

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

A G E N D A
KEIZER CITY COUNCIL
Monday, August 16, 1993
7:30 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.

4. **COMMITTEE REPORTS**

- a. Volunteer of the Month Award
- b. Solid Waste Management Program

5. **PUBLIC HEARINGS**

- a. Chemawa Activity Center (cont. from 8-2-93)
- b. Clear Lake Area Comprehensive Plan Land Use Map Amendment
- c. Indoor Golf Classics Inc. Liquor License Application

6. **DELIBERATION**

- a. Chemawa Activity Center
- b. Clear Lake Area Comprehensive Plan Land Use Map Amendment
- c. Indoor Golf Classics Inc. Liquor License Application
- d. Keizer Little League Park Conditional Use

7. CONSENT CALENDAR

- a. RESOLUTION - Marion County Street Maintenance Intergovernmental Agreement
- b. RESOLUTION - Initiate Orchard Crest Phase 3 Street Lighting Local Improvement District
- c. Appointment - Mid Willamette Valley Economic Development District
- d. Donation of Radar Guns
- e. Approval of August 2, 1993 Regular Session Minutes

8. OTHER BUSINESS

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

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications and petitions.

10. AGENDA INPUT

August 30, 1993 - 7:00 p.m. Council Worksession

September 7, 1993 (Tuesday)

7:30 p.m. City Council Meeting

Unimproved Streets

September 20, 1993

7:30 p.m. City Council Meeting

ADA Self Evaluation Public Hearing

Noise Ordinance Subcommittee Report

Keizer Little League Park Alternative Uses

11. ADJOURN

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



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000

Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

COUNCIL MEETING: August 16, 1993

AGENDA ITEM NUMBER: 4a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *tracy*
CITY RECORDER

SUBJECT: VOLUNTEER OF THE MONTH AWARD

The Volunteer Coordinating Committee recently selected Mr. Darrell Richardson as the recipient of the August Volunteer of the Month Award. Mr. Richardson was nominated by Kevin Wickman, Parks Director.

A member of the Volunteer Coordinating Committee will be on hand to present the award to Mr. Richardson.

July 28, 1993

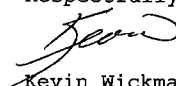
Subject: August "Volunteer of the Month".

The Parks Department has benefitted for a number of years from the volunteer services of Darrell Richardson. Mr. Richardson lives next to Sunset Park on the Willamette River. He has mowed the park and picked up litter on a regular basis for us in recent years receiving only a couple of lawn mower blades to replace blades damaged by the rough terrain of the park.

Darrell Richardson has been and continues to be a dedicated volunteer to our city and deserves recognition as a Keizer Volunteer.

Darrell Richardson
3985 Rivercrest Dr. N
Keizer, Or

Respectfully Submitted,



Kevin Wickman
Parks Director



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

CITY COUNCIL MEETING: August 16, 1993

AGENDA ITEM NUMBER: 4b

TO: MAYOR KOHO AND COUNCIL MEMBERS

FROM: DOTTY TRYK *Dotty*
CITY MANAGER

SUBJECT: SOLID WASTE MANAGEMENT PROGRAM

BACKGROUND:

Jim Sears, Solid Waste Manager for Marion County, has requested some time on the agenda to present the process for developing a 20-year solid waste management plan for Marion County. He has provided a fact sheet which is attached for your information.

RECOMMENDATION:

No action is requested.



Marion County

OREGON

DEPARTMENT OF
SOLID WASTE MANAGEMENT

RECEIVED

June 24 1PM '93
JUN 29 1PM '93

DIRECTOR
James V. Sears

(503) 588-5169

BOARD OF
COMMISSIONERS
Randall Franke
Gary Heer
Mary Pearmine

ADMINISTRATIVE
OFFICER
Ken Roudybush

City of Keizer
Dotty Tryk, City Manager
P.O. Box 21000
Keizer, OR 97303

CITY OF KEIZER
OREGON 97303

Dear Ms. Tryk:

Marion County Solid Waste Management has hired a consultant to prepare a solid waste management plan. This plan will address how we will manage solid waste in our county over the next twenty years.

The key to the development of the management plan is public involvement. The Marion County Solid Waste Management Advisory Council will be hosting four different public input meetings over the course of this project.

This plan will have an impact on how waste from your city will be handled and disposed. I believe that it is important that the city have a representative attend each of these meetings. This will assure us of a plan that will meet all jurisdiction needs.

I have included a fact sheet about this project for your information. I am planning to attend your council meeting on **August 16, 1993** to present this program and answer question that you may have. I am requesting time on your agenda to present this issue to the council.

I greatly appreciate your cooperation and am looking forward to working with you to develop ways to address our solid waste needs in the future.

Sincerely,

James Sears, Director
Solid Waste Management

JVS:caa
Attachment

c: Board of Commissioners; MVGRA
swmpcity.jvs

FACT SHEET ON PREPARATION OF MARION COUNTY'S SOLID WASTE MANAGEMENT PLAN

Background:

The management of solid waste in Marion County is a complex and dynamic activity. In order to plan for efficient and effective management, typically a solid waste management plan is prepared which looks at current and future management practices and provides a direction in which to focus efforts.

The last solid waste management plan prepared for Marion County was in 1974, when the County was a member of the Chemeketa Region Solid Waste Management Program. This also included Linn, Benton, Polk, and Yamhill counties.

Since this plan was prepared, numerous changes in waste management in the County have occurred. The greatest single change was the construction and operation of the Marion County Waste-to-Energy Facility (WTEF), which dramatically altered the County's primary method of waste disposal, making the County less reliant on landfilling of wastes. Other significant changes were the construction of two transfer stations and the closure of the Brown's Island Landfill.

A solid waste management plan is used by decision makers to assist them in planning, siting, and coordinating solid waste management facilities, recycling programs, and other waste management options. Marion County is approaching a point where many key decisions will need to be made regarding which direction to go, from possible facility-siting issues to expansion of recycling and waste reduction programs. Therefore, a solid waste management plan needs to be prepared for Marion County.

The Marion County Department of Solid Waste Management chose a consultant, Parametrix, Inc. of Portland, Oregon, to prepare the County's solid waste management plan. The plan that they will put together will include such things as:

- ☐ An overview of the existing solid waste management system.
- ☐ A characterization of the types of materials found in Marion County's waste.
- ☐ Projections of waste volumes for Marion County for the next 20 years.

The dates for the first set of workshops have been set. They are:

Woodburn	Tuesday, September 14	6:30 p.m.
	Woodburn Community Center	
	491 N. 3rd St.	

Salem	Wednesday, September 15	6:30 p.m.
	Loucks Lecture Hall	
	Salem Public Library	
	555 Liberty St. S.	

The other three sets of workshops will be scheduled as the project progresses. Notification will be sent to interested members of the public.

Anyone with questions should contact either Jim Sears, Director (extension 5056), or Jeff Bickford, Senior Civil Engineer (extension 5992) at 588-5169.

jab
swmpcity.fct



City of Keizer — Community Development

Phone: 390-3700 • Fax # 393-9437

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

CITY COUNCIL MEETING: Aug. 16, 1993

AGENDA ITEM NUMBER: 5a & 6a

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PUBLIC HEARING -
CHEMAWA ACTIVITY CENTER PLAN

DISCUSSION:

The City Council opened this hearing on July 6, 1993. Testimony was received from property owners in the area as well as written testimony from the Oregon Department of Transportation.

The Council held the hearing over until tonight so that Salem could make a formal response to the proposal and so that Staff could meet with officials from ODOT to try to resolve the issues raised in their letter.

This report will offer a brief response to each of these three areas of testimony.

City of Salem

The Salem Community Development Staff has reviewed the proposed Activity Center Plan and has responded with a "no comment" letter, a copy of which is attached. The Staff views this document as a transitional plan. They indicate Salem will be more interested in reviewing the final plan.

Oregon Department of Transportation

ODOT entered an extensive letter into the record on July 6. A copy of the letter is attached. In essence this letter expressed concern about development of the Activity Center negatively impacting the capacity of Interstate 5 and the Chemawa Interchange. ODOT has no planned improvements to this interchange, and expects any required improvements to be financed by the City and/or developer of the property. The letter calls for a Transportation Impact Statement to be developed and approved prior to development. The most significant operative phrase in the ODOT letter reads:

The TIS shall be completed and accepted prior to the approval of the plan amendment and/or any zone change.

Staff met with ODOT officials to discuss the letter. It was pointed out that this Plan draft does not change any land use designations, and that these designations have been in place since before the most recent revision of the interchange. Therefore, the ultimate development of this area should have been taken into account in designing the improvements.

Staff, however, pointed out that the Chemawa Activity Center Plan addresses the issues being raised by ODOT. Specifically Public Improvements Policies 2 and 3 on page 12 speak to ODOT's concern. They show that the draft shares the same concerns. These policies are quoted below:

1. *A comprehensive transportation plan shall be prepared by the City. This transportation plan shall consider traffic circulation within the Activity Center and to I-5, and alternative modes. The transportation plan will refine project activities previously described in this Plan.*
2. *The comprehensive transportation plan described above shall include a financing plan. The financing plan shall identify potential funding sources, and a cost-sharing strategy for all new development.*

As the refinement of the Activity Center Plan is carried out, based on the market analysis, all options will need to be analyzed to determine if they can be accommodated within the existing and planned transportation facilities. If not, the analysis will need to determine what improvements need to be made. It may be shown that certain land use options are not feasible due to excessive transportation improvements costs and impacts.

ODOT and Keizer's staff reached verbal agreement that these policies are adequate to address ODOT's concerns about development. ODOT will be submitting a letter to this effect for the record.

Testimony from Citizens

Approximately 11 property owners from the area testified. There were three general areas of comment:

1. Do nothing and leave the area as it is.
2. Remove restrictions on the properties.
3. Get the detailed planning done so the properties can develop.

There was some confusion expressed about the current status of the properties and what was in store in the future. After the hearing, Staff prepared a letter that was mailed to all property owners explaining the situation and the process. A copy of the letter is attached to this report. The letter re-emphasizes that these properties are in transition, and that the City's planning efforts for a long time have anticipated conversion to commercial and industrial uses.

The letter also addresses the second issue, restrictions on property. It points out that properties can be maintained and expanded, but that new development cannot take place inconsistent with an adopted Activity Center Plan. When the final Plan is adopted, it will lay out the specific land use pattern anticipated for the area, and land use decisions will be made in accordance with that plan. In the interim, the houses are "non-conforming", just as the single family houses along River Road are non-conforming.

The third area of comment is addressed by the Plan. To reiterate the point, the interchange area is an extremely valuable resource to the Community. Better direction needs to be set, based on detailed and accurate market research, to determine the "highest and best use" for the area, within a context of acceptable uses and impacts. This type of information does not now exist.

If this Plan is approved, Staff intends to pursue funding from outside sources, such as the Oregon Department of Economic Development, to support the study. Initial contacts indicate there is a good chance such a grant can be secured in the near future.

Other Issues

Questions were raised by members of the Council on the need to keep the area west of the railroad tracks in the Activity Center. While Staff agrees that removal of the area may be the best choice, it is premature to do so now. There are three reasons for this position:

1. The Comprehensive Plan designation for the entire area west of the track is Campus Light Industrial. Removal of the area from the Activity Center will make all the property eligible

for zone changes from Urban Transition to an industrial designation. To change to another designation that may be more in keeping with the Council's intent, as well as that of the property owners, will take development of justifications and findings, and another hearing process. The best and most expeditious way to determine the best future land use is to carry forward with the Activity Center process.

2. The realignment of Ridge Drive to the west to intersect Chemawa Road at McLeod is an important part of the circulation system that will make the interchange development work. Careful consideration must be made of the traffic impact of the development on the I-5 interchange. Pulling this intersection away from its current location adjacent to the railroad tracks is important to minimize impact. As well, if the realignment is to occur, it will disrupt houses and property. Planning for new land uses to replace those impacted will be an important part of the process, and best done in concert with the total area.
3. Finally, the area in question is mostly vacant and totally underutilized. It may be attractive at this time to put it in a "single-family" designation, but that precludes taking advantage of opportunities that, in the long run, may be of much greater value to the Community and to the property owners. It is best to allow the property to be studied to determine what the best future use may be relative to the entire Community, and the balance of the Activity Center. If the study determines the land is best put to uses other than industrial, then appropriate Plan and Zone changes can take place.

RECOMMENDATION

It is recommended Council direct Staff to prepare the appropriate findings and ordinance to adopt the Chemawa Activity Center Plan as drafted, with the addition of the amendment proposed by Staff at the July 6, 1993 meeting, and to return for adoption on or before September 20, 1993.



CITY
OF SALEM,
OREGON

City Hall / 555 Liberty St. S.E.
Zip Code 97301-3503

PLANNING DIVISION
Room 305
Telephone (503) 588-6173
FAX (503) 588-6005

August 11, 1993

Mayor and City Council
City of Keizer
930 Chemawa Road NE
P.O. Box 21000
Keizer, OR 97307-1000

RE: Public Hearing on Chemawa Activity Center Plan

Dear Mayor and City Council:

We have reviewed the May 12, 1993 draft of the Chemawa Activity Center Plan. We recognize that at this point the draft is a working document.

We have no comments at this time. We look forward to the final proposal. Thank you for the opportunity to comment.

Sincerely yours,

Roger J. Budke
Assistant Planning Administrator

cc: John Morgan, Director of Community Development, Keizer
Kenn Battaile, Planning Administrator

keizer.che

July 2, 1993

DEPARTMENT OF
TRANSPORTATION

HIGHWAY DIVISION
District 3

FILE CODE:

Mr. John Morgan

Director of Community Development

City of Keizer

P.O. Box 21000

Keizer, OR 97307

RECEIVED

'93 JUL 7 PM 10 00

SUBJECT: Comprehensive Plan Amendment for the Chemawa Activity Center

OREGON 97303

Dear Mr. Morgan:

Thank you for the opportunity to provide comments to the City of Keizer on the subject comprehensive plan amendment. I am writing to inform you that ODOT has concerns about this land use action's impacts on the transportation network's ability to provide safe access to area properties. This letter is in response to information provided by the Department of Land Conservation and Development indicating that the City would hold its final hearing on this plan amendment on July 6, 1993. The ODOT Region 2 office received notice of this hearing, dated June 28, 1993, on July 1, 1993.

