CITY OF KEIZER MISSION STATEMENT

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

AGENDA

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

and

KEIZER URBAN RENEWAL BOARD

JOINT WORK SESSION

Tuesday, August 14, 2001

5:30 p.m.

Robert L. Simon Council Chambers

Keizer, Oregon 97303

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **DISCUSSION**

   a. **Property Located at Southwest Corner of River Road/Chemawa Avenue**

4. **OTHER BUSINESS**

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

5 **ADJOURN**

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City of Keizer

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

To: Keizer Urban Renewal Agency and Board (KURB)

Through: Chris Eppley, City Manager

From: Maria Meier, Planning Director

Date: August 6, 2001

Re: KURB and Agency Joint Work-Session regarding Unocal Property

ISSUE

The Keizer Urban Renewal Agency requested KURB to recommend a use for the City owned Unocal property located on the southwest corner of Chemawa and River Roads. KURB had the issue on the July agenda for discussion, however a quorum was not established and no formal meeting took place. However, in the interest of time, KURB Chair Tom Wood suggested a joint work-session would better serve the Board to develop a recommendation to the Agency.

Please find attached the memo and materials provided for KURB's July meeting, and recommended for use for the joint work-session discussion.

RECOMMENDATION

Staff recommends the joint work-session discuss what the recommended use for the Unocal property. As the original request from the Agency was for the KURB to make a recommendation to the Agency on the matter, staff recommends the discussion conclude with a KURB recommendation to the Agency on what the recommended use for the subject property.

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To: Keizer Urban Renewal Board

Cc: Chris Eppley, City Manager

From: Maria Meier, Planning Director

Date: July 18, 2001

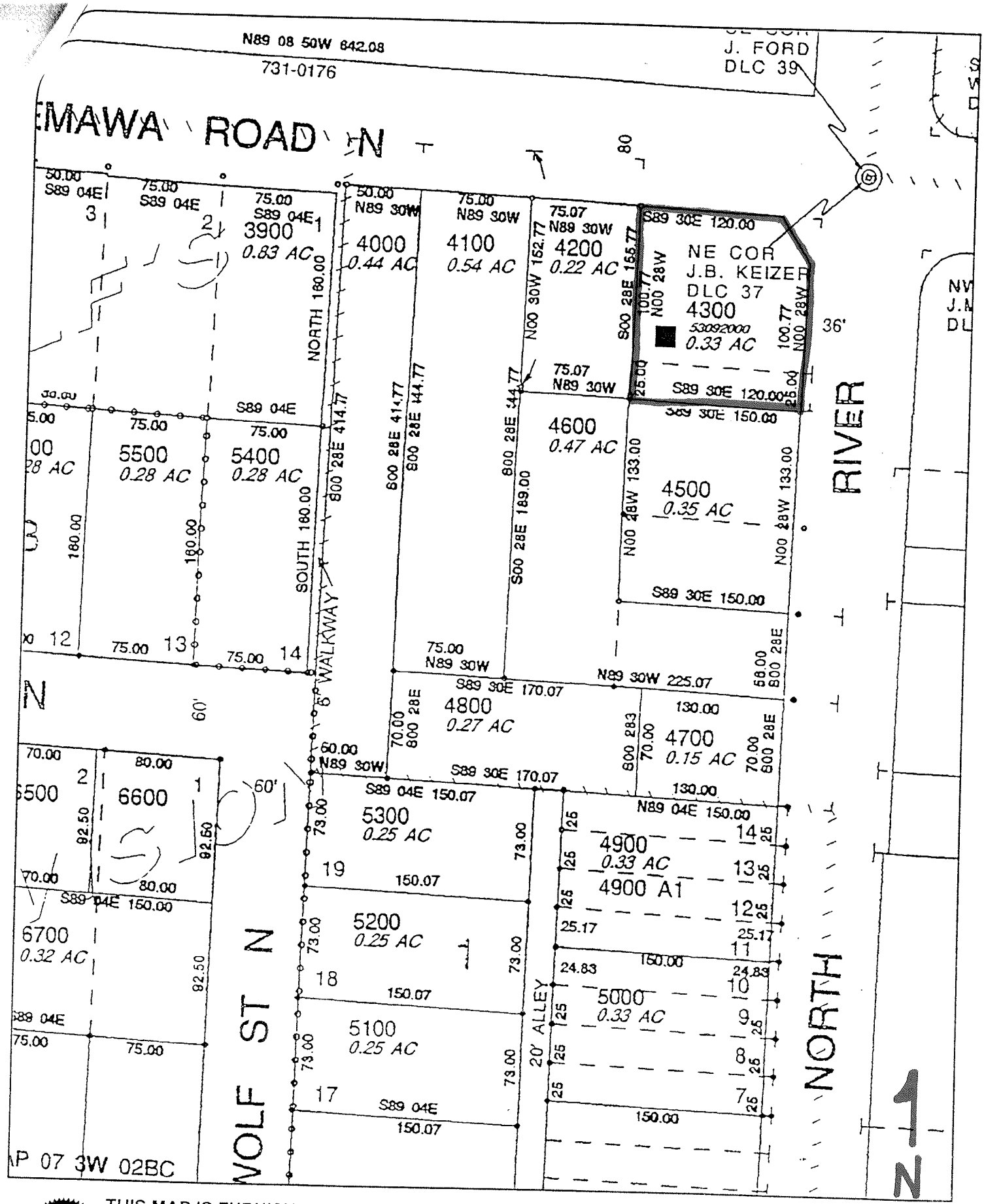
Re: Urban Renewal Agency request for KURB to recommend use for old Unocal Property located on the southwest corner of Chemawa and River Roads.

The Keizer Urban Renewal Agency has requested KURB to recommend a use for the City owned Unocal property located on the southwest corner of Chemawa and River Roads. Earlier this year, the Agency decided to place the property out for bid to sell. However, only one bid application was received and was rejected for not meeting the requirements for the bid. This response prompted the Agency to once again discuss the possible uses for the property.

Please find attached copies of two meetings. The February minutes reflect the Agency discuss and initial direction to place the property to bid. The May minutes reflect the Agency discussion to redirect KURB to recommend a possible use for the subject property.

The southwest corner had been reviewed by KURB during the development of the Keizer 21st Century Plan. Please find attached a copy of the recommendation in the draft Plan. The Agency/City Council has not reviewed or adopted the proposed Keizer 21st Century Plan. In addition, due to the time that has past since the original creation of the document, KURB has an opportunity to reconsider the proposed use for the subject property.

Staff recommends KURB review the materials and concepts proposed for the property in previous materials attached to this memo. In addition, staff recommends KURB discuss any additional or new ideas to be considered as a development potential for the site. KURB is requested to make a recommendation to the Agency regarding this matter.



THIS MAP IS FURNISHED AS A CONVENIENCE BY FIDELITY NATIONAL TITLE COMPANY

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MAP # 073W02BB04600

MINUTES
KEIZER URBAN RENEWAL AGENCY
Monday, February 5, 2001
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Chair Christopher called the regular meeting to order at 6:35 p.m.

Roll Call was taken as follows:

Present:
Lore Christopher, Chair
Ray Kelly
Charles E. Lee
Jerry McGee
Jacque Moir
Judy K. Smith
Richard Walsh

Staff:
Chris Eppley, City Manager
Rob Kissler, Public Works Director
Maria Meier, Planning Director
H. Marc Adams, Chief of Police
Dianne Hunt, Human Resources Director
Shannon Johnson, City Attorney
Tracy Davis, City Recorder

PUBLIC TESTIMONY

No public testimony was heard before the Urban Renewal Agency.

PUBLIC HEARING

None

ADMINISTRATIVE ACTION

a. Sale of Property at River/Chemawa Road

City Attorney, Shannon Johnson reported that the City Council held a public hearing and directed staff to come back with the details for the sale of the property in a bid process. The motion made included the following details:

- To sell the property at a minimum bid of $100,000.00.
- Limited access to a right-in/right-out driveway on Chemawa Road.
- A five-foot easement for a bike path and an additional easement for a light pole.
- Allowance for the City to construct and maintain a

reader board and up to three flagpoles.

Mr. Johnson provided a draft of the Bid Instruction Sheet and Sale Agreement. He noted that the preliminary title report and deed were not yet available. He requested that the Agency review the information and provide input.

Jerry McGee requested on page three of the sale agreement under *Require Landscaping* that it be made clear that the landscaping was required on both frontages equaling 25%.

The Agency discussed this and Chair Christopher suggested that wording be included stating that once bid was accepted it was contingent on plan approval by the Council.

Jerry McGee noted on page three, item fourteen that the word ***east*** is stricken and the word ***west*** is added. He also requested that the bid agreement include the restriction of auto related uses.

Mr. Johnson reviewed the Development Code and answered questions from the Agency.

Charles Lee questioned if the agreement should be more specific regarding the size and location of flagpoles and the reader board.

Mr. Johnson noted the suggestion regarding the size of the reader board. He went on to state that in order to meet the requirements of the Development Code a free standing sign, such as the reader board; that the size of the board would be dictated by the size of the building being built on the property. He indicated that this could be addressed with a variance process but felt it would be difficult to do.

The Agency noted that the agreement did not include what street the reader board would front. The Agency was in consensus that the reader board should be placed to be visible along River Road.

Jacque Moir moved to direct the City Manager to begin the bid process beginning the advertising procedure in February and closing the bid process at the end of March, taking into consideration the changes mentioned. Charles E. Lee seconded the motion.

Ray Kelly suggested that the property also be advertised in the Daily Journal of Commerce. After discussion it was decided to advertise the property in the Statesman Journal and Keizertimes.

The motion passed as follows:

AYES: Christopher, Lee, Moir, Smith and Walsh (5)
NAYS: Kelly and McGee (2)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

a. **Approval of the Tuesday, January 16, 2001 Urban Renewal Agency Minutes**

Jacque Moir moved for approval of the Consent Calendar. Jerry McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

OTHER BUSINESS

No other business was brought before the Urban Renewal Agency.

ADJOURNMENT

Chair Christopher adjourned the meeting at 6:58 p.m.

Cindy Perry
Recording Secretary

APPROVED:
CHAIR:

Lore Christopher

AGENCY MEMBERS:

Judy K. Smith

Ray Kelly

Richard Walsh

Jacque Moir

Charles E. Lee

Jerry McGee

Minutes approved:

May 7, 2001

MINUTES

KEIZER URBAN RENEWAL AGENCY
Monday, May 7, 2001
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Chair Christopher called the regular meeting to order at 6:17 p.m. Roll Call was taken as follows:

Present:
Lore Christopher, Chair
Ray Kelly
Charles E. Lee
Jerry McGee
Jacque Moir
Judy Smith
Richard Walsh

Staff:
Chris Eppley, City Manager
Rob Kissler, Public Works Director
Marc Adams, Chief of Police
Shannon Johnson, City Attorney
Tracy Davis, City Recorder

PUBLIC TESTIMONY

No public testimony was brought before the Agency.

PUBLIC HEARING

None

ADMINISTRATIVE ACTION

a. Disposition of Property at River/Chemawa Road (former Unocal Site)

City Attorney Shannon Johnson reported that only one bid was received for the property. An addendum was submitted with the bid, which was not consistent with the bid instructions. He suggested that the bid be rejected and void due to it not being responsive to the bid requirements. Mr. Johnson offered options that the Agency could follow regarding the property.

Jacque Moir made the motion to reject the bid presented by Mr. Titus due to inclusion of the addendum. Jerry McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)

ABSENT: None (0)

Jerry McGee moved to refer the matter to the Keizer Urban Renewal Board and request that they Plan and Design a Community Focal Plaza for the Old Unocal Site to be Referred back to the Council. Jacque Moir seconded the Motion.

Mr. McGee outlined some of the projects completed with urban renewal dollars noting that financial profit was not the main reason for these projects to be carried forward. He expressed his vision for the site as a focal point, which could include many options and could bring interest to River Road and the local merchants. Mr. McGee indicated if they site was to be sold, that he felt the restrictions would have to be reduced in order to make the property marketable. He urged the Agency to refer the matter to the Urban Renewal Board for their input.

Jacque Moir addressed the opportunity of using this site as an Iris garden to celebrate Keizer's 20th Anniversary. She agreed with Jerry McGee's suggestion of referring the item to the Urban Renewal Board.

Richard Walsh spoke as the liaison to the Urban Renewal Board and he also felt it was important to refer the issue to the Board for their full consideration.

Ray Kelly noted he would only be in favor of the sale of the property if the conditions were removed. He expressed his agreement with Jerry McGee's suggestions for the property.

Mr. Johnson made clarifications to earlier comments regarding restrictions.

Chair Christopher strongly opposed the city keeping the property and developing the area into a public plaza. She sited budget restrictions and monies that would have to be used for the development and maintenance of the area. Chair Christopher felt that working in partnership with a business that purchases the site would be more cost effective for the city. She felt the property was not conducive to a public plaza, but felt a focal point would be a good addition to the area.

Judy Smith supported Mr. McGee's motion.

Jerry McGee added a friendly amendment to his motion to allow the Urban Renewal Board to review all aspects of the use and/or sale of the property. Jacque Moir

seconded the amendment.

Charles Lee expressed his support of the motion with the amendment.

The Agency discussed a possible timeframe for the Urban Renewal Board, which was not set.

Jerry McGee restated his motion to read that the Agency would refer the Unocal site issue to the Urban Renewal Board for their consideration to come back to the Council with recommendations.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

a. **Approval of February 5, 2001 Agency Minutes**
b. **Approval of February 12, 2001 Urban Renewal Agency Work Session Minutes**

Jacque Moir moved for Approval of the Consent Calendar. Charles Lee seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

OTHER BUSINESS

Jerry McGee addressed minutes of the Urban Renewal Board and his concern that the fire hydrants had been removed from the 21st Century Plan. He felt it was important for these items to be part of the plan.

Planning Director Maria Meier noted that during the 2000-2001 Budget discussions comments were included and forwarded to the Urban Renewal Board regarding various items which were discussed as being removed from the 21st Century Plan. Ms. Meier indicated that the Council had never formally adopted the 21st Century Plan.

Richard Walsh addressed the Board's discussions during the last meeting pertaining to fire hydrants, gateways and traffic signal poles.

Public Works Director Rob Kissler again noted that the 21st Century Plan had not been adopted, and that the Board had discussed diverting funds from the traffic signal pole line item towards the installation of fire hydrants and the possible opportunities.

ADJOURNMENT

Chair Christopher adjourned the meeting at 6:53 p.m.

Cindy Perry
Recording Secretary

APPROVED:
CHAIR:

Lore Christopher

AGENCY MEMBERS:

Judy K. Smith

Jacque Moir

Ray Kelly

Charles E. Lee

Richard Walsh

Jerry McGee

with the cooperation of the property owner. This program will focus on driveways that have obvious conflicts because of their proximity or relationship to other driveways and streets, and on instances where multiple driveways can be consolidated into one.

The driveway program will cover the cost to close or consolidate the driveways, reconstruct the sidewalk, and install landscaping.

River and Chemawa Center - The District will create a redevelopment plan for the southwest corner of River and Chemawa Roads, anchored by a new development, incorporating outdoor public space on the old Unocal property as described below. The District will promote this plan with the property owners and potential investors. Targeted development will follow the concepts included in the plan design shown in the project section below and will include expansion of parking areas and the redevelopment of existing buildings and establish new businesses with high pedestrian traffic counts such as restaurants and offices.

The redevelopment plan will also create a design for the entire area bounded by the alley on the west through Churchdale Street on the south. This area has a significant

Keizer 21st Century Plan Recommendation per January 2000.

Plan not adopted by Agency/City Council.

Figure 15 - One alternative for a new development anchoring the River and Chemawa Center. This option incorporates new commercial space to the west and a plaza and expanded parking to the east.

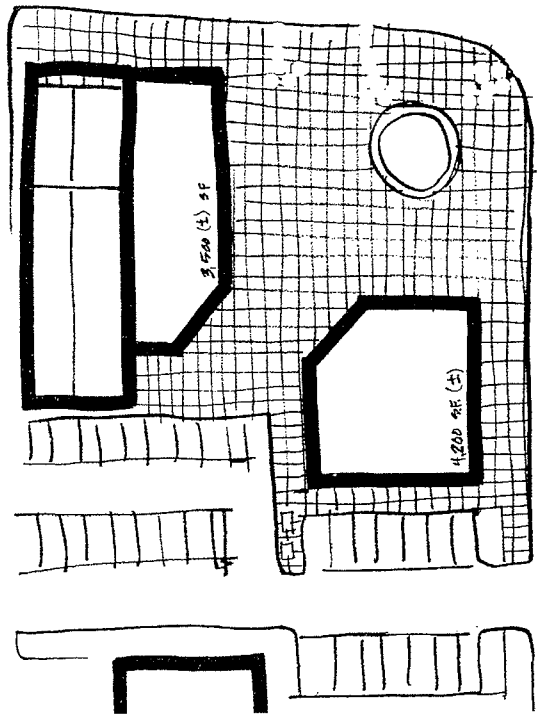

Figure 16 - River and Chemawa - Plaza Option

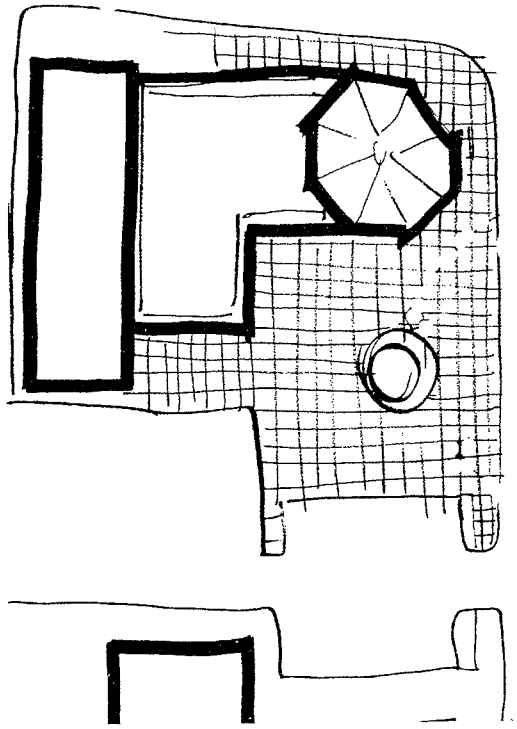

Figure 17 - River and Chemawa - New Building Option (Preferred)

amount of vacant land that is ripe for development in an intense manner keeping with the character of the River and Chemawa Center. It is also critical to develop a circulation plan for the area that assures adequate access to all properties while minimizing congestion on River and Chemawa Roads.

Implementation of this plan will also involve the development of amendments to the Development Code to incorporate the site design and concepts.

Chalmers Jones Park - A detailed master plan will be developed for Chalmers Jones Park to guide development as described in the Public Facilities Projects section, below.

Transit Plan - Working in cooperation with the Transit District, the Renewal Agency will develop and implement a new transit plan for the River Road corridor. This project will incorporate bus pullouts, new and redesigned shelters, and a new transit facility. This facility will be located and designed to meet these objectives:

1. It will serve the Transit District's main routes along River Road and can serve as a transfer station for routes feeding this location.
2. The Center will be sited so as to support express bus service between Keizer and major employment centers.
3. The Transit Center will be located where park-and-ride facilities can or are provided.
4. The Center will be located where the surrounding businesses will benefit from the business of transit riding citizens.
5. The Transit Center will be designed to minimize traffic conflicts and to provide a safe, convenient, and attractive facility for transit riders that is consistent with the design themes for River Road.

Focal Point Designs - The District will develop specific design standards for all new development within the focal points, except the River and Chemawa Center where they already are in place.

Design Assistance - The District will provide design and development management services to help conceive and plan property

improvements on private property that meet the objectives of this Plan. Examples include conversion of parking areas to landscape yards or creation of publicly accessible open spaces along property frontages

Figure 18 - Gateway Sign at Lockhaven and McLeod incorporating design themes. A new commercial building is depicted on the corner of the two streets.

