CITY OF KEIZER MISSION STATEMENT

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

AGENDA

KEIZER CITY COUNCIL
Monday, August 19, 1996
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. Budget Committee and Planning Commission Appointments

   b. Parks Advisory Board and Traffic Safety Commission Appointments

   c. Council Liaison Reports
      - Parks Advisory Board - Councilor Miller
      - Planning Commission - Councilor Watson
      - Traffic Safety Commission - Councilor McGee
      - Emergency Management - Councilor Newton

5. PUBLIC HEARINGS

   a. ORDER - Appeal of Subdivision Case No. 96-03 - 3-H Construction (cont. 8-5-96)

6. ADMINISTRATIVE ACTION

   a. RESOLUTION - Declaring the Public Necessity and Purpose for Acquiring a Parcel Adjoining McLeod Lane for Street Widening

7. CONSENT CALENDAR

   a. RESOLUTION - Setting Forth Compensation for Unrepresented Employees (Amending R96-911)

   b. Approval of July 15, 1996 Regular Session Minutes

   c. Approval of August 5, 1996 Regular Session Minutes

8. OTHER BUSINESS

   This time is provided to allow the Mayor, Council, City Manager and Department Heads an opportunity to bring matters before the Council which are not on tonight's agenda.
   - Mayor and Council Members
   - City Manager and Department Heads

9. WRITTEN COMMUNICATIONS

   To inform the Council of significant written communications and petitions.

10. AGENDA INPUT

    SEPTEMBER 3, 1996 (Tuesday)

    7:00 P.M. City Council Meeting
    - Hidden Creek Subdivision Amendment Public Hearing
    - LaBish Ditch Public Hearing
    - Placing Tax Base Request on November 1996 ballot
    - Automotive Related Use Ordinance Public Hearing
    - Certification of Delinquent Sewer Accounts
    - Certification of Street Lighting Districts

    SEPTEMBER 9, 1996

    5:30 P.M. City Council Work Session
    - Compensation Committee Presentation

    SEPTEMBER 16, 1996

    7:00 P.M. City Council Meeting
    - Chemawa Activity Center Plan Public Hearing
    - Willow Lake Treatment Plant Master Plan

11. ADJOURN

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

CITY COUNCIL MEETING: August 19, 1996

AGENDA ITEM NUMBER: 4a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK
CITY MANAGER

FROM: TRACY L. DAVIS
CITY RECORDER

SUBJECT: COMMITTEE APPOINTMENTS
Budget Committee and Planning Commission

BACKGROUND:

In July of 1991 the City Council, by motion created a Volunteer Coordinating Committee to handle volunteer recruitment, work coordination and recognition of City volunteers. In 1993, the City Council further defined the charge of this committee to make recommendations for volunteer appointments of commission, committee or task force memers to the Mayor and/or City Council. The Mayor serves as the Council liaison to the Volunteer Coordinating Committee.

ISSUE:

Planning Commission

In May of 1983, the City Council passed an Ordinance creating a Planning Commission for the City of Keizer. The Commission assists the City Council in land use decisions and recommendations regarding Keizer's future growth, development and beautification. The Commission consists of seven members each serving three-year terms who are appointed by the Council.

On September 30, 1996 the terms of Marty Matiskainen and Manny Martinez will expire on the Planning Commission. On August 14, 1996 the Volunteer Coordinating Committee reviewed seven applications and unanimously voted to recommend the appointments of Alan Youse and Jere Clancy to fill these positions.

Budget Committee

Under the guidelines of ORS 294.336, all municipal corporations shall establish a budget committee to assist the Council in examining and analyzing proposed budgets for the City. The Committee consists of the governing body and an equal number of electors of the municipal corporation who are appointed by the governing body. Each appointed member shall serve a three-year term.

On August 31, 1996 the terms of Mark Caillier, Roy Duncan and Diane Hansen will expire on the Budget Committee. At the August 14, 1996 meeting of the Volunteer Coordinating Committee, it was unanimously recommended to reappoint each of these individuals for three-year terms.

RECOMMENDATION:

It is hereby recommended the Council appoint Jere Clancy and Alan Youse each to serve a three-year terms on the Planning Commission. These terms will expire on September 30, 1999.

It is further recommended the Council appoint Mark Caillier, Roy Duncan and Diane Hansen each to serve a three-year term on the Budget Committee. Their terms would expire on August 30, 1999.

July 12, 1996

rec'd 7/15/96

Tracy L. Davis
City Recorder
P.O. Box 21000
Keizer, Or. 97307-1000

RE: Reappointment To The Keizer Budget Committee

Dear Tracy:

Please accept this letter as a request to be considered for reappointment to the City of Keizer Budget Committee. As you are aware I am the current vice-chair of the committee. With my recent years of experience in the budget process, I feel I now have some insight and knowledge to offer.

Thank you for the opportunity to serve and I await the Volunteer Coordinating Committee's decision.

Respectfully,

Mark W. Caillier

Mark W. Caillier
1399 Marigold St. NE
Keizer, Or. 97303
393-9422

CITY OF KEIZER
VOLUNTEER APPLICATION FORM

City of Keizer, Oregon

NAME Mark W. Caillier DATE 7/12/96

ADDRESS 1388 Marigold St. NE Keizer

PHONE NUMBER: DAY: 393-9422 EVENINGS: 588-6103

****

PLEASE EXPLAIN WHY YOU WANT TO VOLUNTEER AND WHAT SKILLS YOU COULD BRING TO THE CITY OF KEIZER? (Clerical, writing, editing, foreign languages, degrees, etc. Please feel free to attach a resume.)

Currently Vice-Chair of the Budget Committee. I have experience in the process and in my way provide some insight and questioning.

Number of hours per week you can volunteer: 5

Day or days of week available: Wed. (vary)

Time of Day available: vary

PLEASE CHECK THE FOLLOWING ACTIVITIES IN WHICH YOU ARE INTERESTED IN VOLUNTEERING FOR:

BUDGET COMMITTEE ✓ **PLANNING COMMISSION** _____

PARKS ADVISORY BOARD _____ **VOLUNTEER COORDINATING COMMITTEE** _____

TRAFFIC SAFETY COMMISSION _____ **RIVER ROAD REDEVELOPMENT BOARD** _____

BICYCLE SAFETY COMMITTEE _____ **COMMUNITY POLICING COMMITTEE** _____

SPECIAL PROJECT TASK FORCE _____
(PLEASE INDICATE AREA OF INTEREST) _____

CLERICAL DUTIES _____

EDUCATION BACKGROUND Please refer to resume on file.

High School _____ **Graduate or GED** _____

College _____ **Degree** _____

NVLV→

PERSONAL REFERENCE

Name _____ Telephone _____

Address _____

CURRENT PLACE OF EMPLOYMENT

Employer's Name City of Salem Police Dept.

Employer's Address and Telephone 555 Liberty St SE 588-6100

Your Position Lt. | Community Resource Section

May we contact you at work? yes

PREVIOUS VOLUNTEER EXPERIENCE

_____
(Volunteer Agency)

Address _____ Telephone _____

Supervisor _____ Duties _____

_____

****

AUTHORIZATION WAIVER

I HAVE COMPLETED THE ABOVE QUESTIONS AND TO THE BEST OF MY KNOWLEDGE, WHAT HAS BEEN STATED IS TRUE. IF APPOINTED TO A VOLUNTEER POSITION, I AGREE TO SERVE WITHOUT REIMBURSEMENT OF ANY KIND, AND WITH THE UNDERSTANDING AND AGREEMENT THAT ACCIDENT AND MEDICAL INSURANCE IS NOT PROVIDED BY THE CITY OF KEIZER.

Mark W. Carter _____ 7/12/96 _____

Signature of Applicant Date

****

PLEASE RETURN COMPLETED APPLICATION TO:

VOLUNTEER COORDINATING COMMITTEE
CITY OF KEIZER
ATTENTION: TRACY L. DAVIS - CITY RECORDER (390-3700, EXTENSION 108)
P.O. BOX 21000 (CITY HALL - 930 CHEMAWA ROAD NE)
KEIZER, OREGON 97307-1000

City of Keizer, Oregon

CITY OF KEIZER
VOLUNTEER APPLICATION FORM

NAME Roy Duncan DATE 7-1-96

ADDRESS 6972 Offenbach Ct, N.E.

PHONE NUMBER: DAY: 390-3567 EVENINGS: 393-3254

****

PLEASE EXPLAIN WHY YOU WANT TO VOLUNTEER AND WHAT SKILLS YOU COULD BRING TO THE CITY OF KEIZER? (Clerical, writing, editing, foreign languages, degrees, etc. Please feel free to attach a resume.)

Good analytical skills, willing to show up when needed, worked on many state agency budgets.

Number of hours per week you can volunteer: AS Required

Day or days of week available:

Time of Day available: Almost any

PLEASE CHECK THE FOLLOWING ACTIVITIES IN WHICH YOU ARE INTERESTED IN VOLUNTEERING FOR:

BUDGET COMMITTEE (1) PLANNING COMMISSION (2)

PARKS ADVISORY BOARD _____ VOLUNTEER COORDINATING COMMITTEE _____

TRAFFIC SAFETY COMMISSION _____ RIVER ROAD REDEVELOPMENT BOARD _____

BICYCLE SAFETY COMMITTEE _____ COMMUNITY POLICING COMMITTEE _____

SPECIAL PROJECT TASK FORCE _____
(PLEASE INDICATE AREA OF INTEREST) _____

CLERICAL DUTIES _____

EDUCATION BACKGROUND

High School _____ Graduate or GED _____

College OREGON STATE Degree B.S.

OVER→

PERSONAL REFERENCE

Name Any current member of the Budget Committee Telephone

Address

CURRENT PLACE OF EMPLOYMENT

Employer's Name Retired

Employer's Address and Telephone

Your Position

May we contact you at work?

PREVIOUS VOLUNTEER EXPERIENCE

Marion County Family Planning / Boy Scouts
(Volunteer Agency)

Address ? 1970's Telephone ?

Supervisor Duties Board Member / SOAR Program

AUTHORIZATION WAIVER

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Signature of Applicant

2/15/96
Date

PLEASE RETURN COMPLETED APPLICATION TO:

VOLUNTEER COORDINATING COMMITTEE
CITY OF KEIZER
ATTENTION: TRACY L. DAVIS - CITY RECORDER (390-3700, EXTENSION 108)
P.O. BOX 21000 (CITY HALL - 930 CHEMAWA ROAD NE)
KEIZER, OREGON 97307-1000

City of Keizer, Oregon

CITY OF KEIZER
VOLUNTEER APPLICATION FORM

NAME Diane Hansen DATE 8-7-86

ADDRESS 7288 Park Terrace Drive NE

PHONE NUMBER: DAY: (503) 986-1840 EVENINGS: 390-4917

****

PLEASE EXPLAIN WHY YOU WANT TO VOLUNTEER AND WHAT SKILLS YOU COULD BRING TO THE CITY OF KEIZER? (Clerical, writing, editing, foreign languages, degrees, etc. Please feel free to attach a resume.)

To continue my volunteer services to the City of Keizer. (Resume attached)

Number of hours per week you can volunteer: _____

Day or days of week available: OPEN

Time of Day available: EVENINGS / WEEKENDS

PLEASE CHECK THE FOLLOWING ACTIVITIES IN WHICH YOU ARE INTERESTED IN VOLUNTEERING FOR:

BUDGET COMMITTEE X
PLANNING COMMISSION _____
PARKS ADVISORY BOARD _____
VOLUNTEER COORDINATING COMMITTEE _____
TRAFFIC SAFETY COMMISSION _____
RIVER ROAD REDEVELOPMENT BOARD _____
BICYCLE SAFETY COMMITTEE _____
COMMUNITY POLICING COMMITTEE _____
SPECIAL PROJECT TASK FORCE _____
(PLEASE INDICATE AREA OF INTEREST) _____

CLERICAL DUTIES _____

EDUCATION BACKGROUND

High School _____ **Graduate or GED** Masters - Management

College _____ **Degree** BS - Accountancy

PERSONAL REFERENCE

Name Jean Bilke Telephone 393-2776

Address

CURRENT PLACE OF EMPLOYMENT

Employer's Name STATE OF OREGON - LEGISLATIVE FISCAL OFFICE

Employer's Address and Telephone RM H-178 STATE CAPITOL SALEM, OR 97310

Your Position LEGISLATIVE FISCAL ANALYST

May we contact you at work? yes

PREVIOUS VOLUNTEER EXPERIENCE

BUDGET COMMITTEE - City OF KEIZER
(Volunteer Agency)

Address Telephone

Supervisor Duties

****

AUTHORIZATION WAIVER

I HAVE COMPLETED THE ABOVE QUESTIONS AND TO THE BEST OF MY KNOWLEDGE, WHAT HAS BEEN STATED IS TRUE. IF APPOINTED TO A VOLUNTEER POSITION, I AGREE TO SERVE WITHOUT REIMBURSEMENT OF ANY KIND, AND WITH THE UNDERSTANDING AND AGREEMENT THAT ACCIDENT AND MEDICAL INSURANCE IS NOT PROVIDED BY THE CITY OF KEIZER.

Diane Hansen
Signature of Applicant

8-7-1996
Date

****

PLEASE RETURN COMPLETED APPLICATION TO:

VOLUNTEER COORDINATING COMMITTEE
CITY OF KEIZER
ATTENTION: TRACY L. DAVIS - CITY RECORDER (390-3700, EXTENSION 108)
P.O. BOX 21000 (CITY HALL - 930 CHEMAWA ROAD NE)
KEIZER, OREGON 97307-1000

DIANE HANSEN
7288 ParkTerrace Drive NE
Keizer, Oregon 97303
(503) 390-4917

OVERVIEW

Fourteen years of proven accomplishments in the areas of auditing, budget, and business administration. Strong background in finance, tax, and business license research as well as extensive ordinance writing.

DETAILS OF EXPERIENCE

AUDITING

Planned the scope and procedure of audits and determined the means of verification, appropriate test periods and extent of test checking required. Ascertained gross receipts by verifying, in accordance with generally accepted auditing standards and procedures, the appropriate operating, asset, capital, and liability accounts to determine that all receipts are reflected in the records and to locate any improperly recorded or unrecorded receipts that may exist. Auditing included actual, random, and statistical auditing techniques.

BUDGETING

Direct the preparation of analysis and evaluates a variety of fiscal reports such as year end reports. Responsible for the technical fiscal functions involving accounting, budgeting, and grants to assure that all financial transactions and reporting comply with the appropriate rules and regulations. Responsible for the preparation and evaluation of all monthly program forecasts.

ADMINISTRATION

Managed two municipal tax and business license departments which included overall responsible for personnel, departmental budgeting, implementing new systems and procedures. Hired, trained and supervised the auditing, collection, and clerical staff. Further responsibilities included the research and implementation of writing and updating ordinances. This position required considerable interaction with the city legal staff, city manager, city council, and various city groups; also attended numerous council meetings and tax hearings. Other responsibilities required the preparation of departmental budgeting, working closely with the finance and accounting departments in preparing other departmental budgets, developed departmental revenue forecasting, and monitored such forecasting by a variety of different categories and classifications.

PROFESSIONAL EXPERIENCE

Legislative Fiscal Analyst STATE OF OREGON	1995-Present Salem, OR
Fiscal Analyst STATE OF OREGON	1993-1995 Salem, OR
Auditor/Reviewer STATE OF OREGON	1990-1993 Salem, OR
Tax Manager CITY OF GLENDALE	1983-1987 Glendale, AZ
Auditor STATE OF CALIFORNIA	1978-1983 Sepulveda, CA
Tax Administrator CITY OF FLAGSTAFF	1976-1978 Flagstaff, AZ

EDUCATION

Masters of Arts Degree UNIVERSITY OF PHOENIX Degree: Management	1985 Phoenix
Bachelor of Science Degree NORTHERN ARIZONA UNIVERSITY Major: Accountancy	1976 Flagstaff, AZ

J. Clancy

BEDSPREADS & DRAPERIES, INC.

Volunteer Coordinating Committee
City of Keizer
Tracy L. Davis
930 Chemawa Rd.
Keizer, Or. 97307

RE: Planning Commission

Dear Ms. Davis:

I am volunteering to be a member of the City of Keizer Planning Commission. I will be able to give the city the necessary time and energy to serve on the commission.

I have been a resident of Keizer for the past 13 years and have had a successful manufacturing business in Salem for the past twenty years.

At present, I own five commercial buildings and I am currently developing two new commercial buildings in Salem. I have dealt with the Salem Planning and Zoning Commission on a number of occasions and have a good understanding of how the process works.

I feel that with my business background, real estate experience and development experience I can bring am understanding of the planning process and the need to plan for orderly and controlled growth.

If you feel my experience would be of some benefit to the City of Keizer please contact me for an interview.

Thank you.

Sincerely,

Jere Clancy

Jere Clancy

(503) 581-2547 • Fax (503) 581-9865 • 2715 Cherry Ave. N.E. • Salem, Oregon 97303

CITY OF KEIZER
VOLUNTEER APPLICATION FORM

NAME Jere Clancy DATE 7/29/96

ADDRESS 1440 Rafael St. N, Keizer, OR 97303

PHONE NUMBER: DAY: 581-2547 EVENINGS: 390-2814

****

PLEASE EXPLAIN WHY YOU WANT TO VOLUNTEER AND WHAT SKILLS YOU COULD BRING TO THE CITY OF KEIZER? (Clerical, writing, editing, foreign languages, degrees, etc. Please feel free to attach a resume.)

Please See Attachment

Number of hours per week you can volunteer: Whatever it takes

Day or days of week available: Sat - Sun

Time of Day available: Evening

PLEASE CHECK THE FOLLOWING ACTIVITIES IN WHICH YOU ARE INTERESTED IN VOLUNTEERING FOR:

BUDGET COMMITTEE _____ PLANNING COMMISSION ✓

PARKS ADVISORY BOARD _____ VOLUNTEER COORDINATING COMMITTEE _____

TRAFFIC SAFETY COMMISSION _____ RIVER ROAD REDEVELOPMENT BOARD _____

BICYCLE SAFETY COMMITTEE _____ COMMUNITY POLICING COMMITTEE _____

SPECIAL PROJECT TASK FORCE _____
(PLEASE INDICATE AREA OF INTEREST) _____

CLERICAL DUTIES _____

EDUCATION BACKGROUND

High School _____ Graduate or GED _____

College U. of Kentucky Degree Business - B.S.

