots.

FINDINGS: All of the proposed subdivision lots meet this requirement.

12. Section IV., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for roads, streets and easements. These criteria and the related findings are set forth below:

- a. ENGINEERING STANDARDS AND REQUIREMENTS. Engineering standards and requirements, including but not limited to streets, easements, and thoroughfare improvements, shall be those currently approved by the City.

FINDINGS: All new development or redevelopment must comply with current City Public Work's engineering standards. This may be placed as a condition or requirement of development and is verified when engineering plans are submitted.

- b. DEDICATION OR DEEDING OF ROADWAY. No person shall dedicate for public use or deed to the City of Keizer a parcel of land which is used or proposed to be used as a roadway without following established procedures, obtaining the approval of the City and delivering the deed to the City for its endorsement. No dedication is effective unless the property is accepted by the City following the procedure established for that purpose.

FINDINGS: The applicant will be required to dedicate to the City the street right-of-way within the subdivision, as well as additional frontage along Clear Lake Road.

- c. DEAD END STREETS. When it appears necessary to continue streets to an adjacent acreage, the streets shall be platted to the boundary or property line of the proposed subdivision without a turnaround. In all other cases, dead end shall be platted a minimum of 45 feet from the boundary or property line of the subdivision and shall have a turnaround with a configuration approved by the City not less than 45 feet to the property line.

FINDINGS: The proposal includes one street, "St. Charles Street" which is designed to connect to the subdivision to the south.

- d. RADIUS AT STREET INTERSECTIONS. The property line radius at street intersections shall be 20 feet.

FINDINGS: The proposal complies with this requirement.

- e. STREET GRADES. No street grade shall be in excess of 12 percent unless the City finds that, because of topographic conditions, a steeper grade is necessary. The City shall require a written statement from the City Engineer indicating approval of any street grade that exceeds 12 percent.

FINDINGS: Based on available topographic information, all street grades are less than 12%.

- f. RESERVE STRIPS. Reserve strips controlling access to public ways may be required by the City. The land comprising such strips shall be deeded to the City of Keizer until such time as the Council finds they are no longer needed.

FINDINGS: No reserve strips will be required.

- g. DEDICATION OF RIGHT-OF-WAY. If land to be subdivided or partitioned will cause the termination of a street or borders of a street right-of-way of less than standard width, the applicant shall dedicate sufficient land to provide for a cul-de-sac, or, increase the half (or halves) of right-of-way bordering his land to one-half of the standard width. Standard right-of-way widths and improvements shall comply with the requirements in Table 1 of the Keizer Partitioning and Subdivision Ordinance.

FINDINGS: The applicant is required to dedicate 25 feet of right of way from the existing centerline of Clear Lake Road. In addition, St. Charles Street will be dedicated to the City.

- h. ADDITIONAL RIGHT-OF-WAY WIDTHS. Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way will be required to be dedicated to allow all cut and fill slopes to be within the right-of-way.

FINDINGS: The parcel is relatively level without the need for cuts and fills for the proposed streets.

- i. UTILITY EASEMENTS. Utility Easements meeting the approval of the City shall be provided to all newly created lots.

FINDINGS: Utility easements were not identified but are located as part of the engineering design phase and placed on the final recorded plat.

- j. TWO-LEVEL ROADS OR STREETS. Where it is determined by the Commission or Hearings Officer that two-level streets best serve hillside tracts, the right-of-way shall be of sufficient width to provided on each level, space for one sidewalk, plus a minimum width of 20 feet for roadway, curbs, and drainage facilities. Between the two levels and out to the right-of-way lines, there shall be space for all cut and fill slopes.

FINDINGS: The streets will be on relatively level ground; two-level streets are not required.

- k. STREET OR ROAD IMPROVEMENTS. All street or road improvements including pavement, curbs, sidewalks, and surface drainage shall be in accordance with the specifications and standards prescribed by the City Engineer. Subdivision plans shall not have final approval until such time as the City, in its judgment, is satisfied that the following street improvements will be completed in accordance with the specifications and standards set forth in this section.

FINDINGS: Compliance with these provisions is a development requirement. All engineering plans must be reviewed and approved by the City prior to construction.

- l. PRIVATE STREET. In the event that the subdivider or developer elects to provide private streets or thoroughfares, they shall be maintained by the Homeowners' Association and a maintenance agreement shall be submitted to the Administrator and the City for approval and as a matter of record.

FINDINGS: The proposal does not contain private streets.

13. Sections V., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for blocks and lots. These standards are noted as follows:

- a. SUBDIVISION BLOCKS. Block lengths and widths shall be determined after considering factors such as the distance and alignment of existing blocks; topography; lot size; and local traffic flow. Blocks shall not be less than 160 feet nor exceed 1,200 feet unless special conditions justify greater length.

FINDINGS: No block length exceeds 600 feet.

- b. MIDBLOCK WALKS. Where topographic or other conditions make necessary a block of unusual length, the City may require midblock pedestrian walks with

a right-of-way at least 10 feet in width, which shall be hard-surfaced through the block and extending from street curb to street curb.

FINDINGS: The blocks are relatively short so that mid-block walks are unnecessary.

- c. LOT SIZE. All lots approved under this ordinance shall have sufficient area to be consistent with the intent of the Comprehensive Plan and implementing ordinances, and to provide adequate area for the intended structures and uses, and all setbacks, access and spacing required for water supply and waste water disposal.

FINDINGS: All lots meet this requirement.

- d. CURVED FRONT LOT LINES. When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance. In cul-de-sacs, the minimum lot line fronting the turnaround shall be 40 feet and in no case shall the lot width be less than 60 feet at the building line.

FINDINGS: All lots meet this requirement.

- e. CORNER LOT. All corner lots shall be at least 70 feet wide adjacent to each street.

FINDINGS: The corner lots comply with this requirement.

- f. LOT LINE. Side lot lines shall be as close to right angles to the front street line as practicable. Unless otherwise approved, rear lot lines shall be not less than one-half the width of the front lot lines.

FINDINGS: Where practicable, the lot lines are run at right-angles. Otherwise the shape of the parcel dictates the remaining irregular lot lines.

- g. BUILDING LINES ALONG STREETS. When any road or street designated as an arterial on the official zoning map projects into or across a proposed subdivision, the building setback line established by the Zoning Ordinance for such road or street shall be shown on the final plat if greater than specified in the applicable zone.

FINDINGS: The subdivision fronts Clear Lake Road. Currently, Clear Lake Road functions as a Collector Street and will most likely be designated a Collector Street when the City completes its Transportation System Plan next year. All homes are required to maintain a 20 foot setback from Clear Lake Road.

14. Section VI., Keizer Subdivision and Partitioning Ordinance, contains subdivision development requirements for public facility improvements. These criteria and the related findings are set forth below:

- a. SEWAGE DISPOSAL. All lots or parcels shall be served by an authorized sewage disposal system. Subsurface sewage disposal for individual parcels shall meet the requirements of the State Department of Environmental Quality and the Marion County Health Department and the City of Keizer.

FINDINGS: Pursuant to comments received by the City Engineer, public sanitary sewer lines can be extended to the property. All improvements must comply with City Public Works Standards.

- b. WATER SUPPLY. All lots or parcels shall be served by an authorized public or private water supply system or individual private wells.

FINDINGS: The development can, and will be required to connect to the City's water system. All improvements must comply with City Public Works Standards.

- c. SEWER AND WATER LINES AND CONNECTIONS. All proposed subdivisions within the City, upon a finding by the City that public sewer and water services are imminent, shall be developed with water and sewer lines that meet the specifications of the City.

FINDINGS: All connections will be required to comply with City Public Works standards. Compliance with engineering requirements can be verified when staff reviews the engineering plans for subdivision.

- d. UTILITIES. All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted.

FINDINGS: Compliance with this requirement can be verified when staff reviews the engineering plans for subdivision.

- e. UTILITY EASEMENTS. Underground easements for utilities and overhead utility facilities shall be provided by the subdivider and shall be set forth on the final plat.

FINDINGS: As previously noted, utility easements are determined at the time of the engineering review and placed on the final subdivision plat.

- f. STREET LIGHTING. Proposed subdivisions located within established street lighting district boundaries shall submit street lighting plans from the appropriate power company to the City for approval. All provisions for wiring for underground installation shall be completed before the final street improvement is made.

FINDINGS: A public street light district shall be created to provide for adequate street lights along the frontage of the proposed new subdivision streets.

FINDINGS - MISCELLANEOUS

15. The City Engineer submitted a list of development requirements. The requirements are necessary to ensure public health and safety. Staff recommends these as conditions of approval.

16. The Subdivision and Partitioning Ordinance requires the developer to connect to public utility services. The Ordinance 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.

17. The City's System Development Charge for park development is \$300.00 per single-family dwelling or duplex unit and \$200.00 for each apartment unit. These Development charges, as well as those involving the extension of sewer and water, will apply to this request.

EXHIBIT "D"

Justification

The Applicants have the burden of proving that the application meets the relevant standards and criteria to be applied in the particular case.

In this case, the Applicants are applying for detail subdivision approval for a 16 lot subdivision on a 2.67 acre parcel on the south side of Clear Lake Road west of its intersection with O'Neil Road. The proposal envisions one street (St. Charles Place) proceeding from its current ending south of the proposed subdivision and extending northward to connect to Clear Lake Road.

The appellants have argued that the master water and sewer plans require the developer in this case to bring water and sewer trunk lines north up O'Neil Road to Clear Lake Road and then west on Clear Lake Road to the proposed subdivision. However, though the master plans designate O'Neil Road as the location for the trunk lines, the master plans do not specify which properties will connect to the lines directly, nor which property owners are responsible to construct trunk line.

The Applicants argue that this small 16 lot subdivision cannot be expected to bear the entire burden of this infrastructure. Instead, the Applicants will construct an eight inch water line in Clear Lake Road along the frontage of the subdivision, and in addition, pay the City the costs for one-half of an eight inch equivalent sewer line for Clear Lake Road. Such funds can be combined with other developer funds and system development charges to complete trunk line construction. These lines will eventually tie into the O'Neil trunk line.

In this manner, it can be seen that instead of a deviation from the master plans, the master plan trunk lines will be built, but not by this developer, whose subdivision does not front on O'Neil Road at all.

The appellants have also argued that Clear Lake Road is not going to be improved to appropriate standards. The decision requires the Applicants to make a 3/4 street improvement on Clear Lake Road and the northern side of Clear Lake Road will not be improved. Appellants argued that because of the proximity of the Urban Growth Boundary, it is unlikely that the property immediately north of Clear Lake Road will ever develop, consequently no developer will come forward to finish the improvement on Clear Lake Road. While this may be possible, it is inappropriate to impose the entire costs of Clear Lake Road improvement on these Applicants who subdivision is located only on the south side of Clear Lake Road.

With appropriate conditions and oversight, this proposed subdivision will cause minimal impacts. The Applicants have met the burden of showing compliance with the relevant criteria, and the proposal will be approved.

EXHIBIT "E"

Action

The City of Keizer ORDERS as follows:

The City Council hereby GRANTS the requested detail approval for the proposed subdivision, subject to the following conditions:

1. The applicant shall take part in a conference with the applicable public facility providers for the purpose of coordinating facility improvements. This conference shall occur prior to submitting engineering drawings. It is recommended the conference participants include the Keizer Department of Public Works, Keizer City Engineer, Keizer Fire District, City of Salem Department of Public Works (sewer), and private utility providers.

2. The applicant shall submit an engineering site plan to the Keizer Department of Public Works for its review and approval. The site plan shall include information concerning storm water detention, street improvements, easements, sewer, water and other engineering information as necessary to show compliance with Public Works development standards. Additional requirements are attached as Exhibit "E-1" and are, by reference, included in this condition. However, the requirements set forth in Exhibit "E-1" are modified as follows:

- a. The language in proposed condition of approval "e.)" under the heading "SANITARY SEWERS" on page 1 of Exhibit "E-1" shall be eliminated, and the following language substituted:

"The Applicant shall pay to the City of Keizer, as determined by the Department of Public Works, one-half the cost of an 8" equivalent sanitary sewer along subject property frontage on Clear Lake Road. No sewer construction for the subject subdivision shall begin prior to adequate permits being in place for the subdivision to the south (Subdivision Case No. 97-04)."

- b. The second and third sentences in proposed condition of approval "a.)" under the heading "WATER SYSTEM" on page 2 of Exhibit "E-1" shall be eliminated, and the following language substituted:

"The Applicant shall construct a 12" water main along the entire frontage of subject property on Clear Lake Road. The Applicant will not be eligible for reimbursement for water main construction in Clear Lake Road. No water line construction for the

subject property shall begin prior to adequate permits being in place for the subdivision to the south (Subdivision Case No. 97-04)."

