

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

A G E N D A

KEIZER CITY COUNCIL

Monday, August 7, 1995

7:00 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. COMMITTEE REPORTS

- a. Reserve Police Officers Swearing In Ceremony
- b. Appointment to Council Position Number 2

5. PUBLIC HEARINGS

- a. ORDER - Shady Lane Subdivision Appeal (cont from 7-10-95)
- b. ORDINANCE - Zone Code Amendment Relative to Automotive Related Uses in River/Chemawa Special Plan Area

6. ADMINISTRATIVE ACTION

- a. ORDINANCE - Claggett Creek Cemetery - Comp Plan/Zone Change
- b. ORDINANCE - Regulating Maintenance, Planting and Removal of Certain Trees

7. CONSENT CALENDAR

- a. RESOLUTION - Amending Compensation Plan
- b. RESOLUTION - Clear Lake Park Property Purchase and Agreement
- c. RESOLUTION - Authorizing Membership in CIS
- d. RESOLUTION - Initiate Tepper East Subdivision Street Lighting LID

- e. Authorization to Apply for ODOT/DCLD Transportation and Growth Management Grants to fund Local Transportation Plan and Clear Lake Area Development Plan
- f. RESOLUTION - Employee Retirement Contributions
- g. Approval of July 10, 1995 Special Session Minutes
- h. Approval of July 17, 1995 Regular Session Minutes

8. OTHER BUSINESS

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

- a) Mayor and Council Members
- b) City Manager and Department Heads

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications and petitions.

10. AGENDA INPUT

AUGUST 14, 1995

5:30 p.m. City Council Work Session

- Ordinance - Establishing Truancy and Increasing Municipal Court Authority
- Ordinance - Curfew Hours for Minors

AUGUST 21, 1995

6:00 p.m. Urban Renewal Meeting

- Sign Grant Process and Sign Grant Requests
- Briefing on Modal Opportunity Study River Road and River/Chemawa Center Design Plan

7:00 p.m. City Council Meeting

- Little League Traffic Study
- Resolution - Amendments to Fair Housing
- Resolution - Adopting Anti Discrimination Policy
- Resolution - Adopting Housing Relocation Policy

SEPTEMBER 5, 1995 (Tuesday)

7:00 p.m. City Council Meeting

- Comp Plan/Zone Change - Bolf Terrace Public Hearing

II. ADJOURN

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

TO: Mayor and City Council

THRU: Dotty Tryk, City Manager *Dotty*

FROM: Charles R. Stull, Chief of Police *CRS*

SUBJECT: SWEARING IN OF NEWLY APPOINTED RESERVE OFFICERS

The Keizer Police Department proudly announces the appointment of three (3) new Reserve Police Officers. These individuals began training on January 10, 1995 through the Salem Police Reserve Academy and, after attending weekly classes for six months, recently graduated on June 29, 1995.

Our new Reserve Officers include:

JASON R. ALEXANDER, a current student at Western Oregon State College majoring in criminal justice.

CHRISTOPHER A. SHORT, a business manager with Digital Corporation for seven years, is married and has two young sons.

RODNEY E. WILLSON, a corrections officer who has worked at the Oregon State Penitentiary for seven years.

We also would like to recognize another individual, MINDY TUCKER, who also completed the Reserve Academy training and graduated along with the rest of her class on June 29, 1995. She has since been hired as a regular full-time police officer with the Keizer Police Department and began the 8-week Police Academy in Monmouth on July 10, 1995.

The police department appreciates those who join the Reserve Program. These individuals usually have regular full-time jobs and somehow find the time to devote at least 24 hours per month to their community.

The City of Keizer very much appreciates their volunteers!

CITY COUNCIL MEETING: August 7, 1995

AGENDA ITEM NUMBER: 4b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DOTTY TRYK *Dotty*
CITY MANAGER

SUBJECT: APPOINTMENT TO COUNCIL POSITION NUMBER 2

ISSUE:

On July 18, 1995 Councilor Chet Patterson submitted a letter resigning from his position on the Keizer City Council. Councilor Patterson was serving a four-year term which would have expired January, 1997.

The City Charter states vacant elective offices in the City shall be filled by appointment. A majority vote of the remaining members of the Council shall be required to validate the appointment. The appointee's term of office shall begin upon his or her appointment and shall continue throughout the unexpired term of his or her predecessor.

In a recent press release, Mayor Koho requested any citizen interested in being nominated for this position should contact the City Manager or any member of the City Council by July 31. As of that date there were 13 applicants.

RECOMMENDATION:

It is recommended a nomination be brought forward and a vote of the remaining members of the Council be taken to fill the vacancy created by the resignation of Chet Patterson.

CITY COUNCIL MEETING: August 7, 1995

AGENDA ITEM NUMBER: 5a

TO: MAYOR KOHO AND COUNCIL MEMBERS

**THROUGH: DOTTY TRYK,
CITY MANAGER**

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

**SUBJECT: ORDER APPROVING SHADY LANE LLC
SUBDIVISION REQUEST**

DATE: August 3, 1995

The Council continued the hearing on the Shady Lane conceptual subdivision approval to tonight. Council directed staff to prepare an Order granting conceptual approval for the subdivision with certain conditions. Such Order is attached for Council's review.

RECOMMENDATION:

Staff recommends the Council open the recessed hearing, receive any additional testimony, and close the hearing. Upon closing of the hearing, Council should consider whether any additional testimony warrants changing the draft Order attached. Subject to such possible changes, staff recommends adoption of the attached Order.

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 ORDER

3 IN THE MATTER OF THE APPLICATION OF
4 SHADY LANE DEVELOPMENT, LLC FOR
5 CONCEPTUAL APPROVAL OF A 10 LOT
6 SUBDIVISION ON A 1.69 ACRE PARCEL IN THE
7 VICINITY OF SHADY LANE NORTHEAST (CASE
8 NO. K-SUB 95-1)

9 Section 1. THE APPLICATION. This matter came before the Keizer
10 City Council on the appeal of Dean Rudishauser and Charles W. DeLong from
11 the Hearings Officer's order dated May 15, 1995. The Hearings Officer
12 granted approval of the subdivision to the applicant to allow a 10 lot subdivision
13 on a 1.69 acre parcel located east of the intersection of Shady Lane Northeast
14 and Pleasant View Drive Northeast (1653 Shady Lane Northeast to and
15 including 1715 Shady Lane Northeast; Township 7 South; Range 3 West;
16 Section 11AA; Tax Lot # 501).

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

22 Section 3. PUBLIC HEARING. A public hearing was held before the
23 Hearings Officer on March 30, 1995. In addition, a public hearing before the
24 Keizer City Council was held on July 10, 1995 and was continued to August 7,
25 1995. The following persons either appeared at the July 10, 1995 hearing or
26 provided written testimony on the application before the Council:

- 1 1) John Morgan, Community Development Director
- 2 2) Jerry L. Groff, Applicant's Engineer
- 3 3) Dennis Sullenger, Applicant's Representative
- 4 4) Dr. Everett Mozell, Applicant's Representative
- 5 5) Dean Rudishauser, Opponent
- 6 6) Chuck DeLong, Opponent
- 7 7) Bill Wolf, Opponent

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

10 Section 5. OBJECTIONS. Objections were received by the Hearings
11 Officer as to notice. The Hearings Officer rejected these objections. No other
12 objections have been raised as to notice before the City Council. No objections
13 have been raised as to jurisdiction, alleged conflicts of interests, bias, evidence
14 presented or testimony taken at the hearings.

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

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

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

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

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

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

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

8 PASSED this ____ day of _____, 1995.

9 SIGNED this ____ day of _____, 1995.

10
11

Mayor

12
13

City Recorder

EXHIBIT "A"

Evidence

Official notice has been taken of the Hearings Officer's Order.

Mayor Koho opened the Public Hearing on July 10, 1995.

John Lien, City Attorney, announced the applicable criteria for the hearing was listed in Section 3, Subsection 1 of the Keizer Zoning Ordinance. Mr. Lien reviewed these guidelines.

In response to a request from Mr. Lien there were no objections or conflicts of interest raised at the opening of the hearing.

John Morgan, Community Development Director reported this is a complex land-use case involving a parcel of land presently zoned Residential Multi-Family (RM). The applicants, Dennis Sullenger and Dr. Everett Mozell have applied to develop a 10 lot subdivision in which six of the proposed lots have had houses moved upon them. The present condition of the houses has caused great concern, however, according to the state law the houses do not have to meet the current building code requirements if they are moved from another location. Nevertheless, Mr. Morgan has informed the applicants the City will apply the Keizer Housing Code against these houses.

Mr. Morgan stated during the subdivision process it allows the City to provide the needed "consumer protection" to make sure the buyer of one of these parcels is assured all standards have been met. Mr. Morgan summarized these issues that focus on the environmental issues surrounding the property. The appellant has raised the issue of the location of wetlands on the subject property. A request was made to the Division of State Lands to analyze the property for wetland issues. Mr. Morgan submitted a copy of the response from the Division of State Lands noting a analysis will be performed to determine if a additional state permits are required.

An additional concern that was raised is the removal of trees and the noise impacts on the subject property. Mr. Morgan stated the trees have already been removed from this area. He noted the Council could include a condition addressing the requirement to plant trees within the subdivision.

Another concern raised was the issue of surface water on the property. Mr. Morgan displayed a map showing the Claggett Creek flood plain at this location. The applicant applied for a flood plain permit, met the criteria and therefore the permit was given.

Mr. Morgan presented a short video tape showing the subject property.

Mr. Morgan recommended the Council receive the testimony and recess the hearing to August 7, 1995 for staff to return with an Order upholding the Hearings Officer's decision and include the following two conditions:

- A wetlands analysis will be prepared by a qualified wetlands expert and accepted by the Community Development Department determining if there are wetlands impacts and including a plan for mitigation of any impacts. The Plan must be implemented prior to the platting of the subdivision.

- The storm drainage plan required by the Hearings Officer shall include a plan to convey storm waters through the subject property so that there is no additional flooding of adjacent properties beyond levels occurring prior to the development of the property. Plus the drainage plan will be approved by the Public Works Department and implemented prior to platting of the subdivision.

In response to a question from Councilor Watson, Mr. Morgan noted the advantage to placing these conditions of approval on the subdivision will make the developer responsible for the surface water issue rather than the home owner.

Councilor Miller noted lending institutions financing these homes may require the houses to be brought up to current code conditions.

Presenting testimony to the Council was:

Jerry L. Groff, civil engineer, 5478 River Road S, Salem. Mr. Groff spoke on behalf of the applicants of this project. Mr. Groff stated the owners do intend to improve the condition of the houses. However, this approval process has caused the developer increased financial burdens and construction delays which therefore could result in the selling of the houses and parcels as they are presently.

Mr. Groff reviewed the history of the purchase of the homes and the developer's intentions to provide additional affordable housing in Keizer. He noted the original intent was to start with only the six houses and lots in the subdivision, however they decided to go with the full plan of 10 at this time. This caused additional improvements to be required by the City to complete the subdivision. Mr. Groff showed an aerial photo showing the small cluster of trees which were removed from the parcel. At no time was there an intent to remove the trees to increase the noise levels. In fact, Mr. Groff believed the houses will provide a greater noise barrier than the trees.

In regards to the wetland issue, Mr. Groff reported approval was granted for a flood plain development permit. He added the developer does not have any intention to affect Claggett Creek, in fact this plan will leave approximately 8000 square feet of native and natural land on the parcel.

Pertaining to the drainage situation, Mr. Groff noted the primary source of drainage is the runoff from the state highway. The lowland which originally carried the water to Claggett Creek have been filled and may have created additional drainage problems to surrounding parcels. In conclusion, Mr. Groff does not feel the developer of this parcel should be responsible for fixing the entire system. Mr. Groff noted the developer has complied with all storm drainage standards as set forth by the City.

Dennis Sullenger, 1710 Dearborn Avenue NE, Keizer. Mr. Sullenger indicated when he originally began planning this development there was a natural flow of drainage, however due to adjoining properties being filled, it has created the standing water problem. Mr. Sullenger noted the problem lies with the surrounding parcels of land and their actions changed the flow of the water.

In response to a question from Councilor Watson, Mr. Sullenger stated he concurs with his engineer's analysis of the ponding on the property.

Councilor Keller confirmed Mr. Sullenger was agreeable to the extra conditions of approval as recommended by staff.

Dr. Everett Mozell, 2020 Capitol Street NE, Salem. Dr. Mozell stated he is a partner in this project with Mr. Sullenger. He explained the initial philosophy of this project was to preserve the houses targeted for destruction by the expansion of the Salem Clinic and to provide additional affordable housing in the area. Upon his initial visit to the property, Dr. Mozell indicated he was concerned this development may be a detriment to the wetlands and obtained all the necessary approvals and permits needed to assure it was environmentally safe.