(OVER)

PERSONAL REFERENCE

Name STAN COMPTON CPA Telephone 393-4566

Address 1987 MODOC Dr. N

CURRENT PLACE OF EMPLOYMENT

Employer's Name J. CLANCY BEDSPREADS + DRAPERIES INC

Employer's Address and Telephone 2715 CHERRY AVE NE

Your Position PRESIDENT

May we contact you at work? YES

PREVIOUS VOLUNTEER EXPERIENCE

_____

(Volunteer Agency)

Address _____ Telephone _____

Supervisor _____ Duties _____

_____

****

AUTHORIZATION WAIVER

I HAVE COMPLETED THE ABOVE QUESTIONS AND TO THE BEST OF MY KNOWLEDGE, WHAT HAS BEEN STATED IS TRUE. IF APPOINTED TO A VOLUNTEER POSITION, I AGREE TO SERVE WITHOUT REIMBURSEMENT OF ANY KIND, AND WITH THE UNDERSTANDING AND AGREEMENT THAT ACCIDENT AND MEDICAL INSURANCE IS NOT PROVIDED BY THE CITY OF KEIZER.

Jane Clancy
Signature of Applicant

7/29/96
Date

****

PLEASE RETURN COMPLETED APPLICATION TO:

VOLUNTEER COORDINATING COMMITTEE
CITY OF KEIZER
ATTENTION: TRACY L. DAVIS - CITY RECORDER (390-3700, EXTENSION 108)
P.O. BOX 21000 (CITY HALL - 930 CHEMAWA ROAD NE)
KEIZER, OREGON 97307-1000

CITY OF KEIZER
VOLUNTEER APPLICATION FORM

NAME Alan J. Youse

ADDRESS 5065 Nordic Ct. N, ~~Keizer, OR~~ 97303

DATE 11-7-95

DAY PHONE 986-4708

EVENINGS/WEEKENDS PHONE 390-5708

****

PLEASE EXPLAIN WHY YOU WANT TO VOLUNTEER AND WHAT SKILLS YOU COULD BRING TO THE CITY OF KEIZER? (Clerical, writing, editing, foreign languages, degrees, etc. Please feel free to attach a resume.)

BE A PARTNER IN THE GROWTH OF THE CITY OF KEIZER.

SKILLS: PLANNING, PUBLIC SPEAKING, NEWSLETTERS, NEGOTIATING SKILLS

Number of hours per week you can volunteer: 5-10

Day or days of week available: MON / WED.

Time of Day available: AFTER 6 P.M.

PLEASE CHECK THE FOLLOWING ACTIVITIES IN WHICH YOU ARE INTERESTED

Budget Committee	(3)	**Clerical**	
Parks Committee	(4)	**Computer Entry**	
Planning Commission	(1)	**Research**	✓
Volunteer Coordinating Comm	(2)	**Maintenance**	
		Reception	✓
		Landscape	
		Other	

List Other:

EDUCATION BACKGROUND

High School 12 YRS — **Date Completed** 5-25-59

College 2 YRS — **Date Completed** 1971

PERSONAL REFERENCE

Name HASTON AL CARLSON Telephone 393-4507

Address 4505 RIVER RD N. - FAITH LUTHERAN CHURCH

CURRENT PLACE OF EMPLOYMENT

Employer's Name OR. DEPT. OF AGRICULTURE

Employer's Address and Telephone 635 CAPITOL ST. NE. SALEM

Your Position PROJECT COORDINATOR Beginning Date 9-29-86

May we contact you at work? YES . 986-4708

PREVIOUS VOLUNTEER EXPERIENCE

FAITH LUTHERAN - CHURCH COUNCIL
(Volunteer Agency)

Address 4505 RIVER RD Telephone 393-4507

Supervisor COUNCIL CHAIR Duties DISPATCH CHURCH BUSINESS

****

AUTHORIZATION WAIVER

I HAVE COMPLETED THE ABOVE QUESTIONS AND TO THE BEST OF MY KNOWLEDGE, WHAT HAS BEEN STATED IS TRUE.

IF APPOINTED TO A VOLUNTEER POSITION, I AGREE TO SERVE WITHOUT REIMBURSEMENT OF ANY KIND, AND WITH THE UNDERSTANDING AND AGREEMENT THAT ACCIDENT AND MEDICAL INSURANCE IS NOT PROVIDED BY THE CITY OF KEIZER.

Alan J Yourse
Signature of Applicant

11-7-85
Date

****

PLEASE RETURN COMPLETED APPLICATION TO:

VOLUNTEER COORDINATING COMMITTEE
CITY OF KEIZER
930 CHEMAWA ROAD N.E.
P. O. BOX 21000
KEIZER, OREGON 97307-1000

Telephone: 390-3700
Tracy L. Davis
City Recorder

CITY COUNCIL MEETING: August 19, 1996

AGENDA ITEM NUMBER: 4b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK
CITY MANAGER

FROM: TRACY L. DAVIS
CITY RECORDER

SUBJECT: COMMITTEE APPOINTMENTS
Parks Advisory Board and Traffic Safety Commission

BACKGROUND:

In July of 1991 the City Council, by motion created a Volunteer Coordinating Committee to handle volunteer recruitment, work coordination and recognition of City volunteers. In 1993, the City Council further defined the charge of this committee to make recommendations for volunteer appointments to commission, committee or task force members to the Mayor and/or City Council. The Mayor serves as the Council liaison to the Volunteer Coordinating Committee.

ISSUE:

Parks Advisory Board

The Parks Advisory Board was created in 1989 to advise and provide input to the Council on issues pertaining to public parks, playgrounds and related activities and programs. The Board consists of seven members who are appointed by the Mayor.

On August 9, 1996 Nancy Loveday tendered her resignation from the Parks Advisory Board. At the Volunteer Coordinating Committee meeting on August 14, 1996 Gary Steiner was unanimously recommended to fill this unexpired term.

Traffic Safety Commission

In August of 1994, the Council created a Traffic Safety Commission to review traffic safety issues in the City of Keizer. The Commission consists of five members who are appointed by the Mayor.

In July, 1996 Doug Davis and Heather VanMeter resigned as members of the Traffic Safety Commission. Each was serving a three-year term scheduled to expire on December 31, 1996. At their August 14, 1996 meeting, the Volunteer Coordinating Committee reviewed three applications and unanimously chose to appoint Fredrick George and Ernest Smyres to fill these positions.

RECOMMENDATION:

It is hereby recommended the Mayor appoint and the Council ratify the recommendation of the Volunteer Coordinating Committee and assign Gary Steiner to fill the unexpired term on the Parks Advisory Board. This term will expire on December 31, 1997.

It is further recommended the Mayor appoint and the Council ratify the recommendation of the Volunteer Coordinating Committee and assign Fredrick George and Ernest Smyres to fill the unexpired terms on the Traffic Safety Commission. These terms will expire on December 31, 1996.

CITY OF KEIZER
VOLUNTEER APPLICATION FORM

City of Keizer, Oregon

NAME Gary B. Steiner **DATE** May 9, 1996

ADDRESS 4054 Noon Avenue N.E. Keizer, OR 97303-3966

PHONE NUMBER: (503) 588-6471 (work)
DAY: (503) 393-2743 (hm) **EVENINGS:** (503) 393-2743

****

PLEASE EXPLAIN WHY YOU WANT TO VOLUNTEER AND WHAT SKILLS YOU COULD BRING TO THE CITY OF KEIZER? (Clerical, writing, editing, foreign languages, degrees, etc. Please feel free to attach a resume.)

There are concerns in my neighborhood of SE Keizer that I believe other Keizer citizens have, such as the need for traffic safety and the need of adequate park facilities. I would like to volunteer because I would rather be a part of the solution, instead of the problem. My experience and educational background lends itself toward neighborhood involvement.

Number of hours per week you can volunteer: six

Day or days of week available: two (Tues/Thurs) more if needed

Time of Day available: 7:00 - 10:00 pm

PLEASE CHECK THE FOLLOWING ACTIVITIES IN WHICH YOU ARE INTERESTED IN VOLUNTEERING FOR:

BUDGET COMMITTEE _____	**PLANNING COMMISSION** _____
PARKS ADVISORY BOARD X	**VOLUNTEER COORDINATING COMMITTEE** _____
TRAFFIC SAFETY COMMISSION X	**RIVER ROAD REDEVELOPMENT BOARD** _____
BICYCLE SAFETY COMMITTEE _____	**COMMUNITY POLICING COMMITTEE** _____

SPECIAL PROJECT TASK FORCE _____
(PLEASE INDICATE AREA OF INTEREST) _____

CLERICAL DUTIES _____

EDUCATION BACKGROUND

High School North Salem **Graduate or GED** Graduate

College CAL STATE UNIVERSITY, LA **Degree** Recreation Administration

Bill Wolf (Planning Commission)
4055 Gary St NE, Keizer, OR 393-5525

PERSONAL REFERENCE Nancy Loveday (Parks Advisory Board)
Noon Avenue NE 390-0250

Name Ken Gierloff **Telephone** 393-7167

Address 4035 Arnold St NE, Keizer, OR 97303

CURRENT PLACE OF EMPLOYMENT

Employer's Name City of Salem, General Services, Parking & Security Services

Employer's Address and Telephone 340 Commercial St NE, Salem, OR 97301

Your Position Parking Enforcement Officer

May we contact you at work? Yes

PREVIOUS VOLUNTEER EXPERIENCE S.E. Keizer Neighborhood Assn 1995 Director of the Board

Dayspring Fellowship Church (Current)

(Volunteer Agency)

Address 1755 Lockhaven Dr NE **Telephone** 390-3900

Supervisor Margo Gerner **Duties** Teach 4th - 6th grade Wed nights
Teach 4th grade Sunday School

(Prev.) East Salem Optimist Club Community Service Chairman, Secretary

(Prev.) East Salem Softball League President, Commissioner, Coach

****

AUTHORIZATION WAIVER

I HAVE COMPLETED THE ABOVE QUESTIONS AND TO THE BEST OF MY KNOWLEDGE, WHAT HAS BEEN STATED IS TRUE. IF APPOINTED TO A VOLUNTEER POSITION, I AGREE TO SERVE WITHOUT REIMBURSEMENT OF ANY KIND, AND WITH THE UNDERSTANDING AND AGREEMENT THAT ACCIDENT AND MEDICAL INSURANCE IS NOT PROVIDED BY THE CITY OF KEIZER.

Gary B. Steiner
Signature of Applicant

May 9, 1996
Date

****

PLEASE RETURN COMPLETED APPLICATION TO:

VOLUNTEER COORDINATING COMMITTEE
CITY OF KEIZER
ATTENTION: TRACY L. DAVIS - CITY RECORDER (390-3700, EXTENSION 108)
P.O. BOX 21000 (CITY HALL - 930 CHEMAWA ROAD NE)
KEIZER, OREGON 97307-1000

SEKNA

South East Keizer Neighborhood Association

August 14, 1996

To Whom It May Concern:

It has come to our attention that there is a vacancy on the Parks Committee. In filling that position I wish you would consider my personal recommendation of Gary Steiner. Gary is well known to the committee as he has served as SEKNA's Liaison to that committee for the last several months. Gary has a degree is in this field along with considerable work experience. As Vice President of SEKNA, Gary has shown his ability to not only lead, but he has shown his ability to do good work. He has contributed greatly to whatever successes that SEKNA can call their own this year. He was instrumental in our success in the Iris Fest Parade with his leadership. He is meticulous in his work and unselfish in his contributions to the community. In closing, it is my sincere hope that this opportunity to obtain Garys contribution to this committee will not be lost.

Sincerely,

Ken Gierloff, Pres

Ken Gierloff, Pres
SEKNA

CITY OF KEIZER
VOLUNTEER APPLICATION FORM

City of Keizer, Oregon

NAME ERNEST V. SMYRES **DATE** JULY 15, 1996

ADDRESS 5369 KALMIA DR. N.E., KEIZER, OR 97303

PHONE NUMBER: **DAY:** 393-3838 **EVENINGS:** Same

****

PLEASE EXPLAIN WHY YOU WANT TO VOLUNTEER AND WHAT SKILLS YOU COULD BRING TO THE CITY OF KEIZER? (Clerical, writing, editing, foreign languages, degrees, etc. Please feel free to attach a resume.)

HAVE LIVED IN KEIZER AREA 31 YEARS AND I AM INTERESTED IN THE DEVELOPMENT OF KEIZER. I WORKED FOR THE FAIRVIEW TRAINING CENTER FOR 38 PLUS YEARS AND WAS PLANT SUPT. THE last 4 YEARS. I HAVE BEEN ON THE SAFETY COMMITTEE FOR BUILDINGS AND THE PLANT IN WHOLE.

Number of hours per week you can volunteer: AS REQUIRED

Day or days of week available: AS REQUIRED

Time of Day available: AS REQUIRED

PLEASE CHECK THE FOLLOWING ACTIVITIES IN WHICH YOU ARE INTERESTED IN VOLUNTEERING FOR:

BUDGET COMMITTEE _____ **PLANNING COMMISSION** YY

PARKS ADVISORY BOARD _____ **VOLUNTEER COORDINATING COMMITTEE** _____

TRAFFIC SAFETY COMMISSION YY **RIVER ROAD REDEVELOPMENT BOARD** _____

BICYCLE SAFETY COMMITTEE _____ **COMMUNITY POLICING COMMITTEE** _____

SPECIAL PROJECT TASK FORCE _____
(PLEASE INDICATE AREA OF INTEREST) _____

CLERICAL DUTIES _____

EDUCATION BACKGROUND

High School ~~RATON, NEW MEXICO~~ **Graduate or GED** _____

College _____ **Degree** _____

PERSONAL REFERENCE

Name DON HARWELL **Telephone** 309-2744

Address 854 Crenshaw Loop N., Keizer, OR

CURRENT PLACE OF EMPLOYMENT

Employer's Name RETIRED

Employer's Address and Telephone _____

Your Position _____

May we contact you at work? _____

PREVIOUS VOLUNTEER EXPERIENCE

SENIOR TOWNHOUSE 10 YEARS -FAITH LUTHERAN CHURCH
(Volunteer Agency)

Address 4505 River Rd **Telephone** 390-4701

Supervisor _____ **Duties** VARIOUS

_____

****

AUTHORIZATION WAIVER

I HAVE COMPLETED THE ABOVE QUESTIONS AND TO THE BEST OF MY KNOWLEDGE, WHAT HAS BEEN STATED IS TRUE. IF APPOINTED TO A VOLUNTEER POSITION, I AGREE TO SERVE WITHOUT REIMBURSEMENT OF ANY KIND, AND WITH THE UNDERSTANDING AND AGREEMENT THAT ACCIDENT AND MEDICAL INSURANCE IS NOT PROVIDED BY THE CITY OF KEIZER.

Ernest V. Snyder
Signature of Applicant

July 15, 1996
Date

****

PLEASE RETURN COMPLETED APPLICATION TO:

VOLUNTEER COORDINATING COMMITTEE
CITY OF KEIZER
ATTENTION: TRACY L. DAVIS - CITY RECORDER (390-3700, EXTENSION 108)
P.O. BOX 21000 (CITY HALL - 930 CHEMAWA ROAD NE)
KEIZER, OREGON 97307-1000

Fredric S. George
974 Koala St. N.
Keizer, OR 97303

August 14, 1996

Tracy L. Davis, City Recorder
930 Chemawa Road N.E.
Keizer, OR 97307-1030

Dear Ms. Davis,

Thank you for sending the volunteer application form. I appreciated the opportunity to speak to you on August 12, 1996, regarding volunteer service with the city of Keizer.

As stated on the enclosed application, I feel volunteer and elected public service is the mark of a great citizen. I also believe it is of dire importance to the ongoing success of our city. Unfortunately, many citizens rely on others to perform the desperately needed tasks, choosing not to involve themselves in such matters. That is why I feel the desire and need to volunteer my services, in whatever capacity, to the city. In doing this, I can gain experience in governmental administration, public relations and gain a better understanding of the problems and issues facing the citizens of Keizer, as well as making a positive contribution to the direction and future of our city.

As a side note, on the application I noted several commissions/committees that I would welcome the opportunity to serve on. That is not to say that I would not consider other committees that I did not indicate. I indicated only those committees that I felt strongly about serving on.

Once again, thank you for your time and effort in assisting me with this and I look forward to serving with you in the future.

Best Regards,

Fredric S. George

2 enclosures
City of Keizer
Volunteer Application Form
Resume

CITY OF KEIZER
VOLUNTEER APPLICATION FORM

City of Keizer, Oregon

NAME: Fredric S. George DATE: 8/14/96

ADDRESS: 974 Koala St. N. Keizer, OR 97303

PHONE NUMBER: DAY: (503)378-3720 EVENING: (503)463-5820

PLEASE EXPLAIN WHY YOU WANT TO VOLUNTEER AND WHAT SKILLS YOU COULD BRING TO THE CITY OF KEIZER: (Clerical, writing, editing, foreign languages, degrees, etc. Please feel free to attach a resume.)

I believe that the true mark of a great citizen is public service. I feel that serving as a volunteer for the city of Keizer, I will be fulfilling that belief and thereby satisfying my civic duty. I bring several skills to the city, such as diligence to duty, knowledge of the community and the continued pursuit of excellence.

PERSONAL REFERENCE

Name Todd May Telephone (503)873-3823

Address 4446 Petrit Lane, Silverton, OR. 97381

CURRENT PLACE OF EMPLOYMENT

Employer's Name State of Oregon - Oregon State Police

Employer's Address and Telephone 400 Public Service Building, Salem, OR 97310
(503)378-3720

Your Position Crime Analyst

[illegible] Yes

[illegible]

[illegible]

Fredric S. George
974 Koala St. N.
Keizer, OR 97303

Career Goal: Position utilizing management/investigatory experience.

Experience: November 1995 - Present: Crime Analyst, Oregon State Police. Supervisor: Sgt. Mike Ramsby, (503)378-3720. Duties include performing research, data gathering, compilation, analysis and dissemination of information on major and serial offenses against children and adults specifically in the area of criminal homicides, violent criminal acts, and sex offenses. Also provide technical computer applications skills, graphics production, analytical data and reports for use by field investigators and other agencies in crime investigations.

July 1995 - November 1995: Account Manager, Nielsen Manufacturing, Inc. Supervisor: Bill Christiansen, (503)585-0000. Duties included overseeing the implementation, execution and delivery of sheet metal products to customer. Assisted with forecasting of budget needs versus expected gains, conducting meetings with plant personnel and weekly meetings with customer.

March 1994 - November 1994: Office Manager/Security Officer, US Army. Supervisor: SFC Allen Brewer, (706)545-5499. Duties included planning and establishing security procedures for an organization of over 2,000 personnel. Directed services of general office personnel in developing security measures. Prepared security manual outlining established measures and procedures for handling, storing, safeguarding, and destroying classified or sensitive unclassified material and within entry into restricted areas.