The remainder of the language in proposed condition of approval "a.)" under the heading "WATER SYSTEM" on page 2 of Exhibit "E-1" shall remain intact.

- c. The final sentence in proposed condition of approval "d.)" under the heading "STREET AND DRAINAGE IMPROVEMENTS" on page 3 of Exhibit "E-1" shall be modified to read as follows:

"Actual roadway improvement on Clear Lake Road shall be a 3/4 width street (17 feet from centerline to curb line along the frontage of the subject property, together with any necessary improvements to the north side of the existing improvement to provide a 12-foot travel lane on that side of Clear Lake Road) and the depth of the section shall be constructed to conform to the City of Keizer Collector Street Standards."

3. The applicant shall submit a detailed site plan (plat) to the Keizer Community Development Department for review and approval prior to submittal of a final plat. The detailed plan shall include the following provisions:

- a. Shall substantially conform to the proposed subdivision request.
- b. Include all engineering elements as required by Exhibit "E-1" (item #2, above).
- c. Lots shall comply with all area and dimension requirements for lots within the Single Family Residential (RS) zone.
- d. The lots shall comply with the frontage requirements of the Keizer Subdivision and Partitioning Ordinance. Alternatively, the applicant may apply for a variance to reduce the frontage dimension.

4. Upon approval of the detailed site plan and engineering plans, the applicant shall submit a final plat for the subdivision which conforms to the detail plan approval. The plat shall be prepared by a registered professional surveyor and conform with the requirements in ORS Chapter 92. A bond will be required by the County Surveyor for post monumentation of the subdivision plat.

5. Street names for the subdivision shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. No final plat shall be released without approved street names.

6. The preceding items shall be completed, including review and approval by the appropriate department, prior to the issuance of a building permit for any one building. These additional items shall also be completed prior to receiving a building permit:

- a. Frontage improvement, including curb, paving and drainage, shall be installed along the portions of Clear Lake Road fronting the subject property. The applicant shall install full street improvements and other public services within the entire development. These improvements shall conform to the plans approved by the City of Keizer Department of Public Works. Adequate bonding or other financial security shall be obtained. Sidewalks will have to be completed or bonded for prior to issuance of building permits.
- b. The applicant shall apply to the City of Keizer for the creation of a Local Improvement District (L.I.D.) for street lighting. Street lighting improvements shall comply with the City regulations and requirements.
- c. The applicant shall have the option of phasing the facility improvements and the City financial agreements, except that frontage improvements along Clear Lake Road which shall be completed prior to the occupancy of any one dwelling.

7. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

ADDITIONAL REQUIREMENTS: The Keizer Zoning Ordinance, and Keizer Subdivision and Partitioning Ordinance, establish specific development and processing requirements. These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment process. These requirements are included for the benefit of the applicant.

8. Completion, submittal and recording of the final subdivision plat shall comply with the requirements contained in the Keizer Subdivision and Partitioning Ordinance.

9. Unless otherwise required by this decision, development of the individual lots shall comply with the applicable requirements of the Keizer Zoning Ordinance and building requirements of the Marion County Building Inspection Division.

10. The applicant shall be responsible for all costs associated with public facility improvements, including applicable system development charges for sewer, water, parks and other facilities and shall comply with established City rules and regulations in effect at the time of the final approval of the Subdivision Plat.

4694COK.001

EXHIBIT "E-1"

DATE: APRIL 22, 1997

TO: CITY OF KEIZER
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUBDIVISION CASE NO. 97-07
Chimento/Piculell Group
1585 Clear Lake Road NE



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

DEPARTMENT COMMENTS

It is the understanding of the Public Works Department that the property is located within a zone that is appropriate for the intended use.

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

The plan for the proposed subdivision is create 16 lots on 2.67 acres. Access is from Clear Lake - Quinaby Road.

SANITARY SEWERS:

The subject property is subject to a current acreage charge of \$4,400.00 per acre for the development of sanitary sewer trunk lines required to serve the general area. The policy of the City of Keizer is that the acreage charge be paid at time of platting and that the charge is based on the charge currently in place at the time of platting.

- a.) City of Salem approval for local sewer permits will need to be issued prior to construction.
- b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.
- c.) Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right of ways.
- d.) The existing sanitary sewer trunk line in O'Neil Road was constructed by other developers under an agreement between them and the City of Keizer. Payment of new acreage charges to the City of Keizer will be distributed by the City under the existing agreements.
- e.) Extension of a sanitary sewer trunk line from the current end of the trunk in O'Neil Road will be required to serve the subject property. The route of the trunk line will be along O'Neil Road to the

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Public Works
Community Development
Municipal Court
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Fax 503.393.9437
Police (business only)
Phone 503.390.3713
Fax 503.390.8295

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e.) Continued

intersection of Clear Lake Road and continuing along Clear Lake Road to the most western boundary of the subject property. A portion of the trunk line may be constructed by other developers prior to the development of the subject property.

WATER SYSTEM:

- a.) A master water system plan showing proposed routes of public water mains, fire hydrants and individual services shall be prepared prior to submission of construction plans for the development. A 12 inch water main will be required along O'Neil Road from the current end of the existing main to the intersection of Clear Lake Road. The 12 inch water main will be required to be further extended along Clear Lake Road to the westerly line of the subject property. Appropriate easements for all public water mains and fire hydrants will be required if construction is to be outside of public right of ways. Any system development charges for water system improvements will be those in place at the time of individual service connections. Lots 7, 8, 9, 10, 11 and 12 will be served by a 4 inch dead end main to be located in acceptable easements in or adjacent to the proposed private drive (indicated as "access easement" on the preliminary plan.
- b.) Final development plans shall be reviewed by the Keizer Fire Department with regard to access and adequate location of fire hydrants prior to any issuance of building permits by the City of Keizer.
- c.) Any existing wells on the subject property are to be abandoned in accordance with the rules of the Oregon State Water Resources Department.
- d.) Location of all meters to be approved by Keizer Water Department.
- e.) No Polywrap will be required for public water mains for the subject property.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) An overall master storm drainage plan that will provide service to this area of Keizer needs to be in place prior to issuance of any permits for construction of the proposed development.
- b.) Storm water detention will be required for this site. All storm water and roof drains to be connected to an approved system designed to provide adequate drainage for the proposed new driveways and other hard surfaces.
- c.) It will be the responsibility of the applicant's engineer to provide evidence to the public works department that no natural drainage from or to adjacent property will be impeded by the development of the subject property.
- c.) Plans for any proposed private drives to serve lots within the subject development shall be submitted to the Department of Public Works for review prior to approval of any street plans or issuance of any permits for public improvements. Adequate provisions for recorded turnarounds or backing areas with appropriate signage will be required. Drop curb locations will be required on the East side of St. Charles Street at the time of the street construction.
- d.) Clear Lake - Quinaby Road improvements along the frontage of the subject property shall be required as a condition of the proposed development. Dedication of additional Right of Way along Clear Lake Road will be required to provide a total width from centerline of 34 feet. Actual roadway improvement to be a 3/4 width street (25 feet from centerline to curb line along the frontage of the subject property together with a 12 foot travel lane on the north side of the street) and the depth of the section shall be to the City of Keizer Collector Street Standards.

OTHER

- a.) A public street light district shall be created to provide for adequate street lights along the frontage of the proposed new subdivision streets.
- b.) Construction permits are required by the Department of Public Works prior to any public facility construction. Contact Scott Peterson at the City Engineer's office at 390-7402 for the necessary permit information that is required.

- c.) A Pre-design meeting will be required prior to the Developer's Engineer submitting plans to the city for review.
- d.) Street opening permits are required for any work within the City Right of Way that is not covered by a Construction Permit.
- e.) A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the city.



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

DATE: APRIL 30, 1997

TO: CITY OF KEIZER
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUBDIVISION CASE NO. 97-07
Chimento/Picullell Group
1585 Clear Lake Road NE

ADDITIONS TO PREVIOUS
DEPARTMENT COMMENTS

The Department of Public Works received a fax transmission this morning from Mark Grenz, P.E., of Multi-Tech Engineering, regarding the above referenced Subdivision Case 97-07. He requested a response today regarding three of the conditions contained in our staff report of April 22, 1997. Our response is as follows:

1. Sanitary Sewers

- e) The condition requiring the extension of the sanitary sewer trunk line along O'Neil Road and Clearlake Road is based on the City of Keizer Master Sewer Plan. Our review of the computer model developed during the design process of the Master Sewer Plan Update indicated flows from the subject property would be to a new trunk line in Clearlake Road. While it is possible to place sewer flows in alternate basins, the Public Works Department is concerned that property development occurring without the accompanying Master Plan facilities will result in a long-range problem for the City of Keizer.

An earlier development approved by the Hearings Officer for a project at the Southeast corner of the intersection of O'Neil Road and Clearlake Road also carried the condition of extension of the trunk line in O'Neil Road. It is possible that a portion of the required trunk line for this project may be constructed prior to the development of the subject property. It is also possible that the developers of both projects could work together to make sure that the required trunk lines are in place.

2. Water System:

- a) The requirement of connecting the proposed development to a new water main in Clearlake Road is consistent with the City of Keizer Master Water Plan. Dead-end mains are not encouraged in Keizer

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Exhibit E-1 page 5 of 6

Water System (continued)

and the proposed developments (including the applicant's property to the south) will allow for a looped system to be installed that will facilitate fire flows in the area and eliminate the need for dead-end water mains.

Again, earlier approved developments along O'Neil Road have the requirement for extending the water main in O'Neil Road so it is likely that the development of the subject property will not be burdened with the entire cost of the required Master Water Plan improvements.

3. Street and Drainage Improvements:

- d) The Functional Highway Classification System map for the Salem/Keizer area indicates Clearlake Road to be a Collector Street with bike lanes on both sides. Being the only East-West street in this area and also being located at the North end of the Urban Growth Boundary, this street will function as a collector street for the area.

The condition of requiring the design of Clearlake Road to meet the standards of a collector street are consistent with the requirements of the approved subdivision at the Southeast corner of the intersection of O'Neil Road and Clearlake Road (Subdivision/Lot Line Adjustment Case 97-01) *Dedication of additional Right of Way along Clear Lake Road will be required to provide a total width from centerline of 34 feet. Actual roadway improvement to be a 3/4 width street (25 feet from centerline to curb line along the frontage of the subject property together with a 12 foot travel lane on the north side of the street) and the depth of the section shall be to the City of Keizer Collector Street Standards.*



September 2, 1997

AGENDA ITEM 7a

INITIATING BONNEVILLE STREET VACATION

CITY COUNCIL MEETING: Sept. 2, 1997

AGENDA ITEM NUMBER: 7a

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN, AICP
CO-CITY MANAGER
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: INITIATION VACATION OF BONNEVILLE STREET RIGHT OF WAY

DISCUSSION:

This is a request to initiate the vacation of Bonneville Street SE.

Bonneville Street is a dedicated right of way generally located between and parallel to Pleasantview Street on the west and Verda Lane on the east. While the right of way exists, no street improvements have ever been constructed and there is no evidence of the right of way in observing the area.

The Bonneville Street right of way is approximately 3,000 feet in length. It is intersected from the west by existing right of way extensions of Greenwood Drive, Leo Street, Seeburg Street, and Alder Street. However, none of these street sections have actual street improvements that extend to Bonneville.

The property through which Bonneville passes is owned by the Staats Corporation. Staff has been working with the principals of Staats Corporation, primarily its president, Jay Compton, in reviewing its proposals for developing a manufactured housing park on this property. Staats Corporation intends to develop this park, which is an allowed use in the RS (Residential Single Family) zone, in 1998.

Of significant concern for the City is the future extension of Alder Street to the east to make a connection to Verda Lane. This will provide a much needed additional link across Claggett Creek. While this extension is not officially included in the City's transportation plan, it is the focus of a great deal of study now as the update of that plan is being prepared, anticipating adoption in May 1998. Staff would characterize

the general reaction to the proposal by the Planning Commission, neighborhood association, and involved professional planners as favorable, however the proposal has not had a public "airing" as yet. Of primary concern at this time is that the development of the manufactured housing park can be done without preserving a right of way for an Alder Street extension, thereby greatly increasing the cost of the project in terms of dollars and in terms of human costs as existing homes would be displaced by the construction.

The manufactured housing park can be developed using the existing Bonneville Street right of way and completing the street improvements. This will not allow for the Alder Street extension. Staff and Staats Corporation have worked out an alternative design that creates a right of way for Alder, but it requires a totally different street layout within the park, thereby necessitating the vacation of the Bonneville Street right of way.