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JOINT WORK SESSION

Tuesday, August 14, 2001

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Robert L. Simon Council Chambers

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1. **CALL TO ORDER**

2. **ROLL CALL**

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   a. **Property Located at Southwest Corner of River Road/Chemawa Avenue**

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To: Keizer Urban Renewal Agency and Board (KURB)

Through: Chris Eppley, City Manager

From: Maria Meier, Planning Director

Date: August 6, 2001

Re: KURB and Agency Joint Work-Session regarding Unocal Property

ISSUE

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RECOMMENDATION

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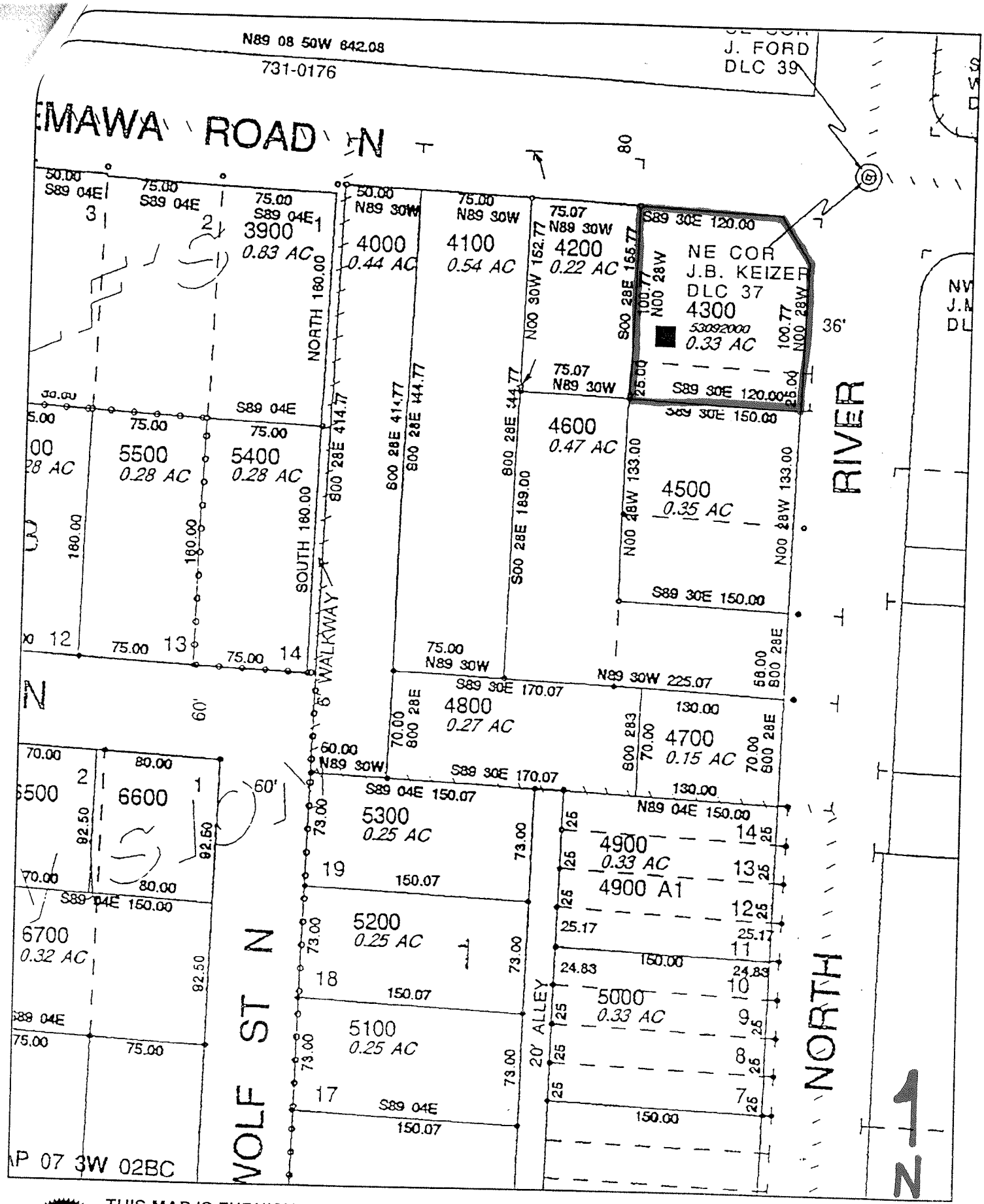

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PUBLIC TESTIMONY

No public testimony was heard before the Urban Renewal Agency.

PUBLIC HEARING

None

ADMINISTRATIVE ACTION

a. Sale of Property at River/Chemawa Road

City Attorney, Shannon Johnson reported that the City Council held a public hearing and directed staff to come back with the details for the sale of the property in a bid process. The motion made included the following details:

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Ray Kelly suggested that the property also be advertised in the Daily Journal of Commerce. After discussion it was decided to advertise the property in the Statesman Journal and Keizertimes.

The motion passed as follows:

AYES: Christopher, Lee, Moir, Smith and Walsh (5)
NAYS: Kelly and McGee (2)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

a. **Approval of the Tuesday, January 16, 2001 Urban Renewal Agency Minutes**

Jacque Moir moved for approval of the Consent Calendar. Jerry McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

OTHER BUSINESS

No other business was brought before the Urban Renewal Agency.

ADJOURNMENT

Chair Christopher adjourned the meeting at 6:58 p.m.

Cindy Perry
Recording Secretary

APPROVED:
CHAIR:

Lore Christopher

AGENCY MEMBERS:

Judy K. Smith

Ray Kelly

Richard Walsh

Jacque Moir

Charles E. Lee

Jerry McGee

Minutes approved:

May 7, 2001

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PUBLIC HEARING

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ADMINISTRATIVE ACTION

a. Disposition of Property at River/Chemawa Road (former Unocal Site)

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Jacque Moir made the motion to reject the bid presented by Mr. Titus due to inclusion of the addendum. Jerry McGee seconded the motion.

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

Jerry McGee moved to refer the matter to the Keizer Urban Renewal Board and request that they Plan and Design a Community Focal Plaza for the Old Unocal Site to be Referred back to the Council. Jacque Moir seconded the Motion.

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Judy Smith supported Mr. McGee's motion.

Jerry McGee added a friendly amendment to his motion to allow the Urban Renewal Board to review all aspects of the use and/or sale of the property. Jacque Moir

seconded the amendment.

Charles Lee expressed his support of the motion with the amendment.

The Agency discussed a possible timeframe for the Urban Renewal Board, which was not set.

Jerry McGee restated his motion to read that the Agency would refer the Unocal site issue to the Urban Renewal Board for their consideration to come back to the Council with recommendations.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

a. **Approval of February 5, 2001 Agency Minutes**
b. **Approval of February 12, 2001 Urban Renewal Agency Work Session Minutes**

Jacque Moir moved for Approval of the Consent Calendar. Charles Lee seconded the Motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

OTHER BUSINESS

Jerry McGee addressed minutes of the Urban Renewal Board and his concern that the fire hydrants had been removed from the 21st Century Plan. He felt it was important for these items to be part of the plan.

Planning Director Maria Meier noted that during the 2000-2001 Budget discussions comments were included and forwarded to the Urban Renewal Board regarding various items which were discussed as being removed from the 21st Century Plan. Ms. Meier indicated that the Council had never formally adopted the 21st Century Plan.

Richard Walsh addressed the Board's discussions during the last meeting pertaining to fire hydrants, gateways and traffic signal poles.

Public Works Director Rob Kissler again noted that the 21st Century Plan had not been adopted, and that the Board had discussed diverting funds from the traffic signal pole line item towards the installation of fire hydrants and the possible opportunities.

ADJOURNMENT

Chair Christopher adjourned the meeting at 6:53 p.m.

Cindy Perry
Recording Secretary

APPROVED:
CHAIR:

Lore Christopher

AGENCY MEMBERS:

Judy K. Smith

Jacque Moir

Ray Kelly

Charles E. Lee

Richard Walsh

Jerry McGee

with the cooperation of the property owner. This program will focus on driveways that have obvious conflicts because of their proximity or relationship to other driveways and streets, and on instances where multiple driveways can be consolidated into one.

The driveway program will cover the cost to close or consolidate the driveways, reconstruct the sidewalk, and install landscaping.

River and Chemawa Center - The District will create a redevelopment plan for the southwest corner of River and Chemawa Roads, anchored by a new development, incorporating outdoor public space on the old Unocal property as described below. The District will promote this plan with the property owners and potential investors. Targeted development will follow the concepts included in the plan design shown in the project section below and will include expansion of parking areas and the redevelopment of existing buildings and establish new businesses with high pedestrian traffic counts such as restaurants and offices.

The redevelopment plan will also create a design for the entire area bounded by the alley on the west through Churchdale Street on the south. This area has a significant

Keizer 21st Century Plan Recommendation per January 2000.

Plan not adopted by Agency/City Council.

Figure 15 - One alternative for a new development anchoring the River and Chemawa Center. This option incorporates new commercial space to the west and a plaza and expanded parking to the east.

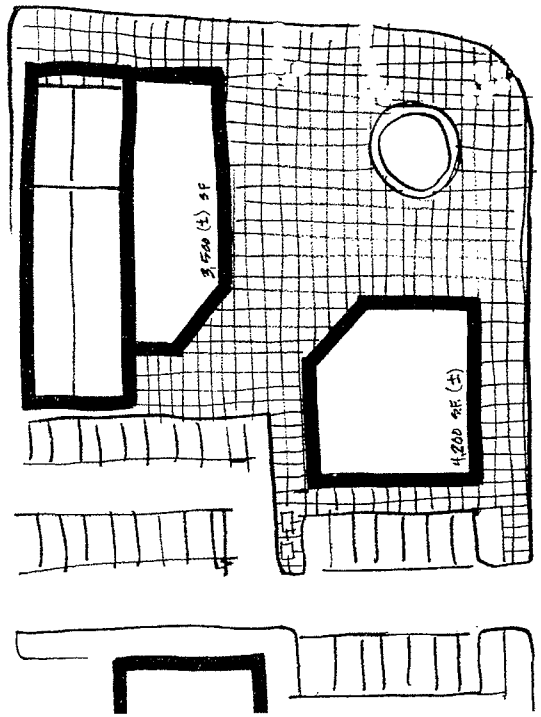


Figure 16 - River and Chemawa - Plaza Option

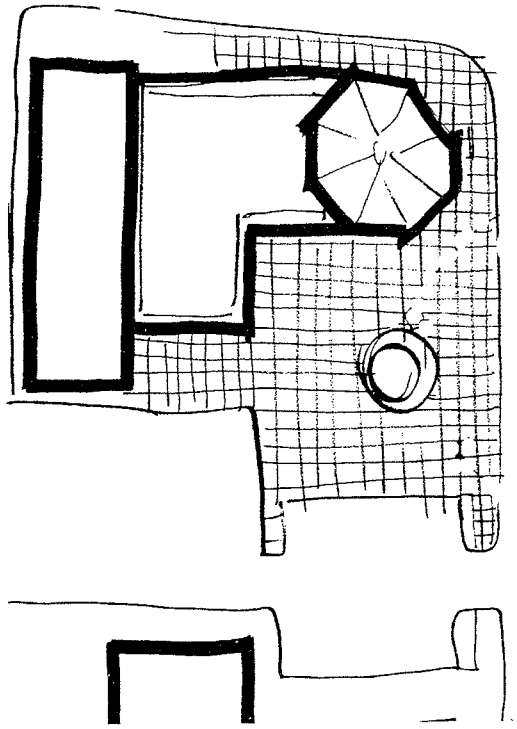


Figure 17 - River and Chemawa - New Building Option (Preferred)

amount of vacant land that is ripe for development in an intense manner keeping with the character of the River and Chemawa Center. It is also critical to develop a circulation plan for the area that assures adequate access to all properties while minimizing congestion on River and Chemawa Roads.

Implementation of this plan will also involve the development of amendments to the Development Code to incorporate the site design and concepts.

Chalmers Jones Park - A detailed master plan will be developed for Chalmers Jones Park to guide development as described in the Public Facilities Projects section, below.

Transit Plan - Working in cooperation with the Transit District, the Renewal Agency will develop and implement a new transit plan for the River Road corridor. This project will incorporate bus pullouts, new and redesigned shelters, and a new transit facility. This facility will be located and designed to meet these objectives:

1. It will serve the Transit District's main routes along River Road and can serve as a transfer station for routes feeding this location.
2. The Center will be sited so as to support express bus service between Keizer and major employment centers.
3. The Transit Center will be located where park-and-ride facilities can or are provided.
4. The Center will be located where the surrounding businesses will benefit from the business of transit riding citizens.
5. The Transit Center will be designed to minimize traffic conflicts and to provide a safe, convenient, and attractive facility for transit riders that is consistent with the design themes for River Road.

Focal Point Designs - The District will develop specific design standards for all new development within the focal points, except the River and Chemawa Center where they already are in place.

Design Assistance - The District will provide design and development management services to help conceive and plan property

improvements on private property that meet the objectives of this Plan. Examples include conversion of parking areas to landscape yards or creation of publicly accessible open spaces along property frontages

Figure 18 - Gateway Sign at Lockhaven and McLeod incorporating design themes. A new commercial building is depicted on the corner of the two streets.

CITY COUNCIL AGENDA PACKET

MONDAY
AUGUST 20, 2001

- 7:00 P.M. CITY COUNCIL REGULAR SESSION

Please contact Chris Eppley, City Manager if you have any questions or need additional information regarding any of the staff reports or issues contained on the agenda. Thanks!!

CITY OF KEIZER MISSION STATEMENT

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

AGENDA

KEIZER CITY COUNCIL
REGULAR SESSION

Monday, August 20, 2001
7:00 p.m.
Robert L. Simon Council Chambers
Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. COMMITTEE REPORTS

   a. State of the Council of Governments Address – Dave Galati, Executive Director

   b. Council Liaison Reports
      - Bikeways Committee – Councilor Smith
      - Traffic Safety Committee – Councilor Smith
      - Salem-Keizer Area Transportation Systems – Councilor Smith
      - Mid Willamette Valley Area Transportation Systems – Councilor Smith
      - Library Task Force – Councilor Walsh
      - Keizer Urban Renewal Board – Councilor Walsh
      - Salem Futures Committee – Councilor Walsh
      - Chamber of Commerce Government Affairs – Councilor Walsh
      - Planning Commission – Council President Moir
      - Emergency Management Committee – Council President Moir
      - Claggett Creek Watershed Council – Council President Moir
      - Salem Wastewater Task Force – Council President Moir
      - Parks Advisory Board – Mayor Christopher
      - Community Policing – Councilor Kelly
      - South East Keizer Neighborhood Assoc Response Council – Councilor Lee

5. OTHER BUSINESS

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

   a. New Business

   b. Old Business

6. PUBLIC HEARINGS

   a. Infill Master and Redevelopment Plan (continued from August 6, 2001)

b. **Legislative Amendment to Redesignate Chalmers Jones Park and Clarify Boundaries (continued from July 16, 2001)**

7. **ADMINISTRATIVE ACTION**

a. **ORDINANCE – Zone Change Case No. 01-20 – River Road/Maine Avenue**

b. **ORDINANCE – Establishing Keizer Park Regulations (Repealing Ordinance Nos. 93-266 and 2001-455) (Second Reading)**

c. **RESOLUTION – Establishing Volunteer Coordinating Committee**

d. **RESOLUTION – Authorizing City Manager to Purchase Property on Bair Road (Reitz)**

8. **CONSENT CALENDAR**

a. **Approval of July 23, 2001 Work Session Minutes**

b. **Approval of August 6, 2001 Regular Session Minutes**

c. **Approval of August 8, 2001 Special Session Minutes**

d. **Approval of August 13, 2001 Work Session Minutes**

9. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

10. **AGENDA INPUT**

September 4, 2001 (Tuesday)
7:00 p.m. City Council Regular Session
- **Amendments to Committee Appointment Process and Operating Guidelines**
- **Awarding of Bid for Alder Drive Improvements**

September 10, 2001
5:30 p.m. City Council Work Session

September 17, 2001
7:00 p.m. City Council Regular Session

11. **ADJOURN**

Upon request, auxiliary aids and/or special services will be provided. To request services; please contact us at 503-390-3700 or through Oregon Relay 1-800-735-2900 at least two working days (48 hours) in advance.

City of Keizer, Oregon

August 20, 2001

AGENDA ITEM 4a

STATE OF THE COUNCIL OF GOVERNMENTS REPORT

COUNCIL MEETING:_____

AGENDA ITEM NUMBER:_____

TO: **MAYOR CHRISTOPHER AND CITY COUNCILOR MEMBERS**

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

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

SUBJECT: **STATE OF THE COUNCIL OF GOVERNMENTS ADDRESS**

ISSUE:

Dave Galati, Executive Director of the Mid-Willamette Valley Council of Governments will attend the meeting to give the annual "State of the Council of Governments" address. Mr. Galati submitted the information attached for your review.

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

MEMBER GOVERNMENT SERVICES

1. COMMUNITY DEVELOPMENT SERVICES

   - Public works project grant preparation and administration
   - Housing rehabilitation project grant preparation and administration
   - Regional development program coordination and technical support:

     Regional Strategies Program
     Nonprofit Resource Center
     Rural Investment Fund

   - Small business development:

     Loan packaging for business start-up and expansion
     Administration of community loan funds

   - Community land use planning:

     Zoning review
     Development application review
     Periodic review (comprehensive plans)
     Water and sewer rate studies
     SDC (system development charge) analysis
     ADA surveys

   - Regional planning:

     Grand Ronde Regional Problem Solving
     Willamette River Recreation Master Plan
     Timber Initiative (economic displacement)

2. TRANSPORTATION PLANNING SERVICES

   - SKATS (Salem-Keizer Area Transportation Study)

     Regional Transportation System Plan
     Transportation Improvement Program

- Local transportation system plan preparation
- Traffic corridor planning
- Transportation demand modeling
- Air quality modeling
- Salem Passenger Rail Intermodal Facility Study
- Willamette River Crossing Capacity Major Investment Study
- Bridgehead Engineering Study
- MWACT (Mid-Willamette Valley Area Comm on Transportation)

3. NATURAL RESOURCES PLANNING SERVICES
   - Wetlands management
   - Groundwater protection (wellhead; drinking water)
   - Flood hazard mitigation; floodplain management

4. RESEARCH, ANALYSIS, AND INFORMATION SERVICES
   - GIS (Geographic Information System) mapping assistance
   - Street-naming process coordination (Salem-Keizer; rural Marion County)

5. LOCAL GOVERNMENT CAPACITY-BUILDING SERVICES
   - Strategic planning
   - Small-group facilitation (team-building; goal-setting)

History and Mission of the Mid-Willamette Valley Council of Governments

The Mid-Willamette Valley Council of Governments is a voluntary association of 43 local governments. Members include Marion, Polk, and Yamhill counties, 31 cities, eight special districts, and the Confederated Tribes of Grand Ronde.

The Council of Governments traces its origins back to 1957 with the formation of the Mid-Willamette Valley Planning Council. In 1959, the Mid-Willamette Valley Intergovernmental Cooperation Council was formed to achieve greater coordination among local governments and the state in solving common problems. In 1967, both organizations were merged to form the Mid-Willamette Valley Council of Governments.

The Council of Governments today has four major objectives:

1. Enhance interaction and dialogue among local governments to address common problems affecting the region

2. Coordinate regional programs and planning activities either mandated by the state or federal government or requested through a consensus among local governments within the region

3. Provide technical assistance and local services tailored to the individual needs of member governments

4. Create cost savings for member governments by pooling resources and utilizing economies of scale

Major program activities and services of the Council of Governments currently include:

- Regional transportation planning and coordination
- Census data collection and geographic information systems

- **Regional economic and community development planning**
- **Local land use planning assistance**
- **Grant and loan preparation for local infrastructure improvements**
- **Small business finance**
- **Management of local housing rehabilitation programs**
- **Staff support to the Regional Community Development Partnership**
- **Small group facilitation (strategic planning, goal-setting, team-building) for city councils and other governing bodies**
- **Newly-elected official training**

BASIC FACT SHEET
Mid-Willamette Valley Council of Governments

6/26/01

1. Historical summary:

   1957 - formation of Mid-Willamette Valley Planning Council
   1959 - reorganization as Mid-Willamette Valley Intergovernmental Cooperation Council
   1967 - merger to form Mid-Willamette Valley Council of Governments

2. MWVCOG membership: 43 jurisdictions (refer to listing)

   - 3 counties (Marion, Polk, Yamhill)
   - 31 cities
   - 8 special districts
   - Grand Ronde Confederated Tribes

3. Regional population: 432,206

4. Number of cities in region: 33

5. Region size: 2,629 square miles

6. COG Board composition: 21 voting members

7. Organizational philosophy:

   - Regional intergovernmental collaboration
   - Voluntary association (not another layer of government)
   - Neutral forum (equality of members)
   - Broad focus (not a single interest or program)
   - Nonpartisan (focus on issues, not party platform)
   - Ownership (dependent upon local participation)

8. Major purposes:

- Joint identification of regional problems and opportunities
- Operation of regional programs
- Monetary savings through pooling of resources
- Local services delivery

9. COG staffing level: 27 (refer to organizational chart)

10. COG budget (expenditures) for FY 2001-02:

- Total expenditures (incl. pass-thru funds) -- $4,681,548
- Total pass-through funds (lottery) -- $1,800,000
- Total operating expenditures -- $2,475,548
- Loans (funds available) -- $ 406,000

11. COG budget (operating revenue sources) for FY 2001-02:

- Federal (grants) - 4.6%
- State (grants) - 35.9%
- Local contracts - 30.7%
- COG dues - 5.6%
- EDD dues - 1.2%
- Other * - 22.0%

* Includes interest income (e.g., checking accounts), revenue from loan program (e.g., loan servicing fees), equipment rental to all COG programs, etc.