In response to a question from Councilor Watson, Dr. Mozell indicated the only access to Claggett Creek will be from the two undevelopable lots.

Mayor Koho expressed his appreciation for Dr. Mozell's concern of the environmental issues for this important gateway to Keizer.

Councilor Miller suggested the undevelopable portions could be deeded to the City in order for the area to remain in its natural state.

Dean Rudishauser, 3764 Pleasant View Drive, Keizer. Mr. Rudishauser informed the Council that he is a property owner near this proposed subdivision. Mr. Rudishauser noted he is not opposed to the subdivision, only the way it is being constructed. In the eight years of living in this area, he is concerned the removal of the trees will create a greater noise impact on the area. Mr. Rudishauser presented an aerial map showing the area and the number of the trees which were removed. (Note: this 1981 aerial map is the same as those on file in the Planning Department).

Mr. Rudishauser acknowledged fill was placed along the banks of Claggett Creek near his property. He noted there is approximately a four-foot difference in the elevation of the land on the other side of the creek. Mr. Rudishauser displayed photographs of the area and explained the flow of the drainage.

Mr. Rudishauser quoted the Oregon Drainage Law taken from the Hydraulics Manual ODOT which reads as follows:

For a land owner to drain water onto lands of another in the State of Oregon two conditions must be satisfied initially; the land must contain a natural drainage course and the landowner must have acquired the right of drainage supported by consideration. In addition because Oregon has adopted the civil law doctrine of drainage three basic elements must be followed; a land owner may not divert water onto adjoining land which would not otherwise had flowed there. Diverted water includes but is not necessarily limited to water diverted from one drainage area to another, from water collected and discharged which normally would infiltrate into the ground, pond and/or evaporate. The upper land owner may not change the place where the water flows onto the lower owners land.

In response to a question from Councilor Keller, Mr. Rudishauser stated he agrees the additional conditions as recommended by staff should be made part of the order of approval.

In summary, Mr. Rudishauser noted his main concern is the flooding of the property in the back of his house. He believes the diversion of the water from one piece of property to another is in violation of the law. He questioned how the increased drainage from the improved street will

affect the overall drainage in the area. Mr. Rudishauser noted he would be willing to allow the applicant to continue the culvert along the back of his property line to flow through to Claggett Creek.

Chuck DeLong, 3770 Pleasant View Drive, Keizer. Mr. DeLong addressed the Council as a property owner in the area of the proposed subdivision. He concurred with the previous testimony of Mr. Rudishauser. In addition, Mr. DeLong stated during his 10 years of living at this location, he has never been faced with the amount of standing water on his property as he did during this last year. He attributed this problem to the work at the proposed development.

Mr. DeLong thanked the staff for the recommended conditions of approval for this subdivision. He hoped these conditions will be monitored for completion.

In closing, Mr. DeLong also voiced his concern for the Oregon law which allows homes to be moved to another location without bringing these homes up to code.

Bill Wolf, President of the South East Keizer Neighborhood Association, 4055 Gary Street, Keizer. Mr. Wolf addressed the Council to relay the concerns of the members of the Association. Mr. Wolf expressed his support of the additional recommendations of approval as stated by staff earlier in the meeting. In addition, Mr. Wolf maintained the applicants should follow through with the drainage master plan to assure each of the neighbors' concerns are met. Mr. Wolf noted a major concern of the Association has always been the preservation of Claggett Creek and the surrounding wetlands. Mr. Wolf also voiced his concern with the number of lots proposed for this subdivision and the possible effects upon the wetlands.

Jerry Groff, 5478 River Road S, Salem. Mr. Groff stated the number of lots cannot be reduced in order to comply with the zoning regulations. Mr. Groff added once the approval process is complete, the developer will be able to move forward with the improvements to the subdivision and homes. However, he disagrees the improvements to the property as being the reason the adjacent properties have seen increased flooding.

Mr. Groff expressed his concern regarding the City requiring the developer to be responsible for the costs of the construction of a culvert along adjacent properties.

In response to a question from Councilor Miller, Mr. Groff stated Mr. Sullenger did work with an adjacent property owner to remove trees from another adjacent parcel of land.

There was no further testimony to come before the Council.

Mayor Koho recessed the public hearing until August 7, 1995 at 7:00 p.m.

EXHIBIT "B"

Criteria and Standards

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

Of particular importance in this application is KSPO Section III(1) regarding consideration of whether or not the proposed subdivision is in accordance with the Comprehensive Plan. No particular additional criteria were identified by any of the parties to the hearings.

EXHIBIT "C"

Facts

1. The applicant is Shady Lane Development Co.
 2. The 1.69 acre subject property is located on the east side of Pleasant View Drive and on the north side of Shady Lane NE immediately east of the intersection of Shady Lane NE and Pleasant View Drive NE. The property is addressed with a range of addresses from 1653 Shady Lane NE to 1715 Shady Lane NE, and the County Assessor's map identifies the property as being located within Township 7 South; Range 3 West; Section 11AA; Tax Lot #501.
 3. The parcel has 6 single family structures on the lot which were moved onto the site and the site fronts a partially developed public street and all lots are to be served by public sewer and water.
 4. The subject property is designated Medium to High Density Residential (MHDR) in the Keizer Comprehensive Plan and is zoned RM (MEDIUM DENSITY RESIDENTIAL). The purpose of the Plan designation is to provide land for Medium to High density residential development.
 5. Property to the south and west is designated Low Density Residential in the Comprehensive Plan and zoned RS while land to the north is designated Medium to High Density Residential in the Comprehensive Plan and zoned RM (MEDIUM DENSITY RESIDENTIAL).
- The Salem Parkway is located immediately to the east of the subject property and is the Urban Growth Boundary and City Limit for the City of Keizer. All adjacent property is primarily developed with single family homes on either subdivision lots or large parcels.
6. The applicant proposes to subdivide the subject property into 10 single family lots ranging in size from 5,250 square feet to 16,567 square feet.
 7. The Keizer Fire District stated that the proposed turnaround shown on the preliminary subdivision plat does not meet Keizer Fire District standards for a public street. As such, the Fire District requested that the applicant contact the Fire District and provide a set of plans which show a turnaround which satisfies the Fire District standards.
 8. The proposed subdivision will contain 10 lots ranging in size from 5,250 square feet to 16,567 square feet. Access to the property is proposed via Shady Lane NE which is being improved to meet current public street right-of-way standards.

Access to the individual parcels will be via 20' wide private interior easements connecting with Shady Lane.

This subdivision is designed to accommodate single family residences, although the Zoning Ordinance permits multiple family development on the individual lots.

9. The proposal provides in-fill development on vacant land within an existing residential area. Full public services, including sewer, water, storm drainage and public access, are in place or can be extended to the proposed subdivision. The subdivision has access to Shady Lane and Pleasant View Road, both of which are capable of accommodating the additional traffic generated by the development.

10. The Comprehensive Plan specifies a dwelling density of 8 to 16 units per acre for land designated Medium to High Density Residential. The 1.69 acre parcel has the potential capacity to support a minimum of 13 units up to a maximum of 30 or more units. The proposed subdivision will create 10 lots on a 1.69 acre parcel, creating a density of less than 8 units per acre. There is a need to maximize dwelling density on those lots which are appropriately zoned and capable of being developed with high density. In this instance, the proposed subdivision is taking place on a lot where the owner has moved older residences from the City of Salem to create low-to-moderate income housing. The loss in density is made up in the addition of affordable housing which is also promoted by the Comprehensive Plan. In addition, a large portion of the lot is located within the 100-year floodplain and floodway of Claggett Creek which also limits the buildability of the lot. It is impractical to develop a high density development on this lot with the physical constraints of the 100-year floodplain and the associated floodway.

11. Chapter 25, of the Keizer Zoning Ordinance, contains requirements for lot sizes, parcel dimensions, permitted uses, setbacks and other related development standards for property within the RM zone. Single family lots must be a minimum of 4000 square feet in size with an average lot width of 40 feet and average lot depth of 70 feet. All of the proposed subdivision lots meet, and exceed, these minimum lot size and dimension standards.

EXHIBIT "D"

Justification

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

In this case, the applicant is asking for conceptual approval for a 10 lot subdivision on a 1.69 acre parcel near the Salem Parkway. The lots would be accessed via Shady Lane Northeast and private easements.

This proposal is somewhat unique in that six older homes have been moved to the subject property and will be permanently placed following approval of this subdivision request. Many of the neighbors are concerned regarding the age and condition of these older homes. However, state law does not allow imposition of current building code in this situation. The Keizer Housing Code can and will be enforced with regard to these houses, and this will mitigate concerns of the neighbors regarding the condition of this housing.

An additional concern is the project's impact on storm water runoff and flooding problems. Staff has indicated they will require that a workable storm water plan be implemented before the homes are permanently placed on the property. This is necessary to protect the adjoining property owners from suffering the effects of storm water diversion onto their properties.

Additionally, there were concerns expressed regarding the project's impacts to adjoining wetlands. To address these concerns, a condition has been added (see Exhibit "E"-Condition No. 1) which will require a wetlands analysis and mitigation plan if necessary. Any required mitigation efforts with regard to wetlands must be completed prior to submittal of the final plat for the subdivision.

The project's dwelling unit per acre density is below the Comprehensive Plan optimum for RM zoned land. However, it does provide affordable housing, which is also an important goal of the Keizer Comprehensive Plan. Due to Claggett Creek flooding potential, the wetlands issue, the storm water problems, and the shape of the parcel, it would be difficult and impractical to develop this property at a higher density.

With careful placement and administration of the conditions set forth in Exhibit "E", this proposed subdivision will cause minimal impacts, while providing additional affordable housing stock for the community.

EXHIBIT "E"

Action

The City of Keizer orders as follows:

The application for conceptual approval of the 10 lot subdivision is hereby GRANTED subject to the following conditions:

The following conditions must be met prior to submittal of the final plat:

1. The Community Development Department shall approve a wetlands analysis submitted by the applicant and prepared by a qualified wetlands expert. Such analysis shall determine if there are any wetlands impacts, and if so, include a plan for mitigation of such impacts. Any required mitigation shall be completed prior to submittal of the final plat.

The following conditions must be met prior to the issuance of any building permits:

2. The applicant shall take part in a conference with the applicable public facility providers for the purpose of coordinating facility improvements. This conference shall occur prior to submitting engineering drawings. It is recommended the conference participants include the Keizer Department of Public Works, Keizer City Engineer, City of Salem Department of Public Works (sewer), U.S. West Communication, Portland General Electric, Northwest Natural Gas, and Keizer Fire District.

3. The applicant shall submit a detailed site plan to the Keizer Community Development Department for its review and approval, prior to submitting the final plat. The site plan shall:

a. Substantially conform to the proposed subdivision request and contain a minimum of 10 lots. The turnaround shown on the preliminary plan shall be modified to conform to the requirements of the Keizer Fire district. In the alternative, applicant may substitute a cul-de-sac with a 35-foot radius at the end of Shady Lane if this is acceptable to the Keizer Fire District. The modified turnaround shall be shown on the final plat.

b. Include all engineering elements as required below.

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4. The applicant shall submit an engineering site plan to the Keizer Department of Public Works and the City of Salem Department of Public Works for its review and approval. The site plan shall include information concerning storm water detention, street improvements, easements, sewer, water and other engineering information as necessary to comply with development standards. At a minimum, the engineering site plan shall include the following:

a. Construction of a 35 foot cul-de-sac at the end of Shady Lane rather than the turnaround originally proposed.

b. Construction of the sidewalk on the north half of Shady Lane that fronts the subject property shall be outside the right-of-way, but the applicant shall grant an easement to the public for use of the sidewalk. easement.

c. A storm drainage master plan will be required to be submitted for review and approval prior to any construction on the subject property. Storm water detention will be required for the subject property. The storm drainage master plan shall be designed so as to convey storm waters through the subject property in such a manner that there is no additional flooding of the adjacent properties beyond the levels which occurred prior to the development of this property. Storm drainage improvements at the intersection of Pleasant View Drive and Shady Lane shall be limited to construction of a 10 inch storm line with catch basin across Shady Lane at the point of the drainage problem.

d. Extension of water lines will be allowed as change orders to existing construction permits under observation of the City of Keizer Department of Public Works.

e. Granting to the City of Keizer on the final recorded plat 20-foot wide easements along the centerlines of the pipes for the existing 15 inch sanitary sewer and 20 inch sanitary sewer lines, over which no structures may be built or maintained, except in those areas where the proposed house foundations will encroach on the easement area. It is the intent of this condition that 20-foot wide sewer easements be granted to the maximum extent possible, limited only to those areas where a residential structure will actually encroach upon that easement.

f. Adequate easements for private water services shall be shown.