PROJECT COMMENTS

ODOT's principal concerns with this project are with traffic related to the project and how it may ultimately effect the I-5 freeway and its Chemawa Road/Salem Parkway interchange. This is the gateway entry to the City of Keizer.

- Project-related information that has been made available to ODOT indicates that the proposed change to the City's Comprehensive Plan necessitate a number of improvements to the surface transportation system, including the adjacent state highway, to accommodate future development. That information also indicates that improvements are contemplated to the local and regional transportation system to ensure that project-generated traffic is accommodated at acceptable levels of service. Improvements described within the state right-of-way include new travel lanes, new traffic signal, and restriping of existing roads. Without the information and analysis contained in a Traffic Impact Study (TIS), it is impossible to determine if these improvements are sufficient.

ODOT is of the opinion that the application will have a significant effect, as that term is used in the Oregon Transportation Planning Rule, on the Chemawa Road/Salem Parkway interchange. The additional commercial development proposed will significantly effect this interchange.



885 Airport Road
Salem, OR 97310
(503) 378-2630
FAX (503) 373-1038

Unless highway improvements are established in the Keizer Comprehensive Plan, development of additional commercial area could reduce the interchange's level of service below the levels established in the 1991 Oregon Highway Plan.

The Oregon Transportation Planning Rule (TPR - Oregon Administrative Regulations Chapter 660, Division 12) was developed to implement the provisions of Goal 12 of the Statewide Planning Goals. Section 660-12-060(1) of the TPR is applicable to this amendment.

In order to be consistent with the TPR, a TIS, using established ODOT methodology, needs to be prepared to determine the level of impact to area roadways including I-5 and the Chemawa Road/Salem Parkway interchange. The TIS shall be completed and accepted prior to the approval of the plan amendment and/or any zone change.

- The City of Keizer will need to incorporate land use actions stated in the TPR, Section 660-12-060 (1a), (1b), or (1c) as part of the land use decision in order for the proposed plan amendment to comply with Goal #12 and the TPR. These actions need to show that I-5 (including the interchange) will be able to operate at acceptable levels of service in the near term and through the remainder of the planning period, and that the land use decision will result in development consistent with the functional classification of the I-5 freeway.

If the City of Keizer decides to exercise the option stated in Section 660-12-060 (1b) of the TPR, ODOT believes that the Keizer Transportation Plan will need to be amended as part of the land use decision and before development permits can be issued. The near term facility improvements described in your application will need to be incorporated into the plan. Completion of the TIS may identify additional improvements necessary to meet the 1991 Highway Plan's standards for I-5, improvements which have not been described. As required in the TPR, a transportation facility financing program to fund near term improvements, and longer term improvements, also needs to be part of the land use decision. No improvements to I-5 in the vicinity of the Chemawa Road/Salem Parkway interchange are listed in the ODOT 1993-1998 Transportation Improvement Program.

The 1991 Oregon Highway Plan was adopted as the modal systems plan element of the Oregon Transportation Plan. It is the transportation systems plan (TSP) for state highways, as that term is used in TPR Section 660-12-015, unless more stringent standards are contained in a local or regional TSP. Its policies are used by ODOT

Mr. John Morgan
City of Keizer
July 2, 1993
Page 3

to determine whether a development will have a significant effect on a state transportation facility. I-5 and other interstate highways are identified in the 1991 Oregon Highway Plan as having the highest statewide importance. The plan requires that I-5 and associated facilities operate at Level of Service 'C'.

Level of Importance (LOI) Policy

This policy classifies the state highway system into four levels of importance (LOI). This provides overall direction for managing the system and provides a basis for developing funding strategies for improvements. Each LOI is described in terms of its primary and secondary functions, key characteristics, and objectives for managing the operations of that class of highway. The map attached to this policy shows how each highway in the system is classified.

The Oregon State Highway Division (OSHD) will manage the highway system in accordance with the priorities established in this policy. Highways will be managed to serve secondary functions only when the abilities of the highways to serve primary functions will not be degraded. Where the primary function has already been significantly degraded, the OSHD will manage that highway to maintain or improve its ability to serve the primary function.

Interstate Highways

The Interstate 5 (I-5) freeway and Chemawa Road/Salem Parkway interchange, which provides the major access to the property, are classified as Interstate Highways. The primary function of highways in this level is to provide connections and links to major cities, regions of the state, and other states. A secondary function in metropolitan areas is to provide connections and links for regional trips within the metropolitan area. Connections are primarily with roadways that serve areas of regional significance or scope. Included in this level are highways on the federal interstate system. The management objective is to provide for safe and efficient high-speed continuous-flow operation in urban and rural areas.

As noted above, ODOT has no money in its six year improvement program for installation of improvements to I-5 in this vicinity or the Chemawa Road/Salem Parkway interchange and is not prepared to fund any future improvements. That interchange, completed in 1988, was designed to provide an adequate level of service based on anticipated traffic volumes. The plan amendment authorizes changes in

Mr. John Morgan
City of Keizer
July 2, 1993
Page 4

land use designations. The City or applicant, therefore, will be responsible for the design and construction of all improvements to state facilities. The improvements, along with a detailed financing mechanism, will be necessary prior to plan amendment approval to assure compliance with the provisions of TPR Section 660-12-060.

ODOT recommends that the following conditions be applied to the proposed comprehensive plan amendment to ensure that recommended facilities improvements maintain state operational standards:

1. Prior to the issuance of any development permit within the limits of the Chemawa Activity Center property, the City or project applicant shall submit detailed improvement plans for circulation improvements within the state right-of-way for the review and approval of the Manager, Oregon Department of Transportation, District 3. Said review shall be undertaken to ensure that all improvements are designed utilizing appropriate state standards.
 2. Prior to the issuance of occupancy permits for any land use on the property, the City must obtain certification from the Manager, Oregon Department of Transportation, District 3, stating that all necessary improvements within the state right-of-way have been installed consistent with state standards and the approved improvement plans.
- ODOT's project information indicates that the City only intends to improve Lockhaven Drive to full standards west to McLeod. Lockhaven provides the major surface street access to the project from the west. Significant traffic volumes would be anticipated from the west (downtown area) as either work trips or trips to utilize the proposed commercial facilities.

Further, Lockhaven has been classified as a "Beltline Arterial" in the 1990 "Salem Transportation Plan." This designation recognizes the importance of Lockhaven as a component of a beltway loop road system around the Salem metropolitan area. Full improvement of Lockhaven consistent with the "Beltline Arterial" classification will relieve part of the project-related traffic burden from the I-5/Chemawa Road-Salem Parkway interchange by providing suitable alternative access to the property.

Mr. John Morgan
City of Keizer
July 2, 1993
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ODOT recommends that concurrent with first occupancy of commercial or industrial uses, the City and/or applicant shall improve Lockhaven Drive to "Beltline Arterial" standards as described in the 1990 "Salem Transportation Plan" from McLeod to River Road if the findings of the TIS indicate the need for full improvement at that time.

This letter should be included in the hearing record as ODOT testimony. ODOT should be considered a party to the hearing and be entitled to notices of future hearings, or hearing continuances or extensions. Please provide me with a copy of the city's decision, including findings and conclusions.

Yours truly,


John Grassman, P.E.
District 3 Manager

cc: Ken Husby, ODOT Region 2
Dick Reynolds, ODOT
Bob Rindy, DLCD
Richard Schmid, Mid-Willamette Valley COG



City of Keizer

Community Development Department

MEMORANDUM

DATE: July 20, 1993

TO: Owners of Property in the Chemawa Activity Center

FROM: John N. Morgan, AICP
Community Development Director

SUBJECT: Clarification of the Planning Process and Regulations

Many questions were raised at the July 6, 1993 public hearing before the City Council on the draft Chemawa Activity Center Plan. These questions dealt with how current and future land use regulations may impact your property. I would like to clarify these points for you, so you have a better understanding as this matter moves toward decisions. Four different topics are presented below for your information.

Time Line

First, let me outline the upcoming events. The July 5 public hearing was continued until Monday, August 2nd. However, due to scheduling situations, it will be continued again until Monday, August 16 at 7:30 PM. If you wish to present testimony on August 2, you may do so. However, the principal hearing with additional information presented by staff in response to Council questions presented last time will be on August 16. You are encouraged to attend and participate on this later date.

After the hearing is closed, the Council will deliberate on all the issues and testimony presented. They will propose revisions to the draft plan as they see fit. When it has been amended to the Council's satisfaction, the Staff will be directed to prepare an ordinance adopting the plan. This will be considered by the Council on a subsequent meeting, which may be September 7th or 20th. After the Plan is adopted, Staff will be directed to work towards its implementation.

Historic Situation

In 1987, the Keizer Comprehensive Plan was adopted. It identified the area west of the Chemawa interchange as an "activity center." Activity centers were defined as areas of particular significance to the entire community. Land within the activity center was made subject to a policy prohibiting development until a detailed Activity Center Plan was adopted. Such a plan was drafted in 1988 but was not adopted. The Planning Commission began work again on the Plan early this year leading to the July 5 public hearing.

The development policy meant no new construction or land divisions could take place, including expansions or changes to existing structures.

While the area was designated an Activity Center, it also had land use designations on the Comprehensive Plan Land Use Map. Approximately 35 acres immediately north of Lockhaven and east of the railroad tracks was designated Commercial. Land north of this area up to Tepper Lane was designated Campus Light Industrial. Land west of the tracks was also designated Campus Light Industrial. A map is enclosed that shows these designations. They are still in effect.

Current Situation

The City Council adopted an update to the Comprehensive Plan in January of 1993. Many of you testified at the hearings. The update included changes offering some relief from the policy restricting development. The current situation regarding your properties is summarized below:

- Land can be sold for whatever value the seller and buyer agree upon.
- Land cannot be divided.
- Only the following uses can be allowed, after approval of a conditional use permit petition:

Lawful uses existing as of the effective date of the zone

Farm and forest use

Public and Semi-Public buildings

Mobile Homes and stick-built homes built in conjunction with a farm use

New single-family dwellings

Plant nurseries.

- All existing residential structures may be repaired, remodeled, and expanded in accordance with standard building permit requirements.

Future Situation

The land within the Chemawa Activity Center has long been planned for transition to commercial or industrial use. This was clearly approved in 1987 with the adoption of the Comprehensive Plan. The land today remains in transition.

The Planning Commission has determined it does not have enough information to set the best future uses of the area. The Activity Center is very sensitive. What happens in the area will define the entryway to Keizer, as well as to the entire Salem/Keizer Urban Area, for decades to come. What happens will have major impacts on Keizer, yet will also bring major benefits. Finding the best balance between the two is a very important task that cannot be made with inadequate information.

The draft Chemawa Activity Center Plan maintains the current land use regulations as described above. It sets a plan for the development of public facilities such as sewer, water and streets. Most importantly, it establishes financial and marketing strategies. These strategies are intended to help the Planning Commission determine the best future use of the Activity Center.

If this Plan is adopted, the City will undertake, with a consultant's help, a detailed market analysis of the area as soon as possible. After the analysis is complete, the Commission will use it to update the Activity Center Plan. This update may result in major changes in the land use designations, a change in specific regulations, or even the removal of lands from the Activity Center itself. If the City is successful in the next few months in securing the funding to undertake the marketing study, it is anticipated the Plan will be under revision by spring of next year. Of course, any changes will be subject to public hearings with notification again to all owners.

I hope this information helps clarify the situation for you. If you have any questions about the land use regulations and how they impact your property, please call Skip Wendolowski, City Planner, at 390-3700. If there are any questions about this planning process or the draft plan itself, please call me at the same number.

Thank you for your interest and participation.

cc: City Council
Planning Commission



City of Keizer — Community Development

Phone: 390-3700 • Fax # 393-8437

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

CITY COUNCIL MEETING: Aug. 16, 1993

AGENDA ITEM NUMBER: 5b & 6b

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK *dottry*
CITY MANAGER

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

SUBJECT: AMENDMENTS OF THE COMPREHENSIVE PLAN LAND USE MAP
IN THE CLEAR LAKE AREA

BACKGROUND:

The Planning Commission initiated this amendment to the Keizer Comprehensive Plan at the request of the Clear Lake Neighborhood Association and the affected property owners. The Commission found there is a public interest in examining the land use pattern in the area north of the intersection of River Road and Wheatland Road. While virtually all underdeveloped property north of this intersection was under examination, the Planning Commission's examination focused on two areas:

1. An area of land designated MHDR located on both sides of Wheatland Road.
2. The "Keizer Industrial Park" property located on River Road.

Petitions from the owners of these properties requesting the proposed changes were received by the Commission. The Commission undertook this "legislative amendment" covering the

entire area since the two proposed changes are inter-related. This relationship will be described later in this report.

A map is attached identifying these properties. The map also shows the changes proposed by the Commission. They are:

PROPERTY	PLAN CHANGE	ZONE CHANGE
Wheatland Road	Medium High Density Residential (MHDR) to Low Density Residential (LDR)	Properties retain Urban Transition (UT) zone until approval of specific development proposals.
Industrial Property	Campus Light Industrial (CLI) to Mixed Use (MU)	Urban Transition (UT) to Mixed Use (MU)

Also attached is a copy of the adopted Comprehensive Plan Land Use Map, which shows the subject areas relative to other planned land uses in the area.

DISCUSSION:

The owner of the Industrial property is CAWS, Inc., the president of which is Larry Epping. Mr. Epping had prepared the detailed analysis and findings supporting the proposed changes. These findings were adopted by the Planning Commission as the support for the proposed changes. A copy of this background material, which is called "Outline of Issues and Arguments," is attached to and made part of this staff report. The reader is referred to that document for the analysis and justification of each element of this Plan amendment.

A summary of each change is presented below. A description of how they fit together and an analysis of issues that have been raised follows.