The action requested this evening is to have the Council, by motion, initiate the street vacation. This action does not approve the vacation nor approve the Alder Street extension. It puts the matter on the table so that it can be considered at a public hearing to be set for October 6, 1997.

RECOMMENDATION:

It is recommended Council initiate the vacation process by holding a public hearing on the vacation of the Bonneville Street NE right of way on October 6, 1997.





AGENDA ITEM 7b

September 2, 1997

ORDINANCE - WIRELESS TELECOMMUNICATION FACILITIES

CITY COUNCIL MEETING: Sept. 2, 1997

AGENDA ITEM NUMBER: 7b

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN, AICP
CO-CITY MANAGER
COMMUNITY DEVELOPMENT DIRECTOR 

SUBJECT: ZONING ORDINANCE AMENDMENT –
WIRELESS TELECOMMUNICATION FACILITIES

DISCUSSION:

The City Council held its public hearing on amendments to the Zoning Ordinance to provide regulations for Wireless Telecommunication Facilities on July 7 and August 4, 1997. Council directed Staff to return at this meeting with an ordinance for adoption, based on the draft ordinance presented during the hearing. That ordinance bill is attached for the Council's consideration.

RECOMMENDATION:

It is recommended Council adopt the ordinance bill.

CITY COUNCIL MEETING: Sept. 2, 1997

AGENDA ITEM NUMBER: 7b

TO: MAYOR AND CITY COUNCIL

FROM: JOHN N. MORGAN, AICP
CO-CITY MANAGER
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: ZONING ORDINANCE AMENDMENT –
WIRELESS TELECOMMUNICATION FACILITIES

DISCUSSION:

The City Council held its public hearing on amendments to the Zoning Ordinance to provide regulations for Wireless Telecommunication Facilities on July 7 and August 4, 1997. Council directed Staff to return at this meeting with an ordinance for adoption, based on the draft ordinance presented during the hearing. That ordinance bill is attached for the Council's consideration.

RECOMMENDATION:

It is recommended Council adopt the ordinance bill.

1 Section 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)
2 days after its passage.

3

4 PASSED this _____ day of _____, 1997.

5 SIGNED this _____ day of _____, 1997.

6

7

Mayor

8

9

City Recorder

GOAL 8: RECREATIONAL NEEDS

Due to the restrictive nature of the regulations, no WTS Facilities shall interfere with recreational needs. Therefore, this Goal is enhanced.

GOAL 9: ECONOMIC DEVELOPMENT

To the degree this amendment provides for better communication for trade purposes, Goal 9 is enhanced.

GOALS 10 THROUGH 14: HOUSING; PUBLIC FACILITIES AND SERVICES; TRANSPORTATION; ENERGY CONSERVATION; URBANIZATION

This amendment does not affect housing, public facilities, transportation, energy conservation, and urbanization. Therefore, these Goals are inapplicable in this instance.

GOAL 15: WILLAMETTE GREENWAY

Any application of this amendment in the Willamette Greenway would be required to meet the standards set forth in that overlay zone. The regulations severely restrict WTS Facilities in the Greenway. Therefore, the amendment will not adversely affect the Willamette Greenway.

GOALS 16, 17, 18 AND 19: ESTUARINE RESOURCES, COASTAL SHORELANDS, BEACHES AND DUNES, AND OCEAN RESOURCES

These goals do not apply as Keizer is not located in an ocean shoreland area.

2. These amendments add regulations for wireless telecommunication system facilities, namely regulating cellular towers in certain zones. The public concerns are one of aesthetics and the appropriateness of having tall telecommunication towers in certain zones. The regulations balance the need for having such wireless telecommunication facilities as required by federal law, with the local concerns of siting these facilities in

EXHIBIT "B"

12.82 WIRELESS TELECOMMUNICATION FACILITIES.

- (a) The purpose of this Section is to provide siting standards and review processes for wireless telecommunications systems facilities locating within the City of Keizer. These regulations are designed to do the following:

- (1) Regulate the placement, appearance and number of wireless telecommunications systems facilities;
- (2) Ensure that the citizens of Keizer will have access to a variety of wireless telecommunications systems and providers;
- (3) Reduce the visual impact of certain wireless telecommunications systems facilities by encouraging collocation;
- (4) Establish a graduated system of review that will expedite facilities placement in preferred locations; and
- (5) Implement the applicable provision of the federal Telecommunications Act of 1996.

(b) DEFINITIONS

- (1) ACCEPTABLE SITE. For purposed of siting wireless telecommunications systems facilities, any land zoned Commercial General or Public.
- (2) ANTENNA. The specific device used to capture an incoming and/or transmit an outgoing radio-frequency signal. This definition shall include omni-directional (whip) antennas; directional (panel) antennas; parabolic (microwave dish) antennas; and ancillary antennas (i.e., GPS). All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment.

- (11) LATTICE TOWER. For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of metal crossed strips or bars and which supports antennas and related equipment for one or more WTS provider.
- (12) MONOPOLE. For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of a single tapered steel pole and which supports antennas and related equipment for one or more WTS provider.
- (13) PREFERRED SITE. For purposes of siting wireless telecommunications systems facilities, any land zoned General Industrial.
- (14) PUBLIC UTILITY FACILITY- High Impact: Electric power transmission lines (greater than 69 KV), poles and substations, gas pipe lines and valve stations; sanitary sewer treatment plants or effluent ponds; water treatment facilities, including filtration plants greater than 2.5 million gallon capacity per day; fire/ ambulance stations.
- (15) STEALTH DESIGN. A variety of techniques used to disguise or mitigate the visual presence of WTS support structure, including, but not limited to screening by mature trees (75% or more of pole beneath tree canopy), mimicking common features of the urban landscape (light poles, church steeples, trees, etc.), painting antennas to match the color of supporting building walls, or roof mounting behind parapets.
- (16) WIRELESS TELECOMMUNICATIONS FACILITIES. The site, structures, equipment and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.
- (17) WIRELESS TELECOMMUNICATIONS SYSTEMS (WTS). The sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and other sending and receiving stations (cell sites), and including cellular radiotelephone, personal communications services, enhanced/ specialized mobile radio, and commercial paging services.

approve them with conditions. In addition to (1) above, the following standards apply:

- (a) A detached, stealth design WTS facility on a Preferred Site, that abuts a residential zoning district but is not set back a distance equal to or greater than the height of the structure, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.
- (b) A detached, stealth design WTS facility on an Acceptable Site, observing all height limits of the underlying zone, and all setback limits of the underlying zone unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impact, including equipment shelters, buildings and cabinets housing WTS land line switching /connection equipment.
- (c) An attached WTS facility on a Conditionally Suitable Site, no higher than 10 feet above the existing structure, including equipment shelters, building and cabinets housing WTS land line switching/connection equipment.
- (d) A detached, stealth design WTS facility on a Conditionally Suitable Site, observing all height limits of the underlying zone and all setback limits of the underlying zone unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment.
- (e) All detached WTS facilities, on any site, within 1,000 feet of an existing detached WTS facility.
- (f) All detached WTS facilities 50 feet or taller, on any site, and not designed or intended for collocations.

- (1) All WTS facilities shall observe minimum lot size, lot coverage, building height and building setback requirements of the underlying zoning district unless specifically exempted or otherwise regulated by this Section. Underground facilities may encroach upon required yards or may be placed in appropriate easements.
 - (2) All WTS facilities shall be landscaped at the base of towers/poles, and completely around equipment shelters. Lighting of towers shall be as required by the FAA. All other lighting must be deflected away from adjoining property.
 - (3) Any WTS facility sited on or designed with any of the following attributes shall first receive FCC approval, as specified in FCC Rules 1.1301 - 1.1319, as a condition of City approval prior to construction: Wilderness Area; Wildlife Preserve; Endangered Species; Historical Site; Indian Religious Site; Flood Plain; Wetlands; High Intensity White Lights in Residential Neighborhoods; Excessive Radio frequency Radiation Exposure.
- (e) Application requirements for WTS facilities shall be as follows:
- (1) WTS providers whose proposals conforms with the provisions of Subsection (1)(a) of this Ordinance requiring building and electrical permits only shall submit the following information with the application for permits:
 - (a) A copy of that portion of the lease agreement (or lease memo) with the property owner, that includes collocation provisions (where applicable), facility removal within 90 days of abandonment and a bond to guarantee removal shall be submitted for review prior to development permit approval.
 - (b) A signed statement from the applicant agreeing to allow collocation on the applicant's structure (where applicable).
 - (c) A map of the city showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the City, or extending within the City from a distant location, and any existing detached WTS facilities of another provider within 1,000 feet of the proposed site.

- (m) Provide FAA determination.
- (2) WTS providers whose proposals conforms with the provisions of Subsection (1)(b) of this Section requiring Site Plan Review approval shall the following additional information:
 - (a) Items 1-4 and 6-13 in Subsection (1)(a) above.
 - (b) Photosimulations of the proposed WTS facility from the four cardinal compass points and/or abutting right of way, whichever provide the most accurate representation of the proposed facility from a variety of vantage points.
 - (c) The distance from the nearest WTS facility and nearest collocation site.
- (3) WTS providers whose proposals conforms with the provisions of Subsection (1)(c) of this Ordinance requiring Conditional Use approval shall submit the following information:
 - (a) Items 1-3 in Subsection (1)(b) above.
 - (b) Responses to the following additional Conditional Use criteria:
 - (1) an engineer's statement demonstrating the reasons why the WTS facility must be located at the proposed site (service demands, topography dropped coverage, etc.);
 - (2) an engineer's statement demonstrating the reasons why the WTS facility must be constructed at the proposed height; and
 - (3) verification of good faith efforts made to locate or design the proposed WTS facility to qualify for a less rigorous approval process (building permit or site plan approval).
- (4) The Zoning Administrator, or appellant body, shall use the preceding criteria in addition to the Conditional Use criteria in Chapter 8 of this Code to evaluate the proposal. The Zoning Administrator, or appellant body, shall not grant approval of the request unless each of these criteria has been met.



September 2, 1997

AGENDA ITEM 7C

CITY MANAGER RECRUITMENT

CITY COUNCIL MEETING: September 2, 1997

AGENDA ITEM NUMBER: 7c

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

**FROM: DIANNE SUEK 
PERSONNEL OFFICER**

SUBJECT: CITY MANAGER RECRUITMENT

**This space has been reserved for Council to take any action it deems appropriate regarding
the recruitment for City Manager.**



September 2, 1997

AGENDA ITEM 8a

**AFFIRMING CO-CITY MANAGER DECISION TO
HIRE FINANCE DIRECTOR**

CITY COUNCIL MEETING: September 2, 1997

AGENDA ITEM NUMBER: 8a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

**FROM: DIANNE SUEK 
PERSONNEL OFFICER**

**THROUGH: JOHN MORGAN AND WALLY MULL
CO-CITY MANAGERS PRO TEM** 

SUBJECT: CANDIDATE FOR FINANCE DIRECTOR

Susan Gahlsdorf, CPA has been offered the position of Finance Director effective September 15, 1997, contingent upon Council affirming the hiring.

Ms. Gahlsdorf received a bachelor's degree in business Administration from Oregon State University, Corvallis and received a Certified Public Accountant certification in 1985.

Currently Ms. Gahlsdorf is the Financial Services Section Manager / Investment Portfolio Manager for Oregon Housing Community Services Department.

It is recommended the Council affirm the hiring of Susan Gahlsdorf to fill the vacant position of Finance Director.

SUSAN KAY GAHLSDORF
Certified Public Accountant

WORK EXPERIENCE

Oregon Housing & Community Services Department

March 1994
to
Present

Financial Services Section Manager / Investment Portfolio Manager

Responsible for the operational, accounting, and reporting functions in accordance with generally accepted accounting principals. Supervise staff of seven and provide on-the-job training, prepare performance reviews and disciplinary actions, hire, fire, and promote staff. Manage a \$300 million investment portfolio including formulating and implementing investment policies and procedures. Administer the Section's administrative budget. Work with a wide range of professionals including bond trustees, legal council, investment brokers, financial advisors, and other state agencies.

Major Accomplishments

- Under my supervision, the Department received its first Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.
- Led an interdepartmental team through a process redesign of our Single-Family Loan Purchasing program. Created efficiencies, improved accuracy, and removed seven of the original twenty people from the process and made use of their talents elsewhere. Had 100% support from staff on the changes that were made. Invited speaker at the National Council of State Housing Agencies conference in May 1996 on this redesign process.
- Project Manager for the implementation of a new financial management system. Successfully converted to the new system in May 1997, having met all critical deadlines. The Executive Branch dubbed us a "model agency" in the conversion of this new system.