5. Completion of the proposed water system for the area shall be accomplished prior to any water service connections to the proposed lots.

6. The Keizer Fire District will determine where proper locations of fire hydrants are necessary. Final development plans shall be reviewed and approved by the Keizer Fire Department prior to any issuance of permits for public water main construction for the subdivision.

7. Any wells on the subject property shall be identified and abandoned in accordance with the water department requirements.

8. Any hydrants or other water system improvements currently under construction shall be adjusted to the finish street grade of Shady Lane which shall conform to the Public Works Standards for Street Construction.

9. Construction permits are required by the Department of Public Works prior to any public facility construction, including sanitary sewer construction.

10. Upon approval of the detailed site plan and engineering plans, the applicant shall submit a final plat for the subdivision which conforms to the detail plan approval. The plat shall be prepared by a registered professional surveyor and conform with the requirements in ORS Chapter 92. A bond will be required by the County Surveyor for post monumentation of the subdivision plat. Street names for the subdivision shall be coordinated with the Mid-Willamette Valley Council of Governments on forms available at the City of Keizer. No plat shall be released that does not contain approved street names.

11. Frontage road improvements, including curbs, sidewalks, paving and drainage shall be installed along Shady Lane fronting the subject property. The applicant shall also install 3/4 street improvements for Shady Lane and improve all private access easements as required with the Subdivision and Partitioning Ordinance within the entire development. These improvements shall conform to the plans approved by the City of Keizer Department of Public Works. Adequate financial security shall be obtained and approved by the City Attorney. The applicant shall have the option of phasing the facility improvements and the city financial agreements, except that improvements along Shady Lane shall be completed prior to the occupancy of any one dwelling unit.

12. The applicant shall apply to the City of Keizer for creation of a Local Improvement District (LID) for street lighting. Street lighting improvements shall comply with City regulations and requirements.

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

14. Unless otherwise required by this decision, development of the individual lots shall comply with the applicable requirements of the Keizer Zoning

Ordinance and building requirements of the Marion County Building Inspection Division.

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

The following conditions must be met prior to the issuance of any occupancy permits:

16. Upon final placement on a foundation, all structures located within the defined 100 year floodplain on the subject property shall have a Flood Elevation Certificate completed and submitted to the City of Keizer in compliance with Section 42.12(g) of the Keizer Zoning Ordinance.

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

4335COK2.001

Community Development Department - Memorandum

DATE: August 3, 1995

TO: Planning Commission
River Road Redevelopment Board

FROM: John Morgan

SUBJECT: Proposed Changes to CR Zone

The Planning Commission's proposed amendment to the CR zone to ban automotive related uses in the River & Chemawa Center area will be going to the Council for public hearing and adoption Monday night, August 7. I have enclosed a copy of the staff report for your information.

You will note I have presented an alternative to the PC's proposal which broadens the list of prohibited uses. I think it will work better if one industry segment is not singled out when there are others that are just as damaging to the cause.

The testimony of individual PC and R3B members at the Council hearing will be very valuable in helping the Council understand the issues and the advisory groups' vision and purpose. I hope you will be able to attend Monday night at 7 PM. This is early on the agenda.

I will be on vacation from Friday, August 4 until Friday, August 11. However, I will be at home until some time Wednesday. Please don't hesitate to call me at 393-4532 if there is anything I can do for you.



CITY COUNCIL MEETING: August 7, 1995

AGENDA ITEM NUMBER: 5b

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK, 
CITY MANAGER

FROM: JOHN N. MORGAN, AICP 
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PUBLIC HEARING -
PROPOSED REVISION TO CR ZONE

DISCUSSION:

The Planning Commission is recommending an amendment to the CR (Commercial Renewal Zone) which is Chapter 28 of the Keizer Zoning Ordinance. At its meeting of July 13, the Planning Commission initiated and unanimously approved a proposed amendment to the zoning ordinance, and is recommending its adoption to the City Council. The River Road Redevelopment Board reviewed the proposed change at its regular meeting of July 26 and moved to support the change and recommend its approval to the City Council.

The proposal is to prohibit automotive service businesses (i.e. gas station, tire shop, lube shop, automobile sales, etc.) within the River and Chemawa Center study area, which is generally along River Road from Claggett on the north to James on the south and along Chemawa Road from Elizabeth on the west to Bailey on the east. An ordinance bill with these proposed changes is attached for the Council's consideration.

The purpose of the proposed change is to assure this area is targeted for uses that are pedestrian and not automobile oriented. It also is to help assure that new developments are "building intensive" rather than "asphalt intensive." As the Council knows, the Commission and R3B are working on the development of design standards for all of River Road, and especially the River and Chemawa area, which will bring a halt to standard strip-commercial development patterns and will create new commercial, office, and residential development patterns providing much friendlier, inviting, and aesthetically pleasing environments. A major element of providing a pedestrian friendly shopping environment is making sure "breaks" between uses greater than 100 to 150 feet in distance are minimized. Such breaks

include any space that is hostile to being crossed on foot, such as a parking lot or driveway. The proposed changes will help to minimize these type of spaces.

The proposed changes only apply in the relatively small River and Chemawa study area. Automotive related uses can still locate along the balance of River Road.

The draft Development Code will have these types of provisions. However, the Commission is concerned that new auto-oriented development in the River and Chemawa area will occur between now and late this year when the code will be adopted. The Commission believes such development will be contrary and damaging to the coordinated planning, design, and economic development initiatives it is currently pursuing.

Staff is concerned, however, that the proposed ordinance focuses too much on automotive related uses, which represent only some of the development types that are contrary to the Commission's vision of the River and Chemawa area. In order to create an extraordinarily attractive pedestrian oriented shopping environment, other uses which encourage automobile use, or that devote large areas of asphalt to automobiles, are just as damaging as gas stations or other automobile related uses. Therefore, staff proposes the second attached ordinance bill which targets a broader list of uses that are inappropriate in the River and Chemawa because of their "automotive-intensity."

Staff acknowledges its ordinance bill is cumbersome, and may not hone well enough a list of uses regulated by their "performance" rather than by their industry class. However, there is not enough time to prepare more comprehensive provisions now and still adopt an effective interim program. Staff suggests that this proposed revision will serve until the new Development Code is adopted which will include more sophisticated zoning standards.

RECOMMENDATION:

It is recommended Council:

1. Open the public hearing and receive testimony;
2. Close the hearing;
3. Deliberate on the matter and choose one of the proposed ordinance bills; and
4. Approve the bill.

1 BILL NO. _____

A BILL

ORDINANCE NO.

95-_____

2
3 FOR

4 AN ORDINANCE

5 AMENDING THE KEIZER ZONING ORDINANCE TO
6 RESTRICT AUTOMOBILE-RELATED USES IN THE RIVER
7 ROAD AND CHEMAWA ROAD AREA; AND DECLARING AN
8 EMERGENCY (AMENDING ORDINANCE NO. 87-078)

9 WHEREAS, the Keizer Planning Commission has recommended to the Keizer
10 City Council an amendment to the Keizer Zoning Ordinance (Ordinance No. 87-078)
11 to limit land uses in a certain area in the general vicinity of the intersection of River
12 Road and Chemawa Road; and

13 WHEREAS, the City Council has held a hearing on this matter and considered
14 the testimony given and the recommendation of the Keizer Planning Commission;
15 and

16 WHEREAS, Keizer City Council has determined that restricting the uses
17 allowed in the River Road/Chemawa Road area is appropriate and necessary to
18 preserve the options for continued urban renewal in such area; and

19 WHEREAS, the Keizer City Council has determined that such amendment
20 meets the criteria set forth in state law, the Keizer Comprehensive Plan, and the
21 Keizer Zoning Ordinance; NOW, THEREFORE,

22 The City of Keizer ordains as follows:

23 Section 1. FINDINGS. The City of Keizer adopts the Findings set forth
24 in Exhibit "A" attached hereto and by this reference incorporated herein.

25 Section 2. AMENDMENT TO THE KEIZER ORDINANCE. The Keizer
26 Ordinance (Ordinance No. 87-078) is hereby amended by the adoption of the

1 changes to Keizer Zoning Ordinance Chapter 28 (Commercial Retail) as set forth in
2 Exhibit "B" attached hereto, and by this reference incorporated herein.

3 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,
4 phrase, or portion of this ordinance is for any reason held invalid, unconstitutional,
5 or is denied acknowledgment by any court or board of competent jurisdiction,
6 including, but not limited to the Land Conservation and Development Commission
7 and the Department of Land Conservation and Development, then such portion shall
8 be deemed a separate, distinct, and independent provision and such holdings shall
9 not affect the validity of the remaining portions hereof.

10 Section 4. EMERGENCY. This Ordinance being necessary for the immediate
11 preservation of the public health, safety, and welfare, an emergency is declared to
12 exist and this Ordinance shall take effect immediately upon its passage.

13 PASSED this ____ day of _____, 1995.

14 SIGNED this ____ day of _____, 1995.

15 _____
16 Mayor

17 _____
18 City Recorder

19 824ECOK2.010

EXHIBIT "A"

Findings Regarding the Adoption of Amendments to the Keizer Zoning Ordinance Chapter 28 - Commercial Retail

[See criteria set forth at Keizer Zoning Ordinance (KZO) 4.15]

The City of Keizer finds that:

1. These amendments to the Commercial Retail zone comply with statewide land use goals and related administrative rules as follows [KZO 4.15(a)]:

GOAL 1: CITIZEN INVOLVEMENT

A Public Hearings was conducted on this matter with the review and adoption proceedings consistent with local land use regulations. The hearing was preceded by numerous public meetings dealing with design and land use issues in the vicinity of River and Chemawa Roads that have resulted in draft planning documents calling for a pedestrian-oriented rather than an automobile oriented environment; and one that minimizes the amount of land dedicated to automobile use. The Planning Commission initiated this amendment and recommended its approval to the Council. The River Road Redevelopment Board endorsed the amendment and also recommended its approval to the Council.

GOAL 2: LAND USE PLANNING

The ordinance amends the Keizer Zoning Ordinance. The adoption proceeding was conducted in a manner consistent with the requirements of the Keizer Comprehensive Plan, Keizer Zoning Ordinance, and applicable state law.

GOAL 3: AGRICULTURE LAND

These amendments do not affect agricultural operations.

GOAL 4: FOREST LANDS

These amendments do not affect forest lands.

GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

These amendments do not affect historic areas or natural resources. They will enhance the capability to create future open spaces and scenic areas in a pedestrian oriented commercial environment.

GOAL 6: AIR, WATER, AND LAND RESOURCES QUALITY

These amendments will not affect air, water, and land resources quality.

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

These amendments will not affect any areas subject to natural disasters and hazards.

GOAL 8: RECREATIONAL NEEDS

These amendments do not impact recreational needs.

GOAL 9: ECONOMIC DEVELOPMENT

These amendments are the direct result of the City's strategy, embodied in the River Road Urban Renewal Plan, the River Road Design Plan, and the draft River and Chemawa Center Specific Plan, to create a thriving economic center based on eliminating the negative design elements characteristic of strip commercial areas. The uniqueness of a shopping area based on attracting pedestrian traffic and not catering to automobile oriented uses is anticipated to encourage economic development.

GOAL 10: HOUSING

These amendments do not affect housing.

GOAL 11: PUBLIC FACILITIES AND SERVICES

These amendments do not affect public facilities and services.

GOAL 12: TRANSPORTATION

These amendments directly implement the intent of Goal 12 as defined in the State Transportation Planning Rule, which call for ordinances, standards, and public programs to reduce reliance on automobile use and encourage pedestrian and other forms of alternative transportation. Eliminating new automotive related uses from this immediate area, and the associated driveways and parking, will help encourage and create a shopping environment where a person can park once and conveniently patronize several businesses.

GOAL 13: ENERGY CONSERVATION

These amendments will help energy conservation by encouraging the development of commercial projects where a person can park once and conveniently patronize several businesses thereby saving gasoline.

GOAL 14: URBANIZATION

These amendments will not adversely affect urbanization efforts.

GOAL 15: WILLAMETTE GREENWAY

These amendments will not affect the Willamette Greenway.

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

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

2. These amendments conform with the Keizer Comprehensive Plan goals, policies, and intent. Specifically, they are intended to promote economic development which is consistent with one of the Goals of the Keizer Comprehensive Plan. [KZO 5.14(b)]

3. Public need is best satisfied by these amendments by prohibiting the types of uses from the River and Chemawa area which are counter-productive to the creation of a centralized focal point which will provide a commercial, employment, and social center for the citizens of the City that is planned to be better than if traditional strip commercial development patterns area allowed to continue. [KZO 4.15(c)]

4. These amendments will not adversely affect the health, safety and welfare of the community. [KZO 4.15(d)]

5. (The criteria in Keizer Zoning Ordinance 4.15(e) regarding adequate public facilities, services and transportation is not applicable to this Ordinance.)