Wheatland Road MHDR Property

There are two areas of Medium High Density Residential property on Wheatland Road. One is a short distance north of the intersection with River Road and is developed with multi-family housing. The other is approximately one half mile farther north. Several development proposals incorporating higher density housing have been approved on portions of this area. These are expected to be under development in the immediate future. These areas are not included in the proposed change. There is one additional undeveloped parcel not included

in the Planning Commission's recommendation since the property owner did not concur with the proposed change and prefers to retain the MHDR designation.

The Comprehensive Plan includes a finding that 88 to 101 acres of additional multi-family land, above that already designated in 1986 when the Plan was developed, was necessary to meet the projected need. (KCP - Page 11)

Staff discussed the reasons why the subject area was chosen to be the site for much of this MHDR land with John Spencer. Mr. Spencer was the planning consultant responsible for managing the process leading to the adoption of the Comprehensive Plan. Mr. Spencer stated that there was little undeveloped land that could "host" this land use within the existing city limits. The Clear Lake area was added to the Urban Growth Boundary and City as a result of the Comprehensive Planning process. It was decided the Clear Lake area should be residential in nature, with a mix of single and multi-family dwellings. The area on Wheatland Road was chosen because it was undeveloped and served by a minor arterial.

In the current analysis, there were many reasons found why the land should not be developed as a MHDR area. These are detailed in the Outline of Issues and Arguments and summarized below:

- The area is isolated from supporting services, especially commercial services.
- The area has no transit service
- The development of this type of density will degrade the efficiency of Wheatland Road.
- The surrounding single-family area will be de-stabilized by development of higher density housing

The Outline includes a detailed analysis amplifying these statements and showing how the proposed change conforms to the Comprehensive Plan and the criteria for a Plan change.

The 33 acres of MHDR property can hold 250 or more multi-family dwelling units. With the proposed change, the area can hold 130 or more single-family lots.

River Road Industrial Property

This single 67 acre parcel has been designated for industrial use for over 12 years. It was so designated as a result of the Project 90 process which established an economic strategy for the entire urban area and was based on maximizing the number of large industrial properties.

Mr. Epping has presented to the Planning Commission and City Council on several occasions his reasons for not wanting the property to remain in the industrial designation. The Council

supported these reasons in the Periodic Review process and defended the capability to make the proposed change before the Land Conservation and Development Commission. The City prevailed in this effort, with the LCDC approving the Periodic Review Order with a provision that up to 100 acres of large industrial land can change to other uses in advance of the development of a new urban area economic strategy.

The reasons for this proposed change are summarized below:

1. The property is ill suited for industrial use for the following reasons:
 - A. It is not well oriented or close to Interstate 5.
 - B. It is difficult to access for truck traffic due to the distance and nature of River Road northbound from the property, and due to the acute turn from River Road onto Lockhaven Drive southbound from the property.
 - C. It is surrounded by residential development on two sides.
2. Due to the limitations on industrial development potential, the property is at a distinct competitive disadvantage compared to other vacant and available industrial properties. Therefore, it is likely it will remain undeveloped for the foreseeable future. This is contrary to the community interest which is reflected in the fact the property has been within the Urban Growth Boundary and considered needed and available for development for almost 20 years.
3. There is serious concern about the desirability of having the property developed industrially from the perspective of the surrounding residential neighborhoods. Such development may be damaging to the character of these areas due to aesthetics, truck traffic, and other negative impacts.
4. The property is particularly well suited to residential development compared to other properties for the following reasons:
 - A. It is one cohesive 67 acres parcel.
 - B. It is served by sewer and water facilities.
 - C. River Road has the capacity to manage traffic from the site without significant degradation.
 - D. It is of sufficient size and configuration to be the site of a unique, well planned, cohesive development, which is generally not possible with smaller parcels.

These statements are analyzed and supported in detail in the Outline of Issues and Arguments.

OTHER ISSUES

Relationship Between the Properties

While the change proposed for the Epping property can be justified and stand alone, it was joined in this process with the Wheatland Road properties in order to accommodate a need relative to those properties.

As was indicated earlier, the land use designations within the Comprehensive Plan are based on a needs analysis. The Plan determines the needed amount of each land use type and allocates that acreage to undeveloped land. When a change is proposed to these properties, it must be shown that the need is still being met. Generally for every acre taken out of a designation, a new acre must be designated somewhere else. This is especially true for needed housing types.

The strategy used in the process developing this proposed plan amendment is based on "transferring" the density from the Wheatland Road properties to the Epping property. With Mr. Epping's proposed Mixed Use project, a variety of housing types are proposed and the transferred density can be accommodated. It is stated on page 7 of the Outline: "The owner of the CAWS Property plans to develop at least as many multi-family dwelling units on that property as would have been placed on the Clear Lake Properties."

There is more flexibility available in allocating needed housing designations, however, due to other land use actions in the recent past. These include:

Triple Tree Apartments - This 60 unit apartment complex was built on land zoned CO (Commercial Office) and designated Commercial on the Comprehensive Plan Land Use Map. Apartments are allowed in the CO zone. Therefore, a portion of the housing need was met at this site without consuming any of the land designated multi-family.

Staats Lake - The approved preliminary plan for the Staats Lake project includes 220 multi-family dwelling units on land planned and zoned MU (Mixed Use). Prior to the adoption of the "McNary Activity Center Plan" in 1992 this land was planned for purely commercial use. Therefore, a significant portion of the housing need is being met at this site without consuming any of the land designated multi-family. Staff is working now with the developer in finalizing the detail plan and anticipates groundbreaking by the first of the year.

McNary Activity Center Plan - Also as part of the McNary Activity Center Plan, land north of Staats Lake was converted from other designations to Mixed Use. Approximately 20 acres of vacant, developable property previously designated Commercial and Low Density Residential was involved. This property has the potential of being the site of significant multi-family residential development of at least eight units per acre.

The combined increase in multi-family units in these three areas totals between approximately 280 and 380 units. These are on properties not included in the needed lands analysis within the Comprehensive Plan. These projects more than offset the loss from removing the 33 acres along Wheatland Road from the inventory.

The availability of multi-family units is further enhanced by the development of the Epping property in accordance with the Mixed-Use designation. The Mixed Use zone requires residential development to occur at average densities of 8 to 16 dwelling units per acre. Based on preliminary sketches, the Epping property will probably have at least 100 multi-family dwelling units.

The result of this Clear Lake Plan amendment, coupled with the McNary Activity Center Plan and other developments, is that the City has provided for more multi-family development than envisioned in the Comprehensive Plan. It also continues to develop at an average residential density in excess of the 6.5 dwelling unit per acre average adopted as policy in the Keizer Periodic Review Order which has been acknowledged by the Land Conservation and Development Commission.

Buffering Adjacent Land Uses

The homes on Rock Ledge Court form the southeast corner of the Epping property. Mr. Epping developed this subdivision, which is south of Labish Ditch, in 1990. The final homes in the subdivision are now under construction.

Residents of Rock Ledge Court have expressed to Staff concern about the potential development of the Epping property immediately across Labish Creek from their homes. Their expectation is much the same as those on 14th Street to the south when the Hidden Creek project was developed immediately across Labish Creek. In that case, the Council required a 25 foot setback from the Creek and included provisions restricting tree cutting.

Generally these types of development conditions are appropriately considered and applied when there is a specific development proposal under consideration. This is not the case at this time. The proposed Plan and zone change will be followed with either a planned development or subdivision application which is when specific conditions of approval can be applied.

Staff has met several times with the affected neighbors on these issues, culminating in a meeting with the neighbors and Larry Epping. At this meeting several options were discussed but one received the most attention.

Development of this property will be subject to payment of the Parks System Development Charge. This SDC is \$300 per single family home and \$200 per multi-family home. The potential SDC is significant. The SDC ordinance allows dedication of property for park purposes in lieu of some or all the SDCs due on a property.

The proposal is to dedicate a linear park along the north bank of Labish Creek in lieu of some of the Parks System Development Charge. This park would probably be generally undeveloped and, while maintained, left in a natural state. With different lot configurations, this linear park could be 100 to 200 feet in width and encompass two to three acres. It can be used as the site of some of the storm drainage detention required for the development.

This proposal was generally agreed to at the meeting, with an understanding that the specifics of size, specific location, amount of SDC offset, and other details will be settled at the time a specific development proposal is under consideration. In the interim, the appropriate action will be to place a "P" at the site on the Comprehensive Plan Land Use Map. This designation means a park is planned for this area. The ordinance adopting the Clear Lake change can include this Plan amendment, and can include appropriate text to be incorporated in the Parks Master Plan to describe the proposed park.

This proposal has been discussed informally with the Parks Advisory Committee and Parks Staff. They were generally supportive of the idea. They also noted that if the Epping property had been designated for residential use on the Comprehensive Plan when the Parks Plan was developed, this site would have met the criteria and needs analysis for location of a neighborhood park and probably would have been so designated.

RECOMMENDATION:

It is recommended Council direct Staff to prepare for the September 7th or September 20th Council meeting, the ordinances, with appropriate findings based on this report and attachments, to:

1. Change the Comprehensive Plan Land Use Map designation of the subject properties on Wheatland Road from Medium High Density Residential (MHDR) to Low Density Residential (LDR).
2. Change the Comprehensive Plan Land Use Map designation of the subject property on River Road from Campus Light Industrial (CLI) to Mixed Use (MU).

3. Change the zoning of the subject property on River Road from Urban Transition (UT) to Mixed Use (MU).
4. Amend the Comprehensive Plan Land Use Map by adding a "P" (Parks) designation at the southeast corner of the Epping Property.
5. Amend the Comprehensive Parks System Development Plan to include a narrative description of the proposed park.

Clear Lake Area
Plan and Zone Maps Amendments
City of Kelzer
August, 1993

Comprehensive Plan Change
MHDR to LDR

Comprehensive Plan Change
CLI to MU

Zone Change
UT to MU

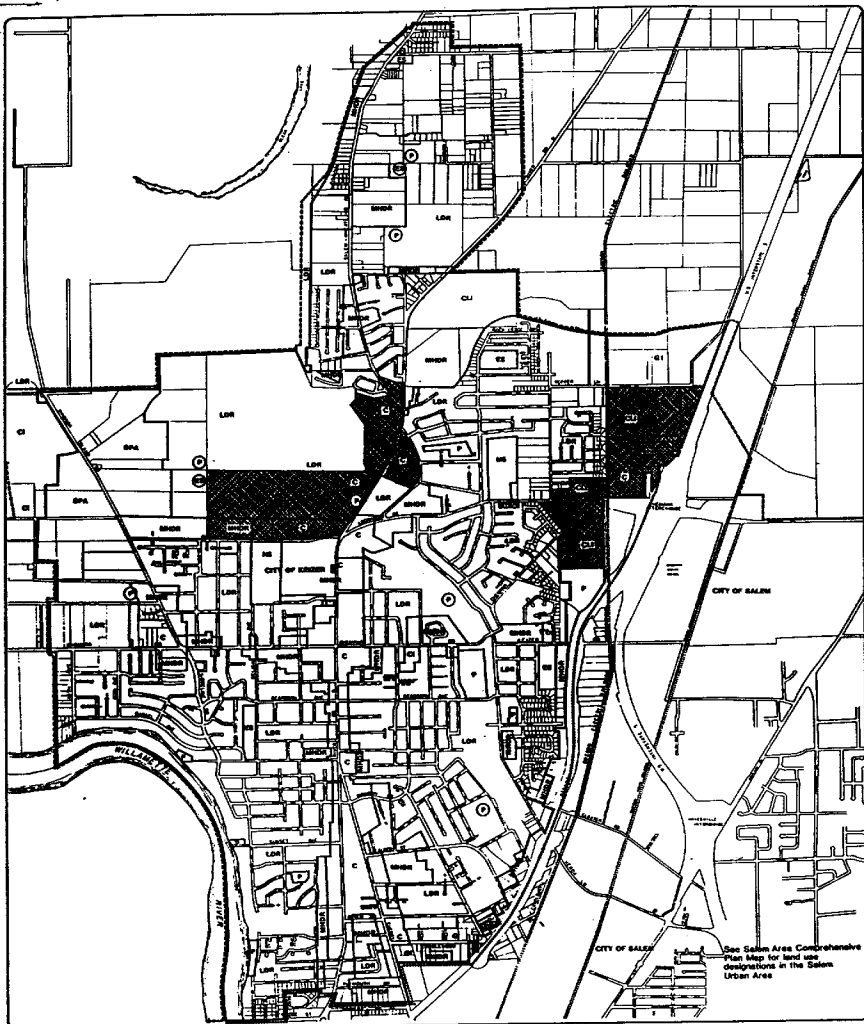


Figure 2
LAND USE DIAGRAM

January, 1987

November, 1986

Legend

- | | |
|-------------------------------|-------------------------|
| LDR LOW DENSITY RESIDENTIAL | ES ELEMENTARY SCHOOL |
| MS/MHDR MEDIUM & HIGH DENSITY | MS MIDDLE SCHOOL |
| C COMMERCIAL | HS HIGH SCHOOL |
| GI GENERAL INDUSTRIAL | P PARK |
| OLI CAMPUS LIGHT INDUSTRIAL | ○ SUBJECT TO STUDY |
| SPA SPECIAL POLICY AREA | — SUBJECT TO STUDY |
| ■ ACTIVITY CENTER | — URBAN GROWTH BOUNDARY |
| CI CIVIC | — CITY BOUNDARY |
| | — DUAL INTEREST AREA |



City of Keizer
KEIZER COMPREHENSIVE PLAN



**CITY
OF SALEM,
OREGON**

City Hall / 555 Liberty St. S.E.
Zip Code 97301-3503

PLANNING DIVISION
Room 305
Telephone (503) 588-6173
FAX (503) 588-6005

August 11, 1993

Mayor and City Council
City of Keizer
930 Chemawa Road NE
P.O. Box 21000
Keizer, OR 97307-1000

RE: Proposed Comprehensive Plan and Zone Changes in the Clear
Lake Area

Dear Mayor and City Council:

Based on your schedule to hold a Public Hearing on August 16,
1993 for this proposal, Salem City Council has reviewed its
position on this land use request.

The Salem City Council has adopted the recommendation described
in the enclosed staff report, 9.2 h. The City of Salem supports
the proposed changes in the Keizer Comprehensive Plan and zoning
maps. We look forward to working with you as similar issues come
before us.