March 1993 - March 1994: Project Analyst, US Army. Supervisor: Michael Jacobson, (706)569-4772. Duties included reviewing project proposals to determine timeframes, funding sources/limitations and procedures for accomplishing project. Implemented work plans for project and followed through with research from various sources including local classified and unclassified libraries, interviewing subject matter experts, meetings and symposia. Produced and published a final report which included charts and graphs. Report was distributed to various military and external agencies. Researched topics supporting supervisor's decision-making process. Conducted briefings for all levels of staff relative to the research completed.

Education: 1995-96: Various courses with Chemeketa Community College, Salem, Oregon.
1994: Graduate, Primary Leadership Development Center, Ft. Benning, Georgia.
1993: Graduate, US Army Ranger School, Ft. Benning, Georgia.
1992: Graduate, US Army Airborne School, Ft. Benning, Georgia.
1990-91: Graduate, US Army Intelligence Analyst Course, Ft. Huachuca, Arizona.
1990: Graduate, Silverton Union High School, Silverton, Oregon.

Skills/Courses/General: Basic and advance research courses, various language courses including Arabic and German, various crime analysis courses and training classes, excellent customer service, diligent worker with excellent reviews from supervisors, honorably discharged from the US Army after four years of service.

CITY COUNCIL MEETING: August 19, 1996

AGENDA ITEM NUMBER: 5a

TO: **MAYOR KOHO AND COUNCIL MEMBERS**

THROUGH: **DOTTY TRYK,**
CITY MANAGER

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

SUBJECT: **ORDER ON SUBDIVISION CASE 96-03**
(3H CONSTRUCTION CONTINUED HEARING)

DATE: **August 15, 1996**

At the August 5, 1996 meeting, the Council directed our office to prepare an appropriate Order approving the subdivision request in this case, but deleting Condition No. 11 of the Hearings Officer's Decision. Such condition limited the number of multi-family dwelling units to 73. The previous zone change ordinance limits the multi-family development to a maximum of 80 units.

With regard to the confusion between the criteria in the comprehensive plan and the zoning ordinance, I would call the Council's attention to Exhibit "D" of the attached proposed Order where I attempt to explain this issue. I will reiterate that if there is a direct conflict between the ordinances, the comprehensive plan would control over the zone code. However, in this case there is not a conflict between the plan and the zone code, but rather a difficulty in interpretation.

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

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

ORDER

IN THE MATTER OF THE APPLICATION OF 3H CONSTRUCTION FOR CONCEPTUAL PLAN APPROVAL OF A 15 LOT SUBDIVISION ON A 7.37 ACRE PARCEL IN THE VICINITY OF THE 6600 BLOCK OF WHEATLAND NORTH, KEIZER, OREGON (CASE NO. K-SUB 96-03)

The City of Keizer orders as follows:

Section 1. THE APPLICATION. This matter came before the Keizer City Council on the appeal of 3H Construction, applicant, from the Hearings Officer's decision dated June 28, 1996. The Hearings Officer granted approval of the subdivision to the applicant to allow a 15 lot subdivision on a 7.37 acre parcel in the vicinity of the 6600 block of Wheatland Road North (Section 26CD, T6S, R3W (multiple tax lots).

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

Section 3. PUBLIC HEARING. A public hearing was held before the Keizer City Council on August 5, 1996, and was continued to August 19, 1996. The following persons either appeared at the August 5, 1996 hearing or provided written testimony on the application before the Council:

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Lien & Johnson
Attorneys at Law
4855 River Road N.
Keizer, Oregon 97303
(503) 390-1635

1) John Morgan, Community Development Director

2) Mark Grenz, Applicant's Engineer

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 hearings.

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.

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

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Lien & Johnson
Attorneys at Law
4855 River Road N.
Keizer, Oregon 97303
(503) 390-1635

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

PASSED this ___ day of _____, 1996.

SIGNED this ___ day of _____, 1996.

_____
Mayor

_____
City Recorder

Lien & Johnson
Attorneys at Law
4855 River Road N.
Keizer, Oregon 97303
(503) 390-1635

EXHIBIT "A"

Evidence

Official notice has been taken of the Community Development Department files and reports, the Hearings Officer's Decision, and the applications and exhibits contained therein.

Mayor Koho opened the public hearing on August 5, 1996.

City Attorney Johnson reviewed the applicable criteria and procedures for the subject hearing. Because of the length of the exact criteria for the subdivision case, Mr. Johnson proposed that reading of the exact criteria be waived. There were no objections.

Mr. Johnson requested that any objections or conflicts of interest be declared at this time. No objections or conflicts of interest were raised.

Community Development Director Morgan presented the staff report in connection with an appeal by 3-H Construction of Condition 11 of the Hearings Officer Decision. Mr. Morgan noted that in this case staff is siding with the applicant and recommending an amendment to the Hearings Officer Decision.

Mr. Morgan briefly reviewed the case. He noted that in May Council rezoned the property from RS to RM. The Council held a public hearing over two nights; May 6 and May 20. At the first hearing the applicant did not present a site plan and suggested no density limitation other than that allowed by the zoning ordinance. The standard zoning ordinance would allow 99 units on this site. At the continued hearing on May 20, the applicant submitted a site plan showing 80 multi-family units. The Council approved the zone change conditioning it by requiring the development to be in substantial conformance with the site plan and not to exceed 80 multi-family units.

Mr. Morgan noted that in the meantime the applicant also applied for a subdivision of the property. In the decision on that case, the Hearings Officer specifically placed a Condition 11 which reads "Because I can find nowhere in the record that Applicant has committed to a particular number of multi-family units, Applicant may develop from 41 multi-family units to no more than 73 multi-family units on Lot 1, pursuant to the pertinent Comprehensive Plan density standards."

Summarizing, Mr. Morgan noted that in the separate subdivision proceeding the Hearings Officer put a cap of 73 units. The Council in the zone change had put a cap of 80 units.

Mr. Morgan noted that at the applicant's request, and concurring in the applicant's position, staff asked the Hearings Officer on July 2 to reconsider his decision. On July 6, the Hearings Officer, by letter, denied the request. His reasons for the denial are summarized as follows:

1. The criteria for density determinations are found in the Comprehensive Plan and those criteria must be applied.

2. This new information on the zoning ordinance density standards and on the Council action is not part of the record and therefore he cannot consider it after the record is closed.

3. An application must be judged based on the laws in place at the time the application is filed. The Council action approving the zone change occurred after the subdivision application was filed.

Mr. Morgan noted that staff disagrees with the Hearings Officer on the first point, and reluctantly concurs with the findings on the second and third points as being technically correct, however strictly constructed.

Mr. Morgan addressed point 1. He explained why staff disagrees with the Hearings Officer's reading of the Comprehensive Plan. He noted that the policy in question is specifically intended to guide the City in creating a Comprehensive Plan Land Use Map. It does not establish density standards which have the force of the Law. Mr. Morgan called attention to another Comprehensive Plan policy, not cited by the Hearings Officer, closer to establishing a density standard. Chapter III, Section D.2.c.1 states: "1. Allow a mix of housing types in this category in two general levels of residential density: a. Medium density - over 8 and up to 16 units per gross acre." He noted, however, that staff believes this standard is not a criteria for two reasons. First, it is intended to be a "general" level of density. Second, and more importantly, as with all the design policies of the Comprehensive Plan, the density policies are implemented by the Zoning Ordinance, which was specifically adopted to be the implementing tool for the Comprehensive Plan policies. Mr. Morgan emphasized that the Zoning Ordinance allows more density by its very specific provisions than what the Comprehensive Plan says. The Zoning Ordinance is law, while the Comprehensive Plan is not in this particular case.

Mr. Morgan stated that staff concurs with the applicant that the Hearings Officer erred in applying the Comprehensive Plan policies, and finds the 80 unit proposal conforms with the Comprehensive Plan.

Staff recommended that Council conduct the public hearing, continue the hearing until August 19, and direct staff to return on August 19 with an order upholding the Hearings Officer decision but striking Condition 11.

Councilor Keller was concerned about dissension between staff and the Hearings Officer. He asked if it was unusual for staff to disagree with the Hearings Officer and come forward in support of the applicant. Mr. Morgan conceded that it was.

Councilor Keller recalled traffic issues as being a primary concern when the zone case was last discussed. He felt that if information capping the number of units at 73 had been made available, Council likely would have gone with it to help mitigate the traffic concerns.

Mr. Morgan explained that the limit was not brought up in the zone change context or in the subdivision proceeding in that generally the zone change deals with density issues and the subdivision deals with dividing land. He noted that in his letter to the Hearings Officer he found that it was inappropriate for the Hearings Officer to discuss density issues at a subdivision proceeding. He emphasized that Council had all the information relevant to the case in that it was working with the law--the Zoning Ordinance. He noted that since 1985 the Zoning Ordinance has guided the density development of the community.

Councilor McGee questioned why a discrepancy existed between the Comp Plan and the Zoning Ordinance. Mr. Morgan was unsure why there was a discrepancy, but suggested that it would be good to look at some amendments to either one or the other to bring them into closer conformity.

City Attorney Johnson acknowledged that the discrepancy does lead to some confusion. He could see how the Hearings Officer could reach his conclusions, but agreed with Mr. Morgan's understanding. Mr. Johnson reviewed some of the history of the crafting of the Comp Plan and Zone Code, and noted that limited resources were available for crafting the Zone Code.

Councilor McGee praised the work of the Hearings Officer and his independent judgment in reviewing cases.

Mayor Koho quoted from a letter from the Hearings Officer dated July 6. In the letter the Hearings Officer stated that he was unaware of any authority, statutory or otherwise, that would enable him to augment evidentiary record after rendering a decision. Mayor Koho asked if the hearing was conducted under the Administrative Procedures Act. He felt that it would allow for additional evidence to be presented.

City Attorney Johnson answered that such hearings are conducted based on the City's Zone Code. He noted that a reconsideration by the Hearings Officer was requested, not a rehearing. He perceived that the lack of opportunity to get additional evidence into the record was the reason for Mr. Morgan's concession on points 2 and 3 of the Hearings Officer Decision.

Councilor Keller asked if anything was in the works that would clarify the issues and prevent a similar disagreement from occurring in the future. Mr. Morgan felt that a better understanding of each other's points-of-view was occurring by way of recent correspondence between him and the Hearings Officer on this issue. He perceived that as Hearings Officer Adamson gained more knowledge of Keizer's codes, procedures and history, the process would go more smoothly.

Councilor Watson indicated that he was also struck by the fact that this was the second such conflict between the Hearings Officer and staff. He also applauded the independent action of the Hearings Officer and indicated that he would not like to see it interfered with.

Councilor Watson relayed his understanding that the Zone Code must be consistent with the Comprehensive Plan. He asked City Attorney Johnson if it was his opinion that the Zone Code prevails over the Comprehensive Plan.

Mr. Johnson agreed that the Comprehensive Plan should control over the Zone Code if there is a direct conflict. He explained that in this case the conflict isn't as direct. Mr. Johnson explained how the Hearings Officer's finding was based on a combination of Comp Plan density designations, not a specifically defined number. It was Mr. Johnson's opinion that the Hearings Officer had erred in that he had factually looked at the Comp Plan wrong. He felt that the Hearings Officer should have been looking at the provision in the Zoning Ordinance which speaks about 2,000 SF per unit.

Presenting testimony to the Council was:

Mark Grenz, Multi-Tech Engineering, 1155 - 13th Street SE, Salem, expressed his frustration with the complexity of the zoning and Comp Plan process. He noted the problems he encountered with a previous application for another piece of property, and his efforts in this case to take all the appropriate steps to ensure approval by the Council.

Mr. Grenz noted that Council's decision regarding density based on the Zone Code was not at issue when he began the subdivision process. He noted that in doing many subdivisions in Keizer he had never had to address density as an issue in the subdivision process--always assuming that the Zone Code would govern the development of the properties based on lot sizes. Mr. Grenz felt the Hearings Officer was in error by bring up the density issue. He indicated that he merely wanted Council to allow him to do what they had agreed upon.

There was no further testimony to come before the Council. Mayor Koho continued the hearing to August 19, 1996.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant to this application are found in the Keizer Comprehensive Plan (KCP), the Keizer Zoning Ordinance (KZO) and the Keizer Subdivision and Partitioning Ordinance (KSPO).

Of particular importance in this application is KSPO Section III(1) regarding consideration of whether the proposal complies with applicable residential policies in the Keizer Comprehensive Plan. In addition, there were several criteria set forth in the Comprehensive Plan itself, as well as KZO which are relevant. (See Exhibit "C").

No other particular additional criteria were identified by any party at the hearings or on the record.

EXHIBIT "C"

Facts

1. Applicant, 3H Construction, proposes to subdivide the subject property which lies to the north of the intersection of Wheatland Road and River Road North into 14 single-family lots and one large lot devoted to multi-family use, ranging in size from no less than 4,000 square feet for the single-family lots to 199,094 square feet for lot 15. (Note: Applicant's site plan (Exhibit "C" to the May 28, 1996, Staff Report) reflects a lot size of only 3,917 square feet for Lot 2. Within the RS zone, lots must be at least 4,000 square feet. Applicant shall correct that deficiency on any future plans as a condition of approval.)

2. Applicant proposes subdivision access via an east-west public street located where Foothill Drive currently exists as platted within the Fir Cone Terrace subdivision. Foothill Drive will dead-end at Lot 14, and Harvest Drive will be vacated in order to accommodate the siting of Lot 15.

3. Development of the subject property will require the extension of water and sewer mains.

4. The Fir Cone Terrace subdivision lies directly to the north, comprised of single-family residences designated LDR (Low Density Residential) in the Comprehensive Plan and zoned RS (Single-Family Residential).

5. To the south lies property designated Commercial in the Comprehensive Plan and zoned CR (Commercial Retail). Properties to the west and east are separated from the subject property by Wheatland Road and River Road North, respectively, and bear Comprehensive Plan and zoning designations of LDR (Low Density Residential)/RS (Single-Family Residential) and MHDR (Medium to High Density Residential)/RL (Limited Density Residential).

6. The City's Comprehensive Plan designated Lots 1 through 14 (the portion of the proposed subdivision lying to the north of Foothill Drive) as "LDR" (Low Density Residential), and designates Lot 15 as "MHDR" (Medium to High Density Residential). All of the property lies within as "RS" (Single-Family Residential) zoning district.

7. Applicant has apparently obtained (or is obtaining) zone change approval with respect to Lot 15; it will no longer be zoned RS (Single-Family Residential) but will be zoned RM (Medium Density Residential).

SUBDIVISION AND PARTITIONING ORDINANCE CRITERIA

The relevant criteria as set forth in the Keizer subdivision and partitioning ordinance are noted below, along with the findings as they relate to such criteria:

8. **RIGHT-OF-WAY DEDICATION. Standard right-of-way widths and improvements shall comply with the requirements in Table 1. [SPO § IV, ¶ 7]**

Table 1, entitled "Street Standards," within SPO § IV prescribes pertinent right-of-way dedications for subdivision streets as follows:

> i) For "Local Street": total right-of-way width of 44 feet and a curb-to-curb improvement width of 30 feet for a local street serving up to 19 dwelling units, *or* that generates up to 190 average daily trips, *or* that serves a subdivision of up to 79,999 square feet; or
>
> ii) For "Cul-De-Sac": total right-of-way width of 46 feet and a curb-to-curb improvement width of 32 feet for a cul-de-sac with a maximum length of 800 feet *or* that generates less than 450 average daily trips, *or* that serves a subdivision of less than 183,999 square feet.

Note (d) to Table 1 requires applicants to "use the largest number" in determining which dedication right-of-way criterion applies. Following that mandate, the second of the two criteria cited above would apply here; Applicant proposes a 15-lot subdivision with total area of approximately 282,350 square feet.

Accordingly, Applicant's site plans appear to reflect an internal street right-of-way width of 60 feet and a curb-to-curb improvement width of 34 feet, with a curb radius of the cul-de-sac of at least the required 38 feet.

Applicant has fulfilled the criteria in SPO § IV, ¶ 7.

9. **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. [SPO § V, ¶ 3]**

Findings regarding lot size and setbacks are set forth in paragraph 16 of this Exhibit. Such finding is reincorporated here.

Applicant has fulfilled the criteria in SPO § V, ¶ 3.

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

All corner lots must be at least 70 feet wide adjacent to each street. Applicant's site plans contain but one corner lot: Lot 1. The dimensional references for Lot 1 appear to confirm that it fulfills the above criterion.

11. **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. [SPO § V, ¶ 6]**

A review of Applicant's plans reflect that the proposed side lot lines for all of the lots appear to be as close as practicable to right angles to the front street line under the proposed configuration. No rear lot lines appear to be less than one-half the width of the front lot lines.

Applicant has fulfilled the criteria in SPO § V, ¶ 6.

12. **SEWAGE DISPOSAL. All lots or parcels shall be served by an authorized sewage disposal system. [SPO § VI, ¶ 1]**

Applicant proposed to undertake all necessary extensions of a sanitary sewer trunk line for the site, which, when completed will result in an authorized sewage disposal system. Also, Applicant shall, as a condition of approval comply with the sanitary sewer requirements set forth in Exhibit "C" to the Staff Report (the Public Works Department's May 20, 1996, comment letter).

Applicant has fulfilled the criteria in SPO § VI, ¶ 1.

13. **WATER SUPPLY. All lots or parcels shall be served by an authorized public or private water supply system or individual private wells. [SPO § VI, ¶ 2]**

Applicant will undertake all necessary extensions of a domestic water main for the site, which, when completed will result in an authorized public water supply system for the subdivision. Also, Applicant shall, as a condition of approval, comply with the water system requirements set forth in Exhibit "C" to the Staff Report (the Public Works Department's May 20, 1996, comment letter).

Applicant has fulfilled the criteria in SPO § VI, ¶ 2.

COMPREHENSIVE PLAN CRITERIA

The following relevant criteria as set forth in the Keizer Comprehensive Plan are noted below, along with the findings as they relate to such criteria:

14. **Coordinate new residential development with the provision of an adequate level of services and facilities, such as sewers, water, transportation facilities, school and parks.**

Chapter III, Section C.2.b.4 of the City's Plan mandates that new residential development be coordinated with the provision of adequate level of sewers and water, among other things.

Applicant will be required to provide the proposed subdivision with sewer and water services and facilities in a manner acceptable to the City as a condition to acceptance and approval of the subdivision. Therefore, Applicant has fulfilled the residential policy in Chapter III, Section C.2.b.4 of the Plan.