May 1992
through
February
1994

Investments Officer

Managed a \$200 million investment portfolio. Compiled and prepared complex technical investment information for structuring bonded debt transactions and audited arbitrage rebate calculations. Supervised two accountants and assisted in preparing the annual financial statements.

Major Accomplishments

- Authored the Department's first Investment Policy
- Implemented an investment portfolio subsidiary system to replace an antiquated system. Devised procedures to reduce duplicate entries and reduced the time spent on this process from one FTE to .25 FTE.

Secretary of State, Division of Audits

December
1983
through
May 1992

Senior Auditor

Coordinated and conducted audits of various state agencies in accordance with generally accepted governmental auditing standards. Lead auditor in charge of assigning and reviewing work, providing on-the-job training and evaluating work performance.

Major Accomplishments

- Elected member of the committee responsible for preparing the Division's constitution in order to become a more efficient and effective audit organization.
- Drafted the federal compliance portion of the Statewide Audit Planning Document.

AFFILIATIONS

Member of the Government Finance Officers Association and Oregon State Fiscal Association
Cub Scout Den Leader, Pack 31

EDUCATION

1981

Bachelor of Science Degree in Business Administration, Oregon State University
Majors: Management and Accounting (1983 postgraduate study)
Minor: Behavioral Science

Proficient at QuattroPro, WordPerfect, and various other Windows 95 products and database software.

Financial Services Manager - Oregon Housing & Community Services Department

Knowledge of municipal accounting practices and standards, internal control procedures, audit procedures, and office practices.

- Formulate, interpret, and implement municipal accounting, financial reporting and investment policies, procedures, and strategies for the Department. Apply knowledge of professional pronouncements including generally accepted accounting principals, Governmental Accounting and Financial Reporting Standards, and the Governmental Accounting, Auditing, and Financial Reporting guide.
- Responsible for maintaining the Department's accounting records including the general ledger, cashiering system, payroll and benefit records, fixed asset records, and the investment portfolio subsidiary system. Ensure proper internal controls including segregation of duties. Serve as the Department's liaison with the Audits Division staff.
- Prepare portions of, and manage staff in the preparation of, the interim financial analysis and annual financial statements. Under my supervision, the Department received its first Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for fiscal year 1995.
- Manage a \$300 investment portfolio. Coordinate the investment of funds through administering investment trades; request, evaluate, and award bids. Compile and prepare complex technical investment information for structuring bond sales, debt service payments, and bond calls. Prepare investment cash flow analysis and various letters of instruction relating to the flow of funds. Develop and implement investment strategies, policies and procedures to optimize earnings and ensure compliance with federal tax regulations and bond indenture requirements. Monitor yield restrictions to ensure compliance with arbitrage regulations.
- Administer the Section's portion of the Department's administrative budget.

Written and Oral Communication

- Communicate with a wide range of professionals to discuss policies and procedures and investigate financial management opportunities. Provide general and financial information both orally and in writing including letters of instruction to Bond Trustees.
- Draft discussion papers on interpretation of laws, regulations, and generally accepted accounting principles.
- Routinely speak at Department staff meetings and to the administration's Steering Committee to provide updates on my Section's strategic plans, accomplishments and challenges.
- Draft procedures manuals for Section operations.
- Initiated, planned and presented a division-wide overview on our new financial management system.
- Invited speaker at the National Council of State Housing Agencies conference in May 1996. I spoke of the success of our redesign process over mortgage loan purchases.

Supervision and Leadership

- Serve as a member of OHCSA's management team to ensure fiduciary responsibly and public trust.
- Supervise seven employees to ensure timely and accurate production of necessary statistical and financial information. Facilitate staff's efficiencies and effectiveness. Structure duties and assignments ensuring adequate internal controls. Provide on-the-job training, prepare performance reviews and disciplinary actions, hire, fire, and promote the Financial Services Section staff.

Susan Gahlsdorf

- Led an interdepartmental team through a process redesign of our Single-Family Loan Purchasing program. The dynamics of this process and the results included:
 - consensus of decision. Staff were involved in the decision making process and their ideas were supported by management.
 - providing everyone involved with a general understanding of the process (not just the Redesign Team).
 - opening communications across areas of responsibility (i.e. program and accounting).
 - 100% acceptance from staff on the changes that were made. This was especially significant in that we removed seven of the original twenty people from the process.
- Served as the Department's Project Manager for the implementation of a new financial management system. This included:
 - establishing an implementation team. Together we set goals and objectives for our financial management needs.
 - assigning roles and planning work, including a user needs assessment, systems research, and system testing.
 - coordinating Division staff involvement in implementation, training, and reassignment of duties.
 - serving as the Department's liaison with the Executive Branch. We successfully converted to the new system in May 1997, having met all our critical deadlines. The Department of Administrative Services dubbed us a "model agency" in the conversion of this new financial management system.

Organization and Prioritization

- Responsible for a multitude of fiscal areas including accounting, financial reporting, investment portfolio management, mortgage loan purchases, and staff supervision. Each area encompasses critical deadlines with short time frames. Proper scheduling, delegation, ticklers, calendaring are essential to the success in this position.
- Develop performance measures for key activities within the Section and monitor actual results against these performance measures. Initiate, coordinate, and implement changes in procedures to improve section effectiveness and efficiency and to protect the Department's financial security.
- Assess the fiscal impact of various program related decisions.
- Plan and develop long-range goals and short-range operational objectives.

Working Relationships

- Maintain strong working relationships with, bond trustees, investment broker/dealers, legal council, financial advisors, auditors, counterparts in other State agencies, and OHCSA administrators.

Computer Skills

- QuattroPro; WordPerfect; various database systems; Widows 95; the State of Oregon's mainframe accounting system.

Investment Officer - Oregon Housing & Community Services Department

Knowledge of municipal accounting practices and standards, internal control procedures, audit procedures, and office practices.

- Administer investment trades by requesting, evaluating, and awarding bids. Coordinate trades between the Department, the trustee and brokers. Track activity on investments to maturity. Monitor yield restrictions to ensure compliance with arbitrage regulations.
- Compile and prepare complex technical investment information for structuring bond sales, debt service payments, and bond calls. Prepare investment cash flow analysis and various letters of instruction relating to the flow of funds. Reconcile the system to the general ledger.
- Audit arbitrage rebate calculations.
- Assist in the preparation of financial statements in conformity with generally accepted accounting principals.

Written and Oral Communication

- Communicate with a wide range of professionals to discuss policies and procedures and investigate financial management opportunities. Provide general and financial information both orally and in writing including letters of instruction to Bond Trustees.
- Draft procedures manuals for Section operations.

Supervision and Leadership

- Supervise the Cash and Investments Unit. Oversee the Cashier and Revenue Bond Accountant positions through:
 - assigning and reviewing work including the approval of accounting entries related to bond sales and investment activities.
 - providing on-the-job training.
 - evaluating work performance.

Organization and Prioritization

- Meet critical deadlines associated with the investment of new bond funds, maturing investments, and interest earnings.
- Prepare and coordinate fiscal information for the bond sale process.
- Prepare accounting entries and financial reporting information timely and accurately.

Working Relationships

- Maintain strong working relationships with bond trustees, investment broker/dealers, legal council, financial advisors, auditors, and OHCSA managers and administrators.

Computer Skills

- Researched, purchase, implemented and maintain the investment portfolio subsidiary system which is a Cobal database system.
- QuattroPro; WordPerfect; the State of Oregon's mainframe accounting system.

Senior Auditor - Oregon Secretary of State, Division of Audits

Knowledge of municipal accounting practices and standards, internal control procedures, audit procedures, and office practices.

- Coordinate and conduct financial, compliance, management, operational and program audits. Assignments included Statewide Financial Reporting audits of various state agencies and opinion audits of a state agency bond program.
- Apply knowledge of professional pronouncements including generally accepted accounting principals, Governmental Accounting and Financial Reporting Standards, and the Governmental Accounting, Auditing, and Financial Reporting guide in the execution of audit assignments.
- Perform audits in accordance with Generally Accepted Governmental Auditing Standards.
 - Research laws, Oregon Administrative Rules, policies and procedures.
 - Review financial reports and prior audit work papers to develop audit plan.
 - Review internal controls and perform detail tests of transactions to assure that accounting systems reflect clients' operations and program objectives.
 - Analyze and interpret financial data including financial statements, federal reports and supporting accounting records to form audit opinion.
 - Formulate and recommend corrective actions as well as accounting system improvements through verbal communication, written audit findings and speed memos.

Written and Oral Communication

- Assist in drafting the annual Statewide Audit Planning Document.
- Discuss and document fiscal operations with client's fiscal staff.
- Participate in entrance and exit conferences with Agency Heads and Administrators.
- Make written recommendations to clients regarding audit findings.

Supervision and Leadership

- In charge auditor responsible for:
 - assigning work and monitoring progress.
 - reviewing work papers for compliance with professional standards and instructions.
 - providing on-the-job training.
 - evaluating work performance.
- Elected member of the committee responsible for preparing Division's constitution in order to become a more efficient and effective audit organization. Responsibilities included development of long range plan for improving the administration of the Division.

Organization and Prioritization

- Oversight responsibility for portions of the statewide audit conducted simultaneously at two agencies and direct responsibility for preparing the Schedule of Federal Financial Assistance.
- Developed audit plans including audit objectives, scope, budget, organization of work and audit programs for the efficient administration of the audit.

Working Relationships

- Maintain professional working relationship with audit clients including Agency Heads and fiscal staff.

Computer Skills

- Lotus 1-2-3; Microsoft Word; Paradox; the State of Oregon's mainframe accounting system.



September 2, 1997

AGENDA ITEM 8b

**RESOLUTION - AMENDING THE CITY'S DEFERRED
COMPENSATION PLAN**

CITY COUNCIL MEETING: September 2, 1997

AGENDA ITEM NUMBER: 8b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DIANNE SUEK, PERSONNEL OFFICER 

THROUGH: JOHN MORGAN AND WALLY MULL
CO-CITY MANAGERS PRO TEM 

**SUBJECT: RESOLUTION - AMENDING THE CITY'S DEFERRED
COMPENSATION PLAN**

BACKGROUND:

The City of Keizer participates in a deferred compensation plan 457 through ICMA Retirement Corporation.

Prior to 1996, Internal Revenue Code 457 required that all funds held in the plan "shall remain (until made available to the participant or other beneficiary) solely the property of the employer..."

However, in the Small Business Jobs Protection Act of 1996 ("SBJPA"), Congress amended IRC 457 by adding a new subsection which states that all amounts deferred under a Section 457 plan must be held in trust for the exclusive benefit of plan participants and/or beneficiaries.

The SBJPA requires employers with a 457 plan in existence to establish a plan level trust prior to January 1, 1999. This new requirement will be established by Council adopting the attached resolution amending the ICMA 457 plan document.

FISCAL IMPACT:

There is no fiscal impact to the City of Keizer.

RECOMMENDATION:

It is recommended the Council approve the attached Resolution amending the City's deferred compensation plan to comply with Internal Revenue Code 457.

CITY COUNCIL MEETING: September 2, 1997

AGENDA ITEM NUMBER: 8b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DIANNE SUEK, PERSONNEL OFFICER

THROUGH: JOHN MORGAN AND WALLY MULL
CO-CITY MANAGERS PRO TEM

SUBJECT: RESOLUTION - AMENDING THE CITY'S DEFERRED
COMPENSATION PLAN

BACKGROUND:

The City of Keizer participates in a deferred compensation plan 457 through ICMA Retirement Corporation.

Prior to 1996, Internal Revenue Code 457 required that all funds held in the plan "shall remain (until made available to the participant or other beneficiary) solely the property of the employer..."

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The SBJPA requires employers with a 457 plan in existence to establish a plan level trust prior to January 1, 1999. This new requirement will be established by Council adopting the attached resolution amending the ICMA 457 plan document.

FISCAL IMPACT:

There is no fiscal impact to the City of Keizer.

RECOMMENDATION:

It is recommended the Council approve the attached Resolution amending the City's deferred compensation plan to comply with Internal Revenue Code 457.