Thank you for the opportunity to comment.

Sincerely yours,

Roger J. Budke
Assistant Planning Administrator

Enclosure

cc: Larry Epping, CAWS
Kenn Sherman, Jr.
John Morgan, Director of Community Development, Keizer
Kenn Battaile, Planning Administrator
Jean Lay, City Recorder

keizer.app

FOR COUNCIL MEETING OF: 9 AUGUST 1993

AGENDA ITEM NO.: 9.2 h

TO: MAYOR AND CITY COUNCIL

THROUGH: LARRY WACKER, INTERIM CITY MANAGER *J. Wacker*

FROM: RICHARD A. HAYDEN, ACTING DIRECTOR *R. Hayden*
COMMUNITY DEVELOPMENT

SUBJECT: KEIZER COMPREHENSIVE PLAN CHANGE, NORTH RIVER ROAD

ISSUE

Should the Keizer Comprehensive Plan Map be changed from Campus Light Industrial to Mixed Use for a 67 acre parcel and from Medium & High Residential to Low Density Residential for a bordering 33 acre area with corresponding zone changes on North River Road in the Clear Lake area?

RECOMMENDATION

That the Salem City Council support the proposed changes in land use designations in the Clear Lake area of Keizer. And that Salem requests continued cooperation from the City of Keizer in considering potential future modifications to the industrial land inventory in the Salem Urban Area.

POLICY DECISIONS

This action represents a significant shift from the 1982 Project '90 approach to the industrial land inventory. The completion of periodic review requires the Salem Urban Area to address the issues related to industrial land inventory by December 1993.

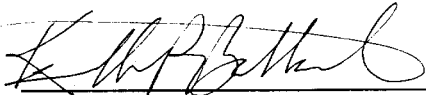
BACKGROUND

The 67 acre industrial site was designated a part of Project '90. In the years since Project 90 experience has shown that an over abundance of sites were designated industrial within the urban growth boundary (UGB).

The 33 acres of residential property as indicated by the owners is too dense to fit the character of the area.

FACTS AND FINDINGS

1. There is more than sufficient land area designated industrial in the UGB to meet the needs for the next 20 years.
2. The 67 acre Keizer site on North River Road is not one of the prime industrial locations due to access limitations and freeway proximity.
3. Consideration of this single 67 acre site is but the first step in the re-evaluation of the entire industrial land inventory for the UGB.
4. Changing the designation of the 67 acres to Mixed Use increases the merit for changing the designation of the adjoining 33 acres to Low Density Residential.



Kenneth P. Battaile, Planning Administrator

keizer.app

Clear Lake Area
Plan and Zone Maps Amendments
City of Keizer
August, 1993

Salem City Council
August 9, 1993
Agenda Item 9.2h
Keizer Comprehensive Plan
Change: North River Road

Comprehensive Plan Change
MHDR to LDR

Comprehensive Plan Change
CLI to MU

Zone Change
UT to MU

July 30, 1993

John Morgan
City of Keizer
P.O. Box 21000
Keizer, OR 97307

DEPT. OF LAND
CONSERVATION
AND
DEVELOPMENT

Dear John:

We have reviewed the proposed amendment to change the plan designation of 33 acres of land from "Medium High Density Residential" to "Low Density Residential" and to replan and rezone 67 acres of land from "Campus Light Industrial" to "Mixed Use." We are concerned that these amendments may result in a net loss of multifamily land, affecting the city's compliance with Goal 10.

Needed Housing

On page 22, the applicant states that these two proposals should be considered together as a "density transfer," so that the mixed use site can accommodate the multifamily use formerly planned for the other site.

LCDC's housing rule, OAR 660-08-020(1), states:

"Residential plan designations shall be assigned to all buildable land, and shall be specific so as to accommodate the varying housing types and densities identified in the local housing needs projection."

Statewide planning Goal 2 states:

"The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans."

In a larger sense, we are concerned about any "downzoning" of land from multifamily to single family residential use. OAR 660-08-030 requires both Keizer and Salem to provide for their fair share of multifamily housing needs. If either city allows its supply of multifamily sites to be depleted, it will be necessary to designate new sites in the future.

BARBARA ROBERTS
Governor



1175 Court Street NE
Salem, OR 97310-0590
(503) 373-0050
FAX (503) 362-6705

John Morgan

Page 2

July 30, 1993

Based on the requirements above, land which is intended to meet the need for multifamily housing must have a multifamily plan designation and consistent zoning. The problem here is that the city's Mixed Use plan designation and zoning is not specific enough so as to designate a portion of the site for multifamily housing and to guarantee that an equivalent amount of multifamily housing will be built.

The city can address these concerns by either:

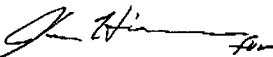
- replacing the multifamily site by designating an additional 33 acres of multifamily land elsewhere; or
- adopting clear, unambiguous standards regarding development of the mixed use property to require that an equivalent amount of multifamily units be developed on this site (multifamily should at least 12 units per acre).

Based on our recent discussion with skip Wendelowski (July 28, 1993), we understand that the proposal for the mixed use site would provide sufficient multifamily units to replace the opportunity currently provided on the 33 acre site. Our concern is that this is not clear in the proposed amendment applied to the mixed use site.

It appears that the department and the city's staff are in agreement regarding the intent of this proposal. Unfortunately, the Oregon Supreme Court has decided that local government has broad authority to interpret local planning policies (see Clark vs. Clackamas County). The result of this case is that DLCD must press local government for clear, unambiguous wording in local plans and implementing regulations to insure Statewide Goal compliance.

Please enter these comments into the record of the hearing on this amendment. If you have any questions, please call Jim Hinman at 373-0088 or Bob Rindy at 373-0067.

Sincerely,



Michael J. Rupp,
Plan Review Manager

MJR:JH/bh

cc: Marion County Planning Department
Bob Rindy, Field Representative
DLCD Files (Lib, LR, Ptlid)
Keizer PA File #002-93

PRO-CONSTRUCT, INC.

June 23, 1993

RECEIVED

'93 JUN 28 PM 9 55

Clearlake Neighborhood Association
c/o Ron Bassett-Smith
965 Bair Road N.E.
Keizer, OR 97303

CITY OF KEIZER
OREGON 97303

Dear Neighbors,

I'm writing to you regarding the approximate nine acres which I own and intend to develop this summer on Wheatland Road N. It's the piece of land that was previously the Clearlake Par 3 Golf Course.

As you are probably aware, I have a PUD approval in a zoning designation which requires a minimum of eight units per acre. I am in favor of a Comprehensive Plan Change to my parcel changing the zone to LDR (low density residential), which would allow development up to a maximum of eight units per acre. In either case, I currently intend to develop the parcel in some combination of attached housing (individually owned units), such as zero lot line, duplex style and possibly condominium style units.

I am moving forward on this project this summer. Should the Comprehensive Plan designation change to LDR, there may be some reduction in the number of units that are built on this parcel. In either case, I intend to develop a high quality subdivision that will positively impact the value of surrounding properties.

Sincerely,



Daniel R. Chandler
Owner/Developer

cc: City of Keizer



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

CITY COUNCIL MEETING: August 16, 1993

AGENDA ITEM NUMBER: 5c and 6c

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *Tracy*
CITY RECORDER

SUBJECT: INDOOR GOLF CLASSICS INC. LIQUOR LICENSE APPLICATION

ISSUE:

Shall the City Council recommend the approval of an application for a Restaurant Liquor License for Indoor Golf Classics Incorporated at 5065 River Road North, Keizer to the Oregon Liquor Control Commission?

DISCUSSION:

An application was received from Indoor Golf Classics Incorporated for a Restaurant Liquor License at 5065 River Road North. The applicant for the license is Mark A. Steel. A Restaurant Liquor License allows you to sell beer (malted beverages up to 14% alcohol) and wine (up to 21% alcohol) for drinking on your licensed premises. They must serve some type of food other than just snack items. Hours of sale and consumption are 7:00 a.m. to 2:30 a.m.

The Keizer Police Department has conducted a background check on the applicant. The check indicates there is no history which would preclude issuance of this license.

Skip Wendolowski, Keizer City Planner, finds the property to be zoned CR (Commercial Retail). Keizer Zoning Ordinance Section 28.01(9) permits "eating and drinking places"; section 28.01(24) also permits miscellaneous amusement and recreation services. Both the use and dispensing of alcoholic beverages are permitted in the CR Zone.

Keizer City Ordinance 88-129 - Section 5.2 requires a public hearing to be held on the application if the application is for a new license. Notice of the Public Hearing was published in the Keizertimes Newspaper on August 12, 1993. A copy of this notice was sent to the applicant and to the Oregon Liquor Control Commission.

Copies of the application and other related documents are available for review in the City Recorder's office.

RECOMMENDATION:

It is recommended the City Council approve the Restaurant Liquor License application of Indoor Golf Classics Incorporated and direct staff to forward this recommendation to the Oregon Liquor Control Commission.



City of Keizer — Community Development

Phone: 390-3700 • Fax # 393-8437

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

CITY COUNCIL MEETING: Aug. 16, 1993

AGENDA ITEM NUMBER: 6d

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, *Dotty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONDITIONAL USE CASE 93-8
LIGHTING OF KEIZER LITTLE LEAGUE FIELD

DISCUSSION:

This conditional use was the subject of a public hearing before the Council on August 2, 1993. After the hearing was closed, there was discussion between members of the Council and parties to the case. There also has been a great deal of discussion between the Staff, applicant, and affected neighbors about the conditions of approval.

All of these discussions need to be on the record in order to assure adequate consideration and to conform with State Law. Council needs to direct the hearing be reopened on September 7, 1993. Notice will be provided to affected parties.

Attached to this report is a draft order approving the conditional use with conditions. This is based on the Council's direction of August 2.

RECOMMENDATION:

It is recommended the hearing be reopened on September 7, 1993.

DRAFT

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

ORDER

IN THE MATTER OF THE APPLICATION OF THE CITY OF
KEIZER AND KEIZER LITTLE LEAGUE, INC., FOR A
CONDITIONAL USE PERMIT TO ALLOW CERTAIN BALL
FIELDS TO BE LIGHTED AT THE KEIZER LITTLE LEAGUE
COMPLEX (CONDITIONAL USE CASE NO. 93-8)

Section 1. THE APPLICATION. This matter comes before the
Keizer City Council on the application of the City of Keizer and
Keizer Little League, Inc. for a conditional use permit to allow
certain ball fields to be lighted at the Keizer Little League Complex
located at 5135 Ridge Drive, Keizer, Oregon.

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 on this
matter before the City Council on August 2, 1993. The following
persons either appeared at the hearing or provided written testimony
on the application:

- 1) Skip Wendolowski, Acting Community Development Director
- 2) Terry Rogers, Musco Sports Lighting Representative
- 3) Dennis Wise, Neighbor
- 4) Jim Taylor, Keizer Little League
- 5) Clint Holland, Jr., Keizer Little League
- 6) Kevin Wickman, Parks Director

1 7) Tim Irmén, Neighbor

2 8) Andy Orcutt, Neighbor

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

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

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

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

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

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

17 Section 10. FINAL DETERMINATION. This order is the final
18 determination in this matter.

19 Section 11. EFFECTIVE DATE. This order being necessary for the
20 immediate preservation of the public health, safety, and
21 welfare, an emergency is declared to exist and this order
22 shall take effect immediately upon its passage.

23 ///

24 ///

25 ///

26 ///

1 Section 12. APPEAL. A party aggrieved by the final
2 determination in a proceeding for a discretionary permit or a
3 zone change may have it reviewed under ORS 197.830 to ORS 197.845.

4 PASSED this _____ day of _____, 1993.

5 SIGNED this _____ day of _____, 1993.

6 _____
7 Mayor

8 _____
9 City Recorder

10 3847COK.001

EXHIBIT "A"

Evidence

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

Mayor Koho opened the public hearing on August 2, 1993.

Skip Wendolowski, Acting Community Development Director stated the Keizer Little League through the City of Keizer has applied for a conditional use to allow placement of lights at the 15-acre park which contains 10 playing fields. Lights would be installed at the Reimann field this year and possibly four other fields during the next five years. The lights will be designed to direct light only onto the playing field and are shielded to eliminate the scattering of light onto adjacent areas.

Mr. Wendolowski noted ball parks are conditionally permitted uses in the P (public) zone. Lights are considered an accessory to the existing baseball diamonds and will not establish new uses at the park. However, when staff reviewed the proposal, they determined the lights may change the way the fields are used; therefore the conditional use review is appropriate.

Mr. Wendolowski summarized staff findings with regard to the conditional use criteria listed in Keizer Zoning Ordinance 8.30 as follows:

- The use is listed as a conditional use in P (Public) Zone.
- The parcel is suitable for the proposed use. The property has been successfully operated as a baseball and softball facility for 10 years and there is adequate area to install the lights.
- The installation will not adversely affect existing wind and solar energy systems in the area.
- There are adequate public facilities available to power the lights.
- The proposed use will not materially alter the character of the surrounding area.

The two primary concerns in the last criteria focus on the light glare to adjacent property owners and a change in use of the facility. The initial field to receive the lights is separated from the adjacent property by embankments and trees. The other proposed fields to be lighted are separated from the adjacent residential property by at least 150 feet or more. It was noted

that this action will not increase the number of games played nor the number of people at the Park at any one time. Mr. Wendolowski stated he feels it is appropriate to establish a time limit for operation of the facility and lights.

Mr. Wendolowski concluded the proposal complies with the conditional use criteria provided the installation is limited solely to the subject fields and the conditions are placed on the hours of operation. He recommended approval of the request with the following conditions:

1. Installation of the lights shall be limited to the following playing fields: Reimann Field, Rotary Field, Kiwanis Field, Keizertimes Field and the Jerry Bull Field.
2. The lights shall be designed and installed in a manner as to direct the lighting onto the field or fields they are intended to light.
3. The lights shall be installed within 5 years of the date of the final decision.
4. The operation for the Keizer Little League Park and field lights shall be limited to the following hours:
 - a. The park hours may be extended by lighting from March 1 to October 31.
 - b. The park will close and the lights will be off at 10:00 p.m. from March 1 to May 31 and the day after Labor Day to October 31.
 - c. The park will close, and the lights be off, at 11:00 p.m. from June 1 to August 31.
 - d. Extended hours are limited to Monday through Saturday; the park will close at sunset on Sundays.
5. Prior to using the field lights, the Keizer Park Regulations shall be amended to include the change in hours of operation.