15. **Discourage through traffic in residential neighborhoods.**

Chapter III, Section C.2.b.13 of the City's Plan mandates that residential development shall "discourage through traffic in residential neighborhoods."

Applicant's proposed subdivision contains a dead-end cul-de-sac. As designed, the subdivision's traffic flow could not serve as a traffic diverter of traffic seeking to travel elsewhere.

Applicant has fulfilled the residential policy in Chapter III, Section C.2.b.13 of the Plan.

ZONING ORDINANCE CRITERIA

The following relevant criteria as set forth in the Zoning Ordinance are noted below, along with the findings as they relate to such criteria:

16. **Single-family dwelling lots shall have a minimum of 4,000 square feet with a minimum lot width of 40 feet and average lot depth of at least 70 feet. Multi-family dwelling lots shall be no less than 6,000 square feet with no more than one dwelling unit per 2,000 square feet of net lot area. The minimum lot width is 40 feet, and the average lot depth shall be at least 80 feet.**

Applicant's site plans fulfill the lot size and lot dimension criteria, and with the appropriate conditions of approval meet other standards and regulations set forth in KZO Chapters 23 and 25. (RS and RM zones).

EXHIBIT "D"

Justification

The Applicant has the burden of proving that the proposal meets the applicable criteria and standards. In this application, the Applicant is asking for approval of a subdivision that resubdivides an older subdivision. The resulting subdivision would have 14 single-family lots and 1 large lot devoted to multi-family use.

In this case, the Applicant appealed the Hearings Officer's decision which approved the request subject to certain conditions. The basis of the appeal is Applicant's contention that Condition No. 11 which limits the multi-family dwellings to a maximum of 73 units, is an incorrect interpretation of the applicable law by the Hearings Officer.

The Hearings Officer apparently determined that because the zone was Medium Density Residential (RM), that the Medium Density Plan designation should apply. The provision of the Keizer Comprehensive Plan that are applicable in this regard are set forth below:

> (c) Provide for three general levels of residential density:
>
> > Low Density: As many as 8 units per gross acre.
> >
> > Medium Density: Over 8 and as many as 16 units per gross acre.
> >
> > High Density: Over 16 units per gross acre.

KCP, Section 15(c) at Page 36.

Apparently because of the reference to Medium Density in the zone, the Hearings Officer used the range of 9 to 16 units per gross acre in determining that there should be a maximum of 73 units in the multi-family development. However, the subject property's plan designation is Medium to High Density Residential (MHDR) which allows densities in both the Medium and High ranges. The limiting factor is the requirement in the zone code that requires that multi-family dwellings be limited to one per 2,000 square feet of net lot area. (KZO 25.12(b)).

The Hearings Officer's statement in Finding No. 3 (Hearings Officer's Decision, Page 15) that between 9 and 16 units per acre are allowed on Medium to High Density Residential property is incorrect. This is an error that is easily made because of the confusing nature of the zone code and the fact that it does not strictly match the density designations set forth in the plan.

There were no other issues raised at the hearings. The subdivision approval is appropriate with the deletion of the 73 unit maximum. The zone change approval limits the total number of multi-family dwellings to 80. (See Ordinance No. 96-349). All conditions of approval set forth in such zone change ordinance are incorporated fully within this approval.

With the appropriate conditions, this subdivision proposal meets all applicable criteria.

EXHIBIT "E"

Action

The City of Keizer GRANTS requested conceptual approval of the subdivision, subject to the following conditions:

Prior to submittal of the detailed site plan/plat, the following conditions must be complied with:

1. Applicant shall participate in a conference with the applicable public facility providers in order to coordinate facility improvements. This conference shall occur prior to the submission of any engineering drawings or plans. Applicant shall contact, and shall endeavor to include within the conference, the Keizer Department of Public Works, Keizer City Engineer, Keizer Fire District, City of Salem Department of Public Works (sewer), U.S. West Communications, Portland General Electric, and Northwest Natural Gas.

2. 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 with respect to storm water detention, street improvements, easements, sewer, water, and other engineering information required to demonstrate compliance with Public Works development standards. Specifically, with the exception noted in the next sentence, Applicant shall comply with all requirements set forth in the Public Works Department's May 20, 1996, comment letter (Exhibit "D" to the May 28, 1996, Staff Report), the contents of which exhibit are incorporated herein by this reference. No driveway access shall be allowed from any lot to Wheatland Road or River Road except Lot 15 which shall access only River Road directly.

3. Applicant shall complete the process of vacating the right-of-way known as Harvest Drive. Any existing utilities within the right-of-way shall be shown in adequate utility easements on the Subdivision Plat as determined by the Keizer Public Works Department and any other affected utility provider. Any properties which are not part of the subdivision which could potentially utilize the Harvest Drive right-of-way may require development of an adequate easement for access purposes, as determined by the Public Works Department.

Prior to recording of the final plat, the following conditions shall be complied with:

4. Applicant shall submit a detailed site plan/plat to the Keizer Community Development Department for its review and approval prior to the submittal of a final plat. The detailed site plan shall adhere to the following conditions:

a. It shall substantially conform to the proposed subdivision request, *except* that the dimensions of one or more lots shall be adjusted from the dimensions in Exhibit "C" to the May 28, 1996, Staff Report so that all lots shall be at least 4,000 square feet in size.

b. It shall include all detail and fulfill all conditions required by Exhibit "D" to the May 28, 1996, Staff Report.

c. It shall ensure that any existing structures on any proposed lots meet the siting and dimensional requirements in Chapters 23 and 25 of the Keizer Zoning Ordinance.

5. Upon approval of the detailed site plan and engineering plans, 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 shall conform to the subdivision requirements in ORS Chapter 92. Applicant shall obtain, and file with the County Surveyor, a bond for post monumentation of the subdivision plat.

6. Applicant shall obtain approval of the City of Keizer for any street names used within the proposed subdivision. Applicant shall complete and submit for approval a Street Name Application. Any street naming and parcel addressing will be coordinated with the Mid-Willamette Valley Council of Governments. Applicant shall not release any final plat that does not contain approved street names.

Prior to the issuance of any building permits for any structure, the following conditions shall be complied with:

7. Applicant shall construct all streets and turnarounds in accordance with established City Street Standards. The location of all fire hydrants shall be coordinated with the Keizer Fire District and Marion County Fire District No. 1.

8. Applicant shall, to the extent not otherwise required or mentioned in conditions 1 through 7 above, comply with all development requirements and specifications in Section IV ("Roads, Streets, and Easements"), V ("Blocks and Lots"), and VI ("Sewage, Water, and Utilities") of the City's subdivision and partitioning ordinance.

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9. Applicant shall install frontage improvements, including curb, sidewalk, paving and drainage, along the portions of Wheatland Road and River Road that front the subject property. Applicant shall install full street improvements and other public services within the entire development, which improvements shall conform to the plans approved by the City of Keizer Department of Public Works. Applicant may, at its option, phase these improvements, except that the frontage improvements along Wheatland Road and River Road shall be completed prior to the occupancy of any one dwelling unit. Applicant shall obtain all necessary bonding or other financial security required by the City with respect to these improvements.

10. Applicant shall apply to the City of Keizer for the creation of a Local Improvement District for street lighting. All street lighting shall comply with City regulations and standards.

Prior to the issuance of any building permit, certificate of completion, occupancy permit, or any other necessary City permit, as the case may be for the particular development criterion, the following shall be complied with:

11. Because KZO §§ 23.10 (Single Family Residential) and 25.10 (Medium Density Residential) both mandate compliance with all pertinent standards and regulations in KZO Chapters 17 to 20, 23, and 25 as a condition of "approval," Applicant shall also comply with and fulfill all pertinent development criteria in KZO Chapters 17, 18, 19, 20, 23, and 25.

12. Applicant shall comply with all conditions of approval set forth in the ordinance granting the zone change for the subject property. (Ordinance No. 96-349).

4454COR.002

CITY COUNCIL MEETING: August 19, 1996

AGENDA ITEM NUMBER: 6a

TO: **MAYOR KOHO AND COUNCIL MEMBERS**

THROUGH: **DOTTY TRYK,**
CITY MANAGER

FROM: **JOHN A. LIEN, CITY ATTORNEY**

SUBJECT: **IMPROVEMENTS TO MCLEOD LANE NORTHEAST**

DATE: **August 15, 1996**

To facilitate the improvements to McLeod Lane Northeast, the City Engineer's office asked us to prepare a resolution of necessity for a small parcel adjoining McLeod Lane. Based upon their preliminary inquiries, it appears that condemnation of this piece may be required. The resolution on the agenda tonight is the first step in the condemnation process.

JAL/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R96-_____

DECLARING THE PUBLIC NECESSITY AND PURPOSE FOR ACQUIRING A PARCEL ADJOINING MCLEOD LANE NORTHEAST FOR STREET WIDENING

WHEREAS, under and by the virtue of the laws of the State of Oregon, the City of Keizer is duly authorized and empowered to purchase, acquire, enter upon and appropriate land and property for establishing, laying out, widening, enlarging or extending roads, streets or highways, and may purchase, acquire, enter upon and appropriate, in or in connection with establishing, laying out, widening, enlarging or extending roads, streets or highways, land and property immediately adjoining the proposed boundaries of such roads, streets or highways; and

WHEREAS, for the purpose of storm drainage and facilitating motor vehicle, bicycle and pedestrian access and use of McLeod Lane Northeast and for the health, safety, benefits to general welfare of the public, the City of Keizer plans to widen McLeod Lane Northeast to include a bike path, storm gutter, curb and sidewalk in the City of Keizer, Marion County, Oregon; NOW THEREFORE,

BE IT RESOLVED by City Council of the City of Keizer as follows:

1. The City of Keizer does hereby find and declare that there is needed and required for the establishing, laying out, widening, enlarging or extending the road, street or highway known as McLeod Lane Northeast, the real property and interest therein more particularly set forth and described in Exhibit "A", attached hereto and by this reference incorporated herein.

Lien & Johnson
Attorneys at Law
4855 River Road N.
Keizer, Oregon 97303
(503) 390-1635

2. The City of Keizer hereby finds that the appropriation of the land set forth and described in Exhibit "A", is reasonably necessary to protect the full use and enjoyment by the public of the road, street or highway, known as McLeod Lane Northeast, Keizer, Marion County, Oregon, by motor vehicles, bicycles and pedestrians. The proposed improvement of McLeod Lane Northeast is planned and located in a manner which will be most compatible with the greatest public good and the least private injury.

3. The City of Keizer through its attorneys and other authorized agents are hereby authorized to attempt to agree with the owner and other persons in interest in the real property described in Exhibit "A" as to the compensation to be paid for the appropriation of the described real property and the damages, if any, for the taking thereof.

PASSED this _____ day of _____, 1996.

SIGNED this _____ day of _____, 1996.

_____
Mayor

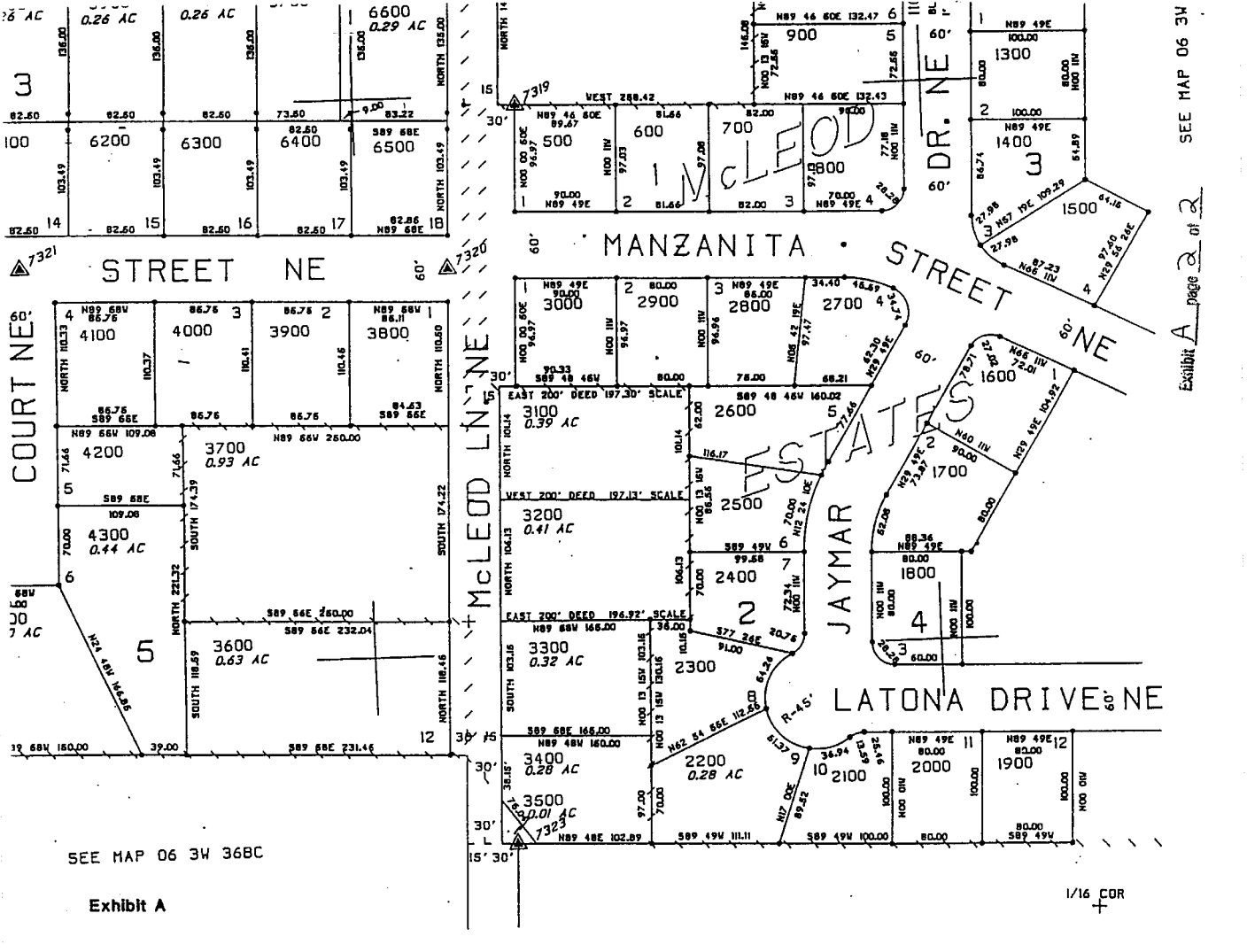
_____
City Recorder

824GCOK1.006

Lien & Johnson
Attorneys at Law
4855 River Road N.
Keizer, Oregon 97303
(503) 390-1635

EXHIBIT "A"

Beginning at a point 11.50 chains East and 18.095 chains South of the Northwest corner of the Silas G. Pugh Donation Land Claim in Section 36, in Township 6 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; thence South 39 degrees East 1.495 chains; thence West 0.941 chains; thence North 1.178 chains to the place of beginning.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McLEOD DR. NE
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Exhibit A
Exhibit A page 2 of 2
1/16 COR

CITY COUNCIL MEETING: August 19, 1996

AGENDA ITEM NUMBER: 7a

TO: **MAYOR KOHO AND CITY COUNCIL MEMBERS**

FROM: **DOTTY TRYK**
CITY MANAGER

SUBJECT: **COMPENSATION RESOLUTION**

BACKGROUND:

When the Council approved a 2.8% cost of living increase for all non represented employees you did this by adopting Resolution 96-111 setting the salaries. This is the format you have usually used to make pay changes. However, there is one mistake in the resolution you adopted. At a special council session January 3, 1996 the Council, by motion, granted the manager a 3% increase. Those minutes are attached. This was never included in the compensation resolution so my salary is not accurate on Resolution 96-111. It is less by 3%. The attached resolution amending Resolution 96-111 makes this correction. There are no other changes in the resolution.

RECOMMENDATION:.

It is recommended that you adopt the resolution.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R96- ___
AMENDING RESOLUTION R96 - 911

SETTING FORTH A CHANGE IN THE CLASSIFICATION AND COMPENSATION PLAN BY AMENDING CERTAIN UNREPRESENTED CLASSIFICATIONS AND A CHANGE IN COMPENSATION FOR ALL EMPLOYEES EFFECTIVE JULY 1, 1996.

The City Council of the City of Keizer does hereby resolve as follows:

SECTION 1. That Resolution R96-911 is hereby repealed in its entirety.

SECTION 2. Salary grades for certain management employees have been adjusted based upon a cost of living increase as recommended by the City Manager and approved by the City Council, and are hereby assigned to the following management classifications, effective July 1, 1996.