September 2, 1997

AGENDA ITEM 8c

**RESOLUTION - APPROVING CITY ENGINEER REPORT FOR
LEEWOOD MEADOWS STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT**

COUNCIL MEETING: September 2, 1997

AGENDA ITEM NUMBER: 8c

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: JOHN N. MORGAN/WALLY MULL
CO-CITY MANAGERS PRO TEM

FROM: TRACY L. DAVIS 
CITY RECORDER

SUBJECT: LEEWOOD MEADOWS STREET LIGHTING LOCAL IMPROVEMENT
DISTRICT

ISSUE:

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

BACKGROUND:

On November 18, 1996, the City Council adopted Resolution R96-946 declaring the City's intent to initiate Leewood Meadows Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

FISCAL IMPACT:

The costs for establishing the district in the first year include a fee for the engineers report and an 8.5% administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Utility Fund.

RECOMMENDATION:

It is recommended City Council adopt a Resolution approving the City Engineer's Report and setting the public hearing date for September 15, 1997 to consider remonstrances and other comments on the district's formation and objections to proposed assessments, and directing the City Recorder to provide notice of public hearing.

COUNCIL MEETING: September 2, 1997

AGENDA ITEM NUMBER: 8c

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: JOHN N. MORGAN/WALLY MULL
CO-CITY MANAGERS PRO TEM

FROM: TRACY L. DAVIS 
CITY RECORDER

SUBJECT: LEEWOOD MEADOWS STREET LIGHTING LOCAL IMPROVEMENT
DISTRICT

ISSUE:

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FISCAL IMPACT:

The costs for establishing the district in the first year include a fee for the engineers report and an 8.5% administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Utility Fund.

RECOMMENDATION:

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City of Keizer

P.O. BOX 21000 KEIZER, OR 97303

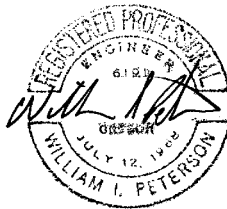


City of Keizer, Oregon

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

ENGINEER'S REPORT
FOR
LEEWOOD MEADOWS
STREET LIGHTING DISTRICT

For City Council Action September 2, 1997



PREPARED BY:
William I. Peterson
Engineering Consultants, Inc.
4300 Cherry Ave. N
Keizer, OR 97303

(503) 390-7402

Date: August 28, 1997

Project File 96-0481

•
Administration
Public Works
Community Development
Municipal Court
Phone 503.390.3700
Fax 503.393.9437
Police (business only)
Phone 503.390.3713
Fax 503.390.8295
•

Incorporated 1982
Pride, Spirit, Volunteerism

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

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$ 44.30 per lot.

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

Respectfully submitted,

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

William I. Peterson, PE

PRELIMINARY ASSESSMENT ROLL

LEEWOOD MEADOWS
STREET LIGHT DISTRICT

*Assessor's Map 6 3W 23DD

<u>Tax Lot #</u>	<u>Owners Name and Address</u>	<u>Cost per Lot</u>	<u>Lots</u>	<u>Assessment</u>
3500	Benchmark Land - Leewood Meadows 7534 Kayla Shae St. NE	\$62.06	1	\$62.06
3600	Benchmark Land - Leewood Meadows 7544 Kayla Shae St. NE	\$62.06	1	\$62.06
3700	Benchmark Land - Leewood Meadows 7554 Kayla Shae St. NE	\$62.06	1	\$62.06
3800	Benchmark Land - Leewood Meadows 7564 Kayla Shae St. NE	\$62.06	1	\$62.06
3900	Seith, Larry A. & Denise A. 7574 Kayla Shae St. NE	\$62.06	1	\$62.06
4000	Benchmark Land - Leewood Meadows	\$62.06	1	\$62.06
4100	Benchmark Land - Leewood Meadows 7573 Kayla Shae St. NE	\$62.06	1	\$62.06
4200	Benchmark Land - Leewood Meadows 7563 Kayla Shae St. NE	\$62.06	1	\$62.06
4300	Benchmark Land - Leewood Meadows 7553 Kayla Shae St. NE	\$62.06	1	\$62.06
4400	Benchmark Land - Leewood Meadows 7543 Kayla Shae St. NE	\$62.06	1	\$62.06
4500	Benchmark Land - Leewood Meadows	\$62.06	1	\$62.06
4600	Benchmark Land - Leewood Meadows 1663 Leewood Ave. NE	\$62.06	1	\$62.06
4700	Benchmark Land - Leewood Meadows 1643 Leewood Ave. NE	\$62.06	1	\$62.06

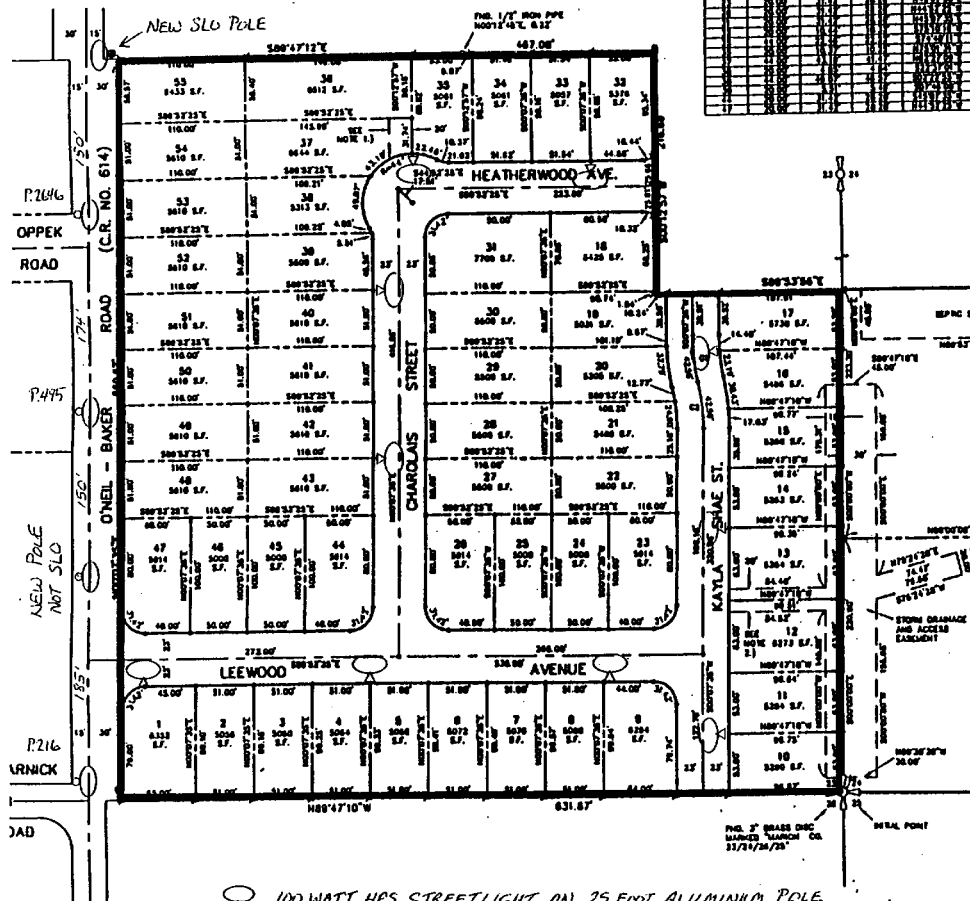
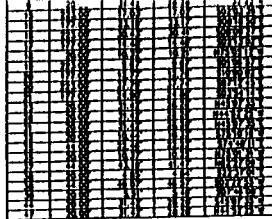
PRELIMINARY ASSESSMENT ROLL

LEEWOOD MEADOWS
STREET LIGHT DISTRICT

*Assessor's Map 6 3W 23DD

<u>Tax Lot #</u>	<u>Owners Name and Address</u>	<u>Cost per Lot</u>	<u>Lots</u>	<u>Assessment</u>
6100	Benchmark Land - Leewood Meadows 7581 Charolais St. NE	\$62.06	1	\$62.06
6200	Benchmark Land - Leewood Meadows 7571 Charolais St. NE	\$62.06	1	\$62.06
6300	Benchmark Land - Leewood Meadows 7561 Charolais St. NE	\$62.06	1	\$62.06
6400	Benchmark Land- Leewood Meadows 7551 Charolais St. NE	\$62.06	1	\$62.06
6500	Benchmark Land - Leewood Meadows 7541 Charolais St. NE	\$62.06	1	\$62.06
6600	New Castle Homes Inc.	\$62.06	1	\$62.06
6700	Benchmark Land - Leewood Meadows 1553 Leewood Ave. NE	\$62.06	1	\$62.06
6800	New Castle Homes Inc. 1533 Leewood Ave. NE	\$62.06	1	\$62.06
6900	Benchmark Land - Leewood Meadows	\$62.06	1	\$62.06
7000	New Castle Homes Inc. 7548 O'neil Rd. NE	\$62.06	1	\$62.06
7100	New Castle Homes Inc. 7558 O'neil Rd. NE	\$62.06	1	\$62.06
7200	Benchmark Land - Leewood Meadows 7568 O'neil Rd. NE	\$62.06	1	\$62.06
7300	Benchmark Land - Leewood Meadows 7578 O'neil Rd. NE	\$62.06	1	\$62.06

- 3) A CONSENT AFFIDAVIT FROM U.S. BANKMORT MORTGAGE COMPANY, A TRUST DEED BENEFICIARY, HAS BEEN RECORDED IN DOCUMENT NO. , WASHINGTON COUNTY DEED RECORDS.
- 5) IF WIDE PRIVATE UTILITY EASEMENTS EXIST ON THE FRONTAGE OF ALL LOTS ADJACENT TO PUBLIC ROADS.



- 100 WATT HPS STREETLIGHT ON 25 FOOT ALUMINUM POLE
@ \$16.80 / MONTH OR \$ 201.60 / YEAR
- 100 WATT HPS STREETLIGHT ON WOOD DISTRIBUTION POLE
@ \$ 6.45 / MONTH OR \$ 77.40 / YEAR
- 100 WATT HPS STREETLIGHT ON WOOD SLO POLE
@ \$ 9.22 / MONTH OR \$ 110.64 / YEAR



September 2, 1997

AGENDA ITEM 8d

RESOLUTION - CERTIFICATION OF STREET LIGHTING
DISTRICTS FOR 96-97

CITY COUNCIL MEETING: September 2, 1997

AGENDA ITEM NUMBER: 8d

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

**THROUGH: JOHN N. MORGAN AND WALLY MULL
CO-CITY MANAGERS PRO TEM**

**FROM: MARIT BLECHA
ACCOUNTANT**

SUBJECT: RESOLUTION - CERTIFICATION OF LIGHTING DISTRICT ACCOUNTS

ISSUE:

Each year the City of Keizer certifies to the Marion County Tax Assessor the cost of installation, operation and maintenance of street lights. These street lights benefit the properties within their respective street lighting districts. Also, in the initial year of the district, the costs of the engineering report are included.

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

RECOMMENDATION:

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

CITY COUNCIL MEETING: September 2, 1997

AGENDA ITEM NUMBER: 8d

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: JOHN N. MORGAN AND WALLY MULL
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FROM: MARIT BLECHA
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SUBJECT: RESOLUTION - CERTIFICATION OF LIGHTING DISTRICT ACCOUNTS

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

RECOMMENDATION:

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

LIGHTING DISTRICTS 1996/1997				
		# OF	TOTAL	
		PER	1997	
	DISTRICT NAME	LOTS	DISTRICT	PER LOT
008	MARDELL	209	6,871.80	32.88
012	WILARK PARK ST LTG	190	13,136.75	69.14
014	MAI-LIN DISTRICT	293	9,039.05	30.85
015	APPLEBLOSSOM	89	2,230.16	25.06
017	RIVERCREST	324	9,187.07	28.36
018	IVY WAY	120	2,818.52	23.49
019	ARNOLD WAY	40	546.62	13.67
022	NORTHVIEW TERRACE	85	3,220.80	37.89
023	MCNARY HGHTS	88	4,823.80	54.82
024	CEDAR PARK ST LGHT	19	1,073.44	56.50
025	MENLO	27	892.17	33.04
026	SHADY LANE	FF	1,985.41	SEE ATTACHED
028	NORTHWOOD PARK #1	49	3,030.81	61.85
034	GREENWOOD	FF	1,113.84	SEE ATTACHED
041	WILARK PARK #6	18	754.67	41.93
042	WILARK PARK ANN #7	16	754.67	47.17
043	NORTHWOOD PARK #2	43	2,365.83	55.02
044	MAI-LIN DISTRICT #2	23	616.50	26.80
045	MCLEOD PARK	36	1,509.34	41.93
046	LANCER PARK	36	1,740.92	48.36
047	HILLIGOSS	14	468.06	33.43
048	CARLHAVEN ADDITION	27	527.07	19.52
049	WINDSOR ESTATES	23	1,192.90	51.87
050	WHITAKER PARK	78	3,856.13	49.44
079	ANDREW PARK	15	765.22	51.01
080	GLYNBROOK	42	1,852.19	44.10
081	LAWNDALE SUB	34	1,908.09	56.12
082	NORTHWOOD PARK #4	98	6,818.41	69.58
083	PALMA CIEA #5	22	673.52	30.61
084	WILARK PARK ANN #5	18	1,006.22	55.90
086	HICKS JONES	FF	5,716.16	SEE ATTACHED
087	CARLHAVEN ADD #2	29	636.48	21.95
094	WILL MANOR 4	23	1,010.28	43.93
095	WHEATLAND LN	7	397.63	56.80
096	NORTHTREE ESTATES	100	6,470.98	64.71
097	CHEMAWA PARK	18	1,391.72	77.32
108	MCLEOD PARK #2	28	1,489.36	53.19
120	CHEMAWA EST #1	30	1,760.90	58.70
122	SIX SUBDIVISION	21	547.05	26.05
126	MCLEOD ESTATES	74	3,773.35	50.99
128	CHEHALIS SUB	16	431.23	26.95
129	DENNIS LANE N	45	1,361.88	30.26
130	CRESTWOOD VILLAGE	12	503.12	41.93
131	CHEMAWA EST #2	34	2,012.46	59.19
132	CHARLOTTE	45	1,178.67	26.19
141	PALMA CIEA	446	12,987.58	29.12
142	RIVERVIEW N	29	780.11	26.90