Note: State funding includes both grants and lottery funds; we usually get more lottery funding than grants

12. Member government services summary: (hand-out)

- Community development - land use planning services
- Transportation planning services
- Natural resources planning services
- Research, analysis, and information services
- Local government capacity - building services

13. COG membership dues criteria:

Cities:

- Based on population (previous July figures)
- 34 cents per capita
- Current minimum - $731 (see *Note*)
- Current maximum - $22,802 (see *Note*)

Note: These increase slightly each year to keep pace with the rising cost of living

Counties:

- Based on net population of county (not including population of COG member cities)
- Rates are same as for cities

Special districts - Grand Ronde Tribe:

- Salem - Keizer Schools (District 24J): based on FTE enrollment as of previous September (x 34 cents)
- Chemeketa Community College: based on FTE enrollment as of previous September (x 34 cents)
- Transit District: based on daily ridership (x 34 cents)
- Grand Ronde Tribe: based on tribal population (x 34 cents)
- All other special districts: minimum fee

14. EDD membership dues criteria:

- These dues are paid only by the cities, counties, and the Grand Ronde Tribe

- Dues are applied toward payment of fixed local match for annual EDA planning grant funds and are calculated based on each member's proportionate share of the total population of those entities included within the EDD

MEMBERSHIP

TOTAL: 43

COUNTIES: (3)

- Marion
- Polk
- Yamhill

CITIES: (31)

- Amity
- Aumsville
- Aurora
- Carlton
- Dallas
- Dayton
- Detroit
- Donald
- Dundee
- Falls City
- Gervais
- Hubbard
- Idanha
- Independence
- Jefferson
- Keizer
- Lafayette
- McMinnville
- Monmouth
- Mt. Angel
- Newberg
- Salem
- Scotts Mills
- Sheridan
- Silverton
- St. Paul
- Stayton
- Sublimity
- Turner
- Willamina
- Yamhill

SPECIAL DISTRICTS: (8)

- Chehalem Park & Recreation District
- Chemeketa Community College
- Marion County Fire District No. 1
- Salem Area Transit District
- Salem/Keizer School District
- Willamette Education Service District
- Yamhill Education Service District
- Yamhill Soil & Water Conservation District

OTHER JURISDICTIONS:

- Confederated Tribes of Grand Ronde

TOTAL POPULATION OF REGION: 432,206

SIZE OF REGION: 2,629 square miles

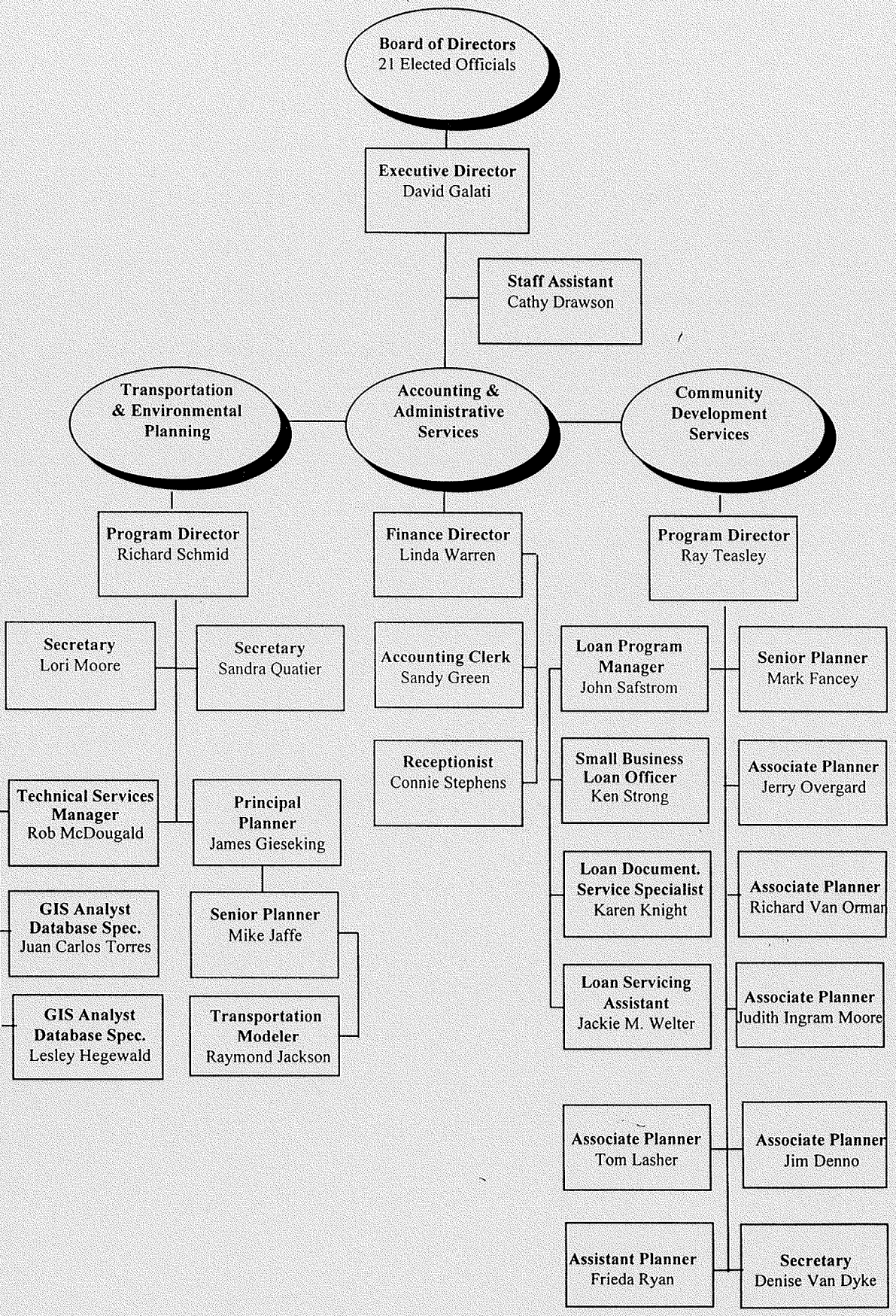
EFFECTIVE: June 1, 2001

ADVANTAGES OF COG MEMBERSHIP

- Voluntary ownership of support staff by collective local units of government creates powerful incentive for consistent productivity and optimal efficiency
- Continuous staff support based on contractual relationships primarily regulated by State law
- Organizational credibility supported by over 40 years of service delivery
- Flexibility in service delivery (broad array of both local and regional services)
- Collective voice in global economy; enhanced economic and political clout
- Forum for local interaction of elected officials representing regional association of local governments joined on the basis of economic, social, and/or geographic considerations
- Regional collaboration on multi-jurisdictional ("boundary-spillover") issues based on mutual interdependency produces more realistic planning; purely local approaches to such issues are ineffective
- Economies of scale; regional sharing of highly-trained support staff by local units of government unable to afford such expertise with local resources; conservation of limited financial resources by spreading costs
- COG personnel are bonded and insured for fiduciary responsibilities
- Regional harmony enhances access to State and Federal funding; competitive edge
- Synergy in regional problem-solving produces innovative solutions that could never be developed in isolation; "whole is greater than sum of parts"

Mid-Willamette Valley Council of Governments

43 Member Governments



City of Keizer, Oregon

August 20, 2001

AGENDA ITEM 6a

INFILL MASTER AND REDEVELOPMENT PLAN

COUNCIL MEETING: August 20, 2001

AGENDA ITEM NUMBER:

TO: **MAYOR CHRISTOPHER AND CITY COUNCILOR MEMBERS**

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

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

SUBJECT: **INFILL AND REDEVELOPMENT MASTER PLAN**

ISSUE:

On August 6, 2001 the City Council opened a public hearing and heard testimony on the proposed infill and redevelopment master plan. The Council continued the public hearing until August 20, 2001 to allow for additional public testimony. A copy of the August 6th staff report is attached for reference purposes.

RECOMMENDATION:

It is recommended the public hearing be reopened and testimony allowed. The Council should then close the public hearing and begin deliberations on the proposed plan.

MEMORANDUM

To: Mayor Christopher and City Council

From: Maria Meier, Planning Director

Through: Chris Eppley, City Manager

Date: August 1, 2001

Re: Proposed Infill and Redevelopment Master Plan

BACKROUND

The City of Keizer was awarded a Transportation and Growth Management (TGM) grant from the Department of Land Conservation & Development (DLCD) and the Oregon Department of Transportation (ODOT). The grant contributed funds to work with a private consultant to facilitate the process for the development of an Infill Master Plan for the City of Keizer. The process involved working directly with the general public to evaluate the impacts of infill development and recommending amendments to the Keizer Development Code to address the issues identified in the planning process.

PLAN PURPOSE AND GOALS

Plan Purpose

The purpose of the Infill and Redevelopment Master Plan is intended to allow the City to:

- Accommodate infill and redevelopment in Keizer in a manner that is transportation efficient, compatible with existing neighborhoods, and administratively efficient.
- Integrate development principles and strategies for efficient transportation networks that have evolved from and are contained within other planning efforts.

Plan Goals

The key to a successful planning for infill development is the balance between efficient development and neighborhood quality.

Create Efficient Development

- Reasonable access to potential infill sites
- Use land efficiently
- Adequate parking must be available
- Flexible approaches to utilities and services
- Incentives for infill and redevelopment incentives

Improve Neighborhood Quality

- Attractive streetscapes
- Pedestrian-oriented development
- Safe and well-connected streets
- Compatibility with existing neighborhoods
- Affordable Housing
- Easy access for deliveries and haulers

CITIZEN INVOLOVEMENT PROGRAM

Three groups are initially engaged to participate in the identification of issues and potential solutions for infill development. The Citizen Involvement Program schedule attached explains the process and scheduled meeting with each group. The idea was to meet with Keizer residents in three different formats to learn the various points of view from the community.

- "Stakeholders" are property owners who own property that has an existing use on site and has potential to be further developed. City staff and the consultant met with five stakeholders individually to discuss potential development options under the current Development Code and share ideas. Case Studies were completed for each property discussed.

- A "Citizen Advisory Committee" (CAC) was established to represent members of the community in the planning process. The CAC includes development review staff, urban service providers, developers, private architects/planners, realtors and lenders, neighborhood association representatives and citizen stakeholders. In addition, Keizer technical staff will participate including Keizer Fire District, Marion County Fire District, Public Works Department and Engineering Department.

- Public Workshops were incorporated into the CAC schedule to engage public participation and receive input. This was an open format with the meetings facilitated by the consultant. Topics discussed are identified on the attached Citizen Involvement Program schedule.

Materials, products, and minutes from each of these meetings are in the Appendix of the Master Plan.

Participation in the public workshops and the Citizen Advisory Committee weighed more on the scale for neighborhood quality. The recommended code standards from these two forums focused on methods to achieve street connectivity specifically for infill developments.

The Citizen Advisory Committee then made a formal recommendation to the Planning Commission for a City of Keizer Infill and Redevelopment Infill Master Plan.

PLANNING COMMISSION

The Planning Commission conducted a public hearing and deliberated on the proposed Plan. The Commission carefully reviewed the proposed Plan and deliberated on both the recommended Comprehensive Plan and Keizer Development Code text amendments.

The Commission's deliberations were thoughtful and distinct. This type of discussion was key to this project, because it focused on the primary issue relating to infill development. The balance needed between neighborhood quality and efficient development. The Commission weighed more on the scale for efficient development – the cost involved with development.

The recommended code standards from the Commission contains similar language for quality standards that the Infill Citizen Advisory Committee with exception to one primary issue. The primary difference between the Citizen Advisory Committee recommendation and the Planning Commission recommendation is the requirement for street connectivity. The Planning Commission recommends methods to achieve street connectivity specifically for infill developments should be optional – not mandatory.

Please find attached the Planning Commission recommended Proposed Infill and Redevelopment Master Plan. The Plan is organized as follows:

- Introduction
- Plan Purpose & Goals
- Constraints & Opportunities
- Objectives & Strategies
- Code Audit
- Plans & Standards ⟶ Suggested Comprehensive Plan and Keizer Development Code Amendments
- Conclusions
- Appendices

RECOMMENDATION

Staff recommends the City Council conduct a public hearing on the proposed City of Keizer Infill and Redevelopment Master Plan. Staff then recommends the Council continue the public hearing to August 20, 2001. Staff recommends City Council not deliberate on the proposed plan until the following meeting.

ATTACHMENTS

- Proposed Infill and Redevelopment Master Plan as recommended by the Planning Commission
- Citizen Involvement Program Schedule
- Samples of Correspondence to Infill Citizen Advisory Committee, Planning Commission and City Council relating to the involvement program.
- Samples of Correspondence identifying need for Infill Master Plan and request for TGM Grant.

Public Involvement Program

Citizen Advisory Committee (CAC) meetings will take place at Keizer City Hall in the Council Chambers. Public workshops will be incorporated into the CAC schedule to engage public participation and receive input. You are welcome to participate in the public workshops as well, however not required. The CAC and public workshops will meet according to the following schedule:

Date	*Time*	*Task*
January 24	5:00 p.m.	Identify obstacles to infill and redevelopment and potential solutions by brainstorming responses to questions on economic issues, physical characteristics, and regulatory barriers.
Public Workshop	***7:00 p.m.***	Issues & potential solutions for infill and redevelopment.
February 28	7:00 p.m.	Develop a set of objectives and strategies that represent Keizer's goals for infill and redevelopment and which support the transportation connectivity goals and objectives of the Keizer Transportation Systems Plan, Urban Renewal Strategic Plan and Comprehensive Plan.
March 7 ***Public Workshop***	***7:00 p.m.***	Objectives & strategies for infill and redevelopment.
April 4	7:00 p.m.	Conduct a "code audit" – a review of existing plan policies, development standards, and permit procedures – to determine which ones are working well, and which ones need to be replaced or revised to meet Keizer's objectives for infill and redevelopment. Determine what actions are needed to achieve the objectives. It is anticipated that the appropriate actions will be zoning code revisions, updates to subdivision and public works standards, procedural changes, changes to the comprehensive plan, development of a conceptual neighborhood infill plan, and similar policy changes.
April 25	5:00 p.m.	Carry out the actions needed to achieve the objectives. This must involve the development of draft code amendment language for necessary revisions, updates, and changes identified at the last meeting (Task 7) and the development of a conceptual neighborhood infill plan.
Public Workshop	***7:00 p.m.***	Draft Infill and Redevelopment Master Plan.
May 30	7:00 p.m.	Prepare a draft of the Infill and Redevelopment Master Plan by incorporating products of previous meetings/tasks.

To: Infill Citizen Advisory Committee

Cc: Denny Egner, Planning Consultant
Technical Staff

From: Maria Meier, Planning Director

Date : April 5, 2001

Re: Field Examples of Infill Development in the City of Keizer

---

The following sites are examples of infill development that has occurred in the City of Keizer. Please consider visiting these sites to have a frame of mind some of the issues that we are discussing in the Committee meetings. Infill development occurs in a variety of ways. This brief list identifies examples that represent the majority of infill in Keizer.

- Section 2.102.102.05(A)(1) allows newly created parcels with a minimum of 5,000 square feet for detached single family dwellings and newly created parcels with a minimum of 4,000 square feet for zero lot line dwellings. Zero Lot Line dwellings can be constructed in accordance with Section 2.404 (See attached).

  Properties in the 4700 block of Fillmore Street between Dearborn and Evans have partitioned into lot sizes for Zero Lot Line Development. Property located at 4770 Fillmore contained an existing dwelling, and the new property line was placed on the south edge of the dwelling and retrofitted to meet building code requirements for development along the property line (fire-wall standards). This parcel was less than 5,000 square feet, however met the 4,000 square foot minimum lot size for zero lot line development. The newly created parcel to the south met the 5,000 square foot minimum for detached single family dwelling standards.

  Property located at 4750 Fillmore contained a single family dwelling on the site. The lot was requested to be partitioned with the existing dwelling to be on a lot meeting the 5,000 square foot minimum. The applicant requested the newly created parcel to the south to be less than 5,000 square feet, and to receive a variance to still build a detached single family residence – rather than a zero lot line dwelling built adjacent to a side property line.

- Property located at 4848 Rickman (southeast corner of Rickman and Dunlin Ct) was partitioned to create two 4,000 square foot minimum lots and created attached zero lot line dwellings.

- McLeod Acres Subdivision located on Saundra Lee Way (Private Street) and McLeod Lane, directly across Northtree Drive has generated a lot of discussion amongst the community. The subdivision contains a private street to the standards allowed in the Keizer Development Code. The width of the street is a 25-foot easement, with a 20-foot wide improvement – No parking on either side of the street. The developer chose to create larger lots rather than create on-street parking. The larger lots will require three parking spaces on each lot, instead of the standard two on-site, and one off site.

- Gander Subdivision is located at 5030 Windsor Island Road N. This property is on the east-side of Windsor Island Road, the third lot north of Chemawa Road. This subdivision was created with a 20 foot access easement to serve four dwellings.

- Jordon Run Subdivision is located at the 3800 block of Brooks Avenue NE. The subdivision is served by a private street named Angie Way NE. The improvement is 29 feet with a 1 foot reserve strip along the north side of the street. Essentially, this improvement design (plus the one foot additional improvement) is what is being recommended for infill streets serving more than 4 lots.

- Property located at 1840 Claxter Road NE, at the far east end of the street on the south side of the road. A 30-foot wide access and utility easement with a bulb cul-de-sac design services the three lots created in the back of the lot.

- Property located at 531 Cummings Lane N. was partitioned into three lots. Notice the 20-foot wide access easement that services the lots. These lots were created at a time when the minimum lot size was 4,000 square feet and the access easement was included in the minimum lot size. Following the development of this property, the City increased the minimum lot size to 5,000 square feet and the access easement cannot be included in the minimum area for a parcel.

Please visit these locations sometime before the next Infill Advisory Committee meeting. This will assist you with the physical development issues we are discussing. Thank you for your time and efforts with participating in this project. We are making progress in improvements to our standards to promote quality development in our community. Thanks again.

To: Planning Commissioners

From: Maria Meier, Planning Director

Date: February 23, 2001

Re: Infill Citizen Advisory Committee Meeting

Attached is the packet for the Infill Citizen Advisory Committee (CAC) that will be meeting on Wednesday, February 28th at 7:00 p.m. The next Public Workshop is on March 7th, which I hope you will be able to attend. You are also welcome to listen to the Citizen Advisory Committee discussions. The Infill CAC is comprised of a variety of persons with perspective on the future development of Keizer, including residents, neighborhoods association representatives, builders, realtors, urban service providers, fire districts, and city staff.

The Infill CAC packet is to keep you up to date on the issues being discussed throughout the infill grant process. By attending the Infill CAC meetings, and participating in the Public Workshops, you will have formed a solid background on the issues the Planning Commission will be discussing in June. This public process will generate the consultant's recommendation for an Infill Master Plan and code revisions. You will receive notice of the Infill CAC meetings and Public Workshops. When possible, please attend. I guarantee you will learn the variety of community aspects and values existing in Keizer relating to residential development.

If you have any questions, please call me at (503) 390-3700, ext. 159. Thank you!

To: Mayor Christopher and City Councilors

Cc: Chris Eppley, City Manager

From: Maria Meier, Planning Director

Date: February 23, 2001

Re: Infill Citizen Advisory Committee Meeting

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The Infill CAC packet is to keep you up to date on the issues being discussed throughout the infill grant process. By attending the Infill CAC meetings, and participating in the Public Workshops, you will have formed a solid background on the issues the City Council will be discussing this summer. This public process will generate the consultant's recommendation for an Infill Master Plan and code revisions. You will receive notice of the Infill CAC meetings and Public Workshops. When possible, please attend. I guarantee you will learn the variety of community aspects and values existing in Keizer relating to residential development.

If you have any questions, please call me at (503) 390-3700, ext. 159. Thank you!

City of Keizer

1982

Phone: 390-3700 • Fax: 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

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

May 17, 1999

RE: Transportation Growth Management (TGM) Grant Application for Infill Master Plan

To Whom It May Concern:

I am writing to you in support of a very important project worth of TGM Program funding. As you may be aware, the City of Keizer is quickly running out of vacant land for residential development. As a result, most of the residential growth that is occurring in Keizer is "infill development." Since this type of development occurs within established neighborhoods, the impacts can be enormous and often negative.

As proof of our commitment to this project, the City Council recently picked this project as one of the top Council goals for the next year. One of our objectives of the plan is to identify strategies to encourage infill development, but in forms that are compatible with existing neighborhoods. We also hope to have a lot of citizen involvement throughout the planning process in order to ensure that the result is truly a "community" plan.

Again, this project is one of the highest priorities for the City of Keizer for the next year. I hope you find this project worthy of funding.

Sincerely,

Bob Newton
Mayor

City of Keizer

Phone: 390-3700 • Fax: 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

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

May 12, 1999

RE: Transportation Growth Management (TGM) Grant Application for Infill Master Plan

To Whom It May Concern:

We are writing in support of the attached grant application to develop an Infill Master Plan for the City of Keizer. The Planning Commission formally adopted "revisions to infill standards" as one of the Commission's top three goals for the year. There is a great need for this project. As the amount of vacant residential land in Keizer decreases, infill development continues to increase. Often, infill development results in incompatible development with surrounding areas, as well as poor design and access circulation.

One of our goals of the project would be to develop new standards relating to infill. These standards would address such items as building orientation, setbacks, traffic circulation, lot size and shape, and building design. Another possible outcome of this project would be to develop an "Infill Overlay Zone" for specific neighborhoods experiencing a high level of development. The Planning Commission has already begun looking at these issues. Recently, the Planning Commission conducted a worksession and a public hearing to revise standards relating to zero lot line development, and fire access easements.

Again, the Planning Commission is very supportive of this project, and is willing to work very hard to make it a success. We hope that you find if worthy of funding. Thank you for your consideration.

Sincerely,

Bill Wolf
Chair

PLANNING COMMISSION
CITY OF KEIZER
STATE OF OREGON

Resolution R99-01

INITIATING LEGISLATIVE AMENDMENT TO THE DEVELOPMENT CODE RELATING TO CERTAIN DEVELOPMENT STANDARDS INCUDING ZERO LOT LINE DWELLING, MINIMUM LOT AREA AND FIRE ACCESS STANDARDS

Whereas, Section 3.111 of the Keizer Development Code allows the Planning Commission to initiate an amendment of the test of the Development Code;

Whereas, a Committee developed recommendations to revise several standards in the Development Code relating to Infill Development;

Whereas, the review of this matter is in the public interest and will be on general public benefit; NOW THEREFORE

BE IT RESOLVED THAT, the Planning Commission does hereby initiate a legislative amendment of the Development relating to development standards including Zero Lot Line Dwellings, Fire Access Standards, and Minimum Lot Area;

BE IT FURTHER RESOLVED THAT, the Planning Commission directs that the Public hearing on this matter be first held before the Planning Commission.

PASSED this 3rd day of March, 1999
SIGNED this 3rd day of March, 1999

Bill Wolf-Chair

June Abbott-Vice-Chair

Cindy Perry
Cindy Perry-Recording Secretary

FMAGIC

City of Keizer, Oregon

AGENDA ITEM 6b

August 20, 2001

LEGISLATIVE AMENDMENT TO REDESIGNATE CHALMERS JONES PARK AND CLARIFY BOUNDARIES

CITY COUNCIL MEETING:_____

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THRU: ROB KISSLER, DIRECTOR OF PUBLIC WORKS

FROM: BILL LAWYER, PUBLIC WORKS SUPERINTENDENT

SUBJECT: CHALMERS JONES PARK BOUNDARY DELINEATION

DATE: August 16, 2001

BACKGROUND:

Staff, as directed by City Council, presented to the Parks Advisory Board several options for the delineation of Chalmers Jones Park, at the City's Civic Center. This delineation is needed to update the Parks Master Plan for this park and to solidify the expenditure of S.D.C funds in the park.

ISSUE:

Chalmers Jones Park is identified in the 1992 Parks Master Plan as City Hall Park and is classified as a neighborhood park. With the acquisition of additional property along Rickman Rd. and Bailey Rd. the property acreage has increased to over 9 acres. This has initiated the proposed change in classification to a community park. The actual park area needs to be identified to allow the use of S.D.C funds within this park.

The Parks Advisory Board and staff were unclear as to the direction the board needed to proceed, and as such, the board failed to delineate the park boundary at the last meeting.