Findings with regard to this Ordinance are based on all written and oral testimony received at the City council hearing on this matter. This evidence is incorporated by this reference as if fully set forth herein.

Proposed revision to: Keizer Zoning Ordinance Chapter 28 - Commercial Retail

July 1995

28.01 USES. The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the CR zone:

- (1) One dwelling unit in conjunction with the commercial uses(s) of the lot.
- (2) Offices for any use listed in SIC Division C - Construction.
- (3) Post offices (43).
- (4) Building materials, hardware, retail nurseries, and garden supply (52) except mobile home dealers (527).
- (5) General merchandise stores (53).
- (6) Food stores (54).
- (7) Auto and home supply stores (553).
- (8) Gasoline service stations (554) (SU 12.52) except for any property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and Chemawa Road between Elizabeth Street on the west and Bailey Road on the east, in which area gasoline service stations are prohibited.
- (9) Eating and drinking places (58).
- (10) Miscellaneous retail (59) except fuel and ice dealers (598) provided all display is within a building.
- (11) Used Merchandise Store (SU 12.48) provided all display is within a building.
- (12) Vehicle sales and secondary repair except for any property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and Chemawa Road between Elizabeth Street on the west and Bailey Road on the east, in which area vehicle sales and secondary repair are prohibited.
- (13) Finance, insurance, and real estate (60, 61, 63, 64, 65, 66 and 67).
- (14) Hotels, motels, and tourist courts (701).
- (15) Religious organizations (SU 12.60).
- (16) Veterinary services (074) (SU 12.42 in urban areas).
- (17) Membership organizations (86).
- (18) Public utility structures and buildings.
- (19) Recreational vehicle parks (7033) (SU 12.40).
- (20) Uses prescribed in Chapter 21.

Exhibit B

- (21) Unlimited number of guest rooms including rooming and boarding houses (702), organization hotels and lodging homes on membership basis (704).
- (22) Signs (SU Chapter 15).
- (23) Bed and breakfast establishments (SU 12.26).
- (24) Miscellaneous amusement and recreation services (799) except golf courses (7992) and amusement parks (7996).
- (25) Landscape counseling and planning (0781).
- (26) News dealers and newsstands (5994).
- (27) Commercial printing (275).
- (28) Communications (48).
- (29) Apparel and accessory stores (56).
- (30) Furniture, home furnishings, and equipment stores (57).
- (31) Electrical and lighting shops and office machines and equipment stores.
- (32) Personal services (72) except carpet and upholstery cleaning (7217) and industrial launderers (7218).
- (33) Business services (73) except disinfecting and exterminating services (7342) and research and development laboratories (7391).
- (34) Automobile parking (752).
- (35) Watch, clock, and jewelry repair (763).
- (36) Motion picture distribution and allied services (782).
- (37) Motion picture theaters (783) except drive-ins (7838).
- (38) Dance halls, studios, and schools (791).
- (39) Theatrical producers (except motion pictures), bands, orchestras, and entertainers (792).
- (40) Bowling alleys and billiard and pool establishments (793).
- (41) Health services (80) except hospitals (806).
- (42) Ambulance service.
- (43) Legal services (81).
- (44) Educational services (82).
- (45) Social services (83).
- (46) Museums, art galleries, botanical and zoological gardens (84).
- (47) Miscellaneous services (89).
- (48) Executive offices (911).
- (49) Executive and legislative combined (913).
- (50) Finance, taxation, and monetary policy (93).
- (51) Administration of human resources programs (94).
- (52) Administration of environmental quality and housing programs (95).
- (53) Administration of economic programs (96).
- (54) National security and international affairs (97).
- (55) Automotive Dealers (55) but excluding gasoline service stations (554) except for any property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south;

and Chemawa Road between Elizabeth Street on the west and Bailey Road on the east, in which area automotive dealers are prohibited.

- (56) Adult entertainment business (SU 12.50).
- (57) Billboards (non appurtenant signs) (SU Chapter 15).
- (58) Mixed-use buildings (SU 12.46).
- (59) Residential home care and adult residential home care.

28.02 CONDITIONAL USES. The following uses may be permitted subject to obtaining a conditional use permit:

- (1) Water supply (494).
- (2) Carpet and upholstery cleaning (7217).
- (3) Automotive rental and leasing, without drivers (751).
- (4) Automotive repair shops (753) except for any property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and Chemawa Road between Elizabeth Street on the west and Bailey Road on the east, in which area automotive repair shops are prohibited.
- (5) Automotive services, except repair (754) except for any property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and Chemawa Road between Elizabeth Street on the west and Bailey Road on the east, in which area automotive services are prohibited.
- (6) Electrical repair shops (762).
- (7) Reupholstery and furniture repair (764).
- (8) Professional sports clubs and promoters (7941).
- (9) Utilities - secondary truck parking and material storage yard.
- (10) Manufacture of jewelry, silverware, and plated ware (391).
- (11) Manufacture of costume jewelry, novelties, buttons, etc. (396).
- (12) Local and suburban passenger transportation (411).
- (13) Intercity and rural highway passenger transportation within 2,000 feet from the center point of an I-5 interchange and having direct access onto a major arterial (413).

Proposed revision to:

Keizer Zoning Ordinance Chapter 28 - Commercial Retail

August 1995

28.01 USES. The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the CR zone:

- (1) One dwelling unit in conjunction with the commercial uses(s) of the lot.
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- (3) Post offices (43).
- (4) Building materials, hardware, retail nurseries, and garden supply (52) except mobile home dealers (527).
- (5) General merchandise stores (53).
- (6) Food stores (54).
- (7) Auto and home supply stores (553).
- (8) Gasoline service stations (554) (SU 12.52) except as provided in Section 28.03, below.
- (9) Eating and drinking places (58) except as provided in Section 28.03, below.
- (10) Miscellaneous retail (59) except fuel and ice dealers (598) provided all display is within a building.
- (11) Used Merchandise Store (SU 12.48) provided all display is within a building.
- (12) Vehicle sales and secondary repair except as provided in Section 28.03, below.
- (13) Finance, insurance, and real estate (60, 61, 63, 64, 65, 66 and 67).
- (14) Hotels, motels, and tourist courts (701).
- (15) Religious organizations (SU 12.60).
- (16) Veterinary services (074) (SU 12.42 in urban areas).
- (17) Membership organizations (86).
- (18) Public utility structures and buildings except as provided in Section 28.03, below.
- (19) Recreational vehicle parks (7033) (SU 12.40) except as provided in Section 28.03, below.
- (20) Uses prescribed in Chapter 21.
- (21) Unlimited number of guest rooms including rooming and boarding houses (702), organization hotels and lodging homes on membership basis (704).
- (22) Signs (SU Chapter 15).
- (23) Bed and breakfast establishments (SU 12.26).
- (24) Miscellaneous amusement and recreation services (799) except golf courses (7992) and amusement parks (7996).
- (25) Landscape counseling and planning (0781).
- (26) News dealers and newsstands (5994).

Exhibit B

- (27) Commercial printing (275).
- (28) Communications (48).
- (29) Apparel and accessory stores (56).
- (30) Furniture, home furnishings, and equipment stores (57).
- (31) Electrical and lighting shops and office machines and equipment stores.
- (32) Personal services (72) except carpet and upholstery cleaning (7217) and industrial launderers (7218).
- (33) Business services (73) except disinfecting and exterminating services (7342) and research and development laboratories (7391).
- (34) Automobile parking (752) except as provided in Section 28.03, below.
- (35) Watch, clock, and jewelry repair (763).
- (36) Motion picture distribution and allied services (782).
- (37) Motion picture theaters (783) except drive-ins (7838).
- (38) Dance halls, studios, and schools (791).
- (39) Theatrical producers (except motion pictures), bands, orchestras, and entertainers (792).
- (40) Bowling alleys and billiard and pool establishments (793).
- (41) Health services (80) except hospitals (806).
- (42) Ambulance service.
- (43) Legal services (81).
- (44) Educational services (82).
- (45) Social services (83).
- (46) Museums, art galleries, botanical and zoological gardens (84).
- (47) Miscellaneous services (89).
- (48) Executive offices (911).
- (49) Executive and legislative combined (913).
- (50) Finance, taxation, and monetary policy (93).
- (51) Administration of human resources programs (94).
- (52) Administration of environmental quality and housing programs (95).
- (53) Administration of economic programs (96).
- (54) National security and international affairs (97).
- (55) Automotive Dealers (55) but excluding gasoline service stations (554) except as provided in Section 28.03, below.
- (56) Adult entertainment business (SU 12.50).
- (57) Billboards (non appurtenant signs) (SU Chapter 15).
- (58) Mixed-use buildings (SU 12.46).
- (59) Residential home care and adult residential home care.

28.02 CONDITIONAL USES. The following uses may be permitted subject to obtaining a conditional use permit:

- (1) Water supply (494).
- (2) Carpet and upholstery cleaning (7217).
- (3) Automotive rental and leasing, without drivers (751) except as provided in Section 28.03, below.

Exhibit B

- (4) Automotive repair shops (753) except as provided in Section 28.03, below.
- (5) Automotive services, except repair (754) except as provided in Section 28.03, below.
- (6) Electrical repair shops (762).
- (7) Reupholstery and furniture repair (764).
- (8) Professional sports clubs and promoters (7941).
- (9) Utilities - secondary truck parking and material storage yard except as provided in Section 28.03, below.
- (10) Manufacture of jewelry, silverware, and plated ware (391).
- (11) Manufacture of costume jewelry, novelties, buttons, etc. (396).
- (12) Local and suburban passenger transportation (411).
- (13) Intercity and rural highway passenger transportation within 2,000 feet from the center point of an I-5 interchange and having direct access onto a major arterial (413).

28.03 PROHIBITED USES. The following uses are prohibited from the any property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east:

- (1) Gasoline service stations (554) (SU 12.52)
- (2) Drive-Through windows or car service associated with eating and drinking places (58)
- (3) Vehicle sales and secondary repair
- (4) Public utility structures and buildings
- (5) Recreational vehicle parks (7033) (SU 12.40)
- (6) Automobile parking not associated with an allowed use (752)
- (7) Automotive Dealers (55)
- (8) Automotive rental and leasing, without drivers (751)
- (9) Automotive repair shops (753)
- (10) Automotive services, except repair (754)
- (11) Utilities - secondary truck parking and material storage yard.

CITY COUNCIL MEETING: August 7, 1995
AGENDA ITEM NUMBER: 6a

6a

TO: MAYOR KOHO AND COUNCIL MEMBERS

**THROUGH: DOTTY TRYK,
CITY MANAGER**

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

**SUBJECT: *AMENDING THE COMPREHENSIVE PLAN DESIGNATION OF
THE CLAGGETT CEMETERY AND LOT 23; REZONING LOT
23; GRANTING A CONDITIONAL USE PERMIT***

DATE: August 3, 1995

The public hearing on the above referenced matter was closed on July 17, 1995. At that meeting, the Council directed staff to return with an Ordinance incorporating certain conditions of approval. Such conditions involved the placement and maintenance of landscaping and a fence adjacent to the residential properties near the cemetery. Staff has drafted and inserted the appropriate conditions in the attached Ordinance.

RECOMMENDATION:

Staff recommends the attached Ordinance be adopted.

ESJ/tmh

1 BILL NO. _____

A BILL

ORDINANCE NO.

2
3 FOR

95-_____

4 AN ORDINANCE

5 ADOPTING A COMPREHENSIVE PLAN MAP
6 AMENDMENT TO CHANGE THE COMPREHENSIVE
7 PLAN DESIGNATION OF THE CLAGGETT CEMETERY
8 AND LOT 23 (THE RIDGE SUBDIVISION) FROM
9 LDR (LOW DENSITY RESIDENTIAL) TO CI (CIVIC);
10 TO REZONE LOT 23 (THE RIDGE SUBDIVISION)
11 FROM SINGLE FAMILY RESIDENTIAL (RS)
12 TO PUBLIC (P); AND TO GRANT A CONDITIONAL
13 USE PERMIT TO OPERATE A CEMETERY (CASE NO. CP/ZC/CU 95-1).