LIGHTING DISTRICTS 1996/1997				
		# OF	TOTAL	
		PER	1997	
	DISTRICT NAME	LOTS	DISTRICT	PER LOT
246	CHERRYLAWN CT NE	8	371.10	46.39
247	ORCHARD CREST PH-3	35	1,394.50	39.84
248	MAX CT	10	552.59	55.26
249	THE MEADOWS PH-5	42	0.00	84.31
250	ORCHARD CREST PH-2	53	1,704.39	32.16
251	RIVERCREST PH-1&2	44	1,367.92	31.09
253	THE MEADOWS PH-6	31	0.00	0.00
254	THE MEADOWS PH-7	32	0.00	0.00
255	TIMBERVIEW PH-3	28	1,852.65	66.17
256	APPLETREE PH-1,2,3	46	3,242.12	70.48
257	BRIARWOOD	1	2,413.60	2,413.60
258	HIDDEN CRK EST PH-1	41	3,705.28	90.37
259	CATERWOOD ESTATES	54	2,547.39	47.17
260	PARKMEADOW APTS	1	1,157.90	1,157.90
261	NORTHRUP/NORTHSHIRE	12	472.87	39.41
262	COUNTRY GLEN EST	190	10,189.56	53.63
263	FIRCON	29	1,394.50	48.09
264	HIDDEN CRK EST PH-2	16	926.33	57.90
265	CLEARLAKE SUBDIV	49	3,010.54	61.44
266	SPRINGRIDGE EST	32	1,852.65	57.90
267	THE RIDGE	22	1,389.48	63.16
268	NORTHSIDE ESTATES	44	2,014.26	45.78
269	HOMESTEAD/CLEARVIEW	10	273.59	27.36
270	HONEYSUCKLE	26	1,090.91	41.96
272	LARSON PARK SUBDIV	12	463.16	38.60
273	BAILEY ESTATES	11	463.16	42.11
274	STICKLES ADDITION	9	231.58	25.73
275	CEDAR BLUFF SUBDIV	28	1,853.40	66.19
276	ABT KOUFAX LN	24	1,621.07	67.54
277	HIDDEN CREEK PH-3	34	694.75	20.43
278	HOLLY LN/ALDER DR NE	11	273.59	24.87
	3RD AVE N	59	21,303.81	361.08
	HIDDEN CREEK PH-4	16	1,218.12	76.13
	JACOB ESTATES SUB	10	841.67	84.17
	PRAIRIE ESTATES	97	12,191.67	125.69
	TECUMSEH ESTATES	21	1,084.92	51.66
	TEPPER E SUB	28	1,587.77	56.71
	TOTAL		299,404.58	

1996-97		
M/C CODE	TAX ACCT	ASSESSMENT
	71700050	40.00 \$12.48
	71700060	42.12 \$13.14
	71700070	87.00 \$27.14
	71700080	72.78 \$22.70
	71990020	70.00 \$21.83
	71990030	77.00 \$24.02
	71990090	70.00 \$21.83
	75090000	116.90 \$36.46
	75090010	80.00 \$24.95
	75090020	80.00 \$24.95
	75090030	70.00 \$21.83
	75090040	41.62 \$12.98
	75090050	66.10 \$20.62
	75090060	85.00 \$26.51
	75090070	85.00 \$26.51
	75090080	98.32 \$30.67
	75090090	80.00 \$24.95
	75090100	85.00 \$26.51
	75090110	80.00 \$24.95
	75090120	90.00 \$28.07
	75090130	107.72 \$33.60
	80120000	59.98 \$18.71
	80120008	83.50 \$26.05
	80120010	99.98 \$31.19
	80120020	194.90 \$60.79
	80120030	104.00 \$32.44
	80120220	150.00 \$46.79
	80130000	50.71 \$15.82
	80130720	70.00 \$21.83
	80130910	70.00 \$21.83
	80130920	70.00 \$21.83
	80130930	60.00 \$18.72
	81756001	100.00 \$31.19
	81756361	100.00 \$31.19
	81756371	62.50 \$19.50
	81756381	62.50 \$19.50
	81756391	62.50 \$19.50
	81756401	62.50 \$19.50
	81756411	107.00 \$33.38
	81756461	107.40 \$33.50
	82256000	68.00 \$21.21
	82256010	68.00 \$21.21
	82256020	68.00 \$21.21
	82256030	68.00 \$21.21
	82256048	138.13 \$43.09
	82256051	75.72 \$23.62
	82256060	75.72 \$23.62
	82256066	75.72 \$23.62
	82256075	75.72 \$23.62
	82256120	90.00 \$28.07

1996-97		
M/C CODE	TAX ACCT	FRONT FOOT ASSESSMENT
	82258170	6.00 \$1.87
	82258180	100.00 \$31.19
	82258190	95.00 \$29.63
	82258200	82.71 \$25.80
	82258210	30.00 \$9.36
	82258220	87.89 \$27.41
	82258230	87.89 \$27.41
	82258240	76.05 \$23.72
	82258250	76.00 \$23.71
	82258260	82.00 \$25.58
	82258270	76.00 \$23.71
	82258280	87.20 \$27.20
	82258300	70.00 \$21.83
	82258310	67.81 \$21.15
	82258320	67.81 \$21.15
	82258330	50.00 \$15.60
	82258340	50.00 \$15.60
	82258350	50.00 \$15.60
	82258360	50.00 \$15.60
	82258370	65.78 \$20.52
	82258380	70.00 \$21.83
	82258420	91.19 \$28.44
	82258430	109.00 \$34.00
	82258440	80.20 \$25.02
	82258450	60.00 \$18.72
	82258460	126.70 \$39.52
	82258470	75.00 \$23.39
	82258480	72.00 \$22.46
	82258490	73.50 \$22.93
	82258540	20.00 \$6.24
	82258550	70.00 \$21.83
	82258560	80.00 \$24.95
	82258580	115.00 \$35.87
	82258590	83.79 \$26.14
	82258600	82.00 \$25.58
	82258610	100.00 \$31.19
	82258630	162.33 \$50.63
	82258650	21.00 \$6.55
	82258660	62.02 \$19.35
	82258662	17.72 \$5.53
	82258663	70.26 \$21.92
	82258673	70.00 \$21.83
	82258680	75.00 \$23.39
	82258690	14.00 \$4.37
	82258700	116.00 \$36.18
	82258705	51.00 \$15.91
	82258710	65.00 \$20.27
	82258720	67.62 \$21.09
	82258730	50.00 \$15.60
	82258740	78.00 \$24.33

1996-97			
M/C CODE	TAX ACCT	FRONT FOOT	ASSESSMENT
	73290160	104.00	\$30.60
	73290170	105.00	\$30.90
	73290180	104.00	\$30.60
	73290190	104.00	\$30.60
	73290200	110.00	\$32.37
			\$0.00
		3,785.35	\$1,113.84

26 SHADY LANE LIGHTING DISTRICT

53684000	\$18.40	38%
53831000	\$18.40	
53832000	\$18.40	
75080000	\$18.40	
75080020	\$18.40	
75080030	\$18.40	
75080040	\$18.40	
75080050	\$18.40	
75080060	\$18.40	
75080070	\$18.40	
75080080	\$18.40	
75080090	\$18.40	
75080100	\$18.40	
75080110	\$18.40	
75080120	\$18.40	
75080130	\$18.40	
75080140	\$18.40	
75080150	\$18.40	
75080160	\$18.40	
75080200	\$18.40	
75080210	\$18.40	
75080220	\$18.40	
75080230	\$18.40	
75080240	\$18.40	
75080251	\$18.40	
75080270	\$18.40	
75080280	\$18.40	
75080290	\$18.40	
75080300	\$18.40	
75080310	\$18.40	
75080320	\$18.40	
75080330	\$18.40	
75080340	\$18.40	
75080350	\$18.40	
75080370	\$18.40	
75080380	\$18.40	
75080390	\$18.40	
75080400	\$18.40	
75080410	\$18.40	
75080420	\$18.40	

1996-97

M/C CODE	TAX ACCT	FRONT FOOT	ASSESSMENT
	82257490	100.00	\$22.22
	82257500	100.00	\$22.22
	82257510	118.00	\$26.22
	82257520	64.69	\$14.38
	82257530	64.46	\$14.33
	82257540	64.54	\$14.34
	82257550	193.60	\$43.03
	82257560	96.80	\$21.51
	82257570	96.80	\$21.51
	82257580	96.80	\$21.51
	82257590	96.80	\$21.51
	82257600	125.00	\$27.78
	82257630	100.87	\$22.42
	82257660	67.00	\$14.89
	82257670	67.00	\$14.89
	82257680	67.00	\$14.89
	82257690	67.00	\$14.89
	82257710	77.00	\$17.16
		5,538.81	\$1,985.41



September 2, 1997

AGENDA ITEM 8e

**APPROVAL OF JUNE 2, 1997 CITY COUNCIL REGULAR
SESSION MINUTES**

MINUTES
KEIZER CITY COUNCIL
Monday, June 2, 1997
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:08 p.m. Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Dawn Meier, Councilor
Al Miller, Councilor
Gary Whalen, Councilor

Staff:

John Morgan, Community Development Director
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
Pat Bowe, Lieutenant, Keizer Police Department
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

Presenting testimony to the Council was:

Alyssa Groenig, Emily Halter, Students at McNary High School, 595 Chemawa Road N, Keizer stated they were part of the McNary senior class wishing to give a new sign to their school. The sign would not be acceptable under the Keizer Sign code without a variance. Since the entire Senior budget has been used for the sign, they requested the Council waive the \$200 filing fee required for a variance request.

Council President Keller moved to waive the \$200.00 filing fee for a variance request for the McNary High School senior class.
Councilor Meier seconded the Motion.

The Motion passed unanimously:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

result of the recent meeting, Ms. Daniel had some concerns, as well as alternatives, regarding the proposed berm. Using her pictures, she explained the amount of water which will need to be diverted in case of a flood. Her belief was that the berm could create further flooding. One solution included an angled berm running across the north side of the park, funneling the water away from the homes. Another suggestion was to grade the borders of the park to be ready for a temporary berm of sandbags. Her favorite solution was a spur ditch across the area to collect the water to make it flow into the main ditch.

Mayor Koho thanked Ms. Daniel for the ideas and said the Council will consider them in an upcoming meeting. Ms. Daniel hoped to have additional ideas. She also asked about the possibility of citizen involvement. Mayor Koho stated citizens will be included in the decision making. At present, a proposal has been received from an engineering firm. Testimony has been taken and the Council will be discussing a more narrow set of options in the future.

There was no further public testimony.

COMMITTEE REPORTS

CLAGGETT CREEK NEIGHBORHOOD ASSOCIATION

Cynthia Vannoy, 683 Faymar Drive, Keizer, President of the Claggett Creek Neighborhood Association, gave the Association's first annual report. She stated the organization was first recognized on April 3, 1995. In February 1996, as well as several times since, parts of the neighborhood were flooded. Association members worked diligently to assure the safety and security of their neighbors. No meetings were held during that period.

In February 1997, Ms. Vannoy stated she was elected president of the Association. Since then, non-profit status was received, goals have been set, and minutes have been filed. Meetings are held monthly and newsletters are distributed to homes in the area. Ms. Vannoy thanked specific City staff for their assistance in answering her questions. She noted the Association has many future plans, including a skateboard park, a lighting district, and flood control.