RECOMMENDATION:

It is recommended the Council continue the public hearing until September 17, 2001, after the next Parks Advisory Board meeting on September 11, 2001 at which time the board will review the options developed by staff, and proceed with making a recommendation on the boundary for this park, either using an option from staff, or creating another option.

City of Keizer, Oregon

August 20, 2001

AGENDA ITEM 7a

ORDINANCE – ZONE CHANGE CASE NO. 01-20
(RIVER ROAD/MAINE AVENUE)

CITY COUNCIL MEETING: August 20, 2001

AGENDA ITEM NUMBER:_____

TO: **MAYOR CHRISTOPHER AND COUNCIL MEMBERS**

THROUGH: **CHRISTOPHER C. EPPLEY, CITY MANAGER**

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

SUBJECT: ***PITTSLEY ZONE CHANGE ORDINANCE (CASE NO. 01-20)***

At the City Council meeting on August 6, 2001, the Council directed staff to prepare an ordinance opportunity that requested more change. Such ordinance is attached.

RECOMMENDATION:

Adopt the attached ordinance. Please contact me if you have any questions.

Thank you.

ESJ/tmh
attachment

5404COK.002

BILL NO. ____ A BILL ORDINANCE NO. 2001-_____

FOR

AN ORDINANCE

IN THE MATTER OF THE APPLICATION OF ERIC PITTSLEY FOR A ZONE CHANGE FROM COMMERCIAL OFFICE (CO) TO COMMERCIAL MIXED (CM) FOR PROPERTY LOCATED AT 4630 RIVER ROAD NORTH, KEIZER, OREGON (RIVER ROAD AND MAINE AVENUE) - ZONE CHANGE CASE NO. 01-20

The City of Keizer ordains as follows:

Section 1. THE APPLICATION. This matter came before the Keizer City Council on the application of Eric Pittsley for a zone change from Commercial Office (CO) to Commercial Mixed (CM) for property located at 4630 River Road North on the Southeast corner of River Road and Maine Avenue.

Section 2. JURISDICTION. The land in question in this Ordinance 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. In addition to the public hearing held before the Hearings Officer, a public hearing was held before the Keizer City Council on August 6, 2001. The following persons either appeared at the City Council hearing or provided written testimony on the application:

1) Maria Meier, Planning Director

2) Frank Walker, Applicant's Representative

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

3) Eric Pittsley, Applicant

4) Russell Smith

5) Mary Lou Copeland

6) Ken Gierloff

7) Betty Hanauska

8) Bill Hanauska

9) Rob Kessler, Public Works Director

10) Bill Peterson

11) Cheryl Warnier

12) Ellen West

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

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

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

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

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

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

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

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

Section 11. EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days after its passage.

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

PASSED this _____ day of _____, 2001.

SIGNED this _____ day of _____, 2001.

_____
Mayor

_____
City Recorder

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

EXHIBIT "A"

Evidence

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

Mayor Christopher opened the public hearing on August 6, 2001.

Planning Director Maria Meier reported that the subject property was located at 4630 River Road North, on the southeast corner of River Road and Maine Avenue. The applicant and owner is Eric Pittsley. The acting agent for the applicant is Frank Walker. Ms. Meier shared that the request was to change a Commercial Office (CO) to a Commercial Mixed (CM).

Ms. Meier noted the recommendation process and offered Exhibits pertaining to this. Staff recommended that the application be approved as a Commercial Mixed Limited Use with the conditions as identified by the Hearings Officer.

Ms. Meier supplied photos, tapes and written testimony from the applicant and homeowners along Maine Avenue.

City Attorney Shannon Johnson reviewed the applicable criteria in the case and read the standard notice for public hearings. He asked if there were any objections to the notice, jurisdictions or if there was any exparte contacts or bias on the part of the Council and make disclosures prior to the opening of the public hearing.

Presenting Public Testimony were:

Russell Smith, 672 Maine Avenue NE, Keizer-felt the Mixed Use Zone still had a wide variety of uses that could be placed on the corner that could be high traffic and high density types of businesses which he felt would cause additional traffic to Maine Avenue through a residential neighborhood.

Frank Walker, Frank Walker and Associates, 37708 Kings Valley Highway, Philomath, OR - supplied a copy of his presentation to the Council and confirmed that the object of the project was to redevelop the property in a fashion which would benefit the community. He noted the improvements that the owner had currently done to the building and the changes, which would take place in the future including the development of a new building to take the place of the existing structure.

Mr. Walker requested consideration by the Council to allow a seated type of restaurant as part of the plan. He reviewed the criteria and conformance of the Comprehensive Plan versus the submitted application and reviewed the remainder of his presentation with the Council including neighborhood concerns and the mitigation measures that could take place to minimize the impact.

Mr. Walker answered questions regarding the ingress and egress issues along Maine Avenue/River Road, setbacks and the recent addition of privacy fencing to the east of the property. He noted that the preference of the applicant would be to place the building on the eastern portion of the property with parking faced away from the neighborhood to help lessen impacts.

Mayor Christopher thanked Mr. Walker for his presentation.

Eric Pittsley, 899 Lawnview Street, Keizer-noted the updates that he had completed to the business and shared videotapes of traffic in the area. He asked that the Council follow the recommendation of staff and the Hearings Officer with consideration for a walk-in style-eating establishment. He expressed his willingness to work the neighbors on Maine Avenue to lessen some of the impacts.

Mary Lou Copeland, 709 Maine Avenue, Keizer-reviewed some of the aspects in the Hearings Officer's report. She stressed that the applicant was aware of the zoning of the property when it was purchased. Ms. Copeland spoke strongly against any zone change for this property because of the adverse impacts she felt it would cause for the neighbors attempting to enter and leave Maine Avenue, as well as noise and safety concerns.

Ken Gierloff, 4035 Arnold Street, Keizer-spoke as Chair of the SEKNA. The association urged the Council to approve only the change in the zoning if the Overlay Zone was upheld and to review the noise and traffic which would impact the neighborhood.

Betty Hanauska, 673 Maine Avenue, Keizer-asked about a traffic report and spoke against the zone change. She also read from the Hearings Officer report expressing concerns that the applicant was requesting consideration to develop an eating establishment on the property.

Ms. Meier indicated that a formal traffic study had not taken place at that location and referred questions from the Council to the City Engineer for confirmation.

Bill Hanauska, 673 Maine Avenue, Keizer-expressed concern regarding the lack of a written traffic study but stressed his past discussions with the Traffic Engineer confirmed that he was

not in favor of changing the property to commercial because of the traffic impacts that it would have.

Responding to traffic issues Bill Peterson City Engineer noted that a traffic study was completed in 1996 between the intersections of Deitz and Judes. He read the letter written by the Traffic Engineer dated July 2, 1996.

Council President Moir asked if there would be a benefit in having a right in and right out access with a shared driveway access between the applicant and the property to the south of the applicant.

Bill Peterson reviewed the drawing submitted by the applicant and noted that the City's concern would be the need to allow for additional stacking of vehicles during peak hours.

Councilor McGee questioned what the trip differential would be between Commercial Office and Commercial Mixed.

Mr. Peterson felt that there would be little difference in trip differential between the two zones during peak hours. Although the exclusions included by the Hearings Officer do have a high volume of traffic during peak hours.

Public Works Director, Rob Kissler asked if there were any discussions regarding establishing "no parking" zones to eliminate potential parking problems along Maine Avenue. He also addressed the possibility of adding sidewalks along property easements rather than in right-of-ways to allow a wider access at Maine Avenue.

Mr. Peterson stated that they would not recommend parking along this area of Maine Avenue and noted that the "no parking" signage could be a condition of the application for Council's consideration.

Cheryl Warnier, 622 Maine Avenue, Keizer-spoke against the zone change and felt a two-story building would detract from their neighborhood. She expressed her dismay regarding the process.

Ellen West, 623 Maine Avenue, Keizer-felt that "no parking" signage would move the traffic further down into the neighborhood. She expressed concerns regarding Taco Bells extended hours and the problems she felt this caused the neighbors along Maine Avenue. Ms. West asked for consideration from the Council before making further decisions.

Rebuttal From Applicant -
Frank Walker-indicated that they had made the effort to work with the neighbors regarding the situation. He noted the hours of operation and types of businesses were totally different from that of Taco Bell. He noted an optimum location would need to be chosen for the entryway to the business and upon design review this could be addressed.

Mr. Walker reputed some of the comments made by the Hearings Officer regarding the applicant's forthrightness. He felt this was not the case and cited the number of years he had been a land use planner and indicated additional information was supplied as requested.

Mr. Walker went on to note that in spite of the Hearings Officer's discord as noted in the staff report he did agree that the applicant met the required criteria. He asked that the Council supports the staff and Hearings Officer recommendation and approves the application.

Responding to questions Ms. Meier indicated if the zone was not approved that the City would work with the property owner to allow the business to relocate. She indicated that part of this problem could be due to the fact that the city does not require a business permit, which could assist in quelling this type of problem.

Responding to Councilor Kelly's concerns Mr. Johnson indicated that as part of the applicant's condition they had agreed to exclude adult entertainment as a condition for this property. Although future owner's of this property could hold the potential for this type of business. Mr. Johnson went on to comment, if they wished to deal with this possibility that accepting the Hearings Officer recommendation would be the best guarantee from allowing this to take place.

Mr. Walker argued that city has the ability to set their own standards pertaining to adult establishments.

Ms. Meier read from the Keizer Development Code regarding Adult Businesses.

Mayor Christopher Closed the public hearing.

EXHIBIT "B"

Criteria and Standards

The criteria and standards relevant to the application are found in the Keizer Development Code (KDC). The specific criteria are set forth below:

1. KDC Section 3.110.03 (Zone Change).

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

EXHIBIT "C"

Facts

The Council adopts the Hearings Officer's findings as it fully set forth herein. As appropriate, the City Council adopts as it's own any interpretations implicit in the Hearings Officer's recommendation.

EXHIBIT "D"

Justification

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

In this case, the applicant is requesting a zone change from Commercial Office to Commercial Mixed. The purpose of the request is to allow for planning and development of a future Commercial retail establishment on the property.

The Hearings Officer recommends approval to the City Council, but with the imposition of a limited use overlay zone prohibiting automobile, recreational vehicle and trailer sales, eating and drinking establishments, motion pictures, amusement and recreations, adult entertainment businesses, and banks with drive through windows. The Hearings Officer concluded that imposition of such limited use zoning will make the application comply with relevant criteria.

At the City Council Hearing, testimony focused on the impacts caused by the new development. Neighborhood residents pointed to a possible increase in traffic and the negative impacts caused by such increase.

Upon due consideration, the Council feels that the Hearings Officer decision is correct and that the applicant has met the burden of proof with regard to the applicable criteria. However, the imposition of limited use overlay zone as suggested by the Hearings Officer is a critical part of such approval. The imposition of the limited use overlay zone will limit the uses and thereby mitigate against the negative impacts significantly. With the imposition of such limited use overlay zone, the application will be granted.

EXHIBIT "E"

Action

The City of Keizer ordains as follows:

The requested zone change is hereby GRANTED subject to the following conditions:

1. The design and placement of any driveway or access encroachments onto River Road and Maine Avenue shall be approved by the Public Works Department prior to issuance of a building permit.

2. Landscaping on the property shall meet the standards of the Keizer Development Code at the time of development. All area required to be landscaped shall be designed adjacent to River Road and Maine Avenue.

3. Upon development of the subject property, the following screening and buffering method shall be used:

a) A six-foot sight obscuring fence or wall shall be constructed along the entire width of the east property line in conjunction with standards in the Keizer Development Code unless the adjacent property owner and developer of the subject parcel agree otherwise to a shorter (in length or height) fence or wall, vegetation hedge, or no sight-obscuring measure. The developer and successors in interest shall be responsible for maintenance an upkeep of the sight-obscuring measure.

b) One row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart between the east property line and any proposed structure. Prior to issuance of a building permit, a landscaping plan is required to exhibit how this requirement will be met, using either existing or new trees.

4. The minimum setback requirement for development on the subject property shall be 20 feet from the east property line. All other setbacks shall comply with the Keizer Development Code.

5. Parking lot design shall comply with the Keizer Development Code. New structural development shall be on the westerly portion of the subject parcel, and parking for the new structure shall be located on the easterly portion of the subject parcel. To

maximize traffic stacking on Maine Avenue, the placement of any driveway or access encroachment onto Maine Avenue shall be as far to the east on the subject parcel as possible consistent with setback requirements.

6. The zone shall be changed to "Commercial Mixed Limited-Use" Zone. Uses permitted on the subject property shall include those in the Commercial Mixed zone, excluding Permitted Uses I.4 automobile, recreational vehicle and trailer sales, I.8. Eating and drinking places, J.8. Motion pictures, and J.10 Amusement and recreation; Special Permitted Use E.13. Adult Entertainment Businesses; all uses listed in 2.110.04 Use Restrictions A, B, and C.1 through C.11; and Banks with Drive-through Windows.

7. The proposed commercial development on the subject property must comply with all applicable development standards contained in the Keizer Development Code. This includes, but is not limited to such standards as landscaping requirements, height requirements, structural design requirements, and on-site parking. Several specific Zoning Ordinance requirement affect the proposed development associated with the Zone Change request as follows:

(a) ~~Outdoor storage facilities to be screened from view of the public road and from~~ adjacent residential uses.

(b) Exterior lighting to be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties.

(c) Roof equipment to be screened from view of nearby residential uses.

8. The Public Works Department requires the following for public facility improvements:

SANITARY SEWERS-

a. Any new development on the subject property will require sanitary sewer service. Removal of existing sewer services and construction of new services will require street opening permits.

b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. City of Salem issues sewer hook up permits in the City of Keizer.

WATER SYSTEM

a.) Any new development on the subject property will require domestic water service. Removal of existing water services may be required as a result of the proposed new development. Construction within public right of ways will require street opening permits.

STREET AND DRAINAGE IMPROVEMENTS

a.) Prior to any development of the subject property, an overall storm drainage plan shall be submitted to the Department of Public Works for review and approval.

b.) Maine Avenue with adjacent to the subject parcel shall be improved to a ¾ width street improvement to the standards of the City of Keizer department of Public Works. The south ½ shall be completed to a ½ street section with a width of 17 feet from centerline to the new curb. Sidewalk construction shall be required **along the frontage of Maine Avenue.**

c.) Street access for the proposed development shall be from Maine Avenue. No access shall be allowed from River Road, unless a satisfactory agreement between the applicant and the adjoining property to the south of the subject property is approved by the City of Keizer. In such case, the City may consider a joint access from River Road in the form of a "right in, right out' controlled access. No left turn movements from the subject property onto River Road will be permitted.

9. Development must comply with all standards in the Keizer Development Code, including but not limited to Sections 2.110 and 2.3 *General Development Standards.*

10. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant and subsequent property owners. As used throughout this ordinance "applicant" shall include subsequent owners.

11. The Keizer Development Code establishes specific development and processing requirements. These requirements are mandatory and in many cases cannot be

modified even through the variance or adjustment process. These requirements are included for the benefit of the applicant.

12. Except as otherwise required by conditions of approval, development of the property shall comply with the applicable requirements of the Keizer Development Code and building requirements of the Marion County Building Inspection Division.

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

5404COK.001

BEFORE THE HEARINGS OFFICER

FOR THE CITY OF KEIZER

In the Matter of Zone Change Case No. 01-20	))	FINDINGS OF FACT CONCLUSION OF LAW AND RECOMMENDATION

SHORT RECOMMENDATION

The Hearings Officer recommends approval of this application with conditions, including a limited use overlay.

I. STATEMENT OF THE MATTER

This application for a zone change came before the Hearings Officer for the City of Keizer at 7:00 p.m. on May 24, 2001. A hearing was held pursuant to Keizer Development Code § 3.205.02 and in accordance with Or. Rev. Stat. § 197.763. The record was held open, pursuant to ORS § 197.763(6)(c), until June 4, 2001 to allow for submission of written testimony. The record was reopened on June 4, 2001 until June 13, 2001 to allow response evidence and arguments.

The applicant is requesting approval to change the zoning from CO (Commercial Office) to CM (Commercial Mixed). The applicant stated that the purposes of the zone change are:(1) to bring the existing non-conforming uses of the property into compliance with the zoning ordinance, and (2) to allow for planning a future commercial retail establishment on the property. The applicant

EXHIBIT "A"
Hearings Officer
Recommendation

stated that he intends to construct a new building to house the existing businesses, and to allow for other future retail uses in that building as well.

The applicant has hinted that the current uses of the property were established in violation of the zoning ordinance. *See* (*see* Letter from Frank Walker (May 28, 2001). This indicates to the Hearings Officer that the "need" for this approval is to avoid enforcement action to address these violations. Assuming these uses are zoning violations, their current presence on the subject property (and their "need" to stay) have not influenced this recommendation, and should not influence the decision of the City Council.

II. SUMMARY OF EVIDENCE

A. Oral Testimony

The following oral testimony and evidence was presented at the hearing:

Staff Report

At the hearing, Maria Meier, Planning Director, presented the staff recommendation. Staff recommended approval of the zone change with conditions of approval, including a limited use overlay prohibiting gasoline service stations, fast food restaurants, and banks with drive-through windows.

The Hearings Officer asked whether the term "vacant land" as used in the code to determine the supply of available land includes only undeveloped land, or also underdeveloped land, land containing non-conforming structures, or land containing old buildings that are beyond their economic life. Ms. Meier clarified for the Hearings Officer that the term "vacant land" refers only to undeveloped land.

Applicant

At the hearing, Frank Walker spoke as the representative for the applicant, Eric Pittsley. Mr. Walker reviewed the application and specifically the 27-page statement he submitted in support of the application. Mr. Walker also answered three questions posed by the Hearings Officer (summarized as follows):

1. *What is the particular land use that the applicant is proposing?*

Mr. Walker stated that the applicant has both a short-term and a long-term plan. For the short-term, the applicant is proposing to build a new building on the property to house the current businesses on the property. For the long-term, the applicant desires consistent zoning with the property adjacent to the south to allow for joint retail development with that property.

2. *What is the proper unit of measurement regarding rate of absorption and development of commercial land—acres or number of properties?*

Mr. Walker stated that his analysis was consistent with City of Keizer analysis that rate of absorption is calculated in acres, and that his analysis using acreage, showed the City had a less than five-year supply of CM-zoned land, and a 92-year supply of CO-zoned land.

3. *What would be the impacts to the adjoining residential neighborhood along Maine Avenue if ingress and egress were on Maine Avenue?*

Mr. Walker noted that the applicant preferred ingress and egress directly on River Road to avoid impact to the neighborhood. He reviewed the staff report, which stated that if the property had joint access with the CM property to the south, then a River Road access would be allowed, but only for turning right into

the subject property from River Road (traveling northbound) and turning right out of the subject property onto River Road (traveling northbound). Persons turning left into the site from River Road (traveling southbound) and persons turning left onto River Road (traveling southbound) would use Maine Avenue. Mr. Walker stated that he believed impacts to the neighborhood resulting from use of Maine Avenue could be minimized by road design techniques.

Testimony Before the Hearings Officer

Mary Lou Copeland spoke in opposition to the application. She was concerned about traffic on Maine Avenue and believed the short distance between the intersection of Maine Avenue and River Road and the driveway onto the site along Maine Avenue would be dangerous.

David Copeland stated that he did not believe the applicant's claim that the property was zoned CO in error when the City first zoned the land. He noted that a house had existed on the property at the time. Mr. Copeland also noted that it was not possible to determine if the businesses would be acceptable to the neighborhood because he did not know what was the applicant's plan for future use of the property. Mr. Copeland also noted that traffic on the residential part of Maine Avenue was a concern especially because motorists that missed the existing Taco Bell driveway would use the residents' driveways to turn around.

Ellen West concurred with Mr. Copeland's concern about motorists using the residents' driveways to turn around and noted that motorists used the residents' lawns sometimes to turn around. Ms. West also stated that the impacts to the neighborhood were unpredictable, and in support of that

statement, she reviewed the zoning history and the development history of the Taco Bell site. She asked whether a change in zoning was permanent or whether it could be changed again. Ms. Meier noted that if a zone change was proposed, it would be reviewed according to the process in the zoning ordinance, including public hearings.

Karen Claxton had several questions and concerns. She first asked about the short notice period for the application and stated that she would have wanted more time to read the application and staff report and provide comments. In response, Ms. Meier reviewed the zoning ordinance notice requirements. Ms. Claxton asked the applicant why he wanted to change the zoning and what assurances the neighborhood would have that he would not just sell the property to be used for an inappropriate land use. She also commented that she was concerned about being able to access Maine Street if access to the property were along Maine Avenue.

Betty Hanauska stated that she did not believe the applicant's claim that office uses are not feasible on the east side of River Road. Specifically, she noted that Dr. Copeland had a Dentist office on the east side of River Road and that the office is still there.

Bill Hanauska asked City Engineer Bill Peterson about a traffic study that he remembered was conducted for the property many years ago in response to an application for a liquor store on the property. He was concerned about traffic, and that the right-turn-only plan would still mean traffic on Maine Avenue. He noted that current employees park on Maine Avenue, making its use dangerous.

and that the building had started by housing only one business, but now there are six [sic—there are actually only five]. Finally, he stated he was concerned that he did not know what the property would ultimately be used for.

Helen Thompson stated that the traffic was already bad on both River Road and Maine Avenue and that she was concerned about being able to get in and out of Maine Avenue.

Sherrill Wargnier submitted a letter into the record. She also was concerned that she did not know to expect for the property site; she stated that the applicant had told her son that he might use the property for an RV storage site.

Norman West asked whether the CM zone allowed for more intensive development than CR or CG? Ms. Meier stated that it allowed different uses than those zone, some of which were more intensive. Mr. West stated that he was not personally inconvenienced at this time, but was concerned that he did not know what the property would be used for. He urged that the property be zoned for the least intensive zone allowing the proposed land use.

At the close of public testimony, the Hearings Officer noted that Ms. Claxton had asked for additional time to submit additional comments and that he was granting the request and would hold the record open until June 4, 2001. Because several people had already left, the Hearings Officer asked Ms. Meier to notify those people and inform them that they could submit additional written comment.