Shannon Johnson, City Attorney outlined the rules and procedures for a conditional use hearing.

Speaking in the public hearing were:

Terry Rogers, manufacturer's representative for Musco Sports Lighting, provided background information on himself and the company. Musco Sports Lighting provides equipment that projects

light to the playing field and meets all the safety requirements of Little League. The lights provide minimal glare impact on the neighbors.

Dennis Wise, 5405 Ridge Drive NE, Keizer stated the youth sports program in Keizer is a true example of community spirit and is essential for the young people. As a neighboring resident of the Keizer Little League Park, he has dealt with trespassing on his property, the noise of maintenance machinery during the early hours of the morning, and the malfunction of the security system. Regarding the installation of the lights at the Keizer Little League field, Mr. Wise suggested the City review the present noise ordinance to make amendments to accurately address community events including baseball games, changing the hours for use of the lights until 10:00 p.m. rather than the recommended 11:00 p.m. and the possibility of a permit system to address other activities not related to a baseball game. Mr. Wise also addressed his concern with the traffic safety on Ridge Drive. He recommended the installation of lights in the parking area or constructing speed reducing devices around the parking area. In response to a question from Councilor McGee, Mr. Wise stated his main concern is the additional noise rather than the installation of lights.

Jim Taylor, 6151 Bingtree Court NE, Keizer stated he has been involved with Keizer Little League for approximately ten years and is presently a member of the Keizer Parks Advisory Committee. Mr. Taylor said the number of children involved in Little League has doubled during his tenure. There is land available to build additional fields but the initial expense and overall maintenance would be a great financial strain. With the installation of lights, the hours will be extended and allow the fields to be utilized for additional games. Mr. Taylor said parking at the Park has been a problem, but with the lighted fields this will allow games to be spread out and reduce the cars leaving. In response to a comment from Mr. Wise, he stated the Little League rules prohibit an inning from starting after 10:30 p.m. By leaving the lights on until 11:00, this would allow the safe departure of players from the fields.

Councilor Keller asked if there could be a compromise to shut the lights off at 10:30 p.m. Mr. Taylor stated this could be an option, but he would need to discuss the matter with the board of directors.

Councilor Watson inquired of the hours recommended for lighting. Park Director Kevin Wickman stated if the regulations state the Park is closed at 11:00 p.m., it would be a violation to be in the park after this hour. Councilor Wellin inquired of the closure times in Holland Youth Park and Wallace Marine Park. In response to another question from Councilor Wellin, Mr. Taylor stated parking is adequate for the facility with the new addition of the south parking lot.

Councilor Miller inquired of the use of the Park on Sundays. Mr. Taylor stated the park is normally not used on Sunday but due to the weather this year, games were scheduled. It is also used on Sunday when a tournament is scheduled. In response to another question from Councilor Miller, Mr. Taylor stated tournaments are held during July, August, September and sometimes in October. Soccer teams also use the Park during the fall. Councilor Miller stated there are several other organizations in Keizer that are in need of playing facilities.

Andy Orcutt, 2100 Kinglet Way, Keizer noted he is the closest property owner to Reimann Field. He is not opposed to the lights but what can happen during the darkness and also the noise problems associated with later games. He stated the fencing around the Park is inadequate and should be repaired before the lights are installed. He cited instances of trespassing of players and spectators in his backyard. He asked the Council to consider imposing a condition to repair the fence prior to the installation of lights.

Mr. Orcutt also is concerned with the noise level. He voiced his opposition to opening the Park for additional tournaments and uses. This would add additional noise from public address systems and the increased amount of spectators. Mr. Orcutt would also like time restrictions placed on the maintenance machinery.

Tim Irmen, 2107 Kinglet Way, Keizer addressed the Council regarding his concern and opposition to the installation of lights at the Keizer Little League Park. Prior to purchasing his home, he was concerned of the possible changes or addition of lighting to the Park. He was assured there was not any plans to add lights to the fields in the near future. Mr. Irmen voiced his concern for the value of his property with the addition of the lights. Mr. Irmen also cited his concern for curfew of the children, noise of the spectators and maintenance machinery after 11:00 and the effect of the lighting on his home. He also cited instances of trespassing and vandalism on his property due to the inadequate fence.

Councilor Miller inquired of the Keizer Little League representatives of the money raised to install the lights. Clint Holland stated money has not been received but has possible donations lined up. He stated it might be possible to have the lights installed prior to next season.

There was no other testimony to come before the Council.

Mayor Koho closed the public hearing.

EXHIBIT "B"

Criteria and Standards

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

Of importance in this particular application are criteria set forth KZO Chapter 8. No other criteria were specifically identified in the record.

EXHIBIT "C"

Facts

1. The applicant is the City of Keizer as owner of park. Because the City was the applicant, the City Council elected to call the case directly before the Council so there would be no perception of bias in the staff decision. The real party in interest is Keizer Little League, Inc., who operates the Little League complex.
2. The subject property contains 21.42 acres and is located on the west side of Ridge Drive just north of Keizer Road. The address is 5135 Ridge Drive and the County Assessor identifies the property as located within Section 36CD; Township 6 South; Range 3 West; Tax Lot #'s 101, 200 and 301; and, Section 01B; Township 7 South; Range 3 West; Tax Lot # 1201. The property contains the Keizer Little League Park and includes 10 playing fields used for both baseball and softball.
3. The property is designated "Park" in the Keizer Comprehensive Plan and is zoned P (PUBLIC). The purpose of this Plan designation is to provide land for public and semi-public uses.
4. Property to the north of the subject property is zoned UT (URBAN TRANSITION) and is primarily developed with single family homes on large lot and acreage parcels. Land to the west is zoned UT and RS (SINGLE FAMILY RESIDENTIAL). This area contains both large lot homesites and residential subdivisions. To the south is RM (MEDIUM DENSITY RESIDENTIAL) and UT zoned land with the Kennedy Mobile Home Park the dominant land use. Ridge Drive and the Salem Parkway border the property to the east.
5. The Keizer Little League Park contains 10 playing fields on approximately 15 acres. The proposal calls for the installation of field lights at Reimann Field this year and anticipates lighting as many as four fields over the next five years. These four additional fields are located in the center of the complex and include the Rotary Field, Kiwanis Field, Keizertimes Field and the Jerry Bull Field. The lights will be designed to direct light only onto the playing field and are shielded to eliminate the scattering of light onto adjacent areas.

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6. Ball parks are identified as conditionally permitted uses in the P zone [Section 37.02(i)]. The proposed field lights are "accessory" to the existing baseball diamonds and will not establish new uses at the park. However, installation of the lights may change the way the fields are used and a conditional use review is appropriate.
7. The following facts are relevant with regard to the conditional use criteria found at Section 8.30 of the Keizer Zoning Ordinance:
 - a. KZO Section 37.02(i) identifies ball parks as conditional uses in the Public zone. [KZO 8.30(a)].
 - b. The subject property has operated as a baseball and softball facility for approximately 10 years. There is adequate area to install the lights and there are no physical features on the property that would prevent their installation. The parcel is suitable for use as ball fields considering the factors found at KZO 8.30(b) and suitable for change in use caused by the proposed lights. [KZO 8.30(b)].
 - c. The available evidence indicates that the proposed lights are not expected to impact adjacent residences because of their specific design and because of an embankment and trees buffering such residences. In addition, the four additional fields proposed to be lit are on the interior of the complex, and that fact in addition to the design of the lights, will cause the lights to have limited impact on residences.

Other concerns are the effect on adjacent residences from the later operating hours of the field due to the fact that the field will be operated at night. These concerns included noise from the players, fans and public address system, as well as invasion of the neighbors' privacy by individuals trespassing on their properties.

The conditions set forth in Exhibit "E" specify that the Little League complex is still subject to the noise ordinance as now enacted or later amended and will have to comply with all regulations in that respect. In addition, another condition requires a six-foot cyclone fence to be installed prior to any lights being used. The proposed use, as conditioned, will not materially alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for residential purposes. [KZO 8.30(c)].

- d. There is no evidence regarding any existing wind or solar energy systems in the area, and therefore the proposed change in use will not adversely affect any such systems. [KZO 8.30(d)].
- e. Electricity is available to power the proposed lights. Other public and utility facilities are available and will not need to be expanded in relation to the change in the use of the ball fields. [KZO 8.30(e)].

EXHIBIT "D"

Justification

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

This case involves the application of the City of Keizer (owner) and Keizer Little League, Inc. for a conditional use permit to allow the installation and operation of field lights on up to five (5) ball fields at the Little League complex. Because the City of Keizer is owner of the park, the City Council called the decision before itself for initial review.

Though the use itself (ball fields) would not be changed by the addition of the field lights, the lights would allow for an intensification or later use of the fields and therefore a review under the conditional use permit process is appropriate.

The criteria set forth in Keizer Zoning Ordinance (KZO) 8.30 were the only criteria identified as applicable in this case. The criteria set forth at KZO 8.30(a)(b)(d)(e) are clearly complied with according to the evidence presented at the hearing, and no concerns were raised with respect to those criteria. However, concerns were raised regarding KZO 8.30(c):

The proposed used, as conditioned, will not materially alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the applicable zone.

The first concern was regarding the lights themselves and whether glare, scattered light or spilled light would disturb residents in the area. A second concern was whether the use of the facility for extended hours (rather than the lights themselves) would cause negative impacts to a substantial degree.

With regard to the first issue, testimony at the hearing supported the contention that the lights would have minimal affect on the adjacent residents. This is due both to the directional design of the lights, as well as the embankment adjacent to the first field to be lit and trees separating such field from the residences. In addition, the four fields that would be lit later are on the interior of the Little League complex and further from the neighboring homes.

The second concern focused mainly on the invasion of the neighbors' privacy by trespassers and concerns regarding noise from players, spectators, the public address system and mowers or other power equipment. These possible impacts should be mitigated by the condition that requires a six-foot fence to be installed where the old fence has fallen down and a condition that the Keizer noise ordinance will apply to all activities at the complex. In addition, a condition will be placed that prohibits power equipment from operating after 10:00 p.m.

When this application is approved with the appropriate conditions, possible adverse impacts to the neighboring residents can be mitigated, and the applicant can gain use of the ball fields during the evening hours.

EXHIBIT "E"

Action

The City of Keizer ORDERS that the request of a conditional use permit is hereby GRANTED subject to the following conditions:

1. Installation of the lights shall be limited to the following playing fields; Reimann Field, Rotary Field, Kiwanis Field, Keizertimes Field and the Jerry Bull Field. The lights to be installed at Reimann Field shall be installed substantially as designed and indicated on Exhibit E-1 attached, and shall consist of no more than six poles located approximately where indicated on such exhibit.
2. The lights shall be designed and installed in a manner as to direct the lighting onto the field or fields they are intended to light. The amount of light which shall fall on adjacent residential property shall be minimal and shall not unduly interfere with the neighboring residents' ability to enjoy their properties.
3. The lights shall be installed within two (2) years of the date of the final decision. However, pursuant to Keizer Zoning Ordinance Section 5.34, application may be made to extend the effective period of the rights granted hereunder, provided that the rights are exercised within five (5) years of the date of this decision. This condition specifically gives notice to all parties that possible extension may be granted.
4. The operation for the Keizer Little League Park and field lights shall be limited to the following hours:
 - a. The park hours may be extended by lighting from March 1 to October 31.
 - b. The park will close, and the lights will be off, at 10:00 p.m. from March 1 to May 31; and, the day after Labor Day to October 31.
 - c. The park will close, and the lights will be off, at 11:00 p.m. from June 1 to Labor Day.
 - d. Extended hours shall be limited to Monday through Saturday; the park shall close at sunset on Sundays.
5. No field lights shall be used prior to amendment of the Keizer Park Regulations to change the hours of park operation.

Exhibit "E"

Page 1 of 2

6. After a hearing, pursuant to Keizer Zoning Ordinance Section 5.36, rights granted hereunder may be revoked if certain circumstances occur, including, but not limited to the non-compliance with these conditions of approval. The parties are hereby notified that under such Section, the City can restrict hours of lighting, modify the lighting, or eliminate lighting to further minimize the effect on adjacent property owners, or take further action as allowed under the Keizer Zoning Ordinance.
7. All activities at the Keizer Little League complex shall comply with all ordinances, including, but not limited to the Keizer Noise Ordinance (Ordinance No.90-190) as now enacted, amended, or replaced.
8. No power equipment shall be operated at the Keizer Little League complex after 10:00 p.m. However, compliance with this condition does not exempt such activity from application of the Keizer Noise Ordinance.
9. Keizer Little League shall construct a six foot (6') cyclone-type fence west of Reimann Field in the location or locations where the current fence is in a state of disrepair. Such fence shall be constructed prior to any operation of the proposed lights.
10. Development of the property shall comply with the applicable requirements of the Keizer Zoning Ordinance and building requirements of the Marion County Building Inspection Division.

KEIZER LITTLE LEAGUE / REIMAN FIELD
300' BASEBALL FIELD 6 POLES 60' & 70' MH
COMPUTER LIGHT SCAN - MAINTAINED FC

Fixture Type: SC-2 MZ
Lamp Type: 1500 Watt Metal Halide HZ
Lumens: 15000
File Number: CS802
Project: TROI 5184
SLD
By: [Signature]
Date: 11-MAR-93

musco.