CLASS TITLE	BASE MONTHLY PAY RANGES					
	FLAT	1	2	3	4	5
City Manager	$5,587					
Chief of Police		$4,262	$4,475	$4,699	$4,934	$5,181
City Recorder		$2,475	$2,599	$2,729	$2,865	$3,008
Community Development Director		$4,212	$4,423	$4,644	$4,876	$5,120
Police Lieutenant		$3,686	$3,870	$4,064	$4,267	$4,480
Police Sergeant		$3,135	$3,292	$3,457	$3,630	$3,812
Public Works Director		$4,229	$4,440	$4,662	$4,895	$5,140

SECTION 3. The following salary grades have been adjusted based upon a cost of living increase as recommended by the City Manager and approved by the City Council, and are currently assigned to the following Public Works Department classifications:

CLASS TITLE	BASE MONTHLY PAY RANGES					
	FLAT	1	2	3	4	5
Municipal Utility Worker		$1,780	$1,869	$1,962	$2,060	$2,163
Waterworks Operator		$2,201	$2,311	$2,427	$2,548	$2,675
Waterworks Supervisor		$2,934	$3,081	$3,235	$3,397	$3,567
Water Production/Quality Technician		$2,934	$3,081	$3,235	$3,397	$3,567
Parks Superintendent/Cross Connection Supervisor		$2,934	$3,081	$3,235	$3,397	$3,567

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SECTION 4. The following salary grades have been adjusted based upon a contracted cost of living increase as recommended by the City Manager and approved by the City Council, and are hereby assigned to the following Police Department classifications:

CLASS TITLE	BASE MONTHLY PAY RANGES					
	FLAT	1	2	3	4	5
Police Officer		$2,446	$2,568	$2,696	$2,831	$2,973
Support Specialist		$1,811	$1,902	$1,997	$2,097	$2,202

SECTION 5. The following salary grades have been adjusted based upon a cost of living increase as recommended by the City Manager and approved by the City Council, and are currently assigned to the classifications of the following full-time, permanent classifications:

CLASS TITLE	BASE MONTHLY OR HOURLY PAY RANGES					
	FLAT	1	2	3	4	5
Administrative Assistant		$2,058	$2,161	$2,269	$2,382	$2,501
Associate Planner		$2,676	$2,810	$2,951	$3,099	$3,254
Clerical Specialist		$1,595	$1,675	$1,759	$1,847	$1,939
Community Services Officer		$1,811	$1,902	$1,997	$2,097	$2,202
Finance Officer		$3,332	$3,499	$3,674	$3,858	$4,051
Accountant		$2,464	$2,587	$2,716	$2,852	$2,995
Municipal Court Clerk		9.49	9.96	10.46	10.98	11.53
Utility Billing Clerk I		$1,595	$1,675	$1,759	$1,847	$1,939
Utility Billing Clerk II		$1,736	$1,823	$1,914	$2,010	$2,111
Water Office Supervisor		$2,396	$2,516	$2,642	$2,774	$2,913

SECTION 6. The following salary grades have been adjusted based upon a cost of living increase as recommended by the City Manager and approved by the City Council, and are hereby assigned to the following permanent, part-time classifications:

CLASS TITLE	BASE HOURLY PAY RANGES					
	FLAT	1	2	3	4	5
Accounting Clerk		9.20	9.66	10.14	10.65	11.18
Maintenance Worker		8.38	8.80	9.24	9.70	10.19
Recording Clerk		9.02	9.47	9.94	10.44	10.96

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SECTION 7. The following salary grades have been adjusted based upon a cost of living increase as recommended by the City Manager and approved by the City Council, and are currently assigned to the following seasonal classifications:

CLASS TITLE	BASE HOURLY PAY RANGES					
	FLAT	1	2	3	4	5
Street Sweeper	$8.38					

SECTION 8. A City employee who is determined to be fluent in a second language which is deemed to be of benefit to the City, shall receive a maximum incentive of $50.00 per month. Determination of whether the second language is of benefit to the City, will be at the discretion of the City Manager. Fluency will be determined by the City Manager, based upon a standard and testing program which the City will implement by policy with the assistance of high school and/or college faculty members and/or court-approved translators.

SECTION 9. Holiday schedules for all non-represented employees, except Sergeants, are as follows:

New Years Day	Labor Day	1- Personal Leave Day
Martin Luther King's Birthday	Veterans Day	1- Floating Holiday
Presidents Day	Thanksgiving Day	
Memorial Day	Christmas Day	
Independence Day		

SECTION 10. Sergeants shall be entitled to take twelve (12) paid floating holidays per fiscal year. A holiday shall accrue on the first of each month and be taken or paid as earned. Holiday time off shall be scheduled at the request of the employee who may accrue no more than four (4) holidays at any time and who shall make every effort to schedule all of the holidays off during that fiscal year. Should the employee be unable to obtain this schedule because of a request denial by the City, then the employee shall be allowed to accumulate additional holiday time and carry over to the next fiscal year, or be paid for the accrued holiday time at the City's option.

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SECTION 11. Vacation schedules for all full time non-represented employees are as follows:

REGULAR EMPLOYEES	DEPARTMENT HEADS
1-2 yrs. @ 6.7 hours	1-4 yrs. @ 10 hours
3-4 yrs. @ 8 hours	5-9 yrs. @ 12 hours
5-9 yrs. @ 10 hours	10-14 yrs. @ 13.33 hours
10-14 yrs. @ 12 hours	15 + yrs. @ 16.67 hours
15 + yrs. @ 16.67 hours	

Note: 6.7 hours = 10 days; 8 hours = 12 days; 10 hours = 15 days; 12 hours = 18 days; 13.33 hours = 20 days; 16.67 hours = 25 days. Half-time employees accrue vacation at one-half the above rate; three-quarter time employees accrue at three-quarter the above rate.

SECTION 12. Sick-leave shall accrue at the rate of 8 hours per month for full-time employees, and shall be prorated accordingly for part-time employees. Sick-leave may be accumulated to a maximum of 960 hours and carried over to the next year. Provided, however, that the employee in the classification of Public Works Director hired prior to June 30, 1985 who has excess of 960 hours of accumulated sick leave shall be entitled to carry up to 1460 hours. The 1460 hours shall be reduced based upon sick leave usage.

SECTION 13. Compassionate Leave: 5-days for each death in the immediate family.

SECTION 14. The City shall pay an incentive of $50.00 per month to a Sergeant holding an Associate of Arts Degree. The City shall pay $100.00 per month to a Sergeant holding a Bachelor of Arts or Bachelor of Science degree from an accredited college or university.

SECTION 15. Standby pay for Water Department is $100.00 per week for 24-hour standby.

SECTION 16. The City shall pay an incentive of:

$0.10 per hour for Waterworks Certification I;

$0.25 per hour for Waterworks Certification II;

$0.75 per hour for Waterworks Certification III;

$50.00 per month for an Intermediate BPSST Certificate;

$100.00 per month for an Advanced BPSST Certificate.

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SECTION 17. Mileage reimbursement for all employees is $.27 per mile.

SECTION 18. RETIREMENT PLAN:

Management employees: If eligible for PERS, employer contribution will based upon the actuarial report received from PERS but not more than 19% of gross salary. If eligible for deferred compensation (ICMA) employer contribution equaling 11% of base salary.

Non-management employees: If eligible for PERS, employer contribution will be based upon the actuarial report received from PERS. If eligible for deferred compensation (ICMA), employer contribution in an amount equaling 11% of base salary.

In addition, the City will match employee deferred compensation contributions up to 2% of salary for unrepresented employees.

Upon retirement, unrepresented employees may also apply 50% of unused sick leave toward retirement benefits.

SECTION 19. HEALTH AND WELFARE

Management benefit package: An amount equal to 32% over and above base monthly pay. For those eligible for deferred compensation, an amount equal to an additional 1% of base monthly pay toward deferred compensation.

PASSED this ____ day of _____, 1996.

SIGNED this ____ day of _____, 1996.

_____
Mayor

_____
City Recorder

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MINUTES
KEIZER CITY COUNCIL
SPECIAL SESSION
Wednesday, January 3, 1996
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the special session to order at 8:07 p.m.. Roll call was taken as follows:

Present:
Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Bob Newton, Councilor
Jerry Watson, Councilor

Staff:
Dotty Tryk, City Manager

ADMINISTRATIVE ACTION

Mayor Koho noted during the previously held executive session, pursuant to ORS 192.660(1)(i) to review and evaluate the job performance of the City Manager, the Council expressed their satisfaction with the performance of the City Manager since her last review.

Councilor Miller moved to grant the City Manager a three-percent merit increase effective January 1, 1996. Councilor McGee seconded the Motion.

The Motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Koho moved for the City Manager to be treated equally as other unrepresented city employees and receive similar cost of living increases as determined by the Council. Councilor McGee seconded the Motion.

The Motion passed unanimously as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

OTHER BUSINESS There was no other business to come before the Council.

WRITTEN COMMUNICATION There was no written communication to come before the Council.

ADJOURNMENT The meeting was adjourned at 8:15 p.m.

Tracy L. Davis
City Recorder

APPROVED:
MAYOR:

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Jerry Watson

Councilor #4 - Carl Beach

Councilor #2 - Bob Newton

Councilor #5 - Al Miller

Councilor # 3 - Jim Keller

Councilor # 6 - Jerry McGee

Minutes approved:

1-16-96

MINUTES
KEIZER CITY COUNCIL
Monday, July 15, 1996
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:06 p.m. Roll call was taken as follows:

Present:
Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Jerry Watson, Councilor (arrived at 7:28 p.m.)

Absent:
Bob Newton, Councilor

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

PUBLIC TESTIMONY

Randy Lawrence, 1280 Wallace Road, Keizer appeared before the Council to relay his and the neighbors concerns with a development at the end of Lawless Street. He believes this development is being built upon a wetland area. Mr. Lawrence noted the wetland area is being filled with petroleum products (asphalt). This is a major concern with the close proximity of Claggett Creek. Furthermore, he believes this development will affect the flooding of his neighborhood.

John Morgan, Community Development Director explained this is a five lot subdivision with four of the lots being on the eastern side of Claggett Creek on the ridge. He noted the developer has obtained the necessary permits and it is being monitored at this time. Mr. Morgan added he will examine the type of fill being used in this development.

Mayor Koho urged Mr. Lawrence to present his concerns to the Claggett Creek Task Force.

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

COMMITTEE REPORTS

Mayor Koho announced the Vietnam Veterans Moving Wall will be visiting the Salem-Keizer area on July 26 and 27th. He encouraged everyone to visit this replica in honor of those who lost their lives in the war.

PROCLAMATION - VIETNAM VETERANS DAY

Mayor Koho presented the proclamation to Darryl Smith and other representatives of the veterans.

Mr. Smith presented the Mayor with a book entitled "The Wall".

VOLUNTEER OF THE QUARTER AWARD

Charles Stull, Chief of Police announced Rosemary Emmerich has volunteered numerous hours to the Keizer Police Department over the last two years. Chief Stull thanked Ms. Emmerich for her contributions.

Mayor Koho presented Ms. Emmerich with a silver platter for her volunteer efforts.

KEIZER RESERVE OFFICER SWEARING IN CEREMONY

Chief Stull introduced Mark Banks as the newest Reserve Officer to the Keizer Police Department.

Shannon Johnson, City Attorney issued the oath of office to Reserve Officer Mark Banks.

CLAGGETT CREEK TASK FORCE REPORT

Mayor Koho noted Bob Vian, Chair of the Claggett Creek Task Force was not present at this time. The report will be delayed until a future meeting.

COUNCIL LIAISON REPORTS

Councilor Miller reported the **Parks Advisory Board** met on July 11, 1996. At this meeting, Kevin Wickman, Parks Director announced he has resigned to accept a new position with the Keizer Fire District. Councilor Miller also announced the agenda for the August meeting will include a presentation on the proposed Skate Board Park.

Councilor Watson was unavailable to report on the recent **Planning Commission** meeting.

There were no further liaison reports to come before the Council.

PUBLIC HEARINGS

Mayor Koho opened the public hearing.

J'S RESTAURANT LIQUOR LICENSE APPLICATION

Dotty Tryk, City Manager reported this is a new liquor license application for J's Restaurant. As required by the Ordinance notification has been sent to the surrounding property owners with one letter of opposition being received. The Keizer Police Department and Keizer Planning Department have also reviewed this application with no reason for denial being found. City Manager Tryk recommended the Council receive testimony and consider approval of this application.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Keller moved to recommend approval of the liquor license application for J's Restaurant and forward the recommendation to the Oregon Liquor Control Commission. Mayor Koho seconded the Motion.

Councilor McGee inquired of the large number of false alarms occurring at the restaurant. Mayor Koho noted a representative of the restaurant was not present at this time.

Responding to a question by Councilor Beach, City Manager Tryk stated she believed the restaurant will be expanding to become a dinner house.

The Motion passed as follows:

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

APPEAL OF ZONE CHANGE CASE NO. 96-02 (RICHARD BECK)

Mayor Koho opened the public hearing.

Shannon Johnson, City Attorney reviewed the applicable criteria and procedures for this hearing. There were no objections or conflicts of interest voiced at this time.

John Morgan, Community Development Director reported this is a requested zone change from Commercial Retail - Limited Use (CR-LU) to Commercial Retail (CR) on property located at 4710 River Road North. The limited use overlay zone was placed on the property in 1992 by the Council when considering development of a Pizza Hut Restaurant at the site. Since the restaurant did not materialize, the applicant, Richard

Beck has requested a zone change to develop a general purpose retail building. Mr. Beck has indicated the Dazy Maze consignment clothing store is a signed tenant for the building.

Mr. Morgan noted the hearings officer granted the zone change with conditions of approval. Three of these conditions are being appealed by Mr. Beck. These conditions include:

- The Hearings Officer did not remove the Limited Use Overlay designation, but instead limited the use to a retail clothing store.
- The Hearings Officer reimposed the condition to build a sound wall similar to the one built by Taco Bell.
- The Hearings Officer prohibited the development of a joint driveway with Taco Bell or any connection between the two properties.

Mr. Morgan pointed staff supports the applicant's appeal on the three conditions with specific suggestions to make the conditions more workable.

In reviewing each of the conditions, Mr. Morgan suggested the first condition to limit the development to a retail clothing store be modified to retain the limited use overlay to allow only permitted uses in the Commercial Retail (CR) zone with the following exceptions:

- food stores
- gasoline service stations
- eating and drinking places
- vehicle sales and secondary repair
- recreational vehicle parks
- miscellaneous amusement and recreation services
- automotive parking
- automotive dealers
- adult entertainment business
- liquor store

Mr. Morgan pointed out these uses would cause the greatest impacts to the neighborhood. However, in discussion with the applicant, Mr. Beck has requested food stores and eating and drinking establishments be allowed to provide maximum flexibility for his building. In compromise, Mr. Morgan suggested allowing food stores and eating and drinking places with limitations; no drive through windows allowed or the sale or serving of alcoholic products.

The next condition requires the construction of a sound wall along the eastern boundary of the property. Mr. Morgan believes this conditions should be eliminated due to the type of

use proposed. He noted the zoning ordinance requires a six-foot fence/wall/hedge along with a three-foot wide landscaping strip to separate commercial from retail uses.

The third condition deals with the access to the property. In reviewing the staff policy to minimize the number of driveways on River Road, Mr. Morgan indicated the design includes a joint driveway with Taco Bell as well as a connection between the properties for an exit on Linda Avenue. In recent discussions with the property owners, city staff and the applicant, a compromise was reached to make the driveway on River Road right in/right out only and the primary driveway be on Linda Avenue.

In conclusion, Mr. Morgan recommended the Council amend conditions one to change the uses allowed, amend condition seven to eliminate the requirement for a sound wall, condition eight be amended to the agreed upon access route and condition nine be dropped.

Responding to an inquiry by Councilor Miller, Mr. Morgan pointed out there is parking on the east and south side adjacent to the driveway with the building in the front. This complies with the draft development code encouraging retail buildings to be towards the front of the property. In addition, Mr. Morgan noted there is a utility vault located at the site of the proposed joint driveway.

Councilor Watson noted Linda and Maine Avenue are dead end streets with the only access onto a major street, River Road. He explained he is interested in the feasibility of exploring alternatives to providing access to these streets at the east end to Dearborne.

Providing testimony to the Council were:

Richard Beck, 4485 River Road S, Salem explained he is the applicant in this matter. Mr. Beck presented a blueprint showing the design and layout of his proposed development. The building is located on River Road and access was designed as required in the Taco Bell driveway permit. Mr. Beck agreed with the recommended driveway/access pattern as relayed by Mr. Morgan. He believed the access on Linda Avenue would not affect the neighborhood.

In reviewing the history of this case, Mr. Beck pointed out in 1992 he requested a zone change to allow the construction of a pizza hut restaurant. The zone change was granted with limitations. However, the pizza hut corporation backed out of

their plans and the parcel remained zoned Commercial Retail - Limited Use. Mr. Beck indicated he wishes to construct a retail development that will be an asset to the City. He noted the signed tenant, Dazy Maze is a 29 year old business with a good reputation in the community. However, he wishes to retain the flexibility in the other uses as well.

Furthermore, Mr. Beck noted the property adjacent to his is also zoned Commercial Retail - Limited Use. The property owners of this parcel have requested that a sound wall not be constructed between the parcels to allow future commercial development. They have only requested a privacy fence be installed until that time. Mr. Beck submitted a packet of information containing a letter from the adjacent property owners supporting his endeavors as well as other business and property owners in the City.

In reviewing the zoning ordinance and the limited overlay use definitions, Mr. Beck believed the layout of his plan will not allow many of the uses. He noted the intent of the limited use overlay zone is to maximize the number of acceptable used so the use of the property is not unnecessarily limited. Mr. Beck concluded this commercial development meets the guidelines as outlined in the zoning ordinance.

Responding to an inquiry from Councilor Miller, Mr. Morgan stated he is hesitate to create a list of exempted uses that have the greatest impact. It would be difficult to evaluate the uses without specific criteria. City Attorney Johnson noted the Council is limited to laying out specific uses, however the uses can be limited by defining specific exclusions, such as eating and drinking places without a drive up window.

Mr. Beck noted he does not object to limiting the food store and eating and drinking uses as stated by Mr. Morgan.

Councilor Miller indicated he is concerned with allowing flexibility for Mr. Beck while controlling the impact on the neighborhood regarding traffic and noise.

In response to a question from Councilor Miller, Mr. Beck indicated he would not be opposed to limiting the exit on Linda Avenue to a left turn only.

Under the noted exceptions listed in the staff report, Mr. Beck stated he only wished to modify the food store and eating and drinking establishments exemptions. He specified the food store should be modified to convenience store and the eating and drinking establishments modified to fast food restaurants.

James Cassidy, 733 Linda Avenue NE, Keizer stated he did not wish to provide testimony at this time.

Jeffrey King, 7365 Park Place Drive, Keizer noted he drives River Road several times per day and believes this development would be an asset to the City. He understands the zoning limitations, however he believes the applicant and the city can reach a compromise on this issue.

Ruth Jacobs, 1349 Hidden Creek Drive NE, Keizer indicated she is the owner of the Dazy Maze consignment shop and supports the applicant in his request for the zone change. She believes the traffic from her store will not cause a significant impact on the neighborhood.

Gary Ryder, 663 Linda Avenue, Keizer believes Mr. Beck's plan is viable and will not have a negative effect on the neighborhood. However, Mr. Ryder noted there are some concerns with the allowable uses especially the eating and drinking establishments. If this is allowed, it will eliminate all of the original effort done in 1992. Mr. Ryder pointed out the mandatory construction of the sound wall was out of concern to protect the quality of life in the neighborhood.

Mr. Ryder agreed with Councilor Miller in not altering the list of exceptions for allowable uses. He believes this would be the position of all the residents along Linda Avenue.

Bev Ryder, 663 Linda Avenue, Keizer stated she supports the testimony of Gary Ryder.

In closing, **Mr. Beck** urged the Council to support his development and grant the requested zone change. He believes this development would be an benefit to the community.

There was no further testimony to come before the Council.

Responding to a question from Councilor Miller, Mr. Morgan noted if the list of exceptions is not altered, Mr. Beck would have to file for another zone change. He further noted the food store exception has a broad list of types including health food or pet food. Therefore, if food stores are allowed this could result in a convenience store unless the Council places some restriction on the food store. Mr. Morgan suggested allowing food store but prohibiting the sale of alcohol.

Mayor Koho agreed there could be exclusions for no liquor license or drive through windows allowed on the parcel.