Applicant Rebuttal

In rebuttal, the applicant restated some of the points he made earlier and in his statement supporting the application. He also answered Ms. Claxton's questions: He was proposing the zone change because the zoning ordinance currently prohibits the uses of the building, and although there is some uncertainty about what the applicant will do with the property, the limited use overlay gives some assurance of what the property will not be used for.

B. Written Testimony

The following written testimony was submitted into the record before the Hearings Officer:

Eric Pittsley (Applicant) (May 11, 2001) wrote that he had contacted the owner of the property immediately to the south of the subject property and she would be agreeable to having a shared entry [presumably on River Road].

Sherrill Wargnier (May 22, 2001) wrote concerning maintenance of the subject property and impacts on Maine Avenue.

Norman and Ellen West (two letters: May 24, 2001, June 13, 2001). In the first letter, Mr. and Mrs. West described various changes the applicant made to the subject property and effects on the neighborhood of commercial uses. In the second letter, Mr. and Mrs. West responded to the traffic videos, stating that the traffic on Maine Avenue is not constant, but is worst at meal times, weekends, and summers.

Jerry L. Bower, Adolf's Electric (one of the tenants in the Applicant's current building) (May 25, 2001) wrote a letter in support of the application. Mr.

Bower believes rezoning the property would benefit the current businesses on the property.

Frank Walker, representing applicant, (May 28, 2001) wrote a letter concerning Mr. Pittsley's intended use of the property. In that letter, Mr. Walker stated, " Mr. Pittsley and his tenants want the City of Keizer to understand that any appearance of lack of disclosure about this proposal was for fear they would be reported for a zoning violation and shut down for conducting incidental retail sales."

Tim Worley, representing applicant (May 30, 2001) specified the dates that the businesses on the subject property were established.

Dennis K. Miller, Mail Depot, Salem Oregon, (May 31, 2001) wrote a letter in support of the application. Mr. Miller stated that he considered opening a second branch on the site, but did not because the zoning did not permit the use.

William I. Peterson, P.E., City Engineer (June 4, 2001) provided a letter concerning a prior traffic report for the subject property and recommended new buildings be placed on the westerly portion of the property to allow parking on the easterly portion, which would maximize traffic stacking on Maine Avenue.

Eric Pittsley (June 4, 2001) wrote a letter concerning the application, including clarifying that the proposed use is to demolish the current structure and build a new structure to accommodate the current tenants.

Maria Meier, Planning Director submitted a Staff Response to the public testimony and information submitted during the period the record was left open (June 12, 2001). Ms. Meier stated (1) four of the five businesses on the subject

property are not permitted in the CO zone and are not legal non-conforming uses; (2) the approval criteria does not require the applicant to specify a proposed use; and (3) staff can support the applicant's statement regarding the availability of developable land zoned CM and CO, and that the Chemawa Activity Center contains 19 acres of land zoned CM and 12.5 acres (6 parcels) of land zoned CO.

C. Exhibits

The following exhibits were submitted into the record before the Hearings Officer:

1-4 Photos submitted by Applicant

5 Map submitted by Ellen West

6-18 Photos submitted by Ellen West

19-23 Photos submitted by Applicant

Videotapes 1 and 2, submitted by Applicant

Copies of page 1 of 2 of rental agreements for PC Computer, Adolf's Electric, and Pest Eliminator. These were submitted during the period when the record was left open, presumably by the applicant or his representative.

III. DISCUSSION

The staff recommendation is adopted by reference, with the exception of Findings and Conclusions III.3(f) (1) and (2), which address KDC § 3.110.03.F.1 and F.2 (pages 6-7 of the staff recommendation).

Based upon the application, testimony presented orally at the public hearing, and written comments and exhibits provided, the Hearings Officer substitutes the following discussion of the approval criteria contained in KDC § 3.110.03.F.1 and F.2. Additionally, the Hearings Officer adds to the staff's findings and conclusions for KDC § 3.110.03.F.3.

F. The following additional criteria shall be addressed:

1. The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next 5 years, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.

This criterion may be satisfied by one of two showings. The applicant may satisfy the criterion by showing that the there is a less than five year supply of vacant land zoned CM. Alternatively, the applicant may satisfy the criterion by showing that none of the appropriately zoned land is suited for the particular uses proposed for the subject property.

The applicant has provided arguments in support of satisfying the criterion under both tests.[1] First, the applicant claims that there is 4.34-year supply of CM-zoned land within the City of Keizer. His projections are based on a straight line analysis using historical data concerning development of new retail and office uses. (*see* Applicant Statement at 19-23) Essentially, the applicant

[1] The applicant claims that there are three ways to satisfy this criterion, separating the "locationally and physically suited" factor from the "site-specific amenities" factor. The wording of the criterion does not lend itself to satisfying one of three tests, but rather one of two tests. This distinction is not material to this application, but is merely raised for clarification.

divided the number of acres used during a past period (16 years) and divided by the number of years in that period to establish the "absorption rate," or the average number of acres developed per year, and then projected that same absorption rate forward to conclude that there is not enough CM-zoned land for the next five years. The Hearings Officer is troubled by the applicant's projections and analysis.

While absorption rate is an accepted practice of projecting trends, it is purely numerical. The applicant himself stated that it does not take into account

> "specific qualitative factors such as exposure, visibility, ease of access, availability of services, joint development, and complementarity [sic] of uses. A finding can be made that the supply of land for CM uses is adequate but not abundant."

Applicant Statement at 20. The applicant did not address these factors after raising them. Additionally, absorption rate may not take into account economic factors such as interest and tax rates, government-intervention programs, and national and international economic cycles, all of which could affect commercial land use. In short, absorption rate assumes an unchanged world, which does not exist.

However, intuitively, the applicant's calculation of a 4.34-year supply of land does not seem outrageous, and no other information was provided to the Hearings Officer to contradict this evidence. Curiously, though, the applicant continued his analysis and claims that there is an addition 4.48-year supply of redevelopment land within the City of Keizer. This analysis is superfluous and does nothing but confuse the issue, because it gives the impression that there

exists an 8.8-year supply of land. During the hearing, the Planning Director clarified for the Hearings Officer that the criterion relates solely to undeveloped land, not to land suitable for redevelopment.

Second, the applicant argued that there is no land in the City of Keizer that is locationally or physically suited to the particular uses proposed for the subject property, or that the location of the property lacks required site-specific amenities. The Hearings Officer is not convinced. The applicant has misinterpreted this criterion. The applicant stated, "This property is not locationally or physically appropriate to for the existing uses of the property since they are all retail oriented and cannot expand due to the existing Commercial Office zoning." Instead of analyzing locations of appropriately zoned property within the City, the applicant has analyzed only the subject property, which is not currently "appropriately-zoned"—hence he filed this application. The applicant essentially argued that the property is not appropriately zoned because the existing uses are not allowed uses. Under the applicant's analysis, this criterion would be satisfied any time a use is proposed is not a currently allowed use. That is not the intent of the criterion. The intent of the criterion is to undertake a city-wide search to determine if any appropriately-zoned land would work for the proposed uses. If none would work, then the criterion may be satisfied. If at least one other site in the city would work for the proposed uses, then the criterion is not satisfied.[2]

[2] Staff, in its June 12, 2001 Response, stated that the criteria for zone change do not require the applicant to specify a proposed use. That is true if the applicant can satisfy the "inadequate supply of land" test in this criterion. However, in

Because the applicant provided no analysis demonstrating that all appropriately-zoned land is not locationally or physically suited to the particular proposed use for the subject property, or that the appropriately-zoned land lacks required site-specific amenities, the applicant has not met his burden of demonstrating compliance with this aspect of the criterion. The applicant has proposed a single building to house five small retail uses. None of the five uses that the applicant has stated would be housed in the new structure appear to require special locational or physical needs, nor special site-specific amenities. It is highly unlikely that the applicant could ever demonstrate compliance with this aspect of the criterion.

In conclusion, the applicant has met his burden of demonstrating compliance with KDC 3.110.03.F.1 by showing that there is a less-than five-year supply of CM-zoned land.

2. The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the projected rate of development of uses allowed in the zone during the next 5 years.

This criterion requires the applicant to show that there would be a five-year supply of CO-zoned land should the application be approved. The applicant has done an absorption rate analysis to demonstrate compliance with this criterion as well.

The limitations of absorption rate analysis is demonstrated by the applicant's projection regarding CO-zoned land. Assuming the applicant is

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order to satisfy the alternative "appropriately-zoned land" test, a proposed use must be specified and analyzed.

correct that only one structure has been built on CO-zoned land (on a 3.82 acre parcel) during the past 16 years (giving an absorption rate of 0.24 acres per year), and another 14.24 acres of vacant CO-zoned land exist in City of Keizer, the applicant projected that there is 92-year supply of CO-zoned land. *See* Applicant Statement at 22-23. A 92-year supply of land is very long time to assert without addressing any of the qualitative analyses that the applicant listed or other economic factors. The applicant did none here.

The applicant continued, "Since 1985, however, no more office uses have developed in other zones." The applicant did not specify what is an "office use," and the Keizer Development Code does not define that term. No matter what is the definition of "office use," it is unbelievable that in 16 years only one new office use has established itself in the City of Keizer. The applicant did not provide any evidence to support his assertion and the Hearings Officer is extremely hesitant to agree with this analysis, but without any other information, cannot support a conclusion to the contrary.[3]

3. The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

Several property owners on Maine Avenue has testified against this application. Their concerns relate to traffic on Maine Avenue and can be categorized into two types of concerns:

[3] Should opponents question the applicant's analysis with this criterion before the City Council, the applicant may wish to be prepared to present evidence to the City Council to support its assertion that only one office use has located in the City of Keizer during the past 16 years.

(1) concerns relating to persons who have business with either Taco Bell or on the subject property driving into the residential section of Maine Avenue. The neighbors complained about noise, speed, trash, and trespass. Although land use regulation of the proposed site cannot correct these existing problems, additional occurrences of these types of problems emanating from the subject parcel would be minimized by including in the limited use overlay, prohibitions on uses that generate a great amount of traffic and uses that remain open late.

(2) concerns relating to increased waiting time at the intersection of Maine Avenue and River Road. Having five retail businesses on the subject parcel will no doubt increase traffic as compared to having five office uses. None of the evidence presented by the neighbors demonstrates that the land use pattern will be destabilized—i.e., the homes will not cease to be used as residences. Likewise, none of the evidence presented demonstrates that the five proposed retail uses would significantly adversely affect the neighborhood. The applicant has agreed to have a limited use overlay applied to the property to prevent automobile-intensive uses on the subject parcel. City staff has recommended that the limited use overlay permit all uses within the Commercial Mixed Zone with the exception of gasoline service stations, fast food restaurants, and banks with drive through windows. The applicant has also stated that he would agree to except out adult entertainment businesses as well.

A limited use overlay zone is good way to protect against significant adverse effects to the neighboring residential uses. It is especially appropriate in this case. The Hearings Officer is concerned about the applicant's forthrightness

with the City of Keizer staff and the Hearings Officer. As summarized above, the applicant admittedly withheld information in his application and before the Hearings Officer about his intended use of the property because he was concerned about enforcement actions that might be taken against him (*see* Letter from Frank Walker (May 28, 2001)). The applicant appears to have opened two businesses and allowed three others to open on the subject property without regard for whether the uses were permitted uses in the current CO zone. Only one of the uses is a permitted use (*see* Supplemental Staff Response to the public testimony and information submitted during the period the record was left open (June 12, 2001)). Based upon this lack of forthrightness and the existing noise, speed, trash, and trespass problems identified by the neighbors, the Hearings Officer understands the neighbors concerns about what might be developed on the property. The Hearings Officer therefore recommends a more restrictive limited use overlay than that recommended by the staff.

To address the concern about traffic, the hearings officer recommends that uses that remain open late and uses that are associated with intensive automobile use be excluded as well.

Finally, to maximize traffic stacking at the intersection of Maine Avenue and River Road, Mr. Peterson, City Engineer recommended new buildings be placed on the westerly portion of the property to allow parking on the easterly portion of the subject parcel. This would require the applicant to demolish the existing building prior to construction of a new building, which may conflict with the applicant's intent to simply move the existing businesses into the new

building. The existing businesses may be unable to relocate to temporary space and then back to the subject property increasing the uncertainty of what uses may eventually locate on the subject parcel. This further supports a limited use overlay that restricts the types of uses allowed on the subject parcel to protect against adverse impacts to the neighborhood.

IV. RECOMMENDATION

Based upon the findings of fact, conclusions of law, and recommendations of the staff report, and the testimony and evidence presented before the Hearings Officer, the Hearings Officer recommends the application meets the standards of the Keizer Development Code and the City Council approve this application subject to the following conditions of approval.

RECOMMENDED CONDITIONS OF APPROVAL

These conditions may differ from the recommended conditions contained in the staff report. I have tried to note where these conditions differ from the recommended conditions in the staff report (using *italics*); however, it is the responsibility of the reader to review and understand the conditions approved by the City Council, if any, and the responsibility of the applicant and successors in interest to comply with the approved conditions.

A. Conditions of Approval to Comply with the Zone Change Criteria

1. The design and placement of any driveway or access encroachments onto River Road and Maine Avenue shall be approved by the Public Works Department prior to issuance of a building permit.

2. Landscaping on the property shall meet the standards of the Keizer Development Code at the time of development. All area required to be landscaped shall be designed adjacent to River Road and Maine Avenue.

3. Upon development of the subject property, the following screening and buffering method shall be used:

   a. A six-foot sight-obscuring fence or wall shall be constructed along the entire width of the east property line in conjunction with standards in the Keizer Development Code *unless the adjacent property owner and developer of the subject parcel agree otherwise to a shorter (in length or height) fence or wall, vegetation hedge, or no sight-obscuring measure. The developer and successors in interest shall be responsible for maintenance and upkeep of the sight-obscuring measure.*

   b. One row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart between the east property line and any proposed structure. Prior to issuance of a building permit, a landscaping plan is required to exhibit how this requirement will be met, using either existing or new trees.

4. The minimum setback requirement for development on the subject property shall be 20 feet from the east property line. All other setbacks shall comply with the Keizer Development Code.

5. *New structural development shall be on the westerly portion of the subject parcel, and parking for the new structure shall be located on the easterly portion of the subject parcel. To maximize traffic stacking on Maine Avenue, the placement of any driveway or access encroachment onto Maine Avenue shall be as far to the east on the subject parcel as possible consistent with setback requirements.* Parking lot design shall comply with the Keizer Development Code.

6. The zone shall be changed to "Commercial Mixed Limited-Use" zone. Uses permitted on the subject property shall include all those in the Commercial Mixed zone, excluding *Permitted Uses I.4. Automobile, recreational vehicle and trailer sales, I.8. Eating and drinking places, J.8. Motion pictures, and J.10. Amusement and recreation; Special Permitted Use E.13. Adult Entertainment Businesses; all uses listed in 2.110.04 Use Restrictions A, B, and C.1 through C.11; and* Banks with Drive-through Windows.

7. The proposed commercial development on the subject property must comply with all applicable development standards contained in the Keizer Development Code. This includes, but is not limited to such standards as landscaping requirements, height requirements, structural design requirements, and on-site parking. Several specific

Zoning Ordinance requirements affect the proposed development associated with the Zone Change request as follows:

a. Outdoor storage facilities to be screened from view of the public road and from adjacent residential uses.

b. Exterior lighting to be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties.

c. Roof equipment to be screened from view of nearby residential uses.

8. The Public Works Department requires the following for public facility improvements:

SANITARY SEWERS

a. Any new development on the subject property will require sanitary sewer service. Removal of existing sewer services and construction of new services will require street opening permits.

b. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. City of Salem issues sewer hook up permits in the City of Keizer.

WATER SYSTEM

a. Any new development on the subject property will require domestic water service. Removal of existing water services may be required as a result of the proposed new development. Construction within public right of ways will require street opening permits.

STREET AND DRAINAGE IMPROVEMENTS

a. Prior to any development of the subject property, an overall storm drainage plan shall be submitted to the Department of Public Works for review and approval.

b. Maine Avenue *adjacent to the subject parcel* shall be improved to a ¾ width street improvement to the standards of the City of Keizer department of Public Works. The south one half shall be completed to a ½ street section with a width

of 17 feet from centerline to the new curb. Sidewalk construction shall be required along the frontage of Maine Avenue.

c. Street access for the proposed development shall be from Maine Avenue. No access shall be allowed from River Road, *unless,* if a satisfactory agreement with the adjoining property to the south of the subject property is approved by the City of Keizer, the City may consider a joint access from River Road in the form of a "right in, right out" controlled access. No left turn movements from the subject property onto River Road will be permitted.

9. Development must comply with all standards in the Keizer Development Code, including but not limited to Sections 2.110 and 2.3 *General Development Standards.*

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

B. The Keizer Development Code establishes specific development and processing requirements. These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment process. These requirements are included for the benefit of the applicant.

1. Except as otherwise required by conditions of approval, development of the property shall comply with the applicable requirements of the Keizer Development Code and building requirements of the Marion County Building Inspection Division.

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

DATED this 26 day of June, 2001

Jeffrey B. Litwak
Hearings Officer

Certificate of Mailing

I hereby certify that on the 21 day of June, 2001, I mailed the enclosed Findings of Fact, Conclusions of Law and Recommendation by first class mail to the following person.

Maria Meier, Planning Director
City of Keizer
930 Chemawa Road NE
P.O. Box 21000
Keizer, OR 97307-1000

Jeffrey B. Litwak
Hearings Officer

City of Keizer, Oregon

August 20, 2001

AGENDA ITEM 7b

ORDINANCE – ESTABLISHING KEIZER PARKS REGULATIONS

KEIZER CITY COUNCIL MEETING: August 20, 2001

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, CMC
CITY RECORDER

SUBJECT: ORDINANCE – ESTABLISHING PARKS REGULATIONS
(Repealing Ordinance Nos. 93-266 and 2001-455)
Second Reading

ISSUE:

On August 6, 2001 an Ordinance Establishing Park Regulations (Repealing Ordinance Nos. 93-266 and 2001-455) was presented to the Council for discussion and adoption. The following motion was made and passed with the following votes:

Council President Moir moved a Bill For An Ordinance Establishing Park Regulations (Repealing Ordinance No. 93-266 and 2001-455), as amended. Councilor McGee seconded the Motion.

Amendments were made and passed on the following items:

- Page 1 – line 21: Pets must be in control by their owners at all times.
- Page 2 – line 2: Permitted uses include skateboards, roller-blades, BMX bikes, big wheels, and scooters only. No foot traffic or motorized vehicles on the skate surface.
- Page 2 – line 7: Alcohol, tobacco products, illegal drugs and glass containers are prohibited.
- Page 2 – line 9: Food and/or drink is prohibited within five feet of the skate park surface.
- Page 2 – line 14: Use of the Skate Park surface is prohibited when wet.
- Page 4 – line 10: Start or maintain an open fire, except as allowed in Section 1(d)
- Page 1 – line 10: Park hours are 6:00 a.m. to 10:00 p.m.

The Motion as amended passed with the following votes:

AYES: Christopher, Kelly, Lee, McGee, and Moir, (5)
NAYS: Smith (1)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

The Charter states "*an ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly in open council meeting on two different dates. The exception to this is an ordinance may be enacted at a single meeting of the Council by unanimous vote of all councilors present.* Since the vote was not unanimous on August 6th, the Ordinance is before the Council for a second reading.

RECOMMENDATION:

It is recommended the Council move for adoption of a bill for an Ordinance Establishing Keizer Park Regulations; Repealing Ordinance No. 93-266 and No. 2001-455 with the approved amendments – second reading.

BILL NO. ____ A BILL ORDINANCE NO. 2001-_____

FOR

AN ORDINANCE

ESTABLISHING KEIZER PARKS REGULATIONS **(REPEALING ORDINANCES NO. 93-266 AND NO. 2001-455)**

The City of Keizer ordains as follows:

Section 1. GENERAL REGULATIONS. The following regulations apply in Keizer City Parks:

(a) Parks shall be open from 6:00 a.m. to 10:00 p.m. each day, with the exception of item (b) below referring to Keizer Little League Park. The City Manager or the City Manager designee may grant permission for use of a park after sunset if the proposed use is appropriate for the park or designated area and consistent with park policies and regulations.

(b) Keizer Little League Park may be open after sunset where fields are appropriately lighted within the dates and times as follows:

(1) Lighting may extend the park hours from March 1 to October 31.

(2) The park will close, and the lights will be off, at 11:00 p.m.

(3) Extended hours shall be limited to Monday through Saturday; the park shall close at sunset on Sundays.

(c) Pets must be controlled by their owners at all times.

(d) Fires are allowed only in established fire pits or barbecues.

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(e) CARLSON SKATE PARK REGULATIONS:

(1) Permitted uses in the skate park surface include skateboards, rollerblades, and BMX bikes, scooters and "Big Wheels" type tricycles only - no foot traffic or motorized vehicles.

(2) The use of helmets is mandatory.

(3) Use or placement of additional obstacles or other materials including, but not limited to, ramps, jumps, etc. are prohibited.

(4) Alcohol, tobacco products, illegal drugs, and glass containers are prohibited.

(5) Food and/or drink is prohibited on or within five (5) feet of the skate park surface.

(6) Use of Carlson Skate Park is prohibited if hazardous conditions exist. Any damage/hazardous conditions must be reported to the City of Keizer Parks Department.

(7) Use of skate park surface is prohibited when the surface is wet.

(8) Littering is prohibited.

Section 2. PARK RESERVATIONS. Organized events using a covered shelter or soccer field require a park reservation and must be registered through Keizer City Hall.

(a) An individual or group that has an approved reservation of a section or sections of a park will have exclusive use of said section or sections for the date and time outlined in the reservation form.

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(b) In the case of a "Group" reservation, a designated person from the group who will be responsible for the group's actions while using the park and for the condition of the park after the scheduled event shall complete and sign the park reservation form.

(c) Reservations will be approved on a first come, first served basis provided that the proposed use by the individual or group is appropriate for the designated area and consistent with park policies and regulations.