14 WHEREAS, at the request of Alice May Orey Croteau and Leon Croteau,
15 and the Claggett Cemetery Association, the Keizer City Council initiated a
16 Comprehensive Plan map change for a 3.59 acre parcel commonly known as
17 "Claggett Cemetery" and Lot 23, The Ridge Subdivision;

18 WHEREAS, the City Council has held hearings on this matter and has
19 accepted the recommendation of the Keizer Planning Commission to change the
20 Keizer Comprehensive Plan designation on the subject properties from Low
21 Density Residential (LDR) to Civic (CI) and to rezone Lot 23, The Ridge
22 Subdivision from Single Family Residential (RS) to Public (P);

23 WHEREAS, the Keizer City Council has determined that the Keizer
24 Comprehensive Plan map change and zone map change referenced herein is
25 appropriate and meets the criteria set forth in state law, the Keizer
26 Comprehensive Plan, and the Keizer Zoning Ordinance; NOW, THEREFORE,

27 The City of Keizer ordains as follows:

28 Section 1. FINDINGS. The City of Keizer adopts the Findings set forth
29 in Exhibit "A" attached hereto and by this reference incorporated herein.

1 Section 2. KEIZER COMPREHENSIVE PLAN MAP CHANGE. The
2 Keizer Comprehensive Plan map designation for the 3.59 acre parcel commonly
3 known as "Claggett Cemetery" and Lot 23, The Ridge Subdivision is hereby
4 changed from Low Density Residential (LDR) to Civic (CI).

5 Section 3. KEIZER ZONING ORDINANCE MAP CHANGE. The
6 Keizer Zoning Ordinance map designation for Lot 23, The Ridge Subdivision is
7 hereby changed from Single Family Residential (RS) to Public (P).

8 Section 4. AMENDMENT OF THE KEIZER COMPREHENSIVE
9 PLAN AND KEIZER ZONING ORDINANCE. Ordinance No. 87-077 (Keizer
10 Comprehensive Plan) and Ordinance No. 87-078 (Keizer Zoning Ordinance) is
11 hereby amended as set forth herein.

12 Section 5. GRANTING OF CONDITIONAL USE PERMIT. The
13 request for a conditional use permit to operate a cemetery on the 3.59 acre parcel
14 commonly known as "Claggett Cemetery" and on Lot 23, The Ridge Subdivision
15 is hereby GRANTED subject to the following conditions:

16 (a) Within 60 days of the effective date of this Ordinance, the applicant
17 shall construct a sidewalk adjacent to Westridge Court in conformance
18 with all public works requirements.

19 (b) A six foot (6') cyclone fence shall be installed by the applicant along
20 the entire boundary of Lot 23 except that portion that is adjacent to the
21 Claggett Cemetery. Such fence shall be installed no later than 60 days
22 after the effective date of this Ordinance. No gate shall be placed on
23 the fence and no access, either pedestrian or vehicular, will be allowed

via Westridge Court. The applicant shall continuously maintain such fence.

(c) The portion of Lot 23 that abuts on Westridge Court shall be planted in arborvitae or other type of hedge that will achieve a six foot height within three years of planting. Such hedge shall be planted within 60 days of the effective date of this Ordinance on the north side of and immediately adjacent to the cyclone fence referenced in subsection (b) above.

(d) The applicant is required to plant landscaping meeting requirements of Chapter 18 of the Keizer Zoning Ordinance in the ten foot setback area adjacent to Westridge Court between the sidewalk and the fence. Such landscaping shall be planted within 60 days of the effective date of this Ordinance. The applicant shall continuously maintain such landscaping, including the hedge required in subsection (c) above.

(e) The remaining boundary of Lot 23, The Ridge Subdivision which abuts residential properties shall be planted in Cedar trees spaced ten feet apart. Such trees shall be planted within 60 days of the effective date of this Ordinance.

Section 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid, unconstitutional, or is denied acknowledgment by any court or board of competent jurisdiction, including, but not limited to the Land Conservation and Development Commission and the Department of Land Conservation and Development, then such portion shall be deemed a separate, distinct, and

1 independent provision and such holdings shall not affect the validity of the
2 remaining portions hereof.

3 Section 7. EFFECTIVE DATE. This Ordinance shall become effective
4 thirty (30) days after its passage.

5 PASSED this _____ day of _____, 1995.

6 SIGNED this _____ day of _____, 1995.

7 _____
8 Mayor

9 _____
10 City Recorder

11 824ECOK2.009

CITY OF KEIZER
MARION COUNTY, OREGON

In the Matter of)
)
City-Initiated Comprehensive)
Plan and Zone Changes)
and Conditional Use Permit)
for Claggett Creek Cemetery)

FINDINGS AND CONCLUSIONS

I. GENERAL

A. By letter dated February 28, 1995, Alice May Orey Croteau and Leon Croteau, the owners of Lot 23, The Ridge, Keizer, Marion County, Oregon, and the Claggett Cemetery Association, the owner of the 3.59 acre parcel commonly known as Claggett Cemetery, which parcel abuts Lot 23, The Ridge, and is located at the west end of Bolf Terrace, North, Keizer, Marion County, Oregon, (which persons are hereinafter referred to as "the Owners", and which properties are hereinafter referred to as "the subject properties") petitioned the Council to initiate the proposed comprehensive plan map change amendment, zone change and conditional use permit on the basis that the comprehensive plan map change amendment and the other land use actions requested in the letter were necessary to facilitate expansion of the Claggett Cemetery, the only cemetery located within the City of Keizer.

B. Cemeteries are permitted as a conditional use in the Public Zone. The Public zone is consistent with the Civic land use map designation in the City of Keizer Comprehensive Plan. Therefore, in order to permit the use of the subject properties for cemetery purposes, it is necessary to redesignate the subject properties as Civic on the Comprehensive Plan land use map, to rezone Lot 23, The Ridge as Public, and to grant a conditional use permit for use of the

subject properties as a cemetery.

C. Under Section 4.14 (b) of the City of Keizer Zoning Ordinance, the proposed amendment to the comprehensive plan is a comprehensive plan map change amendment, rather than a legislative amendment because the proposal is for an amendment to the land use designation for a single parcel which is less than 15 acres in size. As such, the proposed amendment is to be initiated and reviewed as provided for zone changes in Sections 4.10 and 4.11 of the City of Keizer Zoning Ordinance.

D. Under Section 4.10 of the City of Keizer Zoning Ordinance, the proposed amendment may be initiated by resolution of the Council when the change is for some governmental or philanthropic purpose.

E. At its meeting on March 6, 1995, the Council, acting pursuant to Section 4.10 of the City of Keizer Zoning Ordinance, adopted Resolution 95-811, thereby initiating the requested comprehensive plan map change amendment, zone change and conditional use permit for the subject properties.

II. APPLICABLE CRITERIA

The criteria applicable to the proposed comprehensive plan and zone changes are set forth in Sections 4.16 and 4.17 of the City of Keizer Zoning Ordinance. The criteria for the conditional use permit are set forth in Section 8.30 of the City of Keizer Zoning Ordinance.

III. FINDINGS AND CONCLUSIONS CONCERNING APPLICABLE CRITERIA

A. Comprehensive Plan Criteria

1. **Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use**

The proposal is in compliance with the following applicable statewide goals:

a. Goal 1 - Citizen Involvement: The proposals have been the subject of public hearings before the Keizer Planning Commission and the Keizer City Council. Notice of these hearings has been given by publication in a newspaper of general circulation in Keizer. The public has been encouraged to participate in these hearings, and the planning commission and city council have received substantial public testimony and evidence on the proposed change.

b. Goal 2 - Land Use Planning: The proposals are being considered by the city within the framework of the city's acknowledged comprehensive plan and its adopted zoning and other implementing ordinances. The comprehensive plan specifically provides for amendments to reflect changing conditions and circumstances in the community. Additionally, approval of the requested changes will further the goal of land use planning by creating the most efficient possible land use pattern. Given the fact that the cemetery is currently near capacity, and that Keizer will need more burial and interment space in the future, it would be a much more efficient use of the city's limited inventory of undeveloped lands to expand the existing cemetery onto adjacent property than to develop a new cemetery (with duplication of all of the required ancillary facilities) at another, remote location.

c. Goal 11 - Public Facilities: Though privately owned, the Claggett Cemetery is in essence a "public facility", since it is the only burial ground in existence to meet the needs of the people of Keizer. Adoption of the proposed changes will confirm the dedication of these properties to cemetery use, permit a needed expansion of the facility to meet the needs of the rapidly growing community, and thereby facilitate the orderly and efficient arrangement of this

particular public facility. No other new public facilities (such as sewer, water or streets) or expansion of existing such facilities will be required to accommodate the expansion of the cemetery.

2. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated. (Section 4.17 (b), KZO)

a. Goals and Policies for Public Facilities. To the extent that Claggett Cemetery is treated as a "public facility", the comprehensive plan goals and policies for public facilities are applicable in this case. These goals and policies are set forth in section E.2., in Chapter III of the City of Keizer Comprehensive Plan.

(1) The proposed land use changes relating to Claggett Cemetery are consistent with General Goal Number 1, which is to:

"Plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development." (Sect. E. 2. a. 1., Chapter III, KCP)

Claggett Cemetery is nearing capacity, while the population of Keizer continues to grow at a rapid pace. Claggett Cemetery has been popular with Keizer residents because it is the only cemetery in the community, and people normally prefer to bury or inter their loved ones at a place that is not far removed from their own homes. If Keizer is to continue to "take care of its own" in this regard in the future, it will need to either facilitate the expansion of the existing Claggett Cemetery or develop a new cemetery elsewhere. The Claggett Cemetery is reasonably central to the population of the greater Keizer area, so with expansion it can continue to meet the needs of the entire community. And the addition of the proposed 1.34 acre adjacent parcel is estimated to provide adequate space to meet future needs over the next 30 to 50 years.

(2) The remaining goals and policies for Public Facilities are applicable to the more

traditional types of public facilities, such as streets and sewer and water systems, and do not have any particular application to cemeteries.

b. Goals and Policies relating to Economic, Commercial and Industrial Development.

While in many respects Claggett Cemetery functions as a "public facility", it is nevertheless a privately owned and operated cemetery. As such, it is also a commercial facility, and the goals and policies for commercial development, set forth in section C. 4. of Chapter III of the City of Keizer Comprehensive Plan are applicable. Specifically, the following general and specific goals and policies are applicable:

- (1) The second general goal is to:

"Supply an adequate amount of land to accommodate new and existing businesses." (Sect. C. 4. a. 2., Chapter III, KCP)

The subject 1.34 acre parcel is the only land adjacent to the existing cemetery which is undeveloped and available for expansion of the cemetery. Thus, with respect to the cemetery, this second general goal can be satisfied only by approving expansion of the cemetery onto this parcel.

- (2) The fourth general goal is to:

"Ensure compatibility between commercial and industrial lands and lands adjacent to them." (Sect. C. 4. a. 4., Chapter III, KCP)

The existing Claggett Cemetery has been in operation immediately adjacent to Timberview Subdivision, a single family residential subdivision, for many years. In addition, at the request of a local developer, the city has recently granted approval for The Ridge, an upscale single family residential subdivision being developed adjacent to and north of the cemetery. The subject 1.34 acres is platted as Lot 23 of The Ridge, and the developer of The Ridge has agreed to sell Lot 23 to the persons who have requested these land use changes, to facilitate expansion

of the cemetery. These facts demonstrate that the cemetery is compatible with the adjacent residential uses.

- (3) The first specific policy for Commercial and Industrial Developments is to:

"Provide for commercial and industrial developments:

(a) sufficient land adjacent to existing industrial and commercial facilities where future expansion is anticipated."

(Section C. 4. c. 1. (b), Chapter III, KCP)

Approval of these proposed land use changes will implement this policy with respect to Claggett Cemetery, by providing it with additional land adjacent to the existing facility which will be adequate to meet its needs for expansion for the foreseeable future.

3. **The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan. (Sect. 4.17 (c), KZO)**

The only other properties which are designated for Civic use on the comprehensive plan land use map are the city hall property on Chemawa Road and the acreage located west of Windsor Island Road and south of Naples Street, which contains the Willow Lake Wastewater Treatment Plant. Neither of these properties would be appropriate for development of a cemetery, as each is already fully committed to its current use. In addition, this criteria is satisfied because the most appropriate location for additional cemetery ground is adjacent to the existing cemetery, and there is no land designated Civic which is adjacent to the existing cemetery.

4. **The Plan provides more than the projected need for lands in the existing land use designation. (Sect. 4.17 (d), KZO)**

The subject properties are now designated for Low Density Residential Use on the land use plan map. Although Keizer is growing at a rapid pace, it appears that, due to two factors, it has a more than adequate supply of low density residential land to meet the city's needs within the planning period. The first factor is that Keizer has recently converted a 67 acre parcel from industrial to residential designation, and most of that acreage will be developed for low density residential use. In the same action, the city reduced the density designation on another 32.88 acres from medium and high density to low density residential. (see Ordinance No. 93-265, dated September 20, 1993)

The second factor is that new residential development in Keizer is exceeding the target densities for residential development which have previously been established by the city. This means that Keizer is using less land than was previously believed necessary to meet the demands for residential growth.