Councilor McGee moved to accept the annual report and extend the recognition of the Claggett Creek-Central Keizer Neighborhood Association for another year. Mayor Koho seconded the Motion.

The Motion passed unanimously:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

reviewed. Councilor Meier stated Councilors had received a report from the ad hoc committee on the communication plan between Community Policing and the Council. She introduced Craig Campbell, the chair of the committee, to discuss the report.

Craig Campbell, 6736 Fenwick Court, Keizer N, Community Policing Chair, spoke briefly to the Council regarding the report. In an aside comment, he thanked the Council, Mr. Mull and Police staff for returning officers to the Community Policing meetings. He stated the plan is a more formal method of keeping communication lines open between the Council and Community Policing.

The first item regarded budget input and Mr. Campbell explained how the Community Policing group would communicate three times with the Council on issues having budgetary impact. The Police chief and the Community Policing chair will attend a Council meeting monthly, for reporting. In addition, an annual report will be given, including goals and strategy.

Mr. Campbell said that for informal communications, the Council liaison, Councilor Meier, will be used. Contacts can also be made with the Community Policing Chair. Formal recommendations will be made in writing to the Police Chief who will forward the information through the channels to the Council. Mr. Campbell said agendas and minutes will be provided to Councilors.

Unresolved issues included whether Councilors should serve as formal liaisons and a recommendation will be offered later. Also the role of the Council liaison needs to be determined, as well as redrafting of the Community Policy resolutions.

Councilor Meier reported the new communication structure is working, noting the memorandum in the Council packet. She stated the issue of whether Councilors should attend district meetings as designated liaisons is still to be decided, probably at a work session. Mr. Campbell said the Committee recommended a Councilor be appointed to attend but not to act as liaison at district meetings. He highlighted the importance of having a formal liaison at the main committee meetings. Councilor Meier spoke of her increased comfort level serving as a Council liaison to the group.

Mayor Koho said his initial response was positive toward Councilor Meier's involvement. He wanted both the Council and the Committee to receive needed communication. Councilor Beach felt the appropriate position as a Council liaison would be to be a resource, but not vote. Councilor Meier said more discussion will take place at the work session. Councilor Keller expressed his appreciation for the minutes included in the packet.

Lieutenant Bowe informed the Council that the 11th Annual Law Enforcement Torch Run will be held on Thursday, June 5th through Keizer. Nine runners from the Keizer Department will be taking part. He said the goal for the Department is to be included as a sponsor next year which requires sale of \$1200 worth of merchandise. The run benefits Special Olympics.

OLD BUSINESS

Councilor Beach alerted the Council to an information sheet in the Council packet on utility billing procedures. He mentioned previous testimony received by the Council in regard to the billing dates and their relationship to the Social Security timeline. He suggested changing the City billing date to assist persons who receive income checks the first of the month. He believed unnecessary mailings, phone call and frustration could be alleviated.

Councilor Miller suggested the City staff might return to the Council with different ideas to accomplish the goal. One of his ideas would be to change the date disconnect notices are mailed, which would give 6 weeks total notice. Mayor Koho believed having staff report would be the best way to handle the issue.

Councilor Keller also reminded staff of the issue raised regarding the notification process for rental owners. Councilor Meier agreed with the need for work on the rental issue. She did not have any problem with the present dates, believing plenty of time was allowed for payment. Councilor Whalen concurred with Councilor Meier, noting 37 days pass before a billing notice is received.

Councilor Miller added that part of his suggestion related to saving the City money by delaying the notice expense. Mr. Mull said citizens tend to do the same action each month, both paying and not paying. He did say the rental notification is difficult but at present the City is abiding by all the state laws. Staff will return a proposal to the Council.

Councilor Meier asked for additional reporting on the work done by the Council Management Committee. Mayor Koho suggested Councilor Keller provide a regular report under Committee reports. Councilor Keller commented that most items discussed are originated by Councilors, generally confirming motion in the direction the Council desires.

All three proposals include a 4.9% rate adjustment over-all. The second proposal adds \$.15 for the city clean-up to residential and multi-family rates. The final proposal also adds \$.70 for yard debris/scrap paper collection to begin six months later. Mr. Morgan noted both commercial and multi-family sites have specific ramifications.

Mr. Sears stated cities have been mandated by the state to recover 50% waste by the year 2000. Marion County is currently at a 29% recovery rate and with the removal of yard debris and mixed waste paper, the goal will be much closer. In their next session, the legislature will be dealing with repercussions for not meeting the mandate. A side benefit of proposal 3, stated Mr. Sears, will hopefully be the reduction of back yard burning.

Mayor Koho questioned whether the mixed waste, or junk mail, would be part of the yard debris program. Mr. Sears answered that would be part of the curb recycling package.

Councilor Meier asked if the recent newspaper article was accurate regarding medical waste disposal. Mr. Sears did not believe so and was willing to answer questions to clear up any inaccuracies. Councilor Meier quoted from the article which stated that medical waste was burned and then shipped to the land fills.

Mr. Sears said the Advisory Council will be dealing with the definition of diversion. His idea was that as long as waste is being imported on a monthly basis, in-county waste is not being displaced. At this point, more waste from out-of-county, 300-400 tons monthly, is accepted than medical waste, 30 tons. Mr. Sears stated that about 20,000 tons yearly is being diverted to land fills out-of-county. About 150,000 tons is incinerated monthly and 30 of these would be medical waste.

Councilor Meier quoted the article which stated Mr. Sears would like to increase the share. He said his proposal would be to keep the status quo of 30 tons per month. Since the medical waste program began in 1990 the amount has decreased from 175 tons monthly.

Councilor McGee pointed out that one advantage for the acceptance of medical waste is the increased income received. He believed the prudent burning of outside medical waste was a good business decision.

Councilor Keller stated his pleasure with the amount of knowledge Keizer citizens have regarding the proposals. One of the most common concerns voiced related to the opportunity to opt out of the yard waste program by using a 20 gallon container. He said people perceive that is not a realistic size. Since an insert will be used to make the 32 gallon container into a smaller size, Councilor Keller asked if there would be an opportunity for residents to take time to get accustomed to the size.

Mr. Sears said, from his perspective, the goal is to remove the waste from the waste stream. He said his fear is people will not want to make the change. He did believe when the containers are delivered, people will figure out how to use them. A waste reduction

Greg Lamb, 2323 Latona Drive, President of Gubser Neighborhood Association, Keizer, stated he had received calls from concerned citizens on this issue. Several of those were from elderly individuals who refused to be forced to pay for services they would not use. They suggested garbage haulers could charge for special options if other citizens desire them but the total community should not be required to pay. Mr. Lamb reiterated the strength of the citizen's concerns on the use of mandatory city-wide programs. He mentioned recent negative publicity received by the City.

Mr. Lamb, continued, saying he understood the state goal but believed the increase of ballot initiatives might relate to state government ignoring the voter's wishes. Although he would personally use option 3, he wanted to strongly relay the opposition of some Gubser residents, especially those with minimal garbage needs.

Mayor Koho related hearing some of the same concerns. He raised a question about the difference between this issue and other issues, such as animal control and parks, where not all people utilize the service they fund. He wondered why this service should require a citizen vote.

Mr. Lamb said most of the funds for animal control come from direct usage fees and many park issues are included in bond measures. He believed the garbage program is suggesting a surcharge. Mayor Koho pointed out line item veto is not used on city, county or state budgets. Citizens pay for the budgets whether they use all the services.

Mayor Koho pointed out again that garbage service is optional. Mr. Lamb related the experience of a family member, living on a farm, who receives the garbage which people do not wish to pay to have removed. As a result, the farm is constantly having to clean up trash. Mr. Lamb also mentioned again negative publicity the City has received and the present lack of citizen trust in City government. He felt the need to serve as a representative for citizens in his Association to the Council.

Estle Harlan, Hauler Representative, 2202 SE Lake Road, Milwaukie, OR 97222, explained the Council packet included three garbage service proposals, all of which are for a fully automated system. She related her personal experience of being able to use a 20 gallon can, even with 7 kids and 6 grandchildren.

Ms. Harlan reviewed the three options. She stated the first proposal included a rate increase of 4.9%, the first since 1992. She pointed out the CPI has increased 20.3%. Efficiency gained from use of the cart system has allowed for the smaller increase request. Ms.

lines, he asked the percentage of people using each size and extra bags.

Ms. Harlan said the numbers would have to be figured, but downsizing was expected since the 90 gallon containers would be used only for yard debris if the program is approved. Regular garbage would use a 64 gallon size. She thought the removal of yard debris and scrap paper would result in a significant decrease of garbage. She also noted the yard debris program initiation is nine months away which would allow for education and training. In answer to Councilor Meier, Ms. Harlan explained the can sizes.

Councilor Keller asked for clarification about which size actually is most used. He said his preference was to give the public an opportunity to downsize but offer the option to opt out with the use of the 32 gallon container. Ms. Harlan answered that roll carts presently make up 51% of the containers while the remaining 49% are 32 gallon size. With those statistics, half the residents would be exempt under a 32 gallon proposal for opting out. She did not believe a program could be created with such a large exempt population.

Mayor Koho asked a clarifying question about those using 32 gallons paying the additional fee for yard debris service. Ms. Harlan said the assumption is that many people choosing the 20 gallon can will still want the yard debris program. The Mayor stated the Council was trying to address those citizens who did not want one. Ms. Harlan gave examples of cities and counties that did not allow exemptions or required annual exemption reviews.

In answer to a question by Councilor Keller, Ms. Harlan reiterated the program would be difficult to administer with a 32 gallon option. Councilor Keller commented on information that a large amount of present trash is yard debris, yet only 51% of the residences use 90 gallon containers. Ms. Harlan said that those residents using 32 gallon cans also include yard debris.

Mayor Koho stated that the best part of the program is the scrap paper program. He asked if scrap paper could be recycled without the yard debris program. After discussion with the haulers, Ms. Harlan said that option could be done and could begin on September 1, 1997.

Councilor Meier asked where the scrap paper would be placed. Ms. Harlan said the scrap paper would need to be separated and placed in the red recycling container. Councilor Miller asked why there would be an additional charge if residents presently have the recycling containers. Ms. Harlan explained the fee would pay for the program to collect scrap paper and fees to dispose of it. When additional material is added to the recycling program, time is

stated that yard debris was not in the motion. The Mayor said exclusion of the program was a discussion topic. Councilor Beach called the question.

Councilor Miller stated the size of government is never reduced. He stated he had not heard any comments regarding a reduction in the collected tax base as a result of removing the city clean-up expense. Councilor McGee agreed that was a good point, but did remind him that the sewer surcharge was reduced by the Council in a recent meeting.

The Motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee, Meier and Whalen (6)

NAYS: Miller (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor McGee said that although the yard debris program did not pass, he believed action will have to be taken soon regarding back yard burning. He thought the community was not presently ready for the program but within the next 3 years, a change must be made. He did not think such a good offer would be made again. Mayor Koho opened the public hearing.

**APPEAL OF
HEARINGS OFFICER
DECISION -
APPROVAL OF
SUBDIVISION
CASE No. 97-03 -
REIMANN**

Shannon Johnson, City Attorney requested the reading of the applicable criteria, as outlined in the staff report, be waived at this time. There were no objections raised by any of the parties or members of the audience. In addition, there were no announcements of conflict of interest, ex parte contacts or defective notices in this case.

John Morgan, Community Development Director reported this is an appeal of the hearings officer's approval of a subdivision located on the east side of Wheatland Road in the Clear Lake area, which is a division of 12.07 acres into 57 lots. The applicant in this case is Reimann and Associates. Mr. Morgan noted this is one of several new developments in this area. The applicant has met all the criteria for development in the zone, however the issue of the appeal brought forth by an adjacent property owner is the hookup of the sewer lines. Mr. Morgan pointed out the standard conditions of approval for sewer issues are: requiring the applicant to obtain sewer permits, connection to existing sewers will be the responsibility of the developer, and sewers shall be constructed through the development as a system that will provide public sewer service to adjacent property. Mr. Morgan indicated there is nothing specific in the conditions of approval that require the actual location or direction of the sewer line. These issues are covered through the design process and discussions with the city engineering staff.

appeal filing. In regards to the appeal, Mr. Sherman requested the Council hear the appeal and then deny it based on the lack of merit.