GUARANTEED PERFORMANCE

HORIZONTAL FOOTCANDLES

Average: 50.19
Number of Poles: 2339
Number of Luminaire: 846
KW Consumption: 73.80

Field Dimensions: ☐ OK ☐ MODIFIED

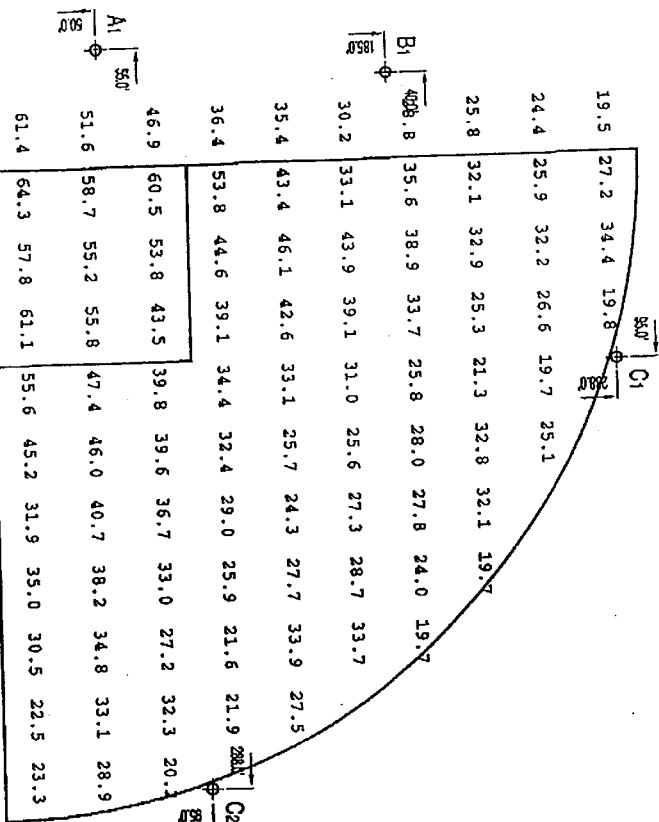
Light Levels: ☐ ☐ ☐

Pole Locations: ☐ ☐ ☐

Voltage: ☐ ☐ ☐

POLE ID MTG HT FIXTURES

A1	70	8
B1	70	12
C1	80	8
C2	80	8
B2	70	12
A2	70	8



This preliminary information is subject to confirmation and any modifications indicated.

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MUSCO SPORTS LIGHTING INC. Not to be reproduced in whole or part without the consent of Musco Sports Lighting Inc.

☐ = Pole Location

SCALE IN FEET





City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

CITY COUNCIL MEETING: August 16, 1993

AGENDA ITEM NUMBER: 7a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: WALLY G. MULL
PUBLIC WORKS DIRECTOR

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

SUBJECT: INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF KEIZER
AND MARION COUNTY CONCERNING STREET MAINTENANCE IN
KEIZER

ISSUE

Shall the City of Keizer enter into an agreement with Marion County to provide Street Maintenance in Keizer for a period of 5 years, beginning on 1 July 1993 and terminating on 30 June 1998?

BACKGROUND

In 1988 the City of Keizer and Marion County signed an agreement to have the County provide street maintenance in Keizer for a period of 5 years. This agreement expired on 30 June 1993.

The agreement covers signing, striping, pavement markings, patching, mowing, drainage and miscellaneous sanding, grading and sweeping.

Costs for work done by the County will be based on hourly labor rates, costs of materials and hourly equipment costs. The hourly labor costs include standard county benefits and internal administrative costs; cost of materials includes cost of materials to County; and equipment rental rates include fuel, major and minor repair, insurance, shop overhead, etc. The schedule of unit costs will be the same rates the County Public Works Department uses in billing outside agencies in effect at the time the work is performed.

There have been two changes to the new agreement. In item (C) we have added (undertaking of emergency work, usually within twenty-four (24) hours after notification of need). We have also added item (F) at the request of our risk management consultant. (The County and City shall each maintain insurance policies or self-insurance during the duration of this agreement in at least the minimum amount required to cover its liabilities under the Oregon Tort Claims Act.)

RECOMMENDATION

The agreement provides a workable mechanism to call upon the County for Street Maintenance. This is a critical function to the operation of the City and one which can best be provided through a contractual agreement.

Staff recommends the City Council adopt the following Resolution entering into an Intergovernmental Agreement between Marion County and the City of Keizer concerning Street Maintenance in Keizer.

EXHIBIT "A"

INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF KEIZER AND MARION COUNTY
CONCERNING STREET MAINTENANCE IN KEIZER

This Agreement is between Marion County, hereinafter called "County", and the City of Keizer, hereinafter called "City". This agreement establishes the terms upon which the Marion County Public Works Department shall do maintenance work for the City of Keizer, beginning July 1, 1993 for a period of five (5) years, terminating on June 30, 1998.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

I. DEFINITIONS

As used in this agreement:

SUPERINTENDENT means the Marion County Road Superintendent.

UNIT COST means those costs for work done by the County based on hourly labor rates, costs of materials and hourly equipment costs. The hourly labor costs include standard county benefits and internal administrative costs; cost of materials includes cost of materials to County; and equipment rental rates include fuel, major and minor repair, insurance, shop overhead, etc. The schedule of unit costs will be the same rates as the County Public Works Department uses in billing outside agencies in effect at the time the work is completed.

II. COUNTY'S OBLIGATION

For it's parts under this Agreement, the County shall:

- A. Except as otherwise specified in this Agreements, the County shall only perform that street work which is requested by the City Public Works Director. All work shall conform to Marion County maintenance standards.

- B. Street work deemed by the Superintendents to be of an emergency nature (i.e., threat to life, property or public safety) may be undertaken at the discretion of the Superintendent. Examples of such work may include stop sign replacement, removal of road hazards, posting of 'High Water' signs, sanding of icy roads, etc. The Superintendent shall, whenever practicable, give notice to the City Public Works Director within twenty-four (24) hours of the time emergency street work is undertaken. This Agreement does not create a duty or responsibility for the County to inspect the streets of City of Keizer.
- C. The County shall be responsible for the actual work it does and for undertaking emergency work, usually within twenty-four (24) hours after notification of need. The Superintendent will balance the needs of both the County and City to determine what is a reasonable time period.
- D. The County shall bill the City, by itemized statements, for the work accomplished on a monthly basis.

III. CITY'S OBLIGATION

For it's part under this Agreement, the City shall:

- A. Designate the City Public Works Director to authorize street repair and maintenance.
- B. Notify County of needed street work, including identifying potential road hazards.
- C. Pay for work performed at the unit costs for labor, equipment and materials within thirty (30) days of receipt of billing by County.

IV. MUTUAL COVENANTS

The City and County also agree as follows:

- A. To develop an annual (July 1 to June 30) street maintenance scheduling plan for routine maintenance items such as mowing of right-of-ways, inspection of Keizer Dike and maintenance of Dike storm drain flap-gates, pavement management inspections, cleaning and maintenance of storm drains, dry wells and catch basin inlets, street striping, etc.

It is agreed that the street maintenance scheduling plan is to be developed as a guideline and that it is not intended to be all-inclusive and is subject to availability of County personnel and equipment during each year and availability of City funding during the fiscal year.

- B. Modifications to this Agreement shall be reduced to writing, either as a separate attachment or as a rewritten Agreement, whichever is appropriate, and signed by both parties.
- C. This Agreement is for a term of five (5) years for the purpose of providing City the uninterrupted maintenance of streets and related facilities. This Agreement may be terminated by either party, with sixty (60) days prior written notice, with or without cause.
- D. It is agreed that if any actions or suits are brought against the County it's agent, or employees, from alleged negligence in omitting or taking any action in furtherance of this Agreement, the county shall defend said suit or action at its own expense and without any cost to the City.
- E. It is agreed that if any actions or suits are brought against the City, its agent or employees, for alleged negligence in omitting or taking any action in furtherance of the Agreement, the city shall defend said suit or action at its own expense and without any cost to the County.

- F. The County and City shall each maintain insurance policies or self-insurance during the duration of this agreement in at least the minimum amount required to cover its liabilities under the Oregon Tort Claims Act.
- G. The County agrees to indemnify and hold the City harmless from damages for any and all errors, omissions, or acts of the county's employees, officials or agents arising out of or under this Agreement.
- H. The City agrees to indemnify and hold the County harmless from damages for any and all errors, omissions, or acts of the City's employees, officials or agents arising out of or under this Agreement.

CITY OF KEIZER

Mayor

City Recorder

Approved As To Form

City Attorney

Date

MARION COUNTY BOARD
OF COMMISSIONERS

Chairperson

Date

Commissioner

Date

Commissioner

Date

MARION COUNTY PUBLIC WORKS

Director of Public Works

Road Superintendent

Approved As To Form

Marion County Legal Counsel

Date

Approved as to Form

David Hartwig, Contracts
Officer

Date

INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF KEIZER AND MARION COUNTY
CONCERNING STREET MAINTENANCE IN KEIZER

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NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

I. DEFINITIONS

As used in this Agreement:

ROAD SUPERINTENDENT means the Marion County Road Superintendent.

UNIT COST means those costs for work done by the County based on hourly labor rates, costs of materials and hourly equipment costs. The hourly labor costs include standard County benefits and internal administrative costs; cost of materials includes cost of materials to County; and equipment rental rates include fuel, major and minor repair, insurance, shop overhead, etc. The schedule of unit costs are established by the county and are effective until ninety (90) days following notice of proposed changes in unit costs.

II. COUNTY'S OBLIGATION

For its part under this Agreement, County shall:

- A. Except as otherwise specified in this Agreement, the County shall only perform that street work which is requested by the City Public Works Manager. All work shall conform to Marion County maintenance standards.
- B. Street work deemed by the Superintendent to be of an emergency nature (i.e., threat to life, property or public safety) may be undertaken at the discretion of the Superintendent. Examples of such work may include stop sign replacement, removal of road hazards, posting of High Water signs, sanding of icy roads, etc. The Superintendent shall, whenever practicable, give notice to the City Public Works Manager within twenty-four (24) hours of the time emergency street work is undertaken. This Agreement does not create a duty or responsibility for the County to inspect the streets of City.
- C. The County shall be responsible for the actual work it does and for undertaking emergency work within a reasonable time after notification of need.
- D. The County shall bill the City, by itemized statements, for the work accomplished on a monthly basis.

III. CITY'S OBLIGATION

For its part under this Agreement, the CITY shall:

- A. Designate the City Public Works Manager to authorize street repair and maintenance.
- B. Notify County of needed street work, including identifying potential road hazards.
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IV. MUTUAL COVENANTS

The CITY and COUNTY also agree as follows:

- A. To develop an annual (July 1 to June 30) street maintenance scheduling plan for routine maintenance items such as mowing of right-of-ways, inspection of Keizer Dike and maintenance of Dike storm drain flap-gates, cleaning and maintenance of storm drains, dry wells and catch basin inlets, street striping, etc.

It is agreed that the street maintenance scheduling plan is to be developed as a guideline and that it is not intended to be all-inclusive and is subject to availability of County personnel and equipment during each year and availability of City funding during the fiscal year.

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attachment or as a rewritten Agreement, whichever is appropriate, and signed by both parties.

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- E. It is agreed that if any actions or suits are brought against the City, its agent or employees, for alleged negligence in omitting or taking any action in furtherance of the Agreement, the City shall defend said suit or action at its own expense and without any cost to the County.
- F. The County agrees to indemnify and hold the City harmless from damages for any and all errors, omissions, or acts of the County's employees, officials or agents arising out of or under this Agreement.

G. The City agrees to indemnify and hold the County harmless from damages for any and all errors, omissions, or acts of the City's employees, officials or agents arising out of or under this Agreement.

CITY OF KEIZER

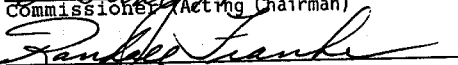
MARION COUNTY BOARD OF COMMISSIONERS


Mayor


Chairman

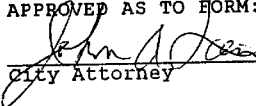

City Recorder

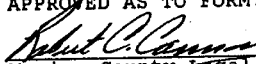

Commissioner (Acting Chairman)


Commissioner

APPROVED AS TO FORM:

APPROVED AS TO FORM:


City Attorney


Marion County Legal Counsel

f:\admin\countycity.agr

APPROVED BY KEIZER CITY COUNCIL AUGUST 15, 1988.



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

COUNCIL MEETING: August 16, 1993

AGENDA ITEM NUMBER: 7b

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *tracy*
CITY RECORDER

SUBJECT: INITIATING ORCHARD CREST PHASE 3 STREET LIGHTING DISTRICT

ISSUE:

Shall the City Council initiate the Orchard Crest Phase 3 Street Lighting District?

DISCUSSION:

An application was filed on July 26, 1993 by The Meadows Group to form a local improvement district for street lights in the Orchard Crest Phase 3 subdivision. The petition contained the required signatures of the property owners as outlined by City of Keizer Ordinance 87-094.

RECOMMENDATION:

It is recommended that the City Council approve the Resolution initiating the Orchard Crest Phase 3 Street Lighting District.

1 **CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON**

2 **Resolution R93- ____**

3 **DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING**
4 **LOCAL IMPROVEMENT DISTRICT (ORCHARD CREST PHASE 3) AND**
5 **DIRECTING THE CITY ENGINEER TO MAKE A SURVEY AND FILE A**
6 **WRITTEN REPORT WITH THE CITY RECORDER**

7 WHEREAS, the City Council of the City of Keizer has received a petition to initiate
8 a street lighting district at Orchard Crest Phase 3, in the City of Keizer, Oregon; and

9 WHEREAS, pursuant to City of Keizer Ordinance 87-094, the necessary signatures of
10 land owners comprising two-thirds of the property to be included within Orchard Crest Phase
11 3 Lighting District have requested the formation of the district; NOW, THEREFORE,

12 BE IT RESOLVED by the City Council of the City of Keizer that:

13 1. The City Council declares its intent to initiate Orchard Crest Phase 3 Street
14 Lighting District;

15 2. The City Engineer is hereby directed to make a survey of the District;

16 3. The City Engineer shall file a written report with the City Recorder to be
17 considered by the City Council on September 20, 1993.