Councilor Beach believes the applicant should be given as much flexibility in developing this parcel. He concurred with the Mayor in placing the restrictions on alcohol and drive-through windows.

Councilor Beach moved to direct staff to come back with an Order for consideration on August 5, 1996 as outlined in the staff report with the exception of removing the prohibitions against food stores and eating and drinking places and instead adding a prohibition against liquor license and drive through windows. This includes the revised driveway plan as agreed upon by staff and the applicant. Mayor Koho seconded the Motion.

Councilor Watson voiced his concern with the adjoining parcel of property which was involved in the 1992 zone change that is not part of this hearing.

Councilor McGee questioned the fee paid by the applicant to appeal the hearings officers order, especially when staff supports the appeal. Mr. Morgan responded the fee of $100 will be returned.

Councilor Miller noted he is concerned with the future development of the property if it is sold to another party. He supported keeping the prohibitions for eating and drinking places and food stores.

Councilor Miller moved to amend the Motion to include on the list of exclusions food stores and eating and drinking places. Councilor McGee seconded the Motion.

The amendment to the Motion failed as follows:

AYES: McGee, Miller and Watson (3)
NAYS: Beach, Keller and Koho (3)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

The main Motion passed as follows:

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

Mayor Koho recessed the public hearing until August 5, 1996 at 7:00 p.m.

CHEMAWA ACTIVITY CENTER PLAN

Mayor Koho reopened the hearing continued from June 17, 1996.

Councilor Keller reiterated his role as Chamber of Commerce President and his residence in the Gubser Neighborhood Association should not be reviewed as a conflict of interest in this matter. He has removed himself from all discussion on this issue in both of those capacities.

John Morgan, Community Development Director directed the Council's attention to the staff report which outlines and summarizes the issues on the plan. He pointed out staff is recommending the Council endorse the Planning Commission's proposal for fifteen acres of retail north of Lockhaven. He centered his staff report on the public benefit this plan will provide during the next twenty years.

In summarizing the public benefit for transportation, Mr. Morgan indicated a thirty acre retail development will generate more traffic all day long raising the overall traffic flow on Lockhaven and other streets. Reducing the commercial acreage by fifteen acres will temper the day long traffic volumes but will create higher peak volumes. However, Mr. Morgan noted there are Transportation Demand Management (TDM) strategies to deal with these impacts. The infrastructure financing may be easier to finance with a larger retail development due to the higher land sale values, however the City may not need to play any role in this either way. Mr. Morgan further pointed out by expanding the Industrial Business Park (IBP) area by fifteen acres may result in a greater number of higher paying jobs which in turn will support families and households in Keizer.

Mr. Morgan indicated the abundant amount of money being spent on the River Road and Cherry Avenue corridors would be threatened by allowing the additional retail land at the interchange. It could take away from the vitality of the business community along River Road. In reviewing the testimony during these hearings, Mr. Morgan indicated by allowing thirty acres of retail, there may be a benefit if the infrastructure can be privately financed and developed. However, there are no assurances this would occur.

Mr. Morgan mentioned there has been some discussion on reducing the number of retail acreage to twelve, which would

not include the hotel. This may be the threshold between creating a regional draw which may compete with the River Road corridor. Mr. Morgan recommended the Council allow testimony and direct staff to prepare the necessary documentation for the September 3, 1996 meeting.

Responding to an inquiry by Councilor Beach, Mr. Morgan noted a multi-screen theater complex would be allowed in the commercial area. However, the recommended 150-unit hotel could be built in the IBP zone instead of the commercial area.

Presenting testimony to the Council were:

Rodney Stubbs, Eldred Realty, 3460 Dogwood Lane South, Salem recounted he has been working with the NW Chemawa Property Owners Association on this issue. He distributed a master plan prepared by his company PlanTek for developing the Radiant Drive neighborhood. Mr. Stubbs explained his definition of acreage is *net developable property; property that is not encumbered with an easement or right of way*. In reviewing the plan, Mr. Stubbs pointed out the features of this plan include a simple street layout, reduction of the commercial zoned land to less than fifteen acres, included the motel/hotel complex in the IBP zone, eliminate the requirement to build a 150-room convention hotel in the commercial area, and restrict the ground floor building foot print to 50,000 square feet or less.

Mr. Stubbs indicated the advantage of the plan is the efficient and effective use of land within the urban growth boundary. This land is restricted by 24.5 percent due to quasi-public ownership and the power line easements and the reduction by the existing and proposed dedicated streets. This plan increased the net developable land to 112.2 acres. Furthermore, Mr. Stubbs noted this plan reduces the total project costs from 10.3 million to 6.6 million. In turn this reduces the long term maintenance cost to the City by 49.4 percent.

The benefits to the plan include a sixteen year restriction on the development of this area is lifted, the traffic generation can be investigated on a case by case basis, the employment base for Keizer will be increased and diversified, property values will be increased which should result in lower residential real estate taxes and the residential neighborhoods located west of the area will be buffered by approximately 350 feet of setback. Mr. Stubbs noted the light, glare, noise, odor and other environmental issues and impacts are addressed in the Keizer Development Code.

The plan also includes a master plan analysis which shows the differences between the FFA/Planning Commission recommendation and this plan. Mr. Stubbs pointed out his plan decreases the number of existing and proposed dedicated streets.

Councilor Keller confirmed the PlanTek plan requests 13.99 net developable land in the commercial zone.

Responding to a concern from Councilor McGee, Mr. Morgan pointed out there are four proposals at this time; the red draft plan notes thirty acres of gross acreage for retail, the FFA proposal involves gross acreage with a substantial amount of land involved with street dedication and right of way. However, the Planning Commission's recommendation is fifteen gross acres of commercial without the street pattern as recommended by the FFA proposal. Finally, there is the PlanTek proposal of 13.99 net acres, which is closest to the Planning Commission recommendation. The difference between the Planning Commission proposal and the PlanTek proposal is the inclusion of the 150 hotel rooms in the commercial area.

Mr. Morgan mentioned the transportation recommendations are based upon gross acreage - thirty acres of retail and the balance IBP. However, they are very comparable with those presented by Mr. Stubbs.

Councilor Beach expressed his appreciation for the report prepared by Mr. Stubbs. He believes their is room for compromise in both the recommendation by the Planning Commission and the property owners.

Councilor Watson voiced his concern with the difference in the definitions and numbers being discussed.

Mr. Stubbs estimated 13.99 net acres of retail will be sufficient if the hotel is built within the IBP zone.

Dorothy Cofield, 12725 SW 66th Avenue, Portland explained she is the attorney representing the Chemawa NW Property Owners Association. In referring to the comments made by Councilor Watson, she noted the PlanTek report shows 136,750 square feet of gross useable floor area without any acreage set aside for a convention/hotel site. The FFA/Planning Commission recommendation shows 77,710 square feet of gross useable floor area with 4.14 acres of convention/hotel area. Clearly the PlanTek report shows more retail area, however this is a reduction from previous requests.

Councilor Miller explained the Planning Commission recommendation is for fifteen acres gross of commercial which includes approximately five acres for a hotel. The Chamber of Commerce has recommended ten acres gross commercial retail and five acres for the hotel. The compromise in the staff report suggests twelve acres commercial with the hotel being built in the IBP zone.

Mr. Stubbs noted he is comfortable with a fourteen acre net useable area. However, he would accept a twelve acre compromise if the IBP zone remains as written. Mr. Stubbs finished reviewing cost assumptions and feasibility analysis in the plan. In the last page of the report, Mr. Stubbs explained this is a potential site plan for a silicon plant and requested input on a development of this type from the Gubser Neighborhood Association.

Responding to an inquiry from Councilor McGee, Mr. Stubbs believed the street layout of the FFA plan is close to what it should be.

Ms. Cofield submitted a memorandum to the Council outlining the NW Property Owners Associations opposition to the Planning Commission recommendations. In reviewing portions of the memorandum, Ms. Cofield explained the traffic study is not accurate and does not reflect the impact which will be generated by a retail development. She requested the City prepare an accurate traffic analysis. Ms. Cofield also noted the legality of amending the Comprehensive Plan to delete commercial inventory is an issue also.

Further referring to the memorandum, Ms. Cofield noted it not a statewide goal or policy to protect the River Road businesses from this commercial impact. In addition, there is an issue with the economic impact analysis which was included in a previous staff report. In conclusion, Ms. Cofield urged the Council to adopt the PlanTek master plan and design and continue this hearing until September 3, 1996 for any additional comments.

Responding to a question from Councilor Keller, Ms. Cofield explained the traffic analysis that has been completed is sufficient at this time. However, she requested in the final ordinance, language be included to allow mitigation of traffic issues if the impact is greater. Furthermore, this mitigation will determine if the new development is responsible for the increased traffic and possibly identify a corrective program. Ms. Cofield reiterated there will be no objection to limiting development because of traffic control as long as the state guidelines are followed.

Referring to the recommendation of the Planning Commission, Mr. Morgan explained as the developer prepares the master planning, it shall be designed so the level of service "d" is not exceeded for twenty-four hour period except for level of service "e" for a twenty minute period during the PM peak hour. If this is exceeded, the developer will be required to submit a TDM strategy which alleviates the problem.

Ms. Cofield offered her assistance in developing the language on the transportation issues.

Stan Compton, 1927 Modoc Drive NE, Keizer announced he is the chair of the River Road Redevelopment Board. At the last meeting the Board endorsed the Planning Commission and Chamber of Commerce recommendation for limiting the retail amount of land to fifteen acres in the Chemawa Activity Center. Mr. Compton indicated the urban renewal agency will spend approximately 12 to 13 million dollars to improve River Road and Cherry Avenue to create depth and a concept of a down town area. If increased retail space is allowed at the Chemawa Activity Center it may detract from the "down town" area and jeopardize the substantial investment by the City.

Mr. Compton pointed out retail employment provides less wages than manufacturing or office jobs. Therefore, increased wages will allow the residents to purchase homes and services within the City.

In conclusion, as chair of the River Road Redevelopment Board, Mr. Compton urged the Council to limit the retail acreage to fifteen acres in the Chemawa Activity Center as outlined by the Planning Commission. He pointed out this is one of the largest decisions ever faced by this City and hoped it would be made in the best interest of the citizens.

Responding to a question from Councilor Miller, Mr. Compton noted the fifteen acre recommendation included the construction of a hotel/motel complex. He further indicated a limit of twelve acres excluding the hotel has not been approved by the Board, however he believes this may be acceptable.

John Preston, 3500 River Road N, Keizer explained he is a member of the Chamber of Commerce Board and the Governmental Affairs Committee. He relayed partial results of a survey being conducted by the Chamber of Commerce.

Of the 400 residents surveyed, the results were as follows:

- 41.6% felt good about the quality of life in Keizer;
- 46.7% believed Keizer's elected officials are looking out for the best interest of Keizer;
- 79.5% agreed the City of Keizer should play a strong role in local economic development;
- 90.5% thought there should be good paying jobs for the people who live and work in Keizer;
- 45.% disagreed the City of Keizer should promote commercial development at the Chemawa Interchange;
- 58.7% agreed having manufacturing business locate in Keizer would benefit the community;
- 58.0% supported the development of a downtown Keizer;
- 45% would oppose a bond measure to fund economic development in Keizer;
- 52.2% would oppose a bond measure that would pay for street, water and sewer in order to attract business to Keizer.

Responding to a question from Councilor Miller, Mr. Preston believed the Chamber of Commerce Board may support a total of twelve acres excluding the hotel.

Manny Martinez, 1747 Meadowlark Drive NE, Keizer believed the Council had four options to consider on this issue.

1. The Council can approve the plan as recommended by the Planning Commission. This is a compromise that provides a solution to move forward with the project.
2. The Council has the authority and the power to reject the plan and send it back to the Planning Commission.
3. The Council can decide to kill the whole plan and not approve any development.
4. The Council can develop other alternatives.

In explaining his final point, Mr. Martinez believed the fifteen acres is not an exact amount necessary only a compromise to bring the Commission to an agreement. He suggested forming a task force to study the other possible alternatives for this area to determine if the fifteen or a higher number would be appropriate. Mr. Martinez pointed out there is not an analysis that supports the fifteen acre recommendation. He added this amount could also harm the development on River Road and Cherry Avenue.

Mr. Martinez believed this project has been pushed through too rapidly and there is a lack of input and review. He noted this is a very important area as the gateway to Keizer.

Mayor Koho objected to Mr. Martinez comments this has pushed through too rapidly. He indicated this plan has been discussed way to long and it is time for the Council to make a decision.

Mary Blohn, 1337 Meadowlark Drive NE, Keizer believed a longer time frame is needed to research development for the Chemawa interchange. She suggested a citizen committee be formed to investigate possible businesses desirable for the area. Furthermore, assistance from the State Economic Development Board could be used. Ms. Blohn believed the investment in the River Road area will be beneficial to Keizer over the years. She urged the Council not to proceed with a plan that will harm the beauty of that area.

Malcomb Blohn, 1337 Meadowlark Drive NE, Keizer noted he supported the testimony of his wife, Mary Blohn.

Mary Hupy, 5099 River Road N, Keizer stated as owner of a Keizer business and a member of the Chamber of Commerce board she fully supported the recommendation made by the board to limit the retail to fifteen acres including a hotel. Ms. Hupy urged the Council in making their decision to keep in mind the interest of the 27,000 residents of the City.

Jan Moch, 733 Maine Avenue, Keizer noted as a employee of Whiteaker Middle School and a parent of a student she is concerned with the potential traffic impacts this development will cause on Lockhaven Drive. She believes any substantial retail development will cause negative traffic impacts on Whiteaker and the Lockhaven residents.

Ms. Moch confirmed Whiteaker is the largest among middle schools in the state with an approximate enrollment of 1236 students. Traffic safety is a major interest and any potential development will only further expand these concerns. Ms. Moch further explained an additional middle school will not be considered for the Keizer area until after the year 2000.

Responding to a question from Councilor McGee, Ms. Moch noted the school board is aware of these safety issues as a result of the increased student enrollment. However, traffic issues from potential development should not be ignored.

Elaine Smith, 2157 Waltman Court NE, Keizer believed the plan presented by PlanTek is drastically different from the recommendation of the Planning Commission. In reviewing the plan, Ms. Smith estimated the total amount of retail land to be 20.82 net acres or almost 25 gross acres. This is a large

difference between the fifteen acres recommended by the Commission. Furthermore, the PlanTek plan recommends 136,750 square feet of commercial area, which is double the recommendation by the Commission. Ms. Smith pointed out the Planning Commission was very concerned with development potentials of this size whicht would directly compete with the uses along River Road. Ms. Smith indicated the report assumes the property owners will be responsible for all improvements in the area. She noted this is not the case as outlined by the staff.

Ms. Smith explained the Planning Commission did not intend to create a moratorium, only to propose doing a traffic impact analysis targeting mitigation as the key. Using TDM strategies will help reduce traffic in this area and it should be considered as an alternative.

In conclusion, Ms. Smith pointed out most of the recommendations voiced by various community organizations and individuals have recommended fifteen acres of retail space as a compromise. She urged the Council to listen to these recommendations.

Councilor Watson thanked Ms. Smith for her continued comments and input on this issue.

Dale Nason, 2200 Chemawa Road N, Keizer reiterated his previous request to remove area "c" from the Chemawa Activity Center plan. He believes the most compelling reason to do this is due to the focus on the commercial and industrial development on the north side of Lockhaven Drive. Mr. Nason noted several zoning alternatives have been discussed for this area with the present recommendation being a combination of single and multi-family residential. He is unsure how this fits into the full activity center plan. Mr. Nason believes the areas south of Lockhaven has different economic concerns than those north.

Councilor McGee indicated the needs of this area are uniquely different than those of the other areas. He believes this area warrants special discussion and attention.

Emil Valich, 6625 Radiant Drive N, Keizer believed the Council should not allow the same type of businesses as presently located on River Road in the Chemawa Activity Center area.

Mayor Koho pointed out once the area is zoned commercial retail, the City lacks control of the type of businesses which are located in this area.

Bill Wolf, 4055 Gary Street N, Keizer stated as a member of the Planning Commission he wished to comment on the PlanTek plan. The testimony of Ms. Smith covered some of his concerns with the difference between the recommended retail space. Mr. Wolf pointed out the plan presented by FFA was not the recommendation of the Planning Commission and should not be confused. Mr. Wolf believes twelve acres of retail area without the hotel would be workable.

Mr. Wolf also indicated the PlanTek plan differs in the recommended square feet of the ground floor building in the commercial zone. There is a difference in the footprint term.

Mr. Morgan explained in the Planning Commission recommended no single use greater than 50,000 square feet in the commercial retail area which impacts office as well as retail. The PlanTek document suggests a building with a foot print of 50,000 square feet. This would allow a multi-story retail building.

Mr. Wolf agreed the TDM strategy could be used in the review process and not intended to halt development. He further noted that it would not be appropriate to replace the Planning Commissions document with this plan or incorporate the language at this stage of the process.

In conclusion, Mr. Wolf noted area "c" has not been discussed recently, however he feels the recommendations for this area are positive.

Jeanne Johnson, 1285 Centennial Court SE, Salem explained she is the daughter of Mildred Hayes who resides on Radiant Drive in the Chemawa Activity Center area. Ms. Johnson voiced her frustrations with the amount of time it has taken to reach a conclusion on this issue. She urged the Council to move forward.

Ms. Johnson indicated the residents of the area were under the assumption the FFA plan was the recommendation of the Planning Commission and therefore responded accordingly.

Mayor Koho noted the FFA plan was not the recommendation forwarded to the Council by the Planning Commission.

Ms. Johnson stated the residents were unaware of a meeting held by the Planning Commission in which a recommendation was voted upon. Therefore, this was the only plan responded to by the residents.

There was no further testimony to come before the Council.

Councilor Miller suggested the Council reach consensus on certain areas and then request staff to prepare the appropriate documents for review. Responding to an issue raised during the testimony by Mr. Martinez, Councilor Miller indicated developers will not spend a substantial amount of money to acquire the property if the net return is not realistic. Therefore, he does not feel the need to create a task force to study the alternatives.

Councilor Miller proposed recommending twelve gross acres of retail area excluding the hotel. He further requested a recommendation from the staff regarding the footprint for a building which is distinguishes between office and retail. Councilor Miller believed an agreement on the acreage amount will assist in coming to a final conclusion on this plan.

Responding to a question from Councilor McGee, Mr. Morgan pointed out a developer who needs additional retail land could request a Comprehensive Plan amendment and zone change.

Councilor McGee voiced his concern that setting a precise amount of land may be detrimental to the plan. He further indicated the public benefit of this development should be for the entire community not just a portion. Councilor McGee noted as a compromise he could support Councilor Miller's recommendation.