Mr. Sherman explained this appeal is frivolous due to the fact that Mr. Brown nor his attorney did not participate or provide oral testimony during the hearing, only submitted a letter. Mr. Sherman distributed a copy of this letter (exhibit b) which requests the hearings officer to place conditions on the approval of the subdivision. One of the requested conditions states the applicant shall be required to commit to a sanitary sewer connection at the Wheatland Road pump station. However, the letter of appeal is based on the request the applicant be required to connect to the gravity sewer line which has been constructed by Mr. Brown at his own cost. This contradicts the previous request, in which the hearings officer granted, to commit to a sanitary sewer connection at the Wheatland Road pump station. Mr. Sherman believes this is an abuse of the land use process.

Furthermore, Mr. Sherman pointed out the appeal notice also is a mis-statement of fact. The gravity sewer line constructed by Mr. Brown, and indicated on a map attached to Mr. Brown's appeal notice, does not exist in entirety. Mr. Sherman questioned how Mr. Reimann can be required to hook up to this sewer line if it does not exist.

In discussing this development with the City Engineer as it relates to the City's master sewer plan, Mr. Sherman pointed out by allowing these interim arrangements (Mr. Brown's eight-inch sewer line and Mr. Reimann's temporary hook-up to the Wheatland pump station) development of these north properties can occur. This would generate significant system development charges which can be used for the permanent sewer line construction as indicated in the master plan.

In regards to Mr. Simon's notice of appeal, Mr. Sherman indicated Mr. Reimann's development plans show hooking into the existing gravity line on Wheatland Road and running from that point south down to the pump station. In addition, section VI(3) of the subdivision ordinance states a partial development on a planned scale may utilize temporary methods of providing sewage disposal and water supplies may be authorized. This authorization by the City was granted upon the condition that the development be hooked up to the trunk line when it is built. Furthermore, the most significant shortcoming of Mr. Simon's argument that Mr. Reimann is deviating from the sewer master plan, is that Mr. Brown will not be able to use the permanent eight-inch sewer line he supposedly built.

Mr. Sherman believed Mr. Brown's appeal is based upon an attempt to get financial reimbursement from Mr. Reimann if the City requires the connection to his sewer line. However, Mr. Brown's sewer line

completion of the eight-inch sewer line on Mr. Brown's property. Mr. Simon believes there is no difference between actually having the line in the ground and having the plans submitted to the City Engineer and being bonded to go forth. However, due to the possible resignation of Mr. Grenz, the plans were not completed and submitted. Mr. Simon disclosed this sewer line can serve the easterly half of Mr. Reimann's 57-unit development.

Mr. Simon noted the eight-inch gravity sewer line works because of the topography. Mr. Brown will spend approximately \$250,000 to bring in this sewer line to facilitate the master sewer plan, ahead of schedule. Mr. Simon hoped Mr. Reimann would hook up to this line and pay for this privilege to do so. By participating in the cost of this line, it will ultimately reduce the costs to the consumer and provide affordable housing for those moving to Keizer. Mr. Simon reiterated his request for the City to order Mr. Reimann to hook up to his sewer line or to disclose to the buyers of his lots the sewer system is a temporary facility.

Responding to a question from Mayor Koho, Mr. Simon confirmed his misstatement in the letter of appeal requesting Mr. Reimann be ordered to connect to the existing line. The line did not exist at that time.

Mr. Simon believed the appeal was filed timely. As an appellant and a participant in the previous hearing, they are entitled to a notice of the decision according to the zoning ordinance and state statute. Mr. Simon noted the notice of decision was personally received from the City Planner and the notice of appeal was filed within 10 days of that date.

In response to questions from Councilor Miller, Mr. Simon noted he had not reviewed the exhibits submitted, except exhibit b, until this evening. Furthermore, he has not had an opportunity to discuss the meeting of March 5, 1997 held in Mr. Grenz's office with his client. Mr. Simon confirmed he did not attend this meeting with his client.

Councilor Whalen questioned the process and documentation of the plans for the sewer line construction up until Mr. Grenz's resignation a week ago. Mr. Simon replied the process is very cooperative between Mr. Grenz and the City Engineer and the review of the plans would be expedited and Mr. Brown acquire the performance bond. During a meeting with City staff on May 13th, he was informed it would be two weeks before having the final plans completed so the performance bond for improvement could be obtained and submitted. Mr. Brown anticipated at the time of this hearing, the plans would have been submitted and the performance bond obtained so there would be no issue regarding the construction of the sewer line. Mr. Brown voiced his uncertainty if Mr. Grenz has completed the plans.

Mr. Simon confirmed the sewer line was planned and constructed prior to the knowledge that there was capacity at the pump station. He believed a commitment to construct the line was made in the winter of 1996 and there was no intention to pursue reimbursement from Mr. Reimann. Mr. Simon explained the sewer line was developed to create a greater capacity by using depth and distance. All of the calculations were prepared by Mr. Grenz prior to the construction of the sewer lines and are included in the packet

In response to a concern voiced by Councilor Miller, Mr. Simon indicated Mr. Reimann has not indicated a direction for the connection of a sewer system for his development. The reason for the appeal is for a request for a commitment to hook up to the pipe constructed by Mr. Brown or for a declaration to the purchasers of the Reimann parcels that the sewer system is temporary. The answer to these questions will provide information for the completion of Mr. Brown's developments. In addition, this will provide further information on the actual capacity of the pump station and the possibility of utilizing this capacity for Mr. Brown's mobile home park.

Derek Brown, 13620 SW Beef Bend Road #78, Tigard, Oregon indicated he is the appellant in this matter and clarified the location and direction of the sewer line on the map. He noted this sewer line location has been approved by Salem and Keizer. Mr. Brown believes it would make sense for Mr. Reimann to hook up to this line, therefore avoiding a temporary situation which may become a liability issue.

Mr. Brown explained many developers have been denied access to the temporary pump station over the years. He believed there has been preferential treatment given to certain developers. Some developers have been required to do additional off site work that is not required for all developers. Mr. Brown noted he has been successful in determining how this sewer line could be constructed and obtaining easements for this line. Mr. Brown did not plan any deception only a solution to service this area with a permanent gravity flow sewer line.

In response to a question from Councilor Meier, **Bill Peterson, City Engineer** explained other developers have been apprised of the sewer situation in this area. Mr. Peterson confirmed he has had correspondence from Mr. Brown clarifying his direction on the sewer issues beginning in September 1996. This was prior to any indication of the applicants potential development.

Responding to a statement made by Councilor Whalen, Mr. Brown indicated he is not appealing the subdivision plan only the way the services are being provided to the subdivision.

the underground reservoir" be made. On the order, Mr. Mull suggested the addition of the word "underground", prior to water reservoir.

Councilors Whalen and McGee accepted a change in the Motion to include those changes.

The motion, as changed, read:

Councilor Whalen moved an Order in the Matter of the Application of the City of Keizer for a Conditional Use Permit to Place a 1.5 Million Gallon Underground Water Reservoir on Property Located at 2005 Wiessner Drive NE, Keizer (Conditional Use Case No. 96-07) with the suggested amendments of Mr. Mull. Councilor McGee seconded the motion.

The Motion passed unanimously:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**PUBLIC
HEARINGS
(CONTINUED)
AMENDMENT TO
PUD/CONDITIONAL
USE/ FLOODPLAIN
DEVELOPMENT -
CASE NO. 93-02
(STAATS LAKE)**

The staff report was given by Mr. Morgan who directed the Council's attention to the map on the wall. He said the application was to change the PUD on the Staats Lake Master plan which was based on large lots on the commercial side of the property. Since the Council had approved the plan initially, he said it was appropriate for them to amend it. He pointed a long, large lot that would be divided into 12 small lots. The change would allow the town homes to be individually sold rather than remaining in single ownership. Mr. Morgan said the second issue relates to the division of another commercial lot into five lots with four water front commercial lots.

Mr. Morgan recommended approval since the character of the plan would not be changed.

Presenting testimony to the Council were:

Steve Ward, Wes Tech Engineering, 3841 Fairview Industrial Dr., Salem, OR 97302, spoke as a representative of Bob Krohn on this phase of the Inland Shores project. He concurred with the staff report.

Councilor Meier noted that during her employment at the School District, she had made a response to the issue which was not included in the report. She was assured that was not a conflict of interest for her present role as Councilor.

Councilor Whalen asked about the water lot created for a house boat. Mr. Morgan said the property is still real estate, whether on

separate tax lot.

Mr. Ward said the developer could lease the water in this situation but the land division makes the property more valuable. House boats will be limited to 22 house boats instead of the original 48. He suggested an alternative tonight might be approval of the division with the condition that the developer would not return for building permit approval for at least six months. This would allow the Council time to adopt the standards from the Oregon Marine Board.

Councilor McGee asked if the same standards apply to non-moving bodies of water. Mr. Ward stated yes.

Councilor Miller asked if it would be agreeable to have no application take place until the Council adopts standards. Mr. Ward would like to have the Council make a commitment. Regulations are already in place and they would be controlled by the Marine Board. He did not wish the process to take longer than six months since the house boats will follow town house construction.

Mr. Ward said his other option would be to pull the lot out and give the owner a land lease. He reminded the Council approval of the house boats had already taken place. Without the house boats, the minimum number of required housing units would not be met.

Bob Krohn, P.O. Box 20656, Keizer, the proposed developer, said the issue being considered is a land use one, while the house boat concerns are building permit issues. He said the proposal creates a legally defined parcel, but does not grant permission or approval from a building code standard to construct units. Construction would occur after adoptions of the Marine Board's standards which is a separate issue.

Mr. Krohn explained that the creation and adoption of Chapter 28 included DEQ, the Fire Marshall's office, and the building codes division. The process took about two years. Water contamination was a concern of DEQ which the document addressed, at length. He suggested the Council might take a separate action to adopt the body of code.

Councilor McGee asked staff if six months was a reasonable time. Mr. Morgan said staff had not begun review but six months should be reasonable. Also, Councilor McGee spoke about his opposition to the project previously and presently.

Mayor Koho closed the Public Hearing.

CONSENT CALENDAR

The consent calendar consisted of the following:

- a. RESOLUTION - Bike Path Enhancement Program Project Agreement
- b. MOTION - Awarding Bid to Cherry City Electric for Claggett/River Road Signal

Council President Keller moved for approval of the items on the consent calendar. Mayor Koho seconded the Motion.

The motion passed with the following votes:

AYES: Beach, Keller, Koho, McGee, Meier, Miller and Whalen (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATION

There was no written communication to come before the Council.

AGENDA INPUT

Mayor Koho asked for a date to be set for discussion of flood issues.

He also asked the length of time required for the wetland inventory discussion. Mr. Morgan believed an hour would be required. The Mayor polled the Council to see if they wished to consider the flood issues during an extension of the work session on Monday. Councilor Keller questioned whether additional information would be available at that time. Mr. Mull did not believe the report from City staff would be complete. He had hoped to contact additional consultants as well. Councilor Miller requested the items from Beth Daniel, received in this meeting, be included with consultant talks. Mayor Koho suggested a timeline be created on Monday for the item.

Councilor Keller also asked the Council consider the City Manager proposal at Monday's meeting. Mayor Koho requested the Urban Renewal and Budget meetings on June 23 be scheduled for earlier times. The Council decided upon 4:00 p.m. and 4:30 p.m., respectively.

APPEAL OF SUBDIVISION CASE No. 97-07
Pamela Kingsbury and Robert Ohrn

POINTS IN OPPOSITION TO DECISION BY HEARINGS OFFICER

1. The proposal conflicts with the Comprehensive Plan Section III(c)2 general goal 8 in that it does not take into account Exclusive Farm Use zoning to the north or the rural character of homes adjacent to the development.
2. The proposal does not comply with Keizer's tree ordinance. No site plan was available for review in the Planner's office and no reference was made to such a plan in the Hearings Officer's findings or in the Staff Recommendations.
3. The findings are inadequate because there were no findings with regard to drainage only a condition that a master drainage plan be developed. Therefore, there are no findings that can be reviewed by the public. The Land Use Board of Appeals (LUBA) has held that Conditions cannot replace Findings as has been done in this case.

WE ARE ASKING FOR

1. Reduced housing density. In light of the nature of adjoining properties and the proximity of EFU zoning, we request a housing density of no more than 4 units per acre. We also request screening/landscaping to retain the character of rural homes adjacent to the development.
2. We ask that prior to approval of the development the city require a site plan and replacement trees (2 per significant tree) as allowed by the tree ordinance.
3. We ask that prior to approval of this development, the city fulfill its responsibility to have adequate findings to support its decision. Specifically, we are requesting that the city develop a master drainage plan for the area that will accomodate current and future growth and that the public be provided an opportunity to comment on the drainage plan prior to approval of the development.

Submitted
by
9-2-97