18 PASSED this ____ day of _____, 1993.

19 SIGNED this ____ day of _____, 1993.

20 _____
21 Mayor

22 _____
23 City Recorder



City of Keizer

930 Chemawa Rd. N.E. • P.O. Box 21000
Keizer, Oregon 97307-1000 • (503) 390-3700 • Fax # 393-9437

CITY COUNCIL MEETING: August 16, 1993

AGENDA ITEM NUMBER: 7c

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DOTTY TRYK *Dotty*
CITY MANAGER

SUBJECT: APPOINTMENT - MID WILLAMETTE VALLEY ECONOMIC
DEVELOPMENT DISTRICT

ISSUE:

The Mid Willamette Valley Economic Development District is a policy making board which directs the economic development activities for the Council of Governments. The Board consists of 27 members; half of these are elected officials. The City of Keizer has been designated the responsibility of appointing a member of the community to a professional position on this board.

Mayor Koho appointed Michael Muniz, local resident and attorney to fill the vacancy recently created by the resignation of Les Zaitz. According to the by-laws of the Board, this appointment will need to be ratified by the Council.

RECOMMENDATION:

It is recommended the Council ratify the appointment of Michael Muniz to the Mid Valley Economic Development District.



Keizer Police Department

930 Chemawa Rd. N.E. • P.O. Box 21060
Keizer, Oregon 97307-1060 • 390-3713 / FAX 390-8295

Charles R. Stull
Chief of Police

CITY COUNCIL MEETING: August 16, 1993

DATE: August 11, 1993
TO: Mayor and City Council
THRU: Dotty Tryk, City Manager *dtty*
FROM: Charles R. Stull, Chief of Police *CRS*
SUBJECT: **DONATION OF RADAR GUNS**

ISSUE

Shall the City Council approve the donation of two (2) radar guns, one to the Keizer Little League, and the other to McNary High School, for the purpose of enhancing their sports programs?

BACKGROUND

The Keizer Police Department has had these radar units since 1984. The new moving radar was introduced in 1989 and, since that time, the old radar units were placed in storage and not used.

The Police Department has been approached by the Keizer Little League and McNary High School expressing interest in the radar units. The radars would be used by the coaching staff for measuring the speed in which the pitchers throw the ball.

Sergeant Kominek, the department equipment supervisor, estimated the value of the radar units with carrying case to be about \$100.00 total.

RECOMMENDATION

Pursuant to City Ordinance #88-117 (copy attached), I request that the above-mentioned equipment be declared surplus property and ownership transferred to the Keizer Little League and McNary High School.

crs:cpb July 31, 1993

MINUTES

KEIZER CITY COUNCIL
Monday, August 2, 1993
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:30 p.m.
Roll call was taken as follows:

Present

Dennis Koho, Mayor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor (arrived at 7:39 p.m.)
Chet Patterson, Councilor
Jerry Watson, Councilor
Marlene Wellin, Councilor

Staff

Dotty Tryk, City Manager
Skip Wendolowski, Acting Community Development Director
Wally Mull, Director of Public Works
Charles Stull, Chief of Police
John Lien, City Attorney
Shannon Johnson, City Attorney
Kevin Wickman, Director of Parks
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

PUBLIC HEARING

Mayor Koho opened the public hearing.

Keizer Little League Park Conditional Use

Skip Wendolowski, Acting Community Development Director stated the Keizer Little League through the City of Keizer has applied for a conditional use to allow placement of lights at the 15-acre park which contains 10 playing fields. Lights would be

installed at the Reimann field this year and possibly four other fields during the next five years. The lights will be designed to direct light only onto the playing field and are shielded to eliminate the scattering of light onto adjacent areas.

Mr. Wendolowski noted ball parks are conditionally permitted uses in the P (public) zone. Lights are considered an accessory to the existing baseball diamonds and will not establish new uses at the park. However, when staff reviewed the proposal, they determined the lights may change the way the fields are used; therefore the conditional use review is appropriate.

Mr. Wendolowski summarized his decision for compliance of the criteria listed in Keizer Zoning Ordinance 8.30 as follows:

- The use is listed as a conditional use in P (Public) Zone.
- The parcel is suitable for the proposed use. The property has been successfully operated as a baseball and softball facility for 10 years and there is adequate area to install the lights.
- The installation will not adversely affect existing wind and solar energy systems in the area.
- There are adequate public facilities available to power the lights.
- The proposed use will not materially alter the character of the field.

The two primary concerns in the last area focus on the light glare to adjacent property owners and a change in use of the facility. The initial field to receive the lights is separated from the adjacent property by embankments and trees. The other proposed fields to be lighted are separated from the adjacent residential property by at least 150 feet or more. It was noted that this action will not increase the number of games played nor the number of people at the Park at any one time. Mr. Wendolowski stated he feels it is appropriate to establish a time limit for operation of the facility and lights.

Mr. Wendolowski concluded the proposal complies with the conditional use criteria provided the installation is limited solely to the subject fields and the conditions are placed on the hours of operation. He recommended approval of the request with the following conditions:

1. Installation of the lights shall be limited to the following playing fields: Reimann Field, Rotary Field, Kiwanis Field, Keizertimes Field and the Jerry Bull Field.
2. The lights shall be designed and installed in a manner as to direct the lighting onto the field or fields they are intended to light.
3. The lights shall be installed within 5 years of the date of the final decision.
4. The operation for the Keizer Little League Park and field lights shall be limited to the following hours:
 - a. The park hours may be extended by lighting from March 1 to October 31.
 - b. The park will close and the lights will be off at 10:00 p.m. from March 1 to May 31 and the day after Labor Day to October 31.
 - c. The park will close, and the lights be off, at 11:00 p.m. from June 1 to August 31.
 - d. Extended hours are limited to Monday through Saturday; the park will close at sunset on Sundays.
5. Prior to using the field lights, the Keizer Park Regulations shall be amended to include the change in hours of operation.

Shannon Johnson, City Attorney outlined the rules and procedures for a conditional use hearing.

Speaking in the public hearing were:

Terry Rogers, manufacturer's representative for Musco Sports Lighting, provided background information on himself and the company. Musco Sports Lighting provides equipment that projects light to the playing field and meets all the safety requirements of little league. The lights provide minimal glare impact on the neighbors.

Dennis Wise, 5405 Ridge Drive NE, Keizer stated the youth sports program in Keizer is a true example of community spirit and is essential for the young people. As a neighboring resident of the Keizer Little League Park, he has dealt with trespassing on his property, the noise of maintenance machinery during the early hours of the morning, and the malfunction of the security system. Regarding the installation of the lights at the Keizer Little League field, Mr. Wise suggested the City review the present noise ordinance to make amendments to accurately address community events including baseball games, changing the hours for use of the lights until 10:00 p.m. rather than the recommended 11:00 p.m. and the possibility of a permit system to address other activities not related to a baseball game. Mr. Wise also addressed his concern with the traffic safety on Ridge Drive. He recommended the installation of lights in the parking area or constructing speed reducing devices around the parking area. In response to a question from Councilor McGee, Mr. Wise stated his main concern is the additional noise rather than the installation of lights.

Jim Taylor, 6151 Bingtree Court NE, Keizer stated he has been involved with Keizer Little League for approximately ten years and is presently a member of the Keizer Parks Advisory Committee. Mr. Taylor said the number of children involved in Little League has doubled during his tenure. There is land available to build additional fields but the initial expense and overall maintenance would be a great financial strain. With the installation of lights, the hours will be extended and allow the fields to be utilized for additional games. Mr. Taylor said parking at the Park has been a problem, but with the lighted fields this will allow games to be spread out and reduce the cars leaving. In response to a comment from Mr. Wise, he stated the little league rules prohibit an inning from starting after 10:30 p.m. By leaving the lights on until 11:00, this would allow the safe departure of

players from the fields.

Councilor Keller asked if there could be a compromise to shut the lights off at 10:30 p.m. Mr. Taylor stated this could be an option, but he would need to discuss the matter with the board of directors.

Councilor Watson inquired of the hours recommended for lighting. Park Director Kevin Wickman stated if the regulations state the Park is closed at 11:00 p.m., it would be a violation to be in the park after this hour. Councilor Wellin inquired of the closure times in Holland Youth Park and Wellin Marine Park. In response to another question from Councilor Wellin, Mr. Taylor stated parking is adequate for the facility with the new addition of the south parking lot.

Councilor Miller inquired of the use of the Park on Sundays. Mr. Taylor stated the park is normally not used on Sunday but due to the weather this year, games were scheduled. It is also used on Sunday when a tournament is scheduled. In response to another question from Councilor Miller, Mr. Taylor stated tournaments are held during July, August, September and sometimes in October. Soccer teams also use the Park during the fall. Councilor Miller stated there are several other organizations in Keizer that are in need of playing facilities.

Andy Orcutt, 2100 Kinglet Way, Keizer noted he is the closest property owner to the Reinmann field. He is not opposed to the lights but what can happen during the darkness and also the noise problems associated with later games. He stated the fencing around the Park is inadequate and should be repaired before the lights are installed. He cited instances of trespassing of players and spectators in his backyard. He asked the Council to consider imposing a condition to repair the fence prior to the installation of lights.

Mr. Orcutt also is concerned with the noise level. He voiced his opposition to opening the Park for additional tournaments and uses. This would add additional noise from public address systems and the increased amount of spectators. Mr. Orcutt would also like time restrictions placed on the maintenance machinery.

Tim Irwen, 2107 Kinglet Way, Keizer addressed the Council regarding his concern and opposition to the installation of lights at the Keizer Little League Park. Prior to purchasing his home, he was concerned of the possible changes or addition of lighting to the Park. He was assured there was not any plans to add lights to the fields in the near future. Mr. Irwen voiced his concern for the value of his property with the addition of the lights. Mr. Irwen also cited his concern for curfew of the children, noise of the spectators and maintenance machinery after 11:00 and the effect of the lighting on his home. He also cited instances of trespassing and vandalism on his property due to the inadequate fence.

Councilor Miller inquired of the Keizer Little League representatives of the money raised to install the lights. Clint Holland stated money has not been received but has possible donations lined up. He stated it might be possible to have the lights installed prior to next season.

There was no other testimony to come before the Council.

Mayor Koho closed the public hearing.

Chemawa Activity Center

Mayor Koho reopened the public hearing which was continued from July 6, 1993.

Speaking during the public hearing were:

Pat Chapman, 2235 Chemawa Road, Keizer, discussed the letter received from the City regarding a recent change in the status of remodeling permits. She also voiced her concern with the lack of notification the residents received when their property was rezoned to UT (Light Industrial). Ms. Chapman also vented her frustrations with the errors in the survey of her property and asked to City to look into this matter.

Dennis Wise, 5405 Ridge Drive NE, Keizer recommended the activity center should promote the railway as a trail for walking or bicycling. He also recommended the Council remove area "c" out from the activity center area and zone as commercial residential. He hoped when this activity center is developed, it

would not take away from the utilization of "downtown" Keizer.

There was no other testimony to come before the Council.

Mayor Koho continued the public hearing until August 16, 1993.

**Conditional Use
Appeal - Chandler
Case No. 91-9**

Mayor Koho reopened the public hearing from September 21, 1992.

City Manager Tryk advised this conditional use hearing is for a proposed Church in the special policy area around the Wastewater treatment plant. The applicant in the matter has asked for a 90-day extension of the hearing.

Mayor Koho continued the public hearing until November 1, 1993.

**Max Court Street
Lighting Local
Improvement
District**

Mayor Koho opened the Public Hearing to consider remonstrances to the formation of Max Court Street Lighting Local Improvement District.

Speaking during the public hearing was:

Daniel Kerr, 2493 Daytona Court, Keizer represented the owner of 8 of the 12 lots within the proposed district. He encouraged the Council to approve the lighting district for the safety and economic sense.

There was no other testimony to come before the Council.

Mayor Koho closed the public hearing.

**Meadows Phase 6
Street Lighting
Local Improvement
District**

Mayor Koho opened the public hearing to consider remonstrances to formation of the Meadows Phase 6 Street Lighting local improvement district. There being no testimony, Mayor Koho closed the public hearing.

DELIBERATION

Keizer Little League Park Conditional Use and amendment of the Keizer Park Regulations

Councilor Watson inquired of staff if the impact of property values should be considered under the criteria when evaluating the conditional use. City Attorney Johnson stated that is an indirect impact to consider.

In response to a question from Councilor Keller, Mr. Holland stated maintenance work (mowing) would not occur after 11:00 p.m. but there is a possibility fields would be watered after this time.

Councilor McGee voiced his concern regarding the poor fencing conditions. Mr. Holland stated the Keizer Little League has erected a six-foot fence around part of the field. Funds are not available at this time to complete the fencing for the other portion of the field. Councilor McGee also inquired of the possible noise violation the public address systems may cause. Mr. Holland stated this can be controlled since it is only used during the month of July for tournaments. Councilor McGee voiced his support for allowing the Keizer Little League Park to be used on Sunday also. Jim Taylor stated the Little League allows the Park to be used by families on Sundays. Mr. Holland stated the Little League discourages having games on Sundays unless it becomes necessary to schedule make-up games.

Councilor McGee also stated the City should consider opening up the Park for additional uses. Mayor Koho stated Keizer Little League has exclusive use of the Park through their agreement.

Councilor Miller moved because of the additional usage availability of the fields caused by the addition of the lights. Council shall appoint a committee to meet with Keizer Little League Officials to work out compromises on concerns such as the noise, fencing, addition of Sunday, and also discuss the possibility of other non-little league use of the field. Councilor McGee seconded the Motion.

Councilor Keller stated the Keizer Little League has put a considerable amount of time into developing the program and does not think the City should change it by altering the use agreement. He also stated the residents of the area are not subjected to "game noise" on Sunday.

In response to a question from Councilor Keller, Councilor Miller stated through his association with other baseball or softball programs, he has become aware of the need for additional fields in Keizer. He hoped the Park could be put to use for other teams when Keizer Little League is not using the field.

Councilor Patterson voiced his objection to the formation of a committee in order to renegotiate the use agreement with Keizer Little League. This should be a separate issue at another time.

Councilor Wellin voiced her support and appreciation for the Keizer Little League program.