Councilor Watson pointed out the Council has concurred with several elements of the plan. He believed there is an agreement that some kind of development will occur at the Chemawa interchange area, with quality as an important issue. He also noted it is time to make a decision after the amount of time this plan has been discussed.

Councilor Watson further explained the Council has an obligation to the general public, property owners and citizens to protect all of their rights. In addition, the traffic issues are of great importance and he believes the projected long term impacts are underestimated.

Councilor Watson added he would support the staff recommendation with minor changes. Using gross acres, he

suggested limiting the retail space to fifteen acres. However, at the discretion of the developer, the hotel could be removed from this area and the commercial area be reduced to ten acres. Furthermore, he does not feel comfortable with the footprint number as recommended. Councilor Watson felt these changes are conservative while allowing flexibility to the developer.

Councilor Keller indicated he has tried to keep a historical perspective throughout all of the discussions on this plan. He noted the Urban Renewal Agency will be investing 13 million dollars to improve River Road and Cherry Avenue during the next few years. This is an important investment in the community and hopes any activity at the Chemawa interchange will not be a deterrent. In reviewing several past documents, Councilor Keller pointed out the number of references made to avoid developments similar to those along River Road. These are pointed out in the lessons learned by other various communities which destroyed their downtown areas. Councilor Keller supported the recommendation of allowing fifteen acres of retail which includes the hotel complex.

Mayor Koho explained as a residential community, careful consideration in adopting this plan is essential. He hoped the Council would not be remembered for any negative impact this development may cause, such as traffic impacts, retail closures, or impairment of the downtown area. Therefore, he does not support intensive development. Mayor Koho pointed out the testimony of the Chamber of Commerce, Planning Commission and other various groups who agreed with the limited number or retail acres at the activity center is very important to the decision being faced by the Council. He suggested limiting the number of retail acres to twelve, excluding the hotel complex. Furthermore, Mayor Koho urged the Council to consider traffic management with the utmost of care.

Councilor Beach noted it is very important to clarify the amount of acreage as net or gross so there is no misunderstanding. He indicated he is not as concerned with the number of acres allowed as he is the potential development possibilities. Councilor Beach stated his overall intent is not to harm the investments made on River Road, Cherry Avenue or Lockhaven Drive. Furthermore, the traffic impacts will also be of great importance.

Councilor Miller reiterated his suggestion for allowing twelve acres of retail is a gross figure rather than net. He confirmed his desire to remove the hotel from the retail area. This will not

allow any flexibility when determining the actual amount retail space used for the hotel complex.

Councilor McGee concurred gross acreage is the appropriate way to discuss the allowable retail area.

Councilor Watson commented the net figures contained in the PlanTek proposal is almost thirty gross acres as indicated in the original Chemawa Activity Center plan. By using the gross acreage and allowing fifteen acres, including the hotel this will give the developer the needed flexibility to maximize the development. In conclusion, he added he would be unable to support the suggested twelve acres excluding the hotel complex.

Responding to an inquiry from Councilor Keller regarding the potential impact between ten and twelve acres excluding the hotel, Mr. Morgan stated it would increase retail development by approximately 20,000 square feet.

Mayor Koho moved to direct staff to prepare the necessary amendments to the Chemawa Activity Center Plan - Part II, the necessary ordinances and findings amending the Comprehensive Plan and the IBP zone which would permit the hotel/motel in it and then adopt the Planning Commission and staff report which would include eleven (11) acres of gross commercial retail excluding the hotel/motel and close the public hearing with the record being left open until the September 16, 1996 Council meeting. Councilor McGee seconded the Motion.

Mayor Koho requested the documents prepared by staff be distributed at least ten days prior to the Council meeting to allow written comment. He indicated it may be necessary to reopen the hearing at that time.

Councilor McGee voiced his support for the motion noting the acreage amount could be considered an artificial number at this time.

Councilor Watson indicated he could also support the motion, however he requested the language in the IBP zone require the hotel complex.

Mr. Morgan reported the Planning Commission recommendation requires a hotel/motel complex. This is included as part of the motion when adopting the Planning Commission recommendation.

Councilor Beach suggested Mr. Stubbs prepare a cost analysis of the proposed eleven gross acre possibility.

Councilor Miller voiced his frustration with the proposed eleven acres rather than twelve and the possible detriment to any potential development.

The Motion passed as follows:

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

TECUMSEH ESTATES STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

Mayor Koho opened the Public Hearing.

Dotty Tryk, City Manager reported the developer of the Tecumseh Estates subdivision filed a petition to form a street lighting district. The Council initiated the district on May 6, 1996 and adopted the engineer's report on June 3, 1996. Notice has been provided to the interested parties. City Manager Tryk reported there were no remonstrances received.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Mayor Koho moved a Resolution forming the Tecumseh Estate Street Lighting Local Improvement District. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

Mayor Koho moved an Ordinance spreading assessments to the Tecumseh Estates Street Lighting Local Improvement District. Councilor Watson seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

JACOBE ESTATES STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

Mayor Koho opened the Public Hearing.

Dotty Tryk, City Manager reported the developer of Jacobe Estates subdivision filed a petition to form a street lighting district. The Council initiated the district on May 6, 1996 and adopted the engineer's report on June 3, 1996. Notice has been provided to the interested parties. City Manager Tryk reported there were no remonstrances received.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Mayor Koho moved a Resolution forming Jacobe Estate Street Lighting Local Improvement District. Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

Mayor Koho moved an Ordinance spreading assessments to Jacobe Estates Street Lighting Local Improvement District. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

RESOLUTION - AMENDING R96-908 - LEVYING TAXES

City Manager Tryk reported a one dollar rounding error was found on Resolution 96-908 levying taxes for the 1997 fiscal year. She requested the resolution be amended showing the tax base as $756,562 rather than $756,563.

Mayor Koho moved a Resolution Levying Taxes for the FY 97 Adopted Budget and Amending R96-908. Councilor Watson seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Watson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

CONSENT CALENDAR

The consent calendar consisted of the following:

a. Approval of June 17, 1996 Regular Session Minutes

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

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, and Watson (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Newton (1)

OTHER BUSINESS

**Mayor Koho announced Lem Wade has been appointed to serve on the Regional Economic Development Commission. This replaces former member Michael Muniz.

**Reponding to an inquiry from Councilor Keller, Mr. Morgan reported the Claggett Creek Cemetery issue will be discussed at an upcoming Council meeting. Staff is awaiting correspondence from the property owners.

**Councilor Watson reminded the Council to decide on their appointments to the Library Task Force. His appointment will be Stan Compton.

**Councilor McGee inquired of the requirement of any potential developer in the Chemawa Activity Center area to purchase municipal water.

Wally Mull, Public Works Director reported there are rules and regulations which will require them to hook up to our water system. He will provide a copy of this for Councilor McGee to review.

**City Manager Tryk announced she will be out of the office during the first part of next week.

There was no further other business to come before the Council.

WRITTEN COMMUNICATION There was no written communication to come before the Council.

AGENDA INPUT Mayor Koho noted the agenda input items.

ADJOURNMENT The meeting was adjourned at 12:09 a.m.

Tracy L. Davis
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Jerry Watson

Councilor #4 - Carl Beach

(absent)
Councilor #2 - Bob Newton

Councilor #5 - Al Miller

Councilor # 3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

MINUTES
KEIZER CITY COUNCIL
Monday August 5, 1996
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:07 p.m. Roll Call was taken as follows:

Present:
Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Bob Newton, Councilor
Jerry Watson, Councilor

Staff:
Dotty Tryk, City Manager
John Morgan, Community Development Director
Charles R. Stull, Chief of Police
Kim Krause, Finance Officer
Shannon Johnson, City Attorney
Nona Oxe', Recording Secretary

PUBLIC TESTIMONY

Leon Croteau, 7575 Hunsaker Road SE, Turner, presented testimony to support his request that Council move forward the hearing to consider "Rescinding of Claggett Creek Cemetery Comp Plan/Zone Change/Conditional Use."

Mr. Croteau stated that after Council considered the issue on June 17, and continued the public hearing to October 21, he talked with George Lyman, with the Keizer Funeral Home, and representatives of The Ridge Homeowners Association. At the June 17 hearing, both parties had expressed concerns about the property being developed for residential uses rather than expansion of the cemetery. Mr. Croteau noted that both parties have now withdrawn their objections. He requested that Council move the hearing forward to the earliest possible date.

Mayor Koho asked Community Development Director Morgan if technically it was possible to move forward the date.

Mr. Morgan noted that a couple weeks ago Council was given a copy of a letter from Mr. Lyman withdrawing his objections. Mr. Morgan had also seen documents negotiated between The Ridge Homeowners Association and the buyer of Mr. Croteau's property, indicating that they were very close to agreement. In that the original application for cemetery expansion was no longer an option, Mr. Morgan could see no reason to hold off the hearing until October 21. If so directed by Council, staff would reschedule the hearing for the earliest possible date that would allow proper noticing.

Mr. Morgan confirmed for Councilor McGee that because the hearing was continued by Council motion, it would be necessary for Council to pass a new motion to reschedule the hearing.

Councilor Beach moved to reschedule the public hearing to the earliest possible date. Mayor Koho seconded the motion.

Mayor Koho asked for and received confirmation that notice of the hearing would go to all who were previously noticed.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

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

COMMITTEE REPORTS

There was no report on the **Traffic Safety Commission.**

COUNCIL LIAISON REPORTS

Councilor Beach reported on the **River Road Redevelopment Board** meeting of July 31, 1996. He noted that Keizer Fire Marshal Joel Stein appeared and presented

information on fire hydrant locations in connection with a discussion of the River Road Design Plan. Also appearing at the meeting was Chris Freshley, the Inland Shores landscape architect. Mr. Freshley presented a proposal for a gateway at the corner of Lockhaven and River Road. Councilor Beach also reported on announcements made by Mr. Morgan at the R3B meeting regarding a proposed bus pullout/transit shelter north of Iris Lane, sign code compliance, and a proposal for a development project at the Chemawa Interchange. Councilor Beach noted that the meeting concluded with Consultant John Spencer presenting the updated Cherry Avenue Design Plan.

After Councilor Beach's report, Community Development Director Morgan responded to questions about the Cherry Avenue Design Plan. He invited Council members to attend a public meeting on August 14 at 6:00 p.m. in the middle of Cade Street to talk about options for Cade Street. Mr. Morgan also responded to questions about a proposed bus pullout, and sign code compliance.

Mayor Koho gave a brief report on **the Oregon Mayor's Association Conference.** He named ballot measures that were endorsed by the Association, and ones that were opposed, and pointed out the potential impacts of the legislation on local governments. He noted that the group also voted unanimously to support a resolution brought forward by the Mid-Valley Mayors' Coalition asking that the State Parks Department work closely with local governments and others to come up with a solution other than closing the parks.

Councilor Newton presented a check for $266 to the DARE Program, representing contributions from the **Iris Festival** fun runs. He also presented Police Chief Stull with six T-shirts left over from the festival, to be distributed as part of the Police Department's program to recognize children demonstrating good behavior.

PUBLIC HEARINGS

Mayor Koho reopened the public hearing.

ORDINANCE - APPEAL OF ZONE CHANGE CASE NO. 96-02 (BECK) CONT. FROM 7-15-96

City Attorney Johnson recalled that at the July 15 Council meeting a public hearing was held on Zone Change Case 96-02 for property at Linda Avenue and River Road owned by Richard Beck. He noted that Council continued the public hearing to tonight's meeting and directed legal staff to

prepare an appropriate ordinance granting the requested zone change with certain conditions. Mr. Johnson called attention to the draft ordinance included in the Council agenda packet, and stated that he would respond to any questions from Council.

Councilor McGee called attention to excluded uses listed on page 2 of Exhibit "A" to the ordinance, and staff's recommendations for compromise with regard to eating and drinking establishments. He felt that Council's direction to allow eating and drinking places, but prohibit drive-up or drive-through windows, and to prohibit the sale or serving of alcoholic beverages was clearly defined. Councilor McGee questioned the change in wording in Section 1.c. of Exhibit "E" of the proposed ordinance which states "Any eating and drinking place using a "drive-through" or "drive-up window service." He wondered if the wording should not be precise to that in Exhibit "A."

City Attorney Johnson pointed out that Exhibit "A" represented an evidence exhibit presented at the public hearing. The list in Exhibit "A" was taken directly from Mr. Morgan's staff report and recommendation at that time. Mr. Johnson noted that after Council deliberation the decision was to exclude the uses listed on Exhibit "E." He noted that section 1.a. dealt with the issue of alcoholic beverages, and 1.c. dealt with drive-up or drive-through windows.

Noting that the term "drinking place" is generally used in connection with the sale of alcoholic beverages, Councilor McGee felt that a reference to eating and drinking places in section 1.c. might cause some confusion in the future.

Mr. Johnson pointed out that the term eating and drinking place has been used in the zone code instead of restaurant as a broad category. He conceded that "drinking place" is used when referring to a place that serves alcohol, but felt that its use in this case would be in the context of the zone code.

Mayor Koho recalled that the intent was to have no drive-up or drive-through window service regardless of the use. He felt that section 1.c. should not be specific to an eating and drinking place.

Presenting testimony to the Council was:

Richard Beck, 4485 River Road S, Salem, recalled discussion from the previous hearing regarding ways to place limits on eating and drinking places in order to exclude convenience stores and fast food restaurants. He noted that prohibiting the sale of alcohol was considered one way to reduce the likelihood of a fast food store. Council had also discussed the fact that the property is already zoned for a sit-down restaurant, and had indicated a desire to retain such a use. That discussion had led to the decision to prohibit drive-up windows.

Mr. Beck indicated that his only exception to the proposed document was with regard to section 1.a. of Exhibit "E" which excludes the "Sale or serving of any alcoholic beverages." He requested that "serving" be struck from the restriction. It was his feeling that most sit-down restaurants have the capability of serving a glass of wine or beer. Although currently there were no intentions to do so, Mr. Beck wished to retain the opportunity to serve beer or wine in a sit-down restaurant at some time in the future.

Mayor Koho recalled from previous discussions the objections to anything having to do with a liquor license. He felt that the proposed language reflected Council's decisions based on those discussions.

Mr. Beck pointed out that at the time of his original application for use as a Pizza Hut, the zoning allowed for the serving of alcoholic beverages. He noted that the intent of the zone is not to unnecessarily limit the use of a piece of property. He felt that no problems would be created by granting his request.

Mayor Koho wished to make it clear that once Council grants any use allowing liquor, Council looses all control. He pointed out Council's limited involvement once the OLCC is in control.

Councilor Watson felt that the language reflected Council's intent. He could see no reason to get into a discussion about an issue not now significant to the applicant. He pointed out that the applicant could come back should the issue become relevant. Councilor Watson, however, questioned whether Mr. Beck would have any problem with

changing the wording in section 1.c. of Exhibit "E" to replace "any eating and drinking place" with "any establishment."

Mr. Beck objected to placing on restrictions that would further limit the potential for future uses. He used as an example the possibility of a drug store with a drive-up window. He expressed his frustration with the continuing delays and lack of cooperation. He emphasized that current zoning would allow all the things that Council is restricting should he decide to pull the rezone request.

There was no further testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Miller agreed with Councilor Watson's suggestion to substitute "establishment" for "eating and drinking place" in section 1.c. of Exhibit "E." In response to Mr. Beck's comments, Councilor Watson noted that Council had established the list of exclusions based on testimony and deliberation at the public hearing. He stressed that Council's decision now would not foreclose on any future changed use on the property–only that a request to do anything on the list would require another hearing and public input.

Councilor Miller moved a bill for an Ordinance in the Matter of the Application of Richard Beck for a Zone Change from Commercial Retail-Limited Use (CR-LU) to Commercial Retail (CR) on a 0.33 Acre Parcel Located at 4710 River Road North, Keizer, Oregon (Case No. ZC 96-02) (Partially Repealing Ordinance No. 92-236), with an amendment to Section 1.c. on Exhibit "E" to read: "Any establishment using a "drive-through" or "drive-up" service window." Councilor Beach seconded the motion.

Councilor McGee objected to the amendment. He recalled that the discussion regarding a drive-up window was specific to an eating establishment, not a bank, drug store, or any other similar use. It was his recollection that the testimony was with regard to the out-door speaker noise and traffic related to a fast-food establishment, therefore, he could not support the amendment.

Mayor Koho pointed out that the motion on the floor included the change in language. He suggested that if Councilor McGee wished to return to the original language in the draft, an amending motion would be necessary.

Councilor McGee moved to amend the motion to adopt the ordinance as originally worded. Councilor Newton seconded the motion.

Councilor McGee indicated his satisfaction with City Attorney Johnson's explanation regarding his major concern, drinking places. He also agreed with the exclusion of fast- food stores. He reiterated, however, that the drive-up and drive-through discussion was specific to eating places, and he did not feel nearly as strongly that a drive-up bank, etc. should be excluded. He felt that the ordinance was unnecessarily restrictive and encompassed more than the original intention to exclude convenience stores and fast-food stores.

Councilor Watson felt that Council's decision should not be controlled simply by the fact that the previous discussion focused on fast-food restaurants. He felt that Council could look at the logical implications--other activities that are similar in nature. He would not be in support of Councilor McGee's proposal.

It was Councilor Miller's perception that even though the discussion talked about fast-food restaurants, the main concern was traffic that would be generated by any kind of drive-up window.

The Amendment to the Motion failed as follows:

AYES: McGee (1)
NAYS: Beach, Keller, Koho, Miller, Newton and Watson (6)
ABSTENTIONS: None (0)
ABSENT: None (0)

Referring to item 1 on Exhibit "C," Councilor Watson questioned the accuracy of the stated 0.33 acres property size.

City Attorney Johnson confirmed that the 0.33 acres refers to the subject property only.

The main motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

APPEAL OF SUBDIVISION CASE NO. 96-03 (3-H CONSTRUCTION)

Mayor Koho opened the public hearing.

City Attorney Johnson reviewed the applicable criteria and procedures for the subject hearing. Because of the length of the exact criteria for the subdivision case, Mr. Johnson proposed that reading of the exact criteria be waived. There were no objections.

Mr. Johnson requested that any objections or conflicts of interest be declared at this time. No objections or conflicts of interest were raised.

Community Development Director Morgan presented the staff report in connection with an appeal by 3-H Construction of Condition 11 of the Hearings Officer Decision. Mr. Morgan noted that in this case staff is siding with the applicant and recommending an amendment to the Hearings Officer Decision.