(d) The established park reservation fee must be submitted along with the park reservation form. If the reservation is denied, the reservation fee will be refunded to the designated person.

(e) The amount of the park reservation fee will be established by Resolution.

Section 3. REVOKING OF PARK RESERVATION. Violations of the terms of the park reservation as determined by a police officer, the City Manager, or the City Manager's designee, immediately revokes the reservation.

Section 4. USAGE OF KEIZER LITTLE LEAGUE PARK COMPLEX. The Keizer Little League Complex is a unique park and use of this park is limited to those persons or groups whose usage of this park will not degrade its condition or alter its configuration in any way interfere with the park functioning as the Little League Park Complex.

Section 5. PROHIBITED ACTIONS. No person shall act as follows in Keizer City Parks:

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(a) Operate any motor vehicle, except authorized vehicles, in areas other than those designated for parking.

(b) Camp overnight.

(c) Walk or ride horses.

(d) Hit golf balls.

(e) Ride skate boards or scooters on tennis courts.

(f) Dump any items or materials without the written approval of the City Manager or City Manager's designee.

(g) Be present in a park when the park is closed.

(h) Start or maintain an open fire except as allowed in Section 1(d).

(I) Possess alcoholic beverages.

(j) Vandalize any park property or vegetation.

(k) Make noise which violates the City of Keizer Noise Ordinance as now enacted or later amended.

(l) Discharge firearms or other types of weapons, which may include but is not limited to; air guns, BB or pellet guns, sling shots, bow and arrows, crossbows, or any other device which propels any object.

(m) Use Carlson Skate Park while not wearing an appropriate safety helmet, while the skate park surface is wet or while any other hazardous condition exists in the park.

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(n) Use motorized vehicles, alcohol, tobacco products, illegal drugs, glass containers, food or drink in Carlson Skate Park.

(o) Use Carlson Skate Park for any activity other than skateboarding, rollerblading, BMX bike riding, scooters and "Big Wheel" type tricycles.

(p) Use or place obstacles or other materials in Carlson Skate Park.

Section 6. INFRACTION. Violation of this ordinance is an infraction under the Keizer Civil Infraction Ordinance #86-063.

Section 7. REPEAL OF ORDINANCE 93-266 AND 2001-455. Ordinance 93-266(Establishing Keizer Park Regulations) and Ordinance 2001-455 (Amending Keizer Parks Regulations) are hereby repealed in their entirety.

Section 8. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

PASSED this _____ day of _____, 2001.

SIGNED this _____ day of _____, 2001.

_____
MAYOR

_____
CITY RECORDER

824H.043

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City of Keizer, Oregon

August 20, 2001

AGENDA ITEM 7c

RESOLUTION – ESTABLISHING VOLUNTEER COORDINATING COMMITTEE

COUNCIL MEETING: August 20, 2001

AGENDA ITEM NUMBER:_____

TO: **MAYOR CHRISTOPHER AND CITY COUNCILOR MEMBERS**

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

FROM: **TRACY L. DAVIS, CMC**
CITY RECORDER Tracy

SUBJECT: **VOLUNTEER COORDINAITNG COMMITTEE**

BACKGROUND:

On Monday, July 9, 2001 the City Council met in a work session to discuss the Committee Appointment Process. During this discussion, the City Council agreed to make changes in the appointment process, terms and duties of the Volunteer Coordinating Committee. These changes include:

- Each member of the City Council will be responsible for an appointment to the Volunteer Coordinating Committee. The appointment will not be ratified by the entire City Council.
- Each member of the Volunteer Coordinating Committee will serve a two (2) year term.
- There will be no term limits for members of the Volunteer Coordinating Committee.
- All Boards, Committee, and Commission appointment recommendations will be made by the Volunteer Coordinating Committee and forwarded to the City Council for appointment.

ISSUE:

On July 16, 2001 the Council reviewed a draft Resolution and settled the following issues raised by staff.

1. The Council understood the potential of having seven new members being appointed to the Volunteer Coordinating Committee.

2. The Council agreed the term of the members of the Volunteer Coordinating Committee would be for a period of two years. Since the Councilor positions are four-year terms, the Council will have the option of reappointing their designee or making a new appointment upon the conclusion of the two years. The appointment will be announced at the first Council meeting following the general election.

3. The present terms of the Volunteer Coordinating Committee members will be changed as follows:
    - Position One (Smith) –August 2001 to January 2003
    - Position Two – (Kelly) present to August 2002 *
    - Position Three – (Lee) present to August 2002 *
    - Position Four – (Moir) present to January 2003
    - Position Five – (Walsh) present to January 2003
    - Position Six – (McGee) present to January 2003
    - Mayor Position – (Christopher) August 2001 to January 2003

    * In August 2002, Councilor Kelly and Councilor Lee will make an appointment with the term ending in January 2003. At this time they could reappoint their individual or make a new appointment for a two-year term, which would then expire in January 2005.

4. The Council deleted language from the Resolution that stated "The Committee member will serve at the pleasure of the Council member who appointed them and may be terminated for no cause and at any time".

In addition to these clarifications, the Council also agreed to add language to deal with the committee appointment if a Council position becomes vacant. Language has been added to Section 3.

RECOMMENDATION:

It is recommended the City Council review the changes and make a motion to adopt the attached Resolution Establishing the Volunteer Coordinating Committee and repealing Resolution 95-617.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2001- _____

ESTABLISHING A VOLUNTEER COORDINATING COMMITTEE (REPEALING RESOLUTION NO. 95-617)

SECTION 1. CREATION OF THE COMMITTEE

BE IT RESOLVED BY THE City Council of the City of Keizer that a Volunteer Coordinating Committee is hereby established. The Committee shall be responsible for the following:

1. **Identify functions and activities where volunteers can help the City;**
2. **Solicit volunteers for all City Boards, Committees and Commissions;**
3. **Solicit and match volunteer needs for special projects and activities within the City;**
4. **Recruitment, interviewing, and recommendations of Board, Committee, and Commission appointments to the City Council;**
5. **Responsibility to assist in training of volunteers and public relation items pertaining to the individual Board, Committee, and Commissions;**
6. **Recognition of volunteers for the City.**

SECTION 2. COMPOSITION AND APPOINTMENTS

BE IT FURTHER RESOLVED the Volunteer Coordinating Committee shall consist of seven (7) members. Each of the seven (7) members shall be appointed by a member of the City Council. The member shall be appointed to a position corresponding with the position of the Council member responsible for their appointment. A member of the City Council will be appointed to act as Council Liaison, however they shall not be a voting member of the Committee.

SECTION 3. TERM OF OFFICE

BE IT FURTHER RESOLVED the members of the Volunteer Coordinating Committee shall be appointed for a two (2) year term. The appointments will be announced and the term will begin at the first Council meeting in January of each odd numbered year, following the general election. If an appointed member is unable to serve the term for which the member is appointed or an appointed member resigns prior to the completion of the term, the Council member responsible for this position shall appoint another individual to finish the term. If a Council office is vacant for any reason, the replacement Council member may, at their option, replace the appointed member. There will be no term limits for members of the Volunteer Coordinating Committee.

SECTION 4. ORGANIZATION OF COMMITTEE

BE IT FURTHER RESOLVED that the Chair and Vice-Chair of the Volunteer Coordinating Committee shall be chosen by the members. The Committee shall meet as deemed necessary by the Chair. All meetings shall be open to the public and comply with the Public Meeting Laws of the State of Oregon.

BE IT FURTHER RESOLVED that Resolution 95-617 is hereby repealed in its entirety.

PASSED this _____ day of _____, 2001.

SIGNED this _____ day of _____, 2001.

_____

Mayor

_____

City Recorder

City of Keizer, Oregon

August 20, 2001

AGENDA ITEM 7d

RESOLUTION – AUTHORIZING CITY MANAGER TO PURCHASE PROPERTY ON BAIR ROAD

CITY COUNCIL MEETING:_____

AGENDA ITEM NUMBER:_____

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

THROUGH: **CHRIS EPPLEY**
CITY MANAGER

FROM: **ROB KISSLER**
DIRECTOR OF PUBLIC WORKS

SUBJECT: **PROPERTY ACQUISITION ON BAIR ROAD**

DATE: **AUGUST 15, 2001**

BACKGROUND:

On February 2, 1998 the City Council Authorized the City Manager to acquire four one half acre parcels from the Bair Family located on Bair Road. The Parks Facility Fund purchased two of the parcels and the two remaining parcels were purchased by the Water Facility Fund with the intent of developing a Municipal Well and a above ground Water Reservoir Tank. The need for this facility is outlined in the 1988 Water Master Plan and the 2000 Update. All four parcels are heavily wooded. The two most westerly properties have an opening to allow placement of the Water Tank without disturbing the significant trees, which will help screen the facility. The Municipal Pump Station is also proposed to be located on the two westerly parcels. A typical size of a Pump Station is 20' x 40', which will disturb several trees. An additional building of 30'x 50' may be necessary to provide water filtering depending on the water quality found after construction of the new well, which will also disturb trees.

Mr. and Mrs. Reitz own a Manufacture Home with a 24'x48'shop on a .6 acre parcel located at 1065 Bair Road, which is directly across from the City owned property. The Reitz's parcel is large enough to accommodate the Well and Filter Building, which will save significant trees on the City's property and allow for a larger green space adjacent to Bair Park. The .6 acre parcel is Zoned UT. The City's Development Code 2.118 Urban Transition allows for the installation of Public Pump Stations as a permitted use. Included in this report are two exhibits.

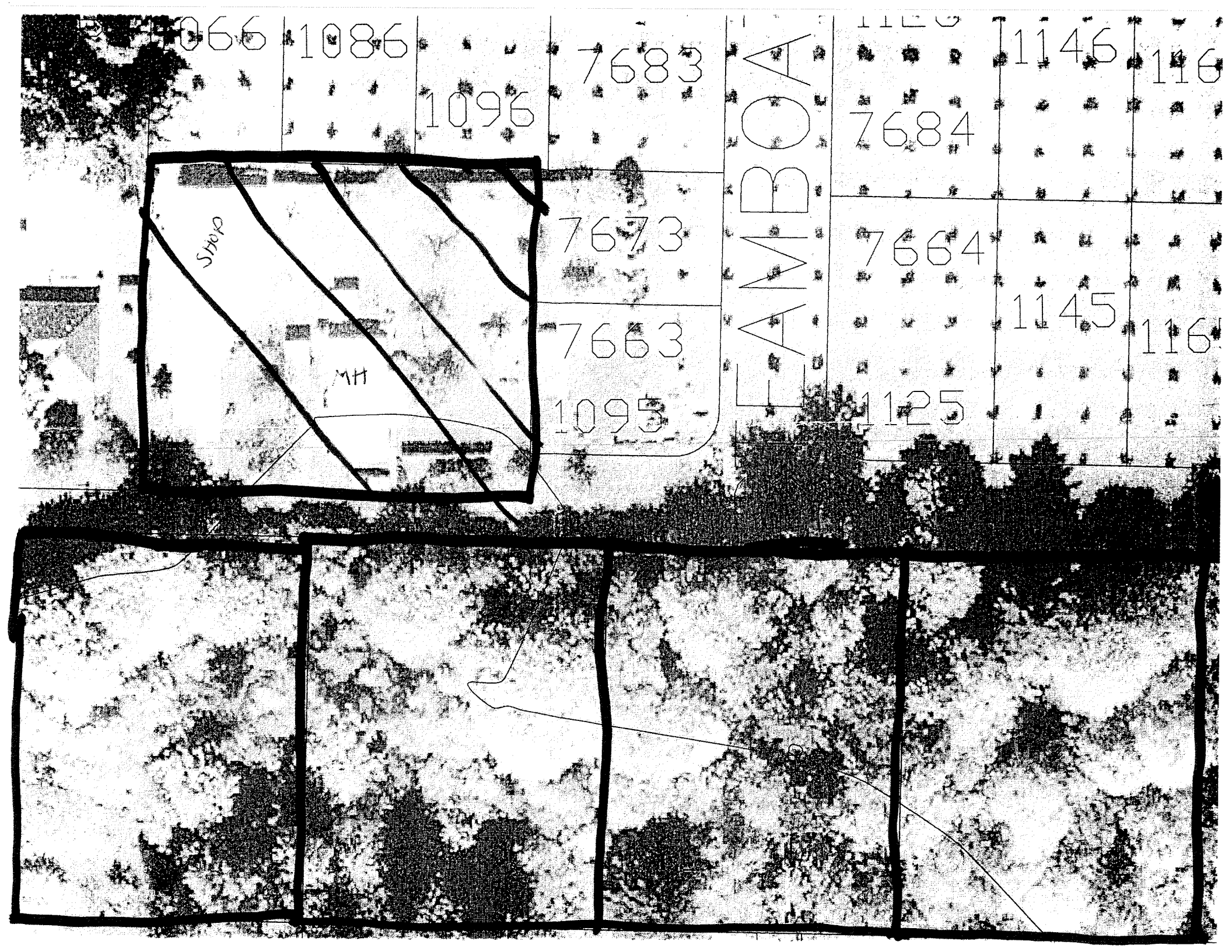
Attachment 1 Airal Photo of the Reitz's and City's property.
Attachment 2 Development Code UT Zone.

FISCAL IMPACT:

Funds are available in the Water Facility Fund CIP Well Improvement Line Item on December 1, 2001. The Water Division will have to defer the 17th Ave Well improvements until next budget year. 17th Avenue well is still functioning at 100% and available for water production until the improvements are made.

RECOMMENDATION:

Public Works Staff recommends City Council adopt the attached Resolution authorizing the City Manager to complete the sale agreement with the Reitz's to purchase their property at 1065 Bair Road NE.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ATTACHMENT 2

2.118 URBAN TRANSITION (UT)

2.118.01 Purpose

The UT (URBAN TRANSITION) zone is intended to retain and protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage, and streets. The zone allows the continuation of legally established uses and certain other limited uses that will not interfere with the efficient, later use of the land for urban development. (5/98)

2.118.02 Permitted Uses

The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the UT zone:

A. Lawful uses other than those listed in this Section 2.118.02 on a property at the time of the effective date of this zone except as provided in Section 2.118.03. (5/98)

B. **Farm use**. (5/98)

C. The propagation of **forest products**. (5/98)

D. **Public and semi-public buildings and structures** rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations, reservoirs, and electrical transmission lines. (5/98)

E. **A mobile home customarily provided in conjunction with farm use** subject to an agreement requiring removal if the property is subsequently placed in a zone that does not permit mobile homes. (5/98)

F. **A mobile home subject to an agreement** requiring removal if the property is subsequently placed in a zone that does not permit mobile homes, and subject to Sections 2.118.11, 2.118.12, and 2.118.13. (5/98)

G. **Nursery**. (5/98)

H. **Child foster home** for five or fewer children.(6/99)

2.118.03 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

A. Any permitted use listed in the most restrictive zone in this zoning ordinance that can be applied in the applicable Comprehensive Plan designation subject to meeting the criteria in Section 3.103.03. (5/98)

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2001-_____

RATIFYING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO PURCHASE PROPERTY LOCATED AT 1065 BAIR ROAD NORTHEAST, KEIZER, MARION COUNTY, OREGON (EDWARD REITZ AND PATRICIA J. REITZ)

WHEREAS, it is appropriate for the City to purchase property located at 1065 Bair Road Northeast, Keizer, Marion County, Oregon;

WHEREAS, the land is situated as to be useful to the City;

WHEREAS, City staff has negotiated for the purchase of such land and the Sale Agreement has been prepared for Rob Kissler's signature as Acting City Manager. The Sale Agreement was signed by Rob Kissler as Acting City Manager on August 10, 2001;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Rob Kissler as Acting City Manager is authorized to enter into that certain Sale Agreement, a copy of which is attached as Exhibit "A" and by this reference incorporated herein, and that his actions of entering into such agreement on August 10, 2001 is hereby ratified.

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

BE IT FURTHER RESOLVED that the City Manager is directed and authorized to take all action necessary and appropriate to consummate such transaction.

PASSED this _____ day of _____, 2001.

SIGNED this _____ day of _____, 2001.

_____
Mayor

_____
City Recorder

5422COK.003

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

SALE AGREEMENT AND
RECEIPT FOR EARNEST MONEY

DATE: August 10, 2001

SELLER: EDWARD REITZ and
PATRICIA J. REITZ,
husband and wife
1065 Bair Road N.E.
Keizer, OR 97303

BUYER: THE CITY OF KEIZER, an
Oregon Municipal Corporation
P.O. Box 21000
Keizer, OR 97307

RECITAL:

Seller desires to sell to Buyer and Buyer desires to purchase from Seller certain real property with all improvements located on it commonly known as 1065 Bair Road N.E., Keizer, Marion County, Oregon, and more particularly described in Volume 722, Page 476, Marion County Records, together with that certain manufactured home described as a 1974 Guerdon Camelot , Serial Number 10C5624C23US4406, which for purposes of this Agreement shall be termed real property (the "Property").

AGREEMENT:

Now, therefore, for valuable consideration, the parties agree as follows:

1. **Sale and Purchase.** Buyer agrees to purchase the Property from Seller and Seller agrees to sell the Property to Buyer for the sum of $99,900.00 (the "Purchase Price").

2. **Earnest Money.** Seller hereby acknowledges receipt of the sum of $1000.00, evidenced by Buyer's promissory note payable on the Closing Date, as that term is defined below.

3. **Payment of Purchase Price.** The Purchase Price shall be paid as follows:

3.1 At closing, the earnest money shall be credited to the Purchase Price.

3.2 At closing, Buyer shall pay the balance of the purchase price in cash.

4. **Closing.** Closing shall take place on or before December 1, 2001 (the "Closing Date"), at the offices of Amerititle (Colleen James).

5. **Preliminary Title Report.** Within ten (10) days after full execution of this Agreement, Seller shall furnish to Buyer a preliminary title report showing the condition of title to the Property, together with copies of all exceptions listed therein (the "Title Report"). Buyer will have ten (10) days from receipt of the Title Report to review the Title Report and to notify Seller, in writing, of Buyer's disapproval of any exceptions shown in the Title Report. Buyer shall not be required to notify Seller with regard to any trust deed or mortgage or other monetary lien which will be presumed disapproved. Those exceptions not objected to by Buyer are referred to below as the "Permitted Exceptions." Zoning ordinances, building restrictions, taxes due and payable for the current tax year, and reservations in federal patents and state deeds shall be deemed Permitted Exceptions. If Buyer notifies Seller of disapproval of any exceptions, Seller shall have fifteen (15) days after receiving the disapproval notice to either remove the exceptions or provide Buyer with reasonable assurances of the manner in which the exceptions will be removed before the transaction closes. If Seller does not remove the exceptions or provide Buyer with such assurances, Buyer may terminate this Agreement by written notice to Seller given within fifteen (15) days after expiration of such 15-day period, in which event the earnest money shall be refunded to Buyer and this Agreement shall be null and void.

6. **Conditions.** Buyer's obligation to purchase the Property is contingent on satisfaction of each of the following conditions:

6.1 Adoption of a Resolution by the Keizer City Council approving this Sale Agreement and Receipt for Earnest Money.

6.2 Buyer's approval of the preliminary title report within ten (10) days after the same has been furnished to Buyer.

6.3 Buyer's written acceptance of any adverse conditions noted in any inspections, studies, surveys or tests conducted on the Property. Buyer shall have the right, at its expense, to conduct any such inspections, studies, surveys and tests, and Seller agrees to reasonably accommodate such inspectors.

6.4 Buyer's approval in writing of a Level I Environmental Assessment of the subject property to be conducted by a firm approved by Buyer. Buyer shall have the right, at its expense, to conduct such Level I Environmental Assessments, and Seller agrees to reasonably accommodate such inspectors. If the report is unacceptable to Buyer or if it advises that further investigation be undertaken, Buyer shall have the option to either terminate this Agreement, in which case its earnest money shall be refunded to it, or go forward with the agreement on condition that this sale shall be subject to Buyer's approval in writing of any reports generated by said further investigation.

The foregoing conditions are for the benefit of Buyer and may be waived, in whole or in part, by Buyer only. Any waiver must be in writing. Unless waived, if any condition is not satisfied by the date specified, this Agreement may be terminated, at the option of Buyer, by written notice, in which event the earnest money shall be refunded to Buyer.

7. **Deed.** On the Closing Date, Seller shall execute and deliver to Buyer a statutory warranty deed, a bill of sale and the Certificate of Title conveying the Property to Buyer, free and clear of all liens and encumbrances except the Permitted Exceptions.

8. **Title Insurance.** Within fifteen (15) days after closing, Seller shall furnish Buyer with an owner's policy of title insurance in the amount of the purchase price, standard form, insuring Buyer as the owner of the Property subject only to the usual printed exceptions and the Permitted Exceptions.

9. **Costs and Expenses.** Seller shall pay for all premiums for the title insurance policy, one-half of the escrow fees and costs, Seller's commission fees and Seller's share of prorations. Buyer shall pay one-half of the escrow fees and costs, all document recording charges, and Buyer's share of prorations. Seller and Buyer shall each pay their own legal and professional fees respectfully. Buyer shall not be responsible for any commission fees. All other costs and expenses shall be allocated between Seller and Buyer in accordance with the customary practice in Marion County, Oregon.

10. **Taxes; Prorates.** Real and personal property taxes for the current tax year shall be prorated as of September 1, 2001. All other usual items shall be prorated as of the Closing Date.

11. **Possession.** Buyer shall be entitled to possession on January 1, 2002.

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12. Property Included. All built-in appliances, floor coverings, window and door screens, storm doors and windows, irrigation, plumbing, ventilation, cooling and heating fixtures and equipment, water heaters, attached electric light fixtures, window coverings, awnings, attached television antenna, planted shrubs, plants and trees, and all fixtures are part of the Property and shall be left on the Property by Seller.

13. Personal Property. No personal property is included as part of the Property being sold to Buyer.

14. Seller's Representations. Seller represents and warrants to Buyer as follows:

(1) Seller knows of no material structural defects with respect to the Property.

(2) All electrical wiring, heating, cooling, and plumbing systems are in good working order and the balance of the Property, including the yard, will be in substantially its present condition on the Closing Date.