The motion failed with the following votes:

AYES: None (0)

NAYS: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

ABSTENTIONS: None

ABSENT: None

Councilor Watson moved to adopt the staff recommendation with the following amendments: Change condition number 3: the lights shall be installed within 2 years. 6. The City shall retain the right and sole discretion to restrict further the hours of operation at the Keizer Little League fields, restrict the hours of the operation of lighting and to modify or eliminate the lighting to further minimize the effect on adjacent properties. 7. Any noise ordinance adopted or amended in the future by the City shall apply fully to the activities at the Park. 8. No power equipment including but not limited to mowers will be operated after 10:00 p.m. Councilor Patterson seconded the Motion.

Councilor Watson stated his reason for holding this matter for future consideration it will allow the City to review the impact of the lights on the adjacent property owners after they are installed. Mr. Holland stated the lights could be set on a timer so the system is shut down at 11:00 p.m.

Councilor McGee asked Councilor Watson to include in his motion the elimination of the restriction of allowing the lights and park to be closed on Sundays. Councilor Watson stated he had no objection to this inclusion but Councilor Patterson voiced his objection.

Councilor Miller moved to amend the Motion to delete the Sunday restriction. Councilor McGee seconded the Motion.

The vote on the amendment failed with the following votes:

AYES: McGee, Miller and Watson (3)
NAYS: Keller, Koho, Patterson and Wellin (4)
ABSTENTIONS: None
ABSENT: None

Andy Orcutt stated the completion of the fence should be made a part of the conditions for lighting.

Mayor Koho moved to amend the Motion to include a condition the fence be completed prior to the installation of the lights. Councilor Keller seconded the amendment to the Motion.

The amendment to the Motion passed as follows:

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

The Main motion as amended passed unanimously as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)
ABSTENTIONS: None
ABSENT: None

**ORDINANCE -
Max Court Street
Lighting Local
Improvement
District**

Councilor Patterson moved for adoption of an Ordinance spreading assessments to Max Court Street Lighting Local Improvement District. Councilor McGee seconded the Motion.

The Motion passed unanimously as follows:

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

**ORDINANCE - The
Meadows Phase 6
Street Lighting
Local Improvement
District**

Councilor Patterson moved for adoption of an Ordinance spreading assessments to Max Court Street Lighting Local Improvement District. Councilor McGee seconded the Motion.

The Motion passed unanimously as follows:

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

DISCUSSION

Housing Issues

City Manager Tryk advised the Council the memo from Councilor Watson suggests a proposed housing strategy based upon the discussion during the July 12, 1993 worksession. The recommendation directs staff to return with a detailed report on the proposal in September.

Councilor Patterson extended his appreciation to Councilor Watson for his work on the memo. Councilor McGee stated it will be a workable direction for the City to proceed.

Councilor Patterson moved to accept the recommendation to have staff return to Council with a detailed report on Housing Issues. Mayor Koho seconded the Motion.

Councilor Keller asked staff to include the code enforcement aspect during their research.

The Motion passed unanimously as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None

ABSENT: None

Receipt of the OCA Initiative Petition

Mayor Koho stated the Council had received petitions containing a sufficient number of signatures to qualify the measure to be placed on the November ballot. With concurrence of the Council, he directed staff to prepare the necessary documents for Marion County Elections for the November 1993 ballot.

CONSENT CALENDAR

The Consent Calendar consisted of the following:

- a. RESOLUTION - Records Management Purchase
- b. RESOLUnTION - Membership in CCIS Insurance Pool
- c. Unimproved Streets
- d. Receipt of the Willow Lake Treatment Plant Noise and Odor Study
- e. Approval of July 19, 1993 Regular Session Minutes

Councilor McGee moved for approval of the consent calendar.
Councilor Watson seconded the Motion.

The Motion passed unanimously as follows:

AYES: Keller, Koho, McGee, Miller, Patterson, Watson and Wellin (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATION

There was no written communication to come before the Council.

OTHER BUSINESS

Councilor McGee asked for clarification for the proper time for public testimony during the Council meetings. Mayor Koho stated the Council should determine what level of input the Council should hear from citizens for agenda items not scheduled for public hearings. Councilor Watson suggested having a portion of the agenda set aside for testimony dealing with items on or off the agenda. Councilor Patterson hoped City government would remain user friendly. Councilor Keller stated public input should be taken during the public testimony portion of the agenda for all matters other than scheduled public hearings.

Mayor Koho directed staff to reword the agenda item dealing with public testimony.

Councilor Keller asked staff to research the possibility of refunding the money previously deposited by the gas station at Sandy and River Road for a traffic signal. Staff will report back to Council on this matter.

City Manager Tryk updated the Council on the progress of the City park at the new school grounds. Groundbreaking ceremonies are scheduled for Wednesday, August 4, 1993 at 8:30 a.m.

Mayor Koho reported the Audit Committee met prior to the Council meeting this evening. His recommendation to the Budget Committee will be to send out approximately 300 invitations for a town hall meeting to generate public input to determine the level of programs and services for the future. Councilor McGee questioned the authority of the audit committee to determine such action.

Mayor Koho reminded the Council of the Budget Committee meeting on August 23, 1993 at 7:00 p.m.

AGENDA INPUT

Councilor Miller asked to have a discussion item placed on the September 7, 1993 Council meeting regarding alternative uses for Keizer Little League Park.

Mayor Koho reminded the Council of the August 30, 1993 Worksession scheduled for 7:00 p.m. The Agenda for this session will be distributed by August 16, 1993.

Councilor Watson announced he will not be present on August 30, 1993 for the Worksession.

Councilor Miller announced he will be out of the country for the August 23, 1993 Budget Meeting and August 30, 1993 Council Worksession.

ADJOURNMENT

The meeting was adjourned at 10:07 p.m.

TRACY L. DAVIS
City Recorder

APPROVED:

MAYOR:

DATE: 2-16-93

TIME: 7:30 pm

PUBLIC HEARING REGARDING:

CHENAWA ACTIVITY CENTER (6.4.76-1)DATE: 8-16-93

BEFORE:

City Council

PLACE:

Council Chambers

TIME:

7:30 pm

PRINTED NAME	MAILING ADDRESS	PROPONENT	OPONENT	GENERAL
Ken Ziebert	PO Box 20188 Kinross 97307			—
Barb Griffith	1407 Greenwood Dr.			
Rick Bearden	2285 CHENAWA RD NE		X	
Jo. Mathan	73332 74th Ave. N. 885-1005	X		
Cherlene Mutschler	380 Alice Ave S Salem	X		
1 Rene Pacleb	2230 Chenawea Rd 45			
1845 Chapman	2235 Chenawea Rd N.E.			

PUBLIC HEARING REGARDING: INDOOR GOLF CLASSICS CHANGE LLC DATE: 8-16-93
BEFORE: City Council PLACE: Council Chambers TIME: 7:30 pm

[illegible]

August 16, 1993

John Morgan
Director of Community Development
City of Keizer
POB 21000
Keizer OR 97307

RECEIVED
'93 AUG 18 AM 10 29

CITY OF KEIZER
OREGON 97303

Dear Mr. Morgan:

RE: Comprehensive Plan Amendment for the Chemawa Activity Center

Thank you for meeting with me and Dan Fricke of Region 2 to discuss the Oregon Department of Transportation (ODOT) July 2, 1993, comment letter on the subject project and for providing us additional information regarding the proposed Chemawa Activity Center. Based on our discussions, I believe we are in substantial agreement on the resolution of issues which are of importance to ODOT.

The following summarizes the consensus we reached regarding these issues:

- ▶ ODOT concurs with the City's position that the Transportation Impact Study (TIS) can be prepared prior to the approval of a zone change. We believe that the information necessary to prepare a meaningful analysis, which would not be available prior to approval of the plan amendment, will be ready before the zone change process is completed. The TIS should be prepared according to ODOT's "Transportation Impact Study - Recommended Guidelines" a copy of which is attached for your convenience.
- ▶ ODOT concurs that the "Public Improvement Policies" contained on Page 12 of the Chemawa Activity Center Plan - DRAFT adequately address our concerns related to any necessary improvements, including design and construction financing, to the Chemawa Road interchange to the Interstate 5 freeway. Any improvements required to ensure that this facility operates at an acceptable level of service will be identified in the TIS.



John Morgan
City of Keizer
August 16, 1993
Page 2

- ▶ ODOT believes that the conditions approval proposed on Page 4 of our July 12 letter, concerning the design and construction of improvements within the state right-of-way, remain appropriate and should be adopted as part of the comprehensive plan amendment.

This letter should be included in the hearing record as ODOT testimony. ODOT should be considered a party to the hearing and be entitled to notices of future hearings, or hearing continuances or extensions. Please provide me with a copy of the City's decision, including finds and conclusions.

Sincerely,


John Grassman, P.E.
District 3 Manager

JG:DF:dk

Attachment

cc: Dan Fricke, ODOT Region 2
Dick Reynolds, ODOT Systems Planning
Bob Rindy, DLCD

Chemawa

August 16, 1993

John Morgan
City of Keizer
P.O. Box 21000
Keizer, OR 97307



RECEIVED
84
93 AUG 18 AM 10 24
DEPT. OF LAND
CONSERVATION
AND
DEVELOPMENT
CITY OF KEIZER
OREGON 97303

Dear John:

Thank you for providing additional information on the Wheatland Road and River Road proposals (letter of July 31, 1993). We support the proposal to build a mixed use development on River Road and to require a minimum amount of multifamily development on that site. We remain concerned, however, that these proposals will result in a net loss of multifamily dwellings.

Our previous letter asked for a "replacement" of the lost multi-family opportunity. Your July 31, 1993 letter refers to "a net loss of 250 multi-family units" on the Wheatland Road site when it is rezoned from multi-family to single family use.

The estimate of 250 units is based on a density of 8 units per acre. We believe that this density is too low. It is more reflective of single family development on small lots than multi-family use. A density of at least 12 units per acre is more representative of true multi-family development. This higher density will require the city to replace more than the proposed 250 units. The 33 acre Wheatland Road site could accommodate approximately 400 multi-family dwellings at 12 units per gross acre.

The city can address this concern by:

- demonstrating (as you have suggested) that the city has already "made up" the difference on other sites which have been replanned and developed for "mixed use;"
- increasing the number of multi-family units required on the River Road site;
- retaining the multi-family zoning on a portion of the Wheatland Road site; or
- rezoning another site for multi-family use.

BARBARA ROBERTS
Governor



1175 Court Street NE
Salem, OR 97310-0590
(503) 373-0050
FAX (503) 362-6705

August 16, 1993

Please enter these comments into the record of the hearing on this amendment. If you have any questions, please call Jim Hinman at 373-0088 or Bob Rindy at 373-0067.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael J. Rupp". The signature is fluid and cursive, with the first name "Michael" and last name "Rupp" clearly distinguishable.

Michael J. Rupp,
Plan Review Manager

MJR:JH/bh

cc: Marion County Planning Department
Bob Rindy, Field Representative
DLCD Files (Lib, LR, Ptld)
Keizer PA File #002-93

August 7, 1993

Keizer City Mayor
Keizer City Manager
Keizer City Council

RECEIVED

'93 AUG 10 AM 10 14

Re: The Chemawa Activity Center

CITY OF KEIZER
OREGON 97303

I am Mildred Hays. I reside at 5917 Radiant Drive NE. I own property at 5917, 5967, 6012, and 6259 Radiant Drive and also at 2895 Chemawa Road NE; a total of twenty-four acres which are all in the Chemawa Activity Center.

I am concerned because the people in this area missed the hearing August 2nd. We understood that the hearing had been postponed to August 16th. We would like to be able to address the council at the August 16th meeting. Almost all of the land owners residing in the Chemawa Activity Center area east of the railroad tracks are in favor of development. Seventeen of the property owners have been meeting with Jim Reiman and are in the process of establishing an agreement so he can represent us as a unit.

I am no longer able to speak in public, so I am taking this means of communicating my concerns and wishes. We all agree that it is important for this area to be developed into an attractive entrance to Salem, the State Capital.

There was an amendment proposed at the earlier meeting to use this area for a community based mall with a store such as Albertson's and a Pharmacy, etc. That type of development would not be a nice entrance to Salem, and it would be in direct competition with the businesses on North River Road. The area would be much better served with a Factory Outlet Center, similar to Lincoln City. Many of the people that drive to Lincoln City to shop would come to the Keizer Mall, since I-5 gives good access. I understand that Woodburn has dropped the idea of an Outlet mall, which is a break for us. The Outlet Mall, an Hotel/Convention Center, or a Light Industrial Park would make a nice entrance to Salem, and would provide jobs and much needed tax revenue for the Keizer area without competing with the Keizer business district.

For many years I have held neighborhood meetings in my home, carried petitions and talked to owners in this area about development of this area. In 1981, we met with Salem officials who promised that this area would develop within 5 years and that they would provide water and sewer at the sight when it was needed. We also met with three Industrial and Commercial Real Estate men from Portland. We hired Earl Wickland, the previous year's top salesman for Commercial Real Estate Development in the Portland Area. He did the Clackamas Town Center and Swan

Island. When he got no cooperation from the Salem, Marion County, and State Officials concerning the development of this area he decided not to represent us.

Since Salem would not cooperate with our representative, and knowing that Keizer needed more area for Commercial and Industrial development when they incorporated as a city, we voted to become a part of Keizer. We thought that you would be interested in the best use of this land.

In 1979 and 80, a Japanese company had an option on Dona Goodlett's and my land. They were also negotiating for the land owned by Jo Ditchen and wanted to buy more. They went through all of the engineering process and had arranged to have water and sewer lines put in when the Chemawa/1-5 interchange was finished. Then Marion County announced plans to build a garbage burner across the freeway. The Japanese Company dropped their option March 1, 1981. They couldn't make computer chips that close to a garbage burner.

Since that time we have had a series of disappointments. Every time their has been an interest in developing this area, there has been a lack of cooperation by Keizer, Salem, Marion County and State Officials. The people in this area are frustrated and some are angry. We hope that you are sincere in your show of interest at this time. The benefit of developing this area, for its best use, will benefit Keizer, Salem and the people of the entire area. As you know in many ways the residents of this area have had their lives put on hold for the last ten years because of political manipulations between Salem and Keizer.

We are very happy that you are taking an interest in our area now.

Sincerely,



Mildred F. Hays
5917 Radiant Drive NE
Keizer, OR 97303