Another consideration under this criteria is that if the existing cemetery and the adjacent 1.34 acres were left in their current low density residential designation, they could not conceivably contribute in any measurable way to meeting the need for residential lands. The existing cemetery is almost fully utilized, and the adjacent 1.34 acres is platted as a single lot in the Ridge subdivision, so at the most it could accommodate one single family residence.

5. **The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity. (Sect. 4.17 (e), KZO)**

The only zone which is compatible with the Civic comprehensive plan designation is the Public zone, and the only use permitted in the Public zone which is feasible for the subject properties is the proposed cemetery use. The present utilization of the existing cemetery property

makes it impossible to use this property for any of the other uses identified in Sections 37.01 or 37.02 of the zoning ordinance; and as for the adjacent 1.34 acres, it is too small, too isolated and too restricted as to access to be useable for any other purpose. The fact that the cemetery has existed in this location for many years without adverse impact on surrounding residential neighborhoods clearly establishes that the granting of the proposed change will not promote destabilization of the existing land use pattern.

6. **Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands. (Sect. 4.17 (f), KZO)**

Since the cemetery use is the only practical use for these properties, and since cemetery use has been demonstrated over many years to be compatible with both existing residential development and the recently approved residential development within The Ridge, this criteria is satisfied.

7. **Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future. (Sect. 4.17 (g), KZO)**

The only public facilities and services needed to serve the existing and expanded cemetery are streets to provide access. Access to the existing cemetery is by means of Bolf Terrace. The traffic generated by the cemetery is extremely light, and Bolf Terrace will be adequate to accommodate the additional traffic generated by the proposed expansion.

B. Zone Change Criteria

1. **The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification. (Sect. 4.16 (1)(a), KZO)**

If the subject properties are redesignated as Civic on the comprehensive plan, the Public zone will be the only zone which is compatible with this designation (see Section 4.02, KZO). The comprehensive plan does not set forth any description of or policies for the Civic designation.

2. **The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity, and they can be established in compliance with the development requirements in Chapters 17 to 20 without need for adjustments or variances. (Sect. 4.16 (1) (b) and (c), KZO)**

As is discussed above, the only use which is allowed either outright or as a conditional use within the public zone and which would be practical for these properties is use as a cemetery. As is demonstrated by the long-term presence of the existing cemetery on the larger parcel, such use may be made of the subject properties without exceeding their physical capacities. The improvements that would be constructed on the subject properties in connection with the expansion of the cemetery would be in compliance with all applicable development standards set forth in Chapters 17 to 20, and no adjustments or variances are contemplated.

3. **Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property. (Sect. 4.16 (1) (d), KZO)**

As is discussed above, the only public facilities necessary to accommodate either the existing or the expanded cemetery is the street system, and Bolf Terrace provides adequate access to accommodate the relatively light traffic generated by this activity.

4. **Satisfaction of any zone change review criteria in the Keizer Comprehensive Plan is demonstrated. (Sect. 4.16 (1) (e), KZO)**

There are no zone change review criteria in the comprehensive plan.

5. **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. (Sect. 4.16 (2) (a), KZO)**

Virtually all of the other lands currently zoned Public throughout the city are already developed for public use, or have been identified and set aside for such development (particularly as public parks) in the future. Additionally, the only practical location for this cemetery expansion is on land adjacent to the existing cemetery, so no other Public zoned property within the city meets the locational test of this criteria.

6. **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. (Sect. 4.16 (2) (b), KZO)**

This criteria is irrelevant in this case, since the existing cemetery is already fully developed to that use, and cannot practically be converted to another use consistent with its current zone; and the adjacent 1.34 acres is platted as one single family lot in a residential subdivision, and could at most accommodate one single family residence. In addition, as is stated above with respect to the proposed comprehensive plan change, there is a more than adequate supply of residential land in the community to meet the needs within the current planning period.

7. **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. (Sect. 4.16 (2) (c), KZO)**

The proposed zone does not allow uses more intensive than other zones appropriate for the land use designation, because the Public zone is the only zone appropriate for the Civic designation.

C. Conditional Use Criteria

1. **The use is listed as a conditional use in the zone. (Sect. 8.30 (a), KZO)**

Cemeteries, crematoriums and mausoleums are listed as conditional uses in the Public zone. (See Sect. 37.02 (b), KZO)

2. **The parcel is suitable for the proposed use considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features. (Sect. 8.30 (b), KZO)**

Both the existing cemetery and the proposed expansion area are essentially flat parcels with good soil stability and drainage. The fact that the existing cemetery has been located on the larger parcel for many years without adverse effect demonstrates that these properties are suitable for this use.

3. **The proposed use, as conditioned, will not materially alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the applicable zone. (Sect. 8.30 (c), KZO)**

The fact that Claggett Cemetery has existed on the larger of these parcels for many years,

while the surrounding areas have grown up to residential use consistent with the zones on those properties, demonstrates that continued use of the cemetery, with the proposed expansion, will not adversely impact surrounding properties.

4. **The proposed use will not have a detrimental effect on existing solar or wind energy systems. (Sect. 8.30 (d), KZO)**

There are no known solar or wind energy systems in the vicinity of the subject properties, and the use of these properties as a cemetery would not have any impact on any such systems that might be developed in the future.

5. **Adequate public and utility facilities and services to serve the use exist or will be made available prior to establishment of the use. (Section 8.30 (e), KZO)**

As is stated above, the street system, which is the only public facility needed to service the cemetery, is adequate for both the existing and planned operations.

CITY COUNCIL MEETING: August 7, 1995

AGENDA ITEM NUMBER: 6b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

**FROM: DOTTY TRYK
CITY MANAGER**

**SUBJECT: ORDINANCE REGULATING MAINTENANCE, PLANTING AND
REMOVAL OF TREES**

BACKGROUND:

A committee chaired by Councilor Al Miller worked to design two ordinances regulating trees in the City of Keizer. One preserves trees in and abutting city right-of-ways. The other regulates trees in new developments.

TREE PRESERVATION ORDINANCE

The ordinance before the Council tonight regulates trees in and near public right-of-ways and parks and creates a process for designation of "Heritage Trees".

This ordinance states that property owners shall maintain trees located in abutting right-of-way and shall not cut down, remove, top or transplant these trees without first obtaining a permit from the City of Keizer. It lists the reasons why a tree may be removed or trimmed and makes that a responsibility of the property owner and it adopts a list of suitable tree species for planting in the right-of-way.

It outlines a process for application for a heritage tree designation by the Council and protects these trees. Violations of this ordinance are infractions.

TREES IN NEW DEVELOPMENTS

The second ordinance is an amendment to the development code in that it regulates the preservation of trees and landscaping in new developments. Because it is an amendment to the code, 45 days notice to DLCD and a public hearing is required. This ordinance will be considered after a public hearing on October 2. A draft of this ordinance is attached for the Council's information.

FISCAL IMPACT:

There is no charge set for the permitting process. Community education on this ordinance will be done through the City newsletter.

RECOMMENDATION:

It is recommended that the resolution be adopted.

1 BILL NO. _____

A BILL

ORDINANCE NO.

95-_____

2
3 FOR

4 AN ORDINANCE

5 REGULATING THE MAINTENANCE, PLANTING
6 AND REMOVAL OF CERTAIN TREES
7 (TREE PRESERVATION ORDINANCE)

8 The City of Keizer ordains as follows:

9 Section 1. PURPOSE. The purpose of this ordinance is to regulate the
10 planting, maintenance, and removal of trees abutting and in public right-of-ways
11 or municipally owned property, the regulation of trees in parks, and to set forth
12 a process to designate and protect certain trees as "Heritage Trees."

13 Section 2. TREES IN THE PUBLIC RIGHT-OF-WAY.

14 a. Maintenance and Protection of Trees. Trees located in the public
15 right-of-way, including parking strips between streets and sidewalks, shall
16 be maintained by the immediately abutting property owner ("owner") and
17 shall not be cut down, removed, topped, or transplanted without first
18 obtaining a permit from the City of Keizer. "Topping" is defined as the
19 severe cutting back of trunk and/or limbs to stubs within the tree's crown
20 to such a degree so as to remove the normal canopy and disfigure the
21 tree. It shall be unlawful to intentionally damage, deface or attach any
22 rope, wire, nail, sign, poster, or any other manmade object to any tree
23 located in the public right-of-way.

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1 b. Removal of Trees. Trees located near or within the public right-
2 of-way must be removed by the owner at the owner's expense in the
3 following circumstances:

4 i. When there is damage occurring to the surrounding
5 lawn, street, sidewalk, and/or curb.

6 ii. When a tree is damaged or sick or creating imminent
7 danger to persons or property.

8 iii. When a tree is infected by or harbors any injurious
9 fungus, insect or disease which constitutes a potential threat to
10 other trees within the city.

11 iv. When a tree by reason of its nature is or may become
12 injurious to sewers, electric power lines, gas lines, water lines,
13 or public improvements of any type.

14 v. Stumps of trees in the public right-of-way may remain
15 if they do not interfere with the integrity of saved trees, so long
16 as said stumps shall be removed to a depth of eight inches below
17 the level of the sidewalk, or if no sidewalk exists, eight inches
18 below the grade of the center line of the right-of-way. Stumps
19 shall be cut at ground level if removal of the stump or the cutting
20 of the stump below the surface shall have a harmful effect on any
21 saved tree or trees.

22 c. Interference with Street Lighting and Traffic Devices. Every
23 owner of any tree located in or overhanging any street or public right-

1 of-way within the City of Keizer shall prune all branches so that such
2 branches shall not:

3 i. Obstruct the view of any public or private intersection
4 pursuant to Keizer Zoning Ordinance Section 17.18.

5 ii. Obstruct the view of any traffic control device or sign.

6 iii. Severely obstruct the light from any streetlight.

7 iv. Protrude into the area thirteen (13) feet above the street
8 surface or eight (8) feet above the sidewalk surface.

9 d. Nuisance Declared. The City of Keizer hereby declares that all
10 trees described in subsections (b) and (c) above are deemed to be
11 nuisances and are subject to abatement.

12 e. Trees Exempted. Trees on or adjacent to public right-of-ways or
13 which are severely damaged by storms or other causes, or certain trees
14 under utility wires or other obstructions where other pruning practices are
15 impractical may be exempted from this ordinance at the determination of
16 the Keizer Public Works Department. Tree limbs that grow near high
17 voltage electrical wires and equipment shall be maintained clear of such
18 conductors by the electric utility company in compliance with any
19 applicable franchise agreements.

20 f. Planting Trees in Public Right-of-Way. Any tree removed from
21 the public right-of-way must be replaced with a new tree. It shall be
22 unlawful to plant any tree in the public right-of-way without first obtaining
23 written permission from the City of Keizer. Applications for

removal/planting of trees shall be combined into one form. No fee shall be charged for the permitting process. The trees listed below may be approved for planting in the right-of-way:

TREES

Latin Name

Common Name

Acer compestre	Hedge Maple
Acer grandidentatum	Rocky Mountain Glow Maple
Acer platanoides & var.	Norway Maple & Var.
Acer pseudoplatanus	Sycamore Maple
Acer rubrum & var.	Red Maple & Var.
Acer saccharum & var.	Sugar Maple & Var.
Betula jacquemontii	Jacquemontii Birch
Catalpa bignonioides 'aurea'	Goldon Catalpa
Carpinus betulus 'fastigiata'	Columnar Hornbeam
Fagus sylvatica & var.	Beech & Var.
Fraxinus americana & var.	White Ash & Var.
Fraxinus oxycarpa 'raywood'	Raywood Ash
Fraxinus pannsylvanica & var.	Green Ash & Var.
Gleditsia triacanthos & var.	Thornless Honey Locust & Var.
Liquidambar styraciflua 'maraine'	Moraine Sweetgum
liriodendron tulipifera fastigiatum	Arnold Tuliptree
Platanus acerfolia & var.	London Plane Tree & Var.
Magnolia kobus	Kobus Magnolia
Prunus sargentii & Columnaris	Sargent Cherry
Prunus serrulata 'Kwanzan'	Kwanzan Cherry
Pyrus calleryana & var.	Flowering Pear & Var.
Quercus bicolor	Swamp White Oak
Quercus coccinea	Scarlet Oak
Quercus palustris	Pin Oak
Quercus robur & var.	English Oak & Var.
Quercus rubra	Red Oak
Quercus shumardii	Shumard Oak
Tilia cordata 'salem'	Salem Linden
Ulmus parvifolia	Chinese Elm
Zelkova serrata 'green vase'	Green Vase Zelkova

Another variety of tree may be acceptable if approved by the City.

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g. Heritage Trees in the public right-of-way shall be regulated pursuant to Section 4 of this Ordinance. This Section 2 (Trees in the Public Right-of-Way) is not applicable to Heritage Trees.