Mr. Morgan briefly reviewed the case. He noted that in May Council rezoned the property from RS to RM. The Council held a public hearing over two nights; May 6 and May 20. At the first hearing the applicant did not present a site plan and suggested no density limitation other than that allowed by the zoning ordinance. The standard zoning ordinance would allow 99 units on this site. At the continued hearing on May 20, the applicant submitted a site plan showing 80 multi-family units. The Council approved the zone change conditioning it by requiring the development to be in substantial conformance with the site plan and not to exceed 80 multi-family units.

Mr. Morgan noted that in the mean time the applicant also applied for a subdivision of the property. In the decision on that case, the Hearings Officer specifically placed a Condition 11 which reads "Because I can find nowhere in

the record that Applicant has committed to a particular number of multi-family units, Applicant may develop from 41 multi-family units to no more than 73 multi-family units on Lot 1, pursuant to the pertinent Comprehensive Plan density standards."

Summarizing, Mr. Morgan noted that in the separate subdivision proceeding the Hearings Officer put a cap of 73 units. The Council in the zone change had put a cap of 80 units.

Mr. Morgan noted that at the applicant's request, and concurring in the applicant's position, staff asked the Hearings Officer on July 2 to reconsider his decision. On July 6, the Hearings Officer, by letter, denied the request. His reasons for the denial are summarized as follows:

1. The criteria for density determinations are found in the Comprehensive Plan and those criteria must be applied.

2. This new information on the zoning ordinance density standards and on the Council action is not part of the record and therefore he cannot consider it after the record is closed.

3. An application must be judged based on the laws in place at the time the application is filed. The Council action approving the zone change occurred after the subdivision application was filed.

Mr. Morgan noted that staff disagrees with the Hearings Officer on the first point, and reluctantly concurs with the findings on the second and third points as being technically correct, however strictly constructed.

Mr. Morgan addressed point 1. He explained why staff disagrees with the Hearings Officer's reading of the Comprehensive Plan. He noted that the policy in question is specifically intended to guide the City in creating a Comprehensive Plan Land Use Map. It does not establish density standards which have the force of the Law. Mr. Morgan called attention to another Comprehensive Plan policy, not cited by the Hearings Officer, closer to establishing a density standard. Chapter III, Section D.2.c.1 states: "1. Allow a mix of housing types in this category in two general levels of residential density: a. Medium density

- over 8 and up to 16 units per gross acre." He noted, however, that staff believes this standard is not a criteria for two reasons. First, it is intended to be a "general" level of density. Second, and more importantly, as with all the design policies of the Comprehensive Plan, the density policies are implemented by the Zoning Ordinance, which was specifically adopted to be the implementing tool for the Comprehensive Plan policies. Mr. Morgan emphasized that the Zoning Ordinance allows more density by its very specific provisions than what the Comprehensive Plan says. The Zoning Ordinance is law, while the Comprehensive Plan is not in this particular case.

Mr. Morgan stated that staff concurs with the applicant that the Hearings Officer erred in applying the Comprehensive Plan policies, and finds the 80 unit proposal conforms with the Comprehensive Plan.

Staff recommended that Council conduct the public hearing, continue the hearing until August 19, and direct staff to return on August 19 with an order upholding the Hearings Officer decision but striking Condition 11.

Councilor Keller was concerned about dissension between staff and the Hearings Officer. He asked if it was unusual for staff to disagree with the Hearings Officer and come forward in support of the applicant. Mr. Morgan conceded that it was.

Councilor Keller recalled traffic issues as being a primary concern when the zone case was last discussed. He felt that if information capping the number of units at 73 had been made available, Council likely would have gone with it to help mitigate the traffic concerns.

Mr. Morgan explained that the limit was not brought up in the zone change context or in the subdivision proceeding in that generally the zone change deals with density issues and the subdivision deals with dividing land. He noted that in his letter to the Hearings Officer he found that it was inappropriate for the Hearings Officer to discuss density issues at a subdivision proceeding. He emphasized that Council had all the information relevant to the case in that it was working with the law--the Zoning Ordinance. He noted that since 1985 the Zoning Ordinance has guided the density development of the community.

Councilor McGee questioned why a discrepancy existed between the Comp Plan and the Zoning Ordinance. Mr. Morgan was unsure why there was a discrepancy, but suggested that it would be good to look at some amendments to either one or the other to bring them into closer conformity.

City Attorney Johnson acknowledged that the discrepancy does lead to some confusion. He could see how the Hearings Officer could reach his conclusions, but agreed with Mr. Morgan's understanding. Mr. Johnson reviewed some of the history of the crafting of the Comp Plan and Zone Code, and noted that limited resources were available for crafting the Zone Code.

Councilor McGee praised the work of the Hearings Officer and his independent judgment in reviewing cases.

Mayor Koho quoted from a letter from the Hearings Officer dated July 6. In the letter the Hearings Officer stated that he was unaware of any authority, statutory or otherwise, that would enable him to augment evidentiary record after rendering a decision. Mayor Koho asked if the hearing was conducted under the Administrative Procedures Act. He felt that it would allow for additional evidence to be presented. City Attorney Johnson answered that such hearings are conducted based on the City's Zone Code. He noted that a reconsideration by the Hearings Officer was requested, not a rehearing. He perceived that the lack of opportunity to get additional evidence into the record was the reason for Mr. Morgan's concession on points 2 and 3 of the Hearings Officer Decision.

Councilor Keller asked if anything was in the works that would clarify the issues and prevent a similar disagreement from occurring in the future. Mr. Morgan felt that a better understanding of each other's points-of-view was occurring by way of recent correspondence between him and the Hearings Officer on this issue. He perceived that as Hearings Officer Adamson gained more knowledge of Keizer's codes, procedures and history, the process would go more smoothly.

Councilor Watson indicated that he was also struck by the fact that this was the second such conflict between the

Hearings Officer and staff. He also applauded the independent action of the Hearings Officer and indicated that he would not like to see it interfered with.

Councilor Watson relayed his understanding that the Zone Code must be consistent with the Comprehensive Plan. He asked City Attorney Johnson if it was his opinion that the Zone Code prevails over the Comprehensive Plan.

Mr. Johnson agreed that the Comprehensive Plan should control over the Zone Code if there is a direct conflict. He explained that in this case the conflict isn't as direct. Mr. Johnson explained how the Hearings Officer's finding was based on a combination of Comp Plan density designations, not a specifically defined number. It was Mr. Johnson's opinion that the Hearings Officer had erred in that he had factually looked at the Comp Plan wrong. He felt that the Hearings Officer should have been looking at the provision in the Zoning Ordinance which speaks about 2,000 SF per unit.

Presenting testimony to the Council was:

Mark Grenz, Multi-Tech Engineering, 1155 - 13th Street SE, Salem, expressed his frustration with the complexity of the zoning and Comp Plan process. He noted the problems he encountered with a previous application for another piece of property, and his efforts in this case to take all the appropriate steps to ensure approval by the Council.

Mr. Grenz noted that Council's decision regarding density based on the Zone Code was not at issue when he began the subdivision process. He noted that in doing many subdivisions in Keizer he had never had to address density as an issue in the subdivision process--always assuming that the Zone Code would govern the development of the properties based on lot sizes. Mr. Grenz felt the Hearings Officer was in error by bring up the density issue. He indicated that he merely wanted Council to allow him to do what they had agreed upon.

There was no further testimony to come before the Council.

Councilor Miller moved to continue the hearing until August 19, 1996, and direct staff to return on August 19 with an order upholding the Hearings Officer decision but striking Condition 11. Mayor Koho seconded the motion.

For clarification, Councilor Watson questioned the maximum density allowed in Medium to High Density Residential. Mr. Morgan noted that the Comp Plan allows 9-16 units for Medium Density, but puts no ceiling on High Density. The Zoning Ordinance bases density on square footage, allowing in the RM Zone about 21 to 22 units per acre.

Councilor Watson had concerns about the inconsistencies in what is allowed and what may be perceived to be allowed. He would support the motion, but felt that the discrepancies in density ratios should be further explored.

Councilor Keller expressed his appreciation to Mr. Morgan and City Attorney Johnson for clarifying the process. He felt that the Hearings Officer might also look at the process a little differently after hearing the explanation.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

Mayor Koho announced that the hearing is recessed until August 19.

ADMINISTRATIVE ACTION

Updated Tax Base Request

City Manager Tryk recalled that at the July work session the Council discussed the possibility of placing an updated tax base on the ballot in November. She noted that at that point, there was some consensus to place a "safety net" tax base before the voters. It would be in the amount of the current tax base and the current one-year levy plus 6%. Ms. Tryk stated that her projections show that this amount would fund the general fund at the current status for two years. After that time, Council would need to address a shortfall.

Ms. Tryk advised that in response to a request from Councilor McGee at the July meeting, projections based on a series of scenarios were distributed to the Council a couple weeks ago. The only additional information she had was with regard to Measure 47 known as "cut and cap" legislation. If approved by the voters, in addition to reducing tax revenues by $50,000 in the first year, any levy request would have to be approved by a majority vote with a 50% voter turnout. Ms. Tryk pointed out that for Keizer's last levy election there was a 42% turnout.

Ms. Tryk noted that the deadline for placing a tax base request on the ballot is September 5, leaving two more Council meetings before a decision must be made.

Mayor Koho stated that he would like to see a decision made at the earliest reasonable time in order to allow for public discussion of the issue.

Councilor McGee asked if the impact of an approved "cut and cap" measure would be the same whether or not the updated tax base was approved.

Ms. Tryk explained how a more updated tax base might provide a little higher tax base to fall back on in the event Measure 47 is approved.

Councilor McGee stated that after talking to many people in the community, he has reconsidered his advocacy for a "safety net" approach. He now felt that it might create some confusion. He indicated support for pursuing an updated tax base, and considered the current budget plus 6% appropriate. Assuming the tax base is passed in November, Councilor McGee questioned whether in the regular budget cycle it would jump another 6%. City Manager Tryk answered that it would not.

Councilor McGee also questioned what type of provisions might be put in place to restrict the sudden explosion of other revenues to make up for lost tax revenues. Ms. Tryk pointed out that in addition to the budget process, Council would have to adopt any resolutions or ordinances that would implement such revenues.

Mayor Koho emphasized that anything passed by this Council to restrict fee increases could be undone by a majority vote of any subsequent council.

Councilor Miller had reservations about going for a tax base this year. He agreed that there was a need to update the base, but saw many variables that could cause severe hardship to the City. He was especially concerned that after approving an updated base, voters would later reject any additional levy regardless of the circumstances. He felt the City might be in a better position to go for an updated tax base in two years.

Councilor Beach felt that an updated tax base was necessary to give the City some stability. He agreed with setting it at the amount levied this year plus 6%.

Mayor Koho indicated support for an updated tax base. He felt that the current tax base and levy plus 6% would be acceptable. Sensing that Councilor McGee's perception of a "safety net" might be somewhat different, Mayor Koho indicated that he saw this proposal as being something that the City could live with if it had to, and as such he saw it as a "safety net." He pointed out that it would give the Budget Committee a fixed income to work with. Although concerned about the "cut and cap," Mayor Koho was more concerned about the ballot measure that would require a "super majority" for any tax base. He could see where its approval would result in major impacts on staffing.

Councilor Keller had previously been inclined to go along with Councilor Miller's position to wait a couple years. But with the qualification of Measure 47 for the ballot he saw a need to create some stability now, and was in support of going for the updated tax base.

Councilor Newton agreed with the need to proceed now. He felt that the best chance for approval of the tax base would be at the general election in November. He also saw a need to make the public aware that tax dollars are being used wisely in Keizer.

Councilor Watson agreed with moving on the updated base now. He felt that the numbers were very conservative and would necessitate a tight budget, and a commitment to the voters to make it work. With regard to tax measures that

would place limits, It was Councilor Watson's hope that the voters would carefully consider the consequences before voting to approve.

Councilor Miller indicated that for the sake of unanimity he would support going for the tax base this year. He felt, however, that regardless of the passage of any of the ballot measures, Keizer would be looking at budget problems and layoffs in the future.

Mayor Koho moved to direct staff to come back to the next Council meeting with the necessary work to send to the November ballot an updated tax base of $1,950,612. Councilor McGee seconded the motion.

City Manager Tryk requested appointment of a sub-committee of the Council to help her write the ballot title. Councilors Newton, McGee and Miller were appointed.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR **The consent calendar consisted of the following:**

a. Marion County Building Code Agreement

b. RESOLUTION - Authorizing Intergovernmental Emergency Management Cooperative Agreement

c. 1996-97 Quarterly Goals Report

d. RESOLUTION - Authorizing Membership in City/County Insurance Services

e. RESOLUTION - Awarding Bid for McLeod Lane Storm Drain/Bike Paths Project

f. RESOLUTION - Awarding Bid for Pleasantview/Menlo/Cedar Storm Drain Project

g. RESOLUTION - Initiating Hidden Creek Estates Phase 4 Street Lighting District

h. RESOLUTION - Approving Engineer's Report for O'Neal Road (Edgemoore Estates) Street Lighting District

i. Approval of July 1, 1996 Regular Session Minutes

j. Approval of July 8, 1996 Work Session Minutes

Councilor Watson pulled item "j" from the Consent Calendar.

Councilor Watson moved for approval of the items on the consent calendar with the exception of item "j". Mayor Koho seconded the motion.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

item "j"

Councilor Watson called attention to a typographical error on page 3 of the July 8 minutes. In paragraph 6 the ballot date was incorrectly stated as November 1998. He requested that the minutes be corrected to indicate November 1996.

Councilor Watson moved for approval of item "j", the minutes of July 8, 1996, as corrected. Mayor Koho seconded the motion.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

OTHER BUSINESS

Initiation of Zone Change Modification (Hidden Creek Subdivision)

City Attorney Johnson distributed copies of a staff report and proposed resolution to initiate a zone change modification for Hidden Creek Subdivision. Mr. Johnson stated that the matter involves a flooding issue associated with the Labish Ditch--specifically the unanticipated flooding of the Country Glen and Hidden Creek Subdivisions. The proposed resolution would initiate an amendment to modify a condition of approval for Hidden Creek Properties which called for preservation of a 30-foot vegetative buffer adjacent to Labish Ditch, and stated that no trees or vegetation could be removed from such 30-foot buffer, except for certain listed exceptions. The proposed amendment would allow cleaning out of the Labish Ditch.

Mr. Johnson noted that the developers of Hidden Creek and Country Glen have offered financial support to clean out the ditch.

Mr. Johnson indicated that after careful review of the proposal and previous documentation, he felt that any activity there that might disturb the vegetative buffer would be best served by looking at modifying the condition. It would allow opportunity to provide safeguards to the Gubser neighborhood, and also be clear, for safety purposes with regard to flooding, that certain modifications could be made to the 30 foot buffer. Mr. Johnson noted that the proposed resolution would initiate the zone change procedure to look at modifying that condition.

Mr. Johnson emphasized that adoption of the resolution would not bind the Council to make any decisions one way or the other regarding the clean out of the ditch or modification of the condition. It would merely begin the process. He also stressed that the proposed action deals only with the one stated condition. Details regarding any clean out would be addressed later. Mr. Johnson noted that the suggested hearing date is September 3.

Councilor Keller noted that there are misconceptions as to the location and boundaries of Labish Lake and Labish Ditch. He asked for clarification. Ms. Tryk could not define specific boundaries. She noted, however that Lake Labish is drained by two different irrigation districts, one, the east and one, the west. It was her understanding that both were called Lake Labish.

Councilor Newton wished to be sure that notice of the hearing go to property owners on downstream toward the Willamette. With regard to the distance downstream to be noticed, he indicated that he would defer to the Engineer's judgment as to properties that might be affected by the drainage.

Councilor Watson indicated a particular interest in the issue since his home is downstream from the proposed clean out. He had serious concerns about the impacts of the clean out. He questioned if it was the developer's intention to pay for cleaning out the ditch all the way to River Road. He felt that the neighboring property owners should not be expected to pay the costs.

Ms Tryk felt that neighboring property owner's obligations would need to be talked about. However, at this point, the developer's were intending to clean it at their expense down to River Road.

Councilor McGee pointed out other issues that had been discussed in relation to Lake Labish. He wondered if the various solutions would be brought to Council one at a time or collectively.

Ms. Tryk stated that she intended to spend the August 12 workshop giving Council an overview with all of the information pertaining the cleaning of the ditch, the enlarging of the culvert, and the status of dealings with the two irrigation districts. She noted that the issues would come to Council one at a time--the proposed amendment would come first.

Mr. Johnson emphasized that the proposed land use hearing is just to review the condition and possibly modify it at the Council's discretion.

Mayor Koho moved a Resolution Initiating Consideration of an Amendment to Ordinance 93-251 to Modify a Certain Condition of Approval for Hidden Creek Properties (Case No. KP/ZC/PUD/V 92-4. Councilor Miller seconded the motion.

Councilor Watson indicated that a neighbor had reminded him that in addition to the culvert at River Road there is a very important culvert on the trail that crosses from

Swingwood and runs up to the school. In order to solve the problem at River Road, it should be dealt with as well.

Ms. Tryk noted that she brought it up to the City Engineer and he would be prepared to address it.

Councilor Newton reiterated that he wouldn't want to solve the problem at Hidden Creek and pass it on to some other location. He felt that the other flood issues should be addressed at the same time.

The motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

City Manager Tryk noted that she had distributed to each Council member a copy of the Draft Master Plan for the Willow Lake Sewage Treatment Plant and Sewage System. Today, she had attended a meeting presented by the consulting firm that was retained by the City of Salem. She noted that their intent is to provide for a lot of public input over the course of the next few months. Ms. Tryk will offer them every opportunity to do so in the City of Keizer.

WRITTEN COMMUNICATIONS There was no written communication to come before the Council.

AGENDA INPUT Mayor Koho noted the agenda input items.

ADJOURNMENT The meeting was adjourned at 8:49 p.m.

Tracy L. Davis, City Recorder

By_____
Nona M. Oxe'
Recording Secretary

APPROVED:
MAYOR:

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Jerry Watson

Councilor #2 - Bob Newton

Councilor #3 - Jim Keller

Councilor #4 - Carl Beach

Councilor #5 - Al Miller

Councilor #6 - Jerry McGee

Minutes approved:

City of Keizer, Oregon

PUBLIC HEARING SIGN UP SHEET

PUBLIC HEARING RE: [redacted]

DATE: AUGUST 19, 1996 **TIME:** 7:00 p.m. **AGENDA ITEM #** 5a

BEFORE THE: KEIZER CITY COUNCIL **PLACE:** ROBERT L. SIMON COUNCIL CHAMBERS

[redacted]

NAME	ADDRESS	GENERAL	PROPONENT	OPPONENT

no testimony
JL