(3) Seller has received no written notice of any liens to be assessed against the Property.

(4) Seller has received no written notice from any governmental agency of any violation of any statute, law, ordinance, or deed restriction, rule, or regulation with respect to the Property.

(5) Seller is not a "foreign person" as that term is defined in IRC §1445. On the Closing Date, Seller will execute and deliver to Buyer a certification of nonforeign status on a form required by the IRS.

(6) The Property has never been used for the storage or disposal of any hazardous material or waste. There are no environmentally hazardous materials or wastes contained on or under the Property and the Property has not been identified by any governmental agency as a site upon which environmentally hazardous materials or wastes have been or may have been located or deposited. Other than the septic tank, there are no underground storage tanks of any sort located on the Property.

All representations and warranties contained in this Agreement will survive closing and the conveyance of the Property to Buyer.

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Pursuant to ORS 105.465(1)(a), Buyer hereby indicates to the Seller, and such indication is conclusive, that the real property, will be used for purposes other than a residence for the Buyer or the Buyer's spouse, parent or child. Therefore, a statutory seller's disclosure or disclaimer form is not required.

15. Binding Effect/Assignment Restricted. This Agreement is binding on and will inure to the benefit of Seller, Buyer, and their respective heirs, legal representatives, successors, and assigns.

16. Remedies. TIME IS OF THE ESSENCE REGARDING THIS AGREEMENT. If the conditions described in Section 6 above are satisfied or waived by Buyer and the transaction does not thereafter close, through no fault of Seller, before the close of business on the Closing Date, Buyer shall forfeit the earnest money deposit to Seller as liquidated damages, and this Agreement shall be of no further effect, it being the intention of the parties that Buyer may forfeit the earnest money and be free of any further obligations under this Agreement. If Seller fails to deliver the deed described in Section 7 above on the Closing Date or otherwise fails to consummate this transaction, the earnest money shall be refunded to Buyer, but acceptance by Buyer of the refund will not constitute a waiver of other remedies available to Buyer.

17. Attorney Fees. If an action is instituted to enforce any term of this Agreement, the prevailing party shall recover from the losing party reasonable attorney fees incurred in such action as set by the trial court and, in the event of appeal, as set by the appellate courts.

18. Notices. All notices and communications in connection with this Agreement shall be given in writing and shall be delivered personally or transmitted by certified or registered mail, return receipt requested, to the appropriate party at the address first set forth above. Any notice so transmitted shall be deemed effective on the date delivered personally or it is placed in the United States mail, postage prepaid. Either party may, by written notice, designate a different address for purposes of this Agreement.

19. Entire Agreement. This Agreement sets forth the entire understanding of the parties with respect to the purchase and sale of the Property. This Agreement supersedes any and all prior negotiations, discussions, agreements, and understandings between the parties. This Agreement may not be modified or amended except by a written agreement executed by both parties.

20. Applicable Law. This Agreement shall be construed, applied, and enforced in accordance with the laws of the state of Oregon.

21. **Required Statutory Warning.** THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

22. **Agreement Preparation.** Seller understands that the law firm of Lien & Johnson prepared this Agreement on behalf of the Buyer and in no way represents the Seller.

23. **Acceptance.** This Agreement shall be null and void unless accepted by Seller, by Seller's execution of it and delivered to Buyer, on or before 1:00 p.m. P.D.T., August 15, 2001.

SELLER:

DATE: 8-10-01

Edward L. Reitz

Edward Reitz

DATE: 8/12-01

Patricia J. Reitz

Patricia J. Reitz

BUYER:

DATE: August 10, 2001

THE CITY OF KEIZER, an Oregon Municipal Corporation

By: Robert Kissler

Rob Kissler, Public Works Director and Acting City Manager

City of Keizer, Oregon

August 20, 2001

AGENDA ITEM 8a

APPROVAL OF JULY 23, 2001 WORK SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
WORK SESSION
Monday, July 23, 2001
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the work session to order at 5:30 p.m. Roll Call was taken as follows:

Present:
Lore Christopher, Mayor
Ray Kelly, Councilor
Jerry McGee, Councilor
Judy K. Smith, Councilor
Richard Walsh, Councilor

Absent:
Jacque Moir, Council President
Charles E. Lee, Councilor

Staff:
Chris Eppley, City Manager
Public Works Director, Rob Kissler

ANNOUNCEMENTS

City Manager Eppley reported that AT&T had granted the City of Keizer its own television channel at the cost of approximately $50,000 (one time fee), which was in reserve in the budget under PEG fees. He asked for consensus from the Council to move forward with the project and answered questions from the Council.

It was the consensus of the Council to have Mr. Eppley review types and costs for equipment for this purpose to bring back to the Council for review.

City Manager Eppley also reported that he was developing a fine structure for the helmet requirement in the Skate Park that he would present to the Council in the near future.

DISCUSSION

a. Pilot Water Project Between City of Keizer and City of Salem

Public Works Director, Rob Kissler reported that the City of Salem was seeking an emergency backup for their water system. Discussions between Salem and Keizer brought about the concept of coordinating efforts for Keizer to provide 5-6 million gallons per day, during an emergency at non-peak times. Mr. Kissler outlined capital

improvements that Salem would need to make in order for this to take place.

Mr. Kissler proposed that the pilot project that would include the introduction of a booster pump at the Cherry Avenue Pump Station. He summarized how this would take place over a one to two year period to observe if the program would be functional.

Mr. Kissler introduced Ed Butts from Stettler Supply who is the acting Consultant for Keizer's water source. Water Rights were discussed with Mr. Kissler and Mr. Stettler answering questions from the Council regarding the pilot study, Keizer's aquifer and Salem's water abilities.

After further discussion Mr. Kissler and Mr. Eppley indicated that they would present a Resolution to the Council during the next Council meeting that would outline the criteria of the pilot program.

Mayor Christopher thanked Mr. Kissler and Mr. Stettler for their presentation.

b. Presentation by Community Group Pursing Aquatics Center in Keizer

Members of the Citizens Action Group who provided the presentation were Jerri Bronson, President and Bill Boyce, Vice President.

Ms. Bronson provided a pamphlet and outlined the groups Mission Statement, History, Vision and Activities that they would envision taking place at an Aquatic Center. She stressed the importance of making the community aware of the need.

Mr. Boyce noted some of the unique features of the proposal commenting that feasibility studies done in the past by Salem did not include these features which they felt would bring more support to the project.

Ms. Bronson answered questions from the Council sharing that the minimum acreage for the multipurpose pool would be approximately 4-6 acres expanding to 11 acres if additional outside facilities were made available. She noted sites that had been examined for the proposed facility including areas in Keizer and Salem and indicated that a feasibility study would need to be done to originate what the operating expenses for this type of facility would be.

Mr. Boyce illustrated the possibility for corporate sponsorship and some of those areas that could be explored.

Ms. Bronson requested that the City become a partner in the process by allowing a Councilor to participate on the Board.

The Council expressed appreciation for the work that the group was organizing.

Mayor Christopher noted that the Council would discuss the request and notify Ms. Bronson of their decision.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 6:40p.m.

_____
Cindy Perry
Recording Secretary

APPROVED:
MAYOR:

_____
Lore Christopher

COUNCIL MEMBERS:

_____ Councilor #1 - Judy K. Smith	_____ABSENT_____ Councilor #4 - Jacque Moir
_____ Councilor #2 - Ray Kelly	_____ Councilor #5 - Richard Walsh
_____ABSENT_____ Councilor #3 - Charles E. Lee	_____ Councilor #6 - Jerry McGee

Minutes approved:

_____

City of Keizer, Oregon

August 20, 2001

AGENDA ITEM 8b

APPROVAL OF AUGUST 6, 2001 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, August 6, 2001
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:
Lore Christopher, Mayor
Ray Kelly, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor

Absent
Richard Walsh, Councilor

Staff:
Chris Eppley, City Manager
Susan Gahlsdorf, Finance Director
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Dianne Hunt, Human Resources Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Ken Gierloff, 4035 Arnold Street, Keizer-provided update on the Community Resource Center in the SEKNA area and some of the events that would be taking place.

Bubba Smith, Cherrylawn Court- employed as an ice cream vendor. Mr. Smith suggested that regulations be placed on vendors, such as background checks and health card permits. He felt this was necessary to keep the children in the area safe.

Responding to questions Mr. Smith indicated that approximately 12-15 ice cream trucks operate in the area and again stressed the need for health card permits.

Councilor Lee spoke in favor of Mr. Smith's recommendation.

Dave Bauer, 260 Janet Avenue North, Keizer-noted his good experience with Planning Department. Mr. Bauer expressed appreciation for the professionalism, which

took place during his permit process.

Christine Jones, Executive Director Keizer Chamber of Commerce-distributed and read a memo regarding the report on visitor services at it related to the Chambers allocation of hotel tax dollars.

Ms. Jones shared that Town and County Lanes would host the Oregon State Wide Bowling Tournament in 2003, bringing in approximately 1.5 million dollars into the community. She noted that a task force would be organized to discuss future promotional and marketable services to benefit the City. She shared that a quarterly report would be submitted to the Council regarding its progress.

Councilor Lee suggested that the task force may wish to review promoting the use of the Volcanoes Parking Lot, as well as other facilities in the City.

Jim Keller, 1919 Mistwood Drive, Keizer-spoke on behalf of the Marion County Fair Board and expressed appreciation for the participation City leaders.

COMMITTEE REPORTS

a. Volunteer of the Quarter- Mary Opra
Anne Rasmus Chair of the Volunteer Coordinating Committee noted Ms. Opra's volunteer efforts and presented her with a clock.

Mayor Christopher postponed the Council Liaison reports until the next meeting.

b. Council Liaison Reports

- Bikeways Committee- Councilor Smith
- Traffic Safety Committee-Councilor Smith
- Salem-Keizer Area Transportation-Councilor Smith
- Library Task Force-Councilor Walsh
- Keizer Urban Renewal Board-Councilor Walsh
- Salem Futures Committee-Councilor Walsh
- Planning Commission-Council President Moir
- Emergency Management Committee-Council President Moir
- Claggett Creek Watershed Council-Council President Moir

OTHER BUSINESS (reviewed after Written Communications)

Councilor McGee noted renewed interest regarding the UNOCAL property by a citizens group.

Mayor Christopher noted that in Executive Session the Council reviewed the consultant's recommendation to

move the City Manager's salary from range 32 to range 36.

Councilor Kelly moved to suspend the rules in order to consider an issue not on the agenda. Councilor McGee seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee and Moir (5)
NAYS: Smith (1)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Mayor Christopher moved a motion to accept the recommendation of Hire by Design and move the classification of the City Manager from salary range 32 to salary range 36 effective August 1, 2001. Councilor Kelly seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee and Moir (5)
NAYS: Smith (1)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Ms. Gahlsdorf noted the receipt of the first Park Donation totaling $25.00.

Public Works Director, Rob Kissler noted his recent tour of the Willow Lake Treatment Plan Natural System. He also noted plans to commence the Water Rate Analysis Committee and requested the permission from Council to proceed.

It was the consensus of the Council for Mr. Kissler to move ahead with this project.

Mr. Kissler shared that the City had received the formal grant award for Alder Drive and that improvements would be taking place to the Gary/Bebe Intersection.

Ms. Meier shared that the Keizer Comprehensive Plan had been updated and reprinted.

PUBLIC HEARINGS
(taken after Committee Reports)

a. Infill Master Plan

City Manager Eppley expressed his appreciation to Planning Director Maria Meier for her work during the past year on the Infill Master Plan.

Planning Director Maria Meier reported that the city had been awarded Transportation and Growth Management grant from the DLCD and ODOT. She noted that the grant contributed funds to work with consultants to develop an infill master plan. She noted the purpose and goals of the plan and the methodology of the buildable land inventory to be used as a tool.

Ms. Meier addressed the remainder of the process including the involvement of stakeholders, the Citizen Advisory Committee, public workshops and input from the Planning Commission. She shared that the main difference of the Citizen Advisory Committee and the Planning Commission recommendation was the preference by the Planning Commission to achieve street conductivity as an optional standard.

Staff recommended that the public hearing be conducted and continued until August 20, 2001.

Ms. Meier introduced Consultant Denny Egner.

Denny Egner, Planning Manager with Shapiro and Associates, 1650 NW Naito Parkway suite 302, Portland, Oregon-emphasized that the proposal does not increase densities but would be used as a strategy for efficient development and neighborhood quality. He outlined conductivity as a main issue in the plan.

Mayor Christopher opened the public hearing.

Public Testimony:
Dick Inman, Planning Commission, 4778 Lisa Street NE, Salem- noted that the Commission felt the street conductivity requirement for less than four homes was extreme. He indicated that the balance that the Commission agreed upon would offer a greater possibility that conductivity would take place.

Ms. Meier noted the proposed definition for infill as being any parcel less than two acres, which could be subdivided or partitioned into three or less parcels.

Mr. Inman stressed that the only change to the plan would

be conductivity issue for the development of less than four parcels.

Responding to questions Mr. Inman noted that he was not aware whether members of the Commission attended the Citizen Advisory Committee meetings. Also that the Planning Commission had made the recommendation to Council to address the possibility of offering enhancements or tax breaks to encourage conductivity.

As the Council Liaison to the Planning Commission Council President Moir shared that the Commission's recommendations regarding the plan was unanimous in its final vote.

Mayor Christopher thanked Mr. Inman for his testimony.

Verena Wessel, 476 Evans Avenue North, Keizer- spoke as a member of the Citizens Advisory Committee. She spoke in support of the recommendations regarding the Infill Master Plan and expressed appreciation for the work carried out.

Ms. Meier answered questions regarding the plan and noted that a street reimbursement program could be considered as part of this to encourage the development of streets for conductivity.

Mayor Christopher thanked Ms. Wessel for her testimony.

Ken Gierloff, 4035 Arnold Street, Keizer-spoke as a member of the Citizen's Advisory Committee. He stressed the importance of conductivity for infill development. He requested that the zero lot line requirements be addressed in the near future and cited his reasons for this request.

Mayor Christopher thanked Mr. Gierloff for his testimony.

With no further testimony Mayor Christopher continued the public hearing until August 20, 2001.

b. Zone Change Case No. 01-20 (River Road/Maine Avenue)

Planning Director Maria Meier reported that the subject property was located at 4630 River Road North, on the southeast corner of River Road and Maine Avenue. The applicant and owner is Eric Pittsley. The acting agent for the applicant is Frank Walker. Ms. Meier shared that the request was to change a Commercial Office (CO) to a Commercial Mixed (CM).

Ms. Meier noted the recommendation process and offered Exhibits pertaining to this. Staff recommended that the application be approved as a Commercial Mixed Limited Use with the conditions as identified by the Hearings Officer.

Ms. Meier supplied photos, tapes and written testimony from the applicant and homeowners along Maine Avenue.

City Attorney Shannon Johnson reviewed the applicable criteria in the case and read the standard notice for public hearings. He asked if there were any objections to the notice, jurisdictions or if there was any exparte contacts or bias on the part of the Council and make disclosures prior to the opening of the public hearing.

With no objections or disclosures Mayor Christopher opened the public hearing.

Public Testimony

Russell Smith, 672 Maine Avenue NE, Keizer-felt the Mixed Use Zone still had a wide variety of uses that could be placed on the corner that could be high traffic and high density types of businesses which he felt would cause additional traffic to Maine Avenue through a residential neighborhood.

Frank Walker, Frank Walker and Associates, 37708 Kings Valley Highway, Philomath, OR -supplied a copy of his presentation to the Council and confirmed that the objection of the project was to redevelop the property in a fashion which would benefit the community. He noted the improvements that the owner had currently done to the building and the changes, which would take place in the future including the development of a new building to take the place of the existing structure.

Mr. Walker requested consideration by the Council to allow a seated type of restaurant as part of the plan. He reviewed the criteria and conformance of the Comprehensive Plan versus the submitted application and reviewed the remainder of his presentation with the Council including neighborhood concerns and the mitigation measures that could take place to minimize the impact.

Mr. Walker answered questions regarding the ingress and

egress issues along Maine Avenue/River Road, setbacks and the recent addition of privacy fencing to the east of the property. He noted that the preference of the applicant would be to place the building on the eastern portion of the property with parking faced away from the neighborhood to help lessen impacts.

Mayor Christopher thanked Mr. Walker for his presentation.

Eric Pittsley, 899 Longview Street, Keizer-noted the updates that he had completed to the business and shared videotapes of traffic in the area. He asked that the Council follow the recommendation of staff and the Hearings Officer with consideration for a walk-in style-eating establishment. He expressed his willingness to work the neighbors on Maine Avenue to lessen some of the impacts.

Mary Lou Copeland, 709 Maine Avenue, Keizer-reviewed some of the aspects in the Hearings Officer's report. She stressed that the applicant was aware of the zoning of the property when it was purchased. Ms. Copeland spoke strongly against any zone change for this property because of the adverse impacts she felt it would cause for the neighbors attempting to enter and leave Maine Avenue, as well as noise and safety concerns.

Ken Gierloff, 4035 Arnold Street, Keizer-spoke as Chair of the SEKNA. The association urged the Council to approve only the change in the zoning if the Overlay Zone was upheld and to review the noise and traffic which would impact the neighborhood.

Betty Hanauska, 673 Maine Avenue, Keizer-asked about a traffic report and spoke against the zone change. She also read from the Hearings Officer report expressing concerns that the applicant was requesting consideration to develop an eating establishment on the property.

Ms. Meier indicated that a formal traffic study had not taken place at that location and referred questions from the Council to the City Engineer for confirmation.

Bill Hanauska, 673 Maine Avenue, Keizer-expressed concern regarding the lack of a written traffic study but stressed his past discussions with the Traffic Engineer confirmed that he was not in favor of changing the property to commercial because of the traffic impacts that

it would have.

Responding to traffic issues Bill Peterson City Engineer noted that a traffic study was completed in 1996 between the intersections of Deitz and Judes. He read the letter written by the Traffic Engineer dated July 2, 1996.

Council President Moir asked if there would be a benefit in having a right in and right out access with a shared driveway access between the applicant and the property to the south of the applicant.

Bill Peterson reviewed the drawing submitted by the applicant and noted that the City's concern would be the need to allow for additional stacking of vehicles during peak hours.

Councilor McGee questioned what the trip differential would be between Commercial Office and Commercial Mixed.

Mr. Peterson felt that there would be little difference in trip differential between the two zones during peak hours. Although the exclusions included by the Hearings Officer do have a high volume of traffic during peak hours.

Public Works Director, Rob Kissler asked if there were any discussions regarding establishing "no parking" zones to eliminate potential parking problems along Maine Avenue. He also addressed the possibility of adding sidewalks along property easements rather than in right-of-ways to allow a wider access at Maine Avenue.

Mr. Peterson stated that they would not recommend parking along this area of Maine Avenue and noted that the "no parking" signage could be a condition of the application for Council's consideration.

Cheryl Warnier, 622 Maine Avenue, Keizer-spoke against the zone change and felt a two-story building would detract from their neighborhood. She expressed her dismay regarding the process.

Ellen West, 623 Maine Avenue, Keizer-felt that "no parking" signage would move the traffic further down into the neighborhood. She expressed concerns regarding Taco Bells extended hours and the problems she felt this caused the neighbors along Maine Avenue. Ms. West asked for consideration from the Council before making

further decisions.

Rebuttal From Applicant
Frank Walker-indicated that they had made the effort to work with the neighbors regarding the situation. He noted the hours of operation and types of businesses were totally different from that of Taco Bell. He noted an optimum location would need to be chosen for the entryway to the business and upon design review this could be addressed.

Mr. Walker reputed some of the comments made by the Hearings Officer regarding the applicant's forthrightness. He felt this was not the case and cited the number of years he had been a land use planner and indicated additional information was supplied as requested.

Mr. Walker went on to note that in spite of the Hearings Officer's discord as noted in the staff report he did agree that the applicant met the required criteria. He asked that the Council supports the staff and Hearings Officer recommendation and approves the application.

Responding to questions Ms. Meier indicated if the zone was not approved that the City would work with the property owner to allow the business to relocate. She indicated that part of this problem could be due to the fact that the city does not require a business permit, which could assist in quelling this type of problem.

Responding to Councilor Kelly's concerns Mr. Johnson indicated that as part of the applicant's condition they had agreed to exclude adult entertainment as a condition for this property. Although future owner's of this property could hold the potential for this type of business. Mr. Johnson went on to comment, if they wished to deal with this possibility that excepting the Hearings Officer recommendation would be the best guarantee from allowing this to take place.

Mr. Walker argued that city's have the ability to set their own standards pertaining to adult establishments.

Ms. Meier read from the Keizer Development Code regarding Adult Businesses.

With no further testimony Mayor Christopher closed the public hearing.

Ms. Meier answered questions from the Council and noted what the development review would consist of. She indicated that the purpose of the recommendations from the City Engineer to located the building towards the front of the property was to allow driveway access to be further east and to help alleviate any stacking of vehicles in that area. Parking was also addressed and Ms. Meier noted the requirements for parking spaces.

Councilor McGee felt strongly that the café concept would not be appropriate for the proposed site.

A discussion of signage for the area was outlined. Mr. Kissler agreed that a dead end sign placed above the Maine Avenue Street sign might assist a driver from entering the Dead End street inadvertently.

Councilor Lee asked if it would be appropriate for Council to direct staff to deal with the issues regarding Taco Bell and traffic issues as a separate issue. He felt that the zone change, which they were reviewing, would not significantly impact the neighborhood as this had already happened when Taco Bell was placed at the intersection.

Councilor McGee agreed that the applicant could not be held responsible for the issues brought about by another business.

Council President Moir moved a motion to change the zone for property located at 4630 River Road North, Keizer, Oregon from Commercial Office (CO) to Commercial Mixed (CM) Limited Use with the conditions as identified in the Hearings Officer recommendation as written below:

1. The design and placement of any driveway or access encroachments onto River Road and Maine Avenue shall be approved by the Public Works Department prior to the issuance of a building permit.

2. Landscaping on the property shall meet the standards of the Keizer Development Code at the time of development. All areas required to be landscaped shall be designed adjacent to River Road and Maine Avenue.