Section 3. TREES LOCATED IN CITY PARKS OR ON MUNICIPALLY OWNED PROPERTY.

a. Removal, Planting and Pruning of Trees. No person, other than an employee of the City of Keizer acting at the direction of the Parks Superintendent, or persons authorized by the City of Keizer, shall plant, prune, otherwise cut, remove, or transplant any tree in any city park or on any municipally owned property. The City of Keizer retains the right to take any action it deems prudent with regard to any tree located in a city park or on municipally-owned property.

b. Damaging Trees Unlawful. It shall be unlawful to intentionally damage, deface, or attach any rope, wire, nail, sign, poster, or any other manmade object to any tree located in a city park.

Section 4. HERITAGE TREES.

a. Designated Heritage Trees. Heritage Trees are those trees designated by the City Council as such due to their location, size or age of their species, botanical interest, commemorative plantings, or historical significance. The trees may be designated by the City Council through nominations from the general public.

b. Nomination for Designation. The nominations shall include the following information:

- i. Type of tree.
- ii. Size of tree.
- iii. General location of tree.
- iv. Reason for nomination of tree.
- v. Written permission for the designation from the property owner where the tree is located.

City staff will review all nominations and send recommendations to the City Council.

c. Certificate of Designation. If a nominated tree is designated by the City Council as a Heritage Tree, the property owner will receive a certificate evidencing the designation. No fee shall be charged for the nomination/designation process.

d. Recorded Notice. After a tree has been officially designated as a Heritage Tree, the City shall cause the designation to be filed with the Marion County Recorder and made a part of the title record of the real property on which the tree is located in order to apprise future purchasers of the designation and accompanying restrictions.

e. Damage to Heritage Trees Unlawful. It shall be unlawful to cut down, prune or top a tree designated as a Heritage Tree without first obtaining written permission from the City of Keizer. It shall also be unlawful to intentionally damage, deface, or attach any rope, wire, nail, sign, poster, or any other manmade object to any Heritage Tree.

f. In the event the City desires to cut down, prune, or top a tree

1 which has been designated as a Heritage Tree, and which is located in the
2 public right-of-way, the City shall provide the immediate property owner
3 with at least thirty (30) days prior written notice of its intent to do so.
4 The property owner shall then have the right to appeal the City's decision
5 to the City Council. If a Heritage Tree is located in the public right-of-
6 way and poses an imminent danger to persons or property, the City shall
7 have the right to cause or order the removal of said tree, or any part
8 thereof, without first providing the immediate property owner with written
9 notice and the property owner shall have no right to appeal.

10 Section 5. REMEDIES. Violations of this Code are infractions, and the
11 responsible parties may be cited under the Keizer Civil Infraction Ordinance.
12 The Keizer Municipal Court may fine an individual who is found to have violated
13 this ordinance a fine not to exceed a maximum of \$500.00 per separate offense,
14 which shall include, but is not limited to, each tree removed or damaged in
15 violation of this Ordinance. In addition, the nuisance may be abated under
16 Keizer Nuisance Abatement Procedures, Ordinance No. 94-282. Pursuant to
17 such ordinance, the costs of nuisance abatement, including, but not limited to, the
18 costs of replacing trees shall be charged to the violator in addition to any fine
19 imposed. These procedures and/or remedies shall not prohibit in any way any
20 alternative remedies set out in city ordinances or state statutes intended to
21 alleviate ordinance violations. The remedies set forth herein are not exclusive,
22 but are in addition to any and all common law remedies for the abatement of
23 nuisances.

1 BILL NO. _____

A BILL

ORDINANCE NO.
95-_____

2
3 FOR

4 AN ORDINANCE

5 REQUIRING PRESERVATION OF TREES AND LANDSCAPING
6 IN NEW DEVELOPMENTS; AMENDING KEIZER ZONING
7 ORDINANCE (ORDINANCE NO. 87-078)

8 The City of Keizer ordains as follows:

9 Section 1. FINDINGS. The Keizer City Council hereby adopts the
10 findings attached as Exhibit "A" and by this reference incorporated herein.

11 Section 2. AMENDMENT OF KZO 18.09. Ordinance No. 87-078
12 (Keizer Zoning Ordinance) is amended at Section 18.09 (Landscaping). The new
13 Section 18.09 shall read as follows:

14 **18.09 LANDSCAPING PLAN.**

- 15 (a) All applications for land use approvals, and applications for building
16 permits shall include a site plan which identifies the following:
- 17 (1) The existing significant trees identified by their common
18 names, along with the size of such significant trees.
19 Existing significant trees shall include any trees which
20 were removed within the one-year period prior to the
21 date the application was first submitted.
- 22 (2) Which significant trees are proposed to be removed, or
23 have been removed within the past year.
- 24 (3) Which significant trees are to be left standing and what
25 steps will be taken to protect and preserve those trees.
- 26 (4) Location, size and type of replacement trees proposed
27 to be added, if any.
- 28 (5) Development in commercial and industrial zones shall also
29 show the following on the site plan:
- 30 (i) The layout of irrigation systems.

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(ii) The location of all plantings (other than significant trees) by common names, together with their size at time of planting or expected coverage within five (5) growing seasons.

(iii) The location and type of ground cover.

(iv) The size and configuration of other landscaping features.

(b) As used herein, "significant trees" are trees having a height of more than fifty (50) feet and/or having a trunk whose diameter is more than twelve (12) inches at ground level.

(c) The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of mature trees. Depending on these factors, the City of Keizer may require removal of mature trees. Development of the property in conformance with an approved landscaping site plan shall be a condition of land use approval or building permit. The City may require that significant trees that are removed (including trees removed within the year prior to the application) be replaced at the rate of up to two new trees for each significant tree removed. Replacement trees shall have a trunk, when measured at six (6) inches above ground level, of at least one and one-quarter (1¼) inches when planted, and shall be a type that will be at least twelve (12) inches in diameter at ground level when fully mature.

(d) The above provisions include and apply to all significant trees located in any public right-of-way adjacent to or on the subject property.

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FINDINGS

(Findings to be developed.)

CITY COUNCIL MEETING: August 7, 1995

AGENDA ITEM NUMBER: 7a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DOTTY TRYK *Dottry*
CITY MANAGER

SUBJECT: RESOLUTION AMENDING THE COMPENSATION PLAN

BACKGROUND:

At your last meeting, the Council directed staff to return with a resolution authorizing a 2.85% cost of living increase in the compensation for unrepresented staff. The resolution is attached.

FISCAL IMPACT:

Adopting this resolution will result in an increase of approximately \$3,000 over the budgeted salary expenses across all funds.

RECOMMENDATION:

It is recommended that the resolution be adopted.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R95- ____

**SETTING FORTH A CHANGE IN THE CLASSIFICATION AND COMPENSATION PLAN BY
AMENDING CERTAIN UNREPRESENTED CLASSIFICATIONS AND A CHANGE IN
COMPENSATION FOR ALL EMPLOYEES EFFECTIVE JULY 1, 1995.**

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

SECTION 1. That Resolution R94-754 is hereby repealed in its entirety.

SECTION 2. Salary grades for certain management employees have been adjusted based upon a cost of living increase as recommended by the City Manager and approved by the City Council, and are hereby assigned to the following management classifications, effective July 1, 1995.

<u>CLASS TITLE</u>	<u>BASE MONTHLY PAY RANGES</u>					
	FLAT	1	2	3	4	5
City Manager	\$5,198					
Chief of Police		\$4,084	\$4,288	\$4,502	\$4,727	\$4,963
City Recorder		\$2,372	\$2,491	\$2,616	\$2,747	\$2,884
Community Development Director		\$4,035	\$4,237	\$4,449	\$4,671	\$4,905
Police Lieutenant		\$3,532	\$3,707	\$3,894	\$4,089	\$4,293
Police Sergeant		\$3,003	\$3,153	\$3,311	\$3,477	\$3,651
Public Works Director		\$4,052	\$4,255	\$4,468	\$4,691	\$4,926

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

Public Works Department classifications:

<u>CLASS TITLE</u>	<u>BASE MONTHLY PAY RANGES</u>					
	FLAT	1	2	3	4	5
Municipal Utility Worker		\$1,705	\$1,790	\$1,880	\$1,974	\$2,073
Waterworks Operator		\$2,108	\$2,213	\$2,324	\$2,440	\$2,562
Waterworks Supervisor		\$2,811	\$2,952	\$3,100	\$3,255	\$3,418
Water Production/Quality Technician		\$2,811	\$2,952	\$3,100	\$3,255	\$3,418
Parks Superintendent/Cross Connection Supervisor		\$2,811	\$2,952	\$3,100	\$3,255	\$3,418

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

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

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

CLASS TITLE	BASE MONTHLY OR HOURLY PAY RANGES					
	FLAT	1	2	3	4	5
Administrative Assistant		\$1,971	\$2,070	\$2,174	\$2,283	\$2,397
Associate Planner		\$2,564	\$2,692	\$2,827	\$2,968	\$3,116
Clerical Specialist		\$1,528	\$1,604	\$1,684	\$1,768	\$1,856
Community Services Officer		\$1,811	\$1,902	\$1,997	\$2,097	\$2,202
Finance Officer		\$3,193	\$3,353	\$3,521	\$3,697	\$3,882
Municipal Court Clerk		9.09	9.54	10.02	10.52	11.05
Utility Billing Clerk I		\$1,528	\$1,604	\$1,684	\$1,768	\$1,856
Utility Billing Clerk II		\$1,663	\$1,746	\$1,833	\$1,925	\$2,021
Water Office Supervisor		\$2,296	\$2,411	\$2,532	\$2,659	\$2,792

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

<u>CLASS TITLE</u>	<u>BASE HOURLY PAY RANGES</u>					
	FLAT	1	2	3	4	5
Accounting Clerk		8.81	9.25	9.71	10.20	10.71
Maintenance Worker		8.03	8.43	8.85	9.29	9.75
Recording Clerk		8.64	9.07	9.52	10.00	10.50

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

<u>CLASS TITLE</u>	<u>BASE HOURLY PAY RANGES</u>					
	FLAT	1	2	3	4	5
Street Sweeper	\$8.03					

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

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

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

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

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

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4 **REGULAR EMPLOYEES**

5 **DEPARTMENT HEADS**

6 1-2 yrs. @ 6.7 hours
7 3-4 yrs. @ 8 hours
8 5-9 yrs. @ 10 hours
9 10-14 yrs. @ 12 hours
10 15 + yrs. @ 16.67 hours

1-4 yrs. @ 10 hours
5-9 yrs. @ 12 hours
10-14 yrs. @ 13.33 hours
15 + yrs. @ 16.67 hours

11 **Note:** 6.7 hours = 10 days; 8 hours = 12 days; 10 hours = 15 days; 12 hours = 18 days;
12 13.33 hours = 20 days; 16.67 hours = 25 days. Half-time employees accrue vacation at one-half the above rate;
13 three-quarter time employees accrue at three-quarter the above rate.
14

15 **SECTION 12.** Sick-leave shall accrue at the rate of 8 hours per month for full-time employees, and
16 shall be prorated accordingly for part-time employees. Sick-leave may be accumulated to a maximum of 960
17 hours and carried over to the next year. Provided, however, that the employee in the classification of Public
18 Works Director hired prior to June 30, 1985 who has excess of 960 hours of accumulated sick leave shall be
19 entitled to carry up to 1460 hours. The 1460 hours shall be reduced based upon sick leave usage.
20
21

22 **SECTION 13.** Compassionate Leave: 5-days for each death in the immediate family.
23

24 **SECTION 14.** The City shall pay an incentive of \$50.00 per month to a Sergeant holding an Associate
25 of Arts Degree. The City shall pay \$100.00 per month to a Sergeant holding a Bachelor of Arts or Bachelor of
26 Science degree from an accredited college or university.
27

28 **SECTION 15.** Standby pay for Water Department is \$100.00 per week for 24-hour standby.
29
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31 **SECTION 16.** The City shall pay an incentive of:
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33 \$0.10 per hour for Waterworks Certification I;
34 \$0.25 per hour for Waterworks Certification II;
35 \$0.75 per hour for Waterworks Certification III;
36 \$50.00 per month for an Intermediate BPSST Certificate;
37 \$100.00 per month for an Advanced BPSST Certificate.
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2 **SECTION 17.** Mileage reimbursement for all employees is \$.27 per mile.
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5 **SECTION 18.** Medicare withholding for all employees will be paid by the City.
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8 **SECTION 19. RETIREMENT PLAN:**
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10 Management employees: If eligible for PERS, employer contribution will be based upon the actuarial report
11 received from PERS but not more than 19% of gross salary. If eligible for deferred compensation (ICMA)
12 employer contribution equaling 11% of base salary.