3. Upon development of the subject property, the following screening and buffering method shall be used.
   a. A six-foot sight obscuring fence or wall shall be constructed along the entire width of the

east property line in conjunction with standards in the Keizer Development Code *unless the adjacent property owner and developer of the subject parcel agree otherwise to a shorter (in length or height) fence or wall, vegetation hedge or not sight-obscuring measure.* The developer and successors in interest shall be responsible for maintenance and upkeep of the sight-obscuring measure.

b. One roll of deciduous or evergreen trees staggered and spaced not more than 15 feet apart between the east property line and any proposed structure. Prior to issuance of a building permit, a landscaping plan is required to exhibit how this requirement will be met, using either existing or new trees.

4. The minimum setback requirement for development on the subject property shall be 20-feet from the east property line. All other setbacks shall comply with the Keizer Development Code.

5. New Structural development shall be on the westerly portion of the subject parcel and parking for the new structure shall be located on the easterly portion of the subject parcel. To maximize traffic stacking on Maine Avenue, the placement of any driveway or access encroachment onto Maine Avenue shall be as far to the east on the subject parcel as possible consistent with setback requirements. Parking lot design shall comply with Keizer Development Code.

6. The zone shall be changed to "Commercial Mixed Limited-Use" zone. Uses permitted on the subject property shall include all those in the Commercial Mixed zone, excluding Permitted Uses 1.4 Automobile, recreational vehicle and trailer sales, 1.8 Eating and drinking places, J.8. Motion pictures and J.10 Amusement and recreation; Special Permitted Use E. 13. Adult Entertainment Business; all uses listed in 2.110.04 use Restrictions A, B, and C.1 through C.11; and Banks with Drive-through Windows.

7. The proposed commercial development on the subject property must comply with all applicable development standards contained in the Keizer Development Code.

This includes, but is not limited to such standards as landscaping requirements, height requirements, structural design requirements and on-site parking. Several specific Zoning Ordinance requirements affect the proposed development associated with the Zone Change request as follows:

a. Outdoor storage facilities to be screened from view of the public road and from adjacent residential uses.

b. Exterior lighting to be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties.

c. Roof equipment to be screened from view of nearby residential uses.

8. The Public Works Department requires the following for public facility improvements:

SANITARY SEWERS

a. Any new development on the subject property will require sanitary sewer service. Removal of existing sewer services and construction of new services will require street opening permits.

b. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. City of Salem issues sewer hook up permits in the City of Keizer.

WATER SYSTEM

a. Any new development on the subject property will require domestic water service. Removal of existing water services may be required as a result of the proposed new development. Construction within pubic right of ways will require street opening permits.

STREET AND DRAINAGE IMPROVEMENTS

a. Prior to any development of the subject property, an overall storm drainage plan shall be submitted to the Department of Public Works for review and approval.

b. Maine Avenue adjacent to the subject parcel shall be improved to a 3/4 width street improvement to the standards of the City of Keizer Department of Public Works. The south one half shall be completed to a 1/2 street section with a width of 17 feet from centerline to the new curb. Sidewalk construction shall be required along the frontage of Main Avenue.

c. Street access for the proposed development shall be from Maine Avenue. No access shall be allowed from River Road, unless, if a satisfactory agreement with the adjoining property to the south of the subject property is approved by the City of Keizer, the City may consider a joint access from River Road in the form of a "right in, right out" controlled access. No left turn movements from the subject property onto River Road will be permitted.

9. Development must comply with all standards in the Keizer Development Code, including but not limited to Sections 2.110 and 2.3 General Development Standards.

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

B. The Keizer Development Code established specific development and processing requirements. These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment process. These requirements are included for the benefit of the applicant.

1. Except as otherwise required by conditions of approval, development of the property shall comply with the applicable requirements of the Keizer Development Code and building requirements of the Marion County Building Inspection Division.

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

approval of the Zone Change.

Councilor Kelly seconded the motion.

Ms. Meier responded to questions regarding street widths and the condition regarding placement of the structure.

Mr. Kissler indicated with the 34- foot street width there would be options for turning lanes *or* parking.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Mayor Christopher recessed the meeting at 9:46 p.m.

Mayor Christopher reconvened the meeting at 9:55 p.m.

Council President Moir moved a motion to direct staff to look at the traffic issues and concerns on Maine Avenue and come back with recommendations regarding, parking issues, turning lanes, outlet etc. Councilor Lee seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

City Manager Eppley indicated that it would take approximately 90 days to address this situation.

Councilor Kelly moved a motion to direct staff to contact the Regional Management of Taco Bell Incorporated to lodge a complaint on behalf of the citizens of Keizer and the City of Keizer as of the condition of the restaurant and its impact on the neighborhood. Also to send a copy of that complaint to the neighbors. Mayor Christopher seconded the motion.

Mr. Johnson questioned whether the content of the letter

should be to invite dialog to work through the issues or to lodge a complaint.

Councilor Lee cautioned the Council to react in this fashion, he felt the issue pertained to traffic.

Councilor Smith concurred with Councilor Lee's wariness of the motion.

Mayor Christopher suggested a friendly amendment to the motion to direct the City Manager to contact the Manager of Taco Bell to make the City's concerns known. If this does not ease the problem further action could be taken at that time.

Councilor Kelly accepted the friendly amendment to the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

c. Inferno Dance Club Liquor License Application

City Manager Eppley reported on July 11, 2001 Jesse and Kelly Briseno submitted an application for a Limited On-Premises liquor license for Inferno Dance Club located at 3393 River Road North, Keizer, Oregon.

On July 16, 2001 the Keizer Police Department conducted a background check which did not reveal any significant events that were in conflict with Ordinance 95-318.

Mr. Eppley noted a written notice in protest of the liquor license.

Staff recommended that a public hearing take place and upon completion of the hearing it was recommended that the Council approve the application for a Limited On Premises liquor license for Inferno Dance Club.

Councilor McGee noted that the background check was conducted during a timeframe when the establishment was not selling liquor.

Mayor Christopher opened the public hearing.

Public Testimony:

Kelly Briseno, 8285 Portland Road NE, Salem- noted that during the last year doing business as Yesses Place the business did not have any calls for service.

Responding to questions Ms. Briseno indicated that they agreed with the stipulations from OLCC regarding the businesses hours of operation. She indicated that the name of the establishment would remain Inferno Dance Club.

Councilor Lee read the email from Captain Mark Miranda outlining the stipulations from OLCC. These included:

- Hours of operation would be from 9:00 p.m. to 1:30 a.m. Thursday through Sunday.
- Patrons leaving the premise after 2300 hours Friday-Saturday would not be allowed back in.
- No sales of pitchers of beer.

James Weatherby, 1822 27th Avenue SE, Albany, Oregon- owns the apartment complex across from the Inferno Dance Club. He spoke in objection to the license and noted problems that had taken place in the past. He indicated during the past year since the establishment has not had a liquor license that there had been no problems. Mr. Weatherby urged the Council to not recommend the liquor license.

Mayor Christopher thanked Mr. Weatherby for his testimony.

With no further testimony Mayor Christopher closed the public hearing.

Council President Moir moved to recommend that the Council approve the application for a Limited On Premise Liquor License for the Inferno Dance Club under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer, Oregon and that the recommendation be forwarded to the Oregon Liquor Control Commission. Councilor Kelly seconded the motion.

Councilor Kelly moved to amend the motion to add the recommend the conditions as suggested by OLCC. Council President Moir accepted the amendment.

All members of the Council, with the exception of Mayor Christopher and Councilor Kelly, spoke against the motion citing the history of problems at the establishment.

The motion failed as follows:

AYES: Christopher, Kelly (2)
NAYS: Lee, McGee, Moir and Smith (4)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Councilor McGee moved a motion that the Council submits a recommendation for no approval to the OLCC. Councilor Smith seconded the motion.

The motion passed as follows:

AYES: Lee, McGee, Moir and Smith (4)
NAYS: Christopher and Kelly (2)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

d. Sewer Administration Fee

Finance Director, Susan Gahlsdorf supplied a copy of a resolution pertaining to the Sewer Administration Fee. She outlined the costs for operating the Utility Billing division as noted in schedule A of the staff report.

Ms. Gahlsdorf reported that staff was proposing full disclosure regarding the administrative costs. The net result for customers would be that the administrative costs would be reduced by approximately .50 cents per bill.

Councilor McGee spoke in favor of the reduction and disclosure, but felt that the effective dates for this process should take place after the upcoming water rate study. He also stressed that it would be important to review that Keizer had taken on a great deal of Salem's workload by collecting sewer fees at no cost to them.

City Manager Eppley stressed that this service was to the best benefit of the customer. Mr. Eppley indicated that staff found that Keizer was able to provide this service at a lesser cost than Salem and the collected administration fees enabled the City to recoup any internal costs for this service. He argued that the $1.77 rate was specific to Keizer and not any outlying district's rates.

Ms. Gahlsdorf cautioned that from a financial standpoint that the removal of this service and the reduction of staff who provide this service would only cut administrative costs by approximately one-fourth.

Councilor McGee disputed Ms. Gahlsdorf's remarks indicating that the billing aspect of this process was only a small portion of the process. He felt much more of the staff's time went to answering phone questions regarding sewer-billing problems and other issues pertaining to sewer administration.

Ms. Gahlsdorf indicated until a study was complete it would be difficult to ascertain what the true costs for each city were.

Councilor McGee agreed with Mr. Eppley's summarization of his suggestion being that the City of Keizer holds a commodity (the ability to shut the water off) and should be compensated by Salem for this commodity. Mr. Eppley indicated this could be a negotiating tool in the future.

Mayor Christopher conceded that this could be an issue of discussion with Salem in the future.

Council President Moir moved a motion to adopt the Resolution Change in Sewer Administration Fee; Repealing R99-1105. Councilor Kelly seconded the motion.

Responding to Councilor McGee's concerns City Attorney Johnson noted that this recommendation was for sewer only. He indicated that disclosing sewer administration fees on the water bill would be a separate issue.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Council President Moir moved to disclose all Administrative Cost for Water and Sewer concurrently on the water bill. Councilor Kelly seconded the motion.

Staff answered questions regarding the water rate study and how changes either now or in the future would generate many calls from customers.

Council discussed the intention of the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

ADMINISTRATIVE ACTION

a. ORDINANCE- Establishing Keizer Park Regulations (Repealing Ordinance Nos. 93-266 and 2001-455)

Councilor Kelly addressed portions of the ordinance that he would like amended.

Mayor Christopher suggested that a motion be put on the table to allow for additional discussion.

Council President Moir moved to adopt a Bill for an Ordinance Establishing Keizer Park Regulation; Repealing Ordinances No. 93-266 and No. 2001-455. Councilor McGee seconded the motion.

City Attorney Johnson noted the suggested changes in the ordinance as recommended by Councilor Kelly. The recommended changes included:

- Page 1, line 21 to read; *Pets must be in control by their owners at all times.*
- Page 2, line two to read; *Permitted uses include skateboards, rollerblades and BMX bikes only. No foot traffic or motorized vehicles on the skate surface.*
- Page 2, line 7; *Alcohol, tobacco products, illegal drugs and glass containers are prohibited.*
- Page 2, line 9; *Food and/or drink is prohibited within five feet of the skate park surface.*
- Page 2, line 14; *Use of the Skate Park surface is prohibited when wet.*
- Page 4, line 10; *Start or maintain an open fire, except as allowed in Section 1(d).*

Councilor Smith spoke against the suggested wording removing the requirement for pets on a leash. She felt a designated park in which free roaming dogs were allowed

would be more appropriate than allowing all parks to do this and would be more effective and safe for the community.

Councilor Kelly moved a motion to amend line 21 on page one to state, Pets must be controlled by their owners at all times. Councilor Lee seconded the motion.

Councilor Lee spoke in favor of the amendment.

The amendment to the motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee and Moir (5)
NAYS: Smith (1)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Councilor Kelly moved to amend the motion to accept the amendments as stated by City Attorney Johnson. Mayor Christopher seconded the motion.

Councilor McGee suggested the addition of scooters and Big Wheels to the amendment of the types of equipment allowed on the skate park surface.

Councilor Smith spoke against this suggestion noting that the ages of the children using Big Wheels kept them from safely participating in the Skate Park.

Mayor Christopher made a friendly amendment to add scooters and Big Wheels as allowed types of equipment on the skate park surface. Councilor Kelly accepted the friendly amendment.

The amendment to the motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee and Moir (5)
NAYS: Smith (1)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Councilor McGee moved to amend line 10, page one to state the hours of the park shall be open from 6:00 a.m. to 10:00 p.m. Mayor Christopher seconded the motion.

The Council discussed the hours of the park.

Councilor Lee suggested different hours for the parks depending upon the seasons and there uses.

The amendment to the motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee and Smith (5)
NAYS: Moir (1)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

The main motion as amended passed as follows:

AYES: Christopher, Kelly, Lee, McGee and Moir (5)
NAYS: Smith (1)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

b. Authorization to Borrow Funds to Meet General Cash Flow Needs

Finance Director, Susan Gahlsdorf reported that the General and Street Funds had an insufficient cash balance to carry them until November. She proposed a short-term borrowing to meet this cash flow need. Ms. Gahlsdorf noted the funds that would be effected, which included the 911 Fund, the Parks Improvement Fund and the Water Facility Fund.

Mr. Eppley indicated that this recommendation was a planned borrowing process as discussed during the budget process.

Mayor Christopher expressed concern regarding the purchase of a Big Toy for Wilark Park. She indicated that purchasing this equipment in September supplied the City with additional savings, but Ms. Gahlsdorf noted that funds to pay for this purchase would not be available until December.

Mr. Eppley indicated he would have Mr. Witham contact the company regarding this issue.

Public Works Director, Rob Kissler noted that an offer of $99,900 had taken place to purchase property in North Keizer. He indicated that this could effect the ability to purchase this property. A discussion of this took place.

Council President Moir moved to Adopt a Resolution Authorization of Interfund Loans to the General Fund and Street Lighting District Fund. Councilor Kelly seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

CONSENT CALENDAR

a) **RESOLUTION- Certifying Street Lighting Assessments**

b) **Approval of July 9, 2001 Work Session Minutes**

c) **Approval of July 16, 2001 Regular Session Minutes**

Council President Moir pulled item "b" from the Consent Calendar.

Councilor McGee pulled item "a" from the Consent Calendar.

Council President Moir moved for approval of item "c" on the Consent Calendar. Councilor Kelly seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Items "a" and "b" were discussed.

Councilor President Moir moved approval of item "a" and "b" as amended. Councilor Lee seconded the Motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

WRITTEN COMMUNICATIONS

City Manager Eppley reported that an email from Bob Newton indicated that the Community Band might be able to do a performance at the Gazebo September 12th.

It was the consensus of the Council to do this and to

submit a press release pertaining to this.

Mr. Eppley requested from Council that he be allowed to work with Bubba Smith regarding the development of an ordinance regarding peddlers of various natures.

Mayor Christopher read the letter submitted by herself to Rick Bastasch of the Willamette Restoration Initiative. It was the consensus of the Council to submit this letter to Mr. Bastasch.

AGENDA INPUT

August 13, 2001
5:30 p.m. City Council/Parks Advisory Board Work Session

- Annual City Parks Tour

August 14, 2001
5:30 p.m. Joint Work Session Between City Council and Keizer Urban Renewal Board

August 20, 2001
7:00 p.m. City Council Regular Session

- Legislative Amendment to Re-designate Chalmers Jones Park and Clarify Boundaries (continued from 7/16/01)
- Volunteer Coordinating Committee Resolution
- Infill Master Plan (continued from 8/6/01)

September 4, 2001 (Tuesday)
7:00 p.m. City Council Regular Session

Mayor Christopher noted the agenda input.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:47 p.m.

_____
Cindy Perry
Recording Secretary

APPROVED:
MAYOR:

_____
Lore Christopher

COUNCIL MEMBERS:

Councilor #1 - Judy K. Smith	Councilor #4 - Jacque Moir
Councilor #2 - Ray Kelly	ABSENT Councilor #5 - Richard Walsh
Councilor #3 - Charles E. Lee	Councilor #6 - Jerry McGee

Minutes approved:

City of Keizer, Oregon

August 20, 2001

AGENDA ITEM 8c

APPROVAL OF AUGUST 8, 2001 SPECIAL SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
SPECIAL SESSION
Wednesday, August 8, 2001
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the special session to order at 5:45 p.m. Roll Call was taken as follows:

Present:
Lore Christopher, Mayor
Ray Kelly, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor

Absent:
Richard Walsh, Councilor

Staff:
Chris Eppley, City Manager
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

No public testimony was brought before the City Council.

ADMINISTRATIVE ACTION

a. **RESOLUTION- City of Keizer Participation in Joint Litigation with League of Oregon Cities and other jurisdictions in regards to Qwest Franchise Authority and Franchise Fees.**

Councilor Kelly moved the Resolution Authorizing the City Attorney to Commence Litigation related to Qwest Corporation. Council President Moir seconded the motion.

Councilor Lee noted he would vote in opposition to the motion and felt it would not be appropriate or prudent at this time due to potential liability and other issues.

Council discussed the issue with the vote on the motion as follows:

The motion passed as follows:

AYES: Christopher, Kelly, McGee, Moir and Smith (5)
NAYS: Lee (1)
ABSTENTIONS: None (0)

ABSENT: Walsh (1)

OTHER BUSINESS

Councilor McGee moved to suspend the rules for the purpose of completing the compensation package for the City Manager. Councilor Kelly seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir and Smith (6)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

Mayor Christopher noted in discussions that it had been agreed by the City Manager that he be placed in the matrix at Salary Range 36, Step 1, with the next compensation review taking place January 1, 2002, retroactive to June 1st.

Mayor Christopher moved to place the City Manager in the matrix at Salary Range 36, Step 1 with the next compensation review on January 1, 2002. Councilor Kelly seconded the motion.

The motion passed as follows:

AYES: Christopher, Kelly, Lee, McGee and Moir (5)
NAYS: Smith (1)
ABSTENTIONS: None (0)
ABSENT: Walsh (1)

ADJOURNMENT

Mayor Christopher adjourned the meeting at 6:00 p.m.

_____
Cindy Perry
Recording Secretary

APPROVED:
MAYOR:

_____
Lore Christopher

COUNCIL MEMBERS:

Councilor #1 - Judy K. Smith	Councilor #4 - Jacque Moir
Councilor #2 - Ray Kelly	ABSENT Councilor #5 - Richard Walsh
Councilor #3 - Charles E. Lee	Councilor #6 - Jerry McGee

Minutes approved:

City of Keizer, Oregon

August 20, 2001

AGENDA ITEM 8d

APPROVAL OF AUGUST 13, 2001 WORK SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
WORK SESSION
Monday, August 13, 2001
Chalmers Jones Park Covered Area
Keizer City Hall, Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the work session to order at 5:30 p.m. Roll call was taken as follows:

Present:
Lore Christopher, Mayor
Jacque Moir, Council President
Judy Smith, Councilor
Charles Lee, Councilor

Parks Advisory Board:
Jim Taylor, Chair
Richard Ford
Ron Burns
Carole Dicksa
Ed Bartlett

Staff:
Tracy L. Davis, City Recorder
H. Marc Adams, Chief of Police
Rob Kissler, Director of Public Works
Bill Lawyer, Public Works Superintendent
Terry Witham, Parks Director

ADMINISTRATIVE ACTION

Mayor Christopher thanked the Parks Advisory Board for sponsoring the barbecue dinner in the new covered area at Chalmers Jones Park. She also announced the receipt of approximately $600 in donations to the Parks and Recreation fund.

ANNUAL PARKS TOUR

The Council, Parks Advisory Board, and Staff then left as a caravan and toured the following parks:

- Willark Park
- Country Glen Park
- Bair Park
- Palma Cia Park
- Rivers Edge Park
- Northview Park

ADJOURNMENT The tour concluded at Keizer City Hall and was adjourned at 8:24 p.m.

Tracy L. Davis, CMC
City Recorder

APPROVED:

Lore Christopher-Mayor

COUNCIL MEMBERS:

Judy Smith – Council Position #1

Jacque Moir – Council President

(absent)
Ray Kelly – Council Position #2

(absent)
Richard Walsh – Council Position #5

Charles Lee – Council Position #3

(absent)
Jerry McGee – Council Position #6

Minutes approved:

City of Keizer, Oregon

PUBLIC HEARING SIGN UP SHEET

PUBLIC HEARING RE: INFILL MASTER PLAN

DATE: August 20, 2001 **TIME:** 7:00 p.m. **AGENDA ITEM #** 6a

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

(PLEASE PRINT)

NAME	ADDRESS	GENERAL	PROPONENT	OPPONENT
Bob Ohrn	7950 Timothy Lane NE, Keizer	X		
Bill Wolf	6629 Dunbar NE "		X	

City of Keizer, Oregon

PUBLIC HEARING SIGN UP SHEET

PUBLIC HEARING RE: CHALMERS JONES PARK

DATE: August 20, 2001 TIME: 7:00 p.m. AGENDA ITEM # 6a

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

(PLEASE PRINT)

NAME	ADDRESS	GENERAL	PROPONENT	OPPONENT

McGee motion
under Other Business
8-20-01

8/20/01

Move a motion to refer to the Urban Renewal Agency a design concept for a City focal/identity monument to be located at the Unical lot. The design is included in the motion by reference.

8/20/01

The design concept referred in the motion is as follows:

1.A replication of the gateway monument located at River Road and Broadway

2.The "new" monument will not have trees in the center of the circle but rather three lighted flag poles of proportioned height

3.Across the top of the ramparts will be a "ring nozzel" water feature

4.The brick will ~~be the same~~ similar to those used as used by Shari's, Walgrens, and the School House Square

5.The slant of the apron of the monument will be the same as the Broadway monument

7. The flower strips will be proportionate to the size of the monument

8.The wording on the plaques will be determined in a public process

9.The lot will be bordered on both street sides by gental rolling berms (similar to Shari"s)

10.There will be appropriate trees separating the lot from the neighbor to the west.

11. The rest of the lot will be in lawn.