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

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

18 Upon retirement, unrepresented employees may also apply 50% of unused sick leave toward retirement
19 benefits.
20

21 **SECTION 20. HEALTH AND WELFARE**

22 Management benefit package: An amount equal to 32% over and above base monthly pay. For those
23 eligible for deferred compensation, an amount equal to an additional 1% of base monthly pay toward deferred
24 compensation.
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30 PASSED this ____ day of _____, 1995.

31
32 SIGNED this ____ day of _____, 1995.
33
34
35
36

37 _____
38 Mayor

39 _____
40 City Recorder
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CITY COUNCIL MEETING: August 7, 1995

AGENDA ITEM NUMBER: 7b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DOTTY TRYK *Dotty*
CITY MANAGER

SUBJECT: RESOLUTION AUTHORIZING THE PURCHASE OF PARK
PROPERTY, COOPERATIVE USE AGREEMENT AND
MAINTENANCE AGREEMENT

BACKGROUND:

Three years ago, the city began negotiations with the school district to purchase property adjoining the new Clear Lake School. The land sale contract has been finalized and is before you for consideration. The side of the park property is 4.36 acres located along the south end of the park property extending 287.56 feet north. It includes a stand of evergreens. The final cost of the property was agreed to at \$29,378/acre making the final purchase price \$125,000 which was the original amount agreed upon.

The entire property will be covered under a cooperative use agreement and a maintenance agreement. The cooperative use agreement opens the entire space for school use during school hours and for general use at other times. The maintenance agreement states that the district will maintain the entire 15 acre area in exchange for the City providing water at no charge and offering the use of our arborist is necessary to manage the proper maintenance of the grove.

FISCAL IMPACT:

The cost of the property is \$125,000. \$25,000 is the down payment with \$12,500 payable every six months until March 1999. At a rate of 7% interest. This money will be paid from the Parks Improvement Fund.

RECOMMENDATION:

It is recommended that the resolution authorizing the manger to sign these agreements be adopted.

CITY COUNCIL MEETING: July 17, 1995

AGENDA ITEM NUMBER: _____

TO: MAYOR KOHO AND COUNCIL MEMBERS

**THROUGH: DOTTY TRYK,
CITY MANAGER**

FROM: E. SHANNON JOHNSON, CITY ATTORNEY 

**SUBJECT: *PURCHASE OF PARK PROPERTY AT THE
NEW CLEARLAKE SCHOOL***

DATE: July 7, 1995

Due to changes in the property description, concerns regarding costs of developing the property, and other matters, the purchase of the park property from the School District has been substantially delayed. It was eventually agreed that the City would pay no more than \$125,000.00 plus the incidental closing costs for the property. The School District would be required to pay for and construct any necessary preliminary improvements such as fencing, surveying, etc.

The transaction is now ready to close and the attached resolution will authorize the City Manager to conclude the transaction.

RECOMMENDATIONS:

Staff recommends the attached Resolution be passed.

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R95-_____

3 AUTHORIZING THE PURCHASE OF REAL
4 PROPERTY LOCATED ADJACENT TO THE NEW
5 CLEARLAKE SCHOOL FOR PARK PURPOSES

6 WHEREAS, the City of Keizer desires to purchase certain real property
7 located adjacent to the new Clearlake School for park purposes;

8 WHEREAS, Salem/Keizer School District 24J, the owner of such property,
9 has proposed to enter into a Land Sale Contract with the City of Keizer for the sale
10 of such property;

11 WHEREAS, the City and the School District would operate the property under
12 a Cooperative Use Agreement and Maintenance Agreement, both of which are
13 attached to this Resolution; NOW, THEREFORE,

14 BE IT RESOLVED by the City Council of the City of Keizer, that the City
15 shall enter into the attached Land Sale Contract, Cooperative Use Agreement and
16 Maintenance Agreement with the School District and hereby agrees to purchase the
17 property on the terms contained therein.

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1 BE IT FURTHER RESOLVED that the City Manager is authorized to sign the
2 attached documents on behalf of the City of Keizer, and any other related
3 documents, and to take such steps as are necessary and proper to conclude the
4 purchase of such property.

5 PASSED this _____ day of _____, 1995.

6 SIGNED this _____ day of _____, 1995.

7
8 _____
Mayor

9
10 _____
City Recorder

11 3738COK2.007

After recording, return to:
(File No. 76951072)

Until a change is requested, all tax
statements shall be sent to the following
address:

LAND SALE CONTRACT

THIS AGREEMENT is entered into this _____ day of _____, 1995,
between:

SELLER:

School District 24J, Marion County, Oregon (Salem-Keizer School District),
a school district organized under the laws of the State of Oregon, hereinafter
referred to as seller,

Address: P.O. Box 12024
1309 Ferry Street S.E.
Salem, Oregon 97309-0024

and

BUYER:

City of Keizer, an Oregon municipal corporation, hereinafter referred to as buyer,

Address: P.O. Box 21000
9300 Chemawa Road N.E.
Keizer, Oregon 97307-1000

AGREEMENT TO SELL/BUY

In consideration of the promises, covenants and agreements provided in this contract
to be performed by buyer and seller, seller agrees to sell and convey the real property
described herein to buyer, and buyer agrees to purchase the real property for the purchase
price described herein.

REAL PROPERTY

The real property which is the subject of this Land Sale Contract is situated in the
County of Marion, State of Oregon, and is described as:

Parcel 2, Partition Plat No. 95-18, recorded February 8, 1995 in Reel 1220,
Page 323, Records for Marion County, Oregon. -----

1 - LAND SALE CONTRACT
School District 24J/City of Keizer

PURCHASE PRICE

The purchase price of the property which buyer agrees to pay is the sum of One Hundred Twenty-Five Thousand Dollars (\$125,000), payable as follows:

- a. The sum of Twenty-Five Thousand Dollars (\$25,000) shall be paid at the time of the execution of this Agreement;
- b. The remaining balance of One Hundred Thousand Dollars (\$100,000) shall be paid in semi-annual installments, including interest at the rate of seven percent (7%) per annum on the unpaid balances from the _____ day of _____, 1995. The installments shall be paid as follows:

\$12,500 plus interest on September 15, 1995
12,500 plus interest on March 15, 1996
12,500 plus interest on September 15, 1996
12,500 plus interest on March 15, 1997
12,500 plus interest on September 15, 1997
12,500 plus interest on March 15, 1998
12,500 plus interest on September 15, 1998
12,500 plus interest on March 15, 1999

On or before March 15, 1999, the entire unpaid balance, including principal, interest and any additions thereto shall be paid in full.

PREPAYMENT PRIVILEGES

Buyer shall have the privilege of increasing any monthly payments or prepaying the whole consideration at any time; provided that no additional payments shall be credited as regular future payments nor excuse buyer from making the regular monthly payments provided for in this Agreement. Said prepayments shall be made without penalty to buyer.

WARRANTY DEED

At such time as the buyer shall have fully paid and performed this contract, the seller shall convey said premises to the buyer by statutory Special Warranty Deed, conveying said premises free and clear of encumbrances, except such encumbrances as may have been permitted or committed by the buyer from and after the date hereof, except any reservations, zoning ordinances, building restrictions, and encumbrances, if any, hereinbefore more fully set forth and the following exception:

- A. Subject to the Urban Renewal Plan - North River Road Economic Development Area, including the terms and provisions therein, recorded October 25, 1993 in Reel 1115, Page 117, Records for Marion County, Oregon.

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POSSESSION

Buyer shall have possession of said real property on the date of execution of this Agreement, which date shall be referred to as the "Prorate Date."

TAX PRORATE - BUYER TO PAY

Taxes levied against the above-described property for the current tax year shall be prorated between the seller and the buyer as of the "Prorate Date." Buyer agrees to pay when due all taxes which are thereafter levied against said property and all public, municipal, and statutory liens and/or assessments which may be lawfully imposed against the premises.

IMPROVEMENTS

Buyer agrees that all improvements now on or hereafter placed on the premises shall remain a part of the real property and shall not be removed at any time prior to the expiration of this Agreement without the written consent of the seller. Buyer shall not commit or suffer any waste of the property, nor of any improvements thereon, nor of any improvements hereafter placed thereon, and shall maintain the property and all improvements now or hereafter placed thereon and alterations thereof in good repair and condition. Buyer shall promptly comply with all laws, ordinances, regulations and requirements of all governmental authorities applicable to the use or occupancy of the property, and in this connection promptly make all required repairs, alterations and additions.

BUYER'S TITLE INSURANCE

Seller shall furnish, at seller's expense, a buyer's title insurance policy in the amount of \$125,000 within ten (10) days of the date of this Agreement. Such insurance policy shall inure buyer against loss or damage sustained by buyer because of the unmarketability of seller's title to the real property described in this Agreement except: (1) matters contained in the usual printed exceptions in such title insurance policies; (2) any covenants, conditions, restrictions, easements, and other liens or encumbrances described in this Agreement; (3) any covenants, conditions, restrictions, easements, and other liens or encumbrances suffered by buyer subsequent to the date of this Agreement; and (4) an exception for this Contract; and (5) subject to the Urban Renewal Plan - North River Road Economic Development Area, including the terms and provisions therein, recorded October 25, 1993 in Reel 1115, Page 117, Records for Marion County, Oregon.

SELLER'S PRIVILEGE TO PAY AMOUNTS REQUIRED OF BUYER

In the event buyer fails to pay when due any amounts required of him to be paid under this Agreement (or satisfy any judgment encumbering the title to the property described herein), seller may pay any or all of such amounts. If seller makes such payments, the amounts thereof shall be added to the purchase price of the property on the date such payments are made by seller, and such amounts shall bear interest at the same rate as provided above. Payment of such amounts by seller shall not constitute a waiver of

seller's rights to declare buyer in default of this Agreement for non-payment of the above-described amounts.

CLOSING FEES

Closing costs and fees shall be paid by the parties as follows:

- (a) The following costs shall be borne by seller and buyer equally: Escrow and closing fees.
- (b) The following costs shall be borne solely by seller: Title insurance and cost of preparing contract.
- (c) The following costs shall be borne solely by buyer: All recording fees except those necessary to clear seller's title and legal fees incurred in reviewing contract documents.

ASSIGNMENT

This contract is personal to the seller and the buyer herein, and the buyer shall not assign this Agreement, sell this property on contract, or transfer its rights herein or in the property covered hereby without seller's prior written consent.

DEFAULT/TIME OF ESSENCE

Time of payment and performance is of the essence of this contract, and in the event that buyer shall fail to perform any of the terms of this Agreement, seller shall, at seller's option, subject to requirements of notice provided herein, having the following rights (no one of which shall be waived by exercise of another):

- (a) to foreclose this contract by strict foreclosure in equity;
- (b) to declare the full unpaid balance of the purchase price immediately due and payable;
- (c) to specifically enforce the terms of this Agreement by suit in equity;
- (d) to declare this contract to be null and void after notice pursuant to ORS 93.905 through ORS 93.945 to buyer in writing of seller's intention to do so, unless the performance then due under this contract is tendered or accomplished prior to the time stated. Upon the maturing of such declaration, all of buyer's rights under this contract shall cease without further act by seller, seller shall be entitled to immediate possession of the property and all payments previously made to seller by buyer may be retained by seller as reasonable rental of the property up to the time of default;
- (e) to bring an action for the unpaid and overdue payments without waiving the security of the property, it being agreed that buyer's

promise to pay the purchase price, except the final payment, is independent of seller's agreement to convey title; and

- (f) to have a receiver appointed to manage the property, collect the rents and profits and apply them on the unpaid balance of the contract until default is cured.

DEFAULT NOTICE

Buyer shall not be deemed in default for failing to perform any covenant or condition of this contract, other than making payment, until notice of said default has been given by seller to buyer, and buyer shall have failed to remedy said default within thirty (30) days after the giving of the notice. Notice for this purpose shall be deemed to have been given by the deposit in the mail of a certified letter containing said notice and addressed to buyer at the address herein described.

WAIVER

Failure by seller at any time to require performance by buyer of any provision of this contract shall in no way affect seller's right hereunder to enforce such provision, nor shall any waiver by seller of any breach of this contract be held to be a waiver of any succeeding breach, or a waiver of this non-waiver clause. If seller performs an act which is not required by this Agreement, seller shall not be required to perform such act or a similar act in the subsequent performance of this Agreement.

"AS IS" CLAUSE

Buyer certifies: (1) that this contract of purchase is accepted and executed on the basis of buyer's own examination and personal knowledge of the property and opinion of the value thereof; (2) that no attempts have been made to influence buyer's judgment; (3) that no representations as to the condition or repair of said property have been made by seller or any agent of the seller; (4) that no agreement or promise to alter or repair or improve said property has been made by seller or by any agent of seller; and (5) that buyer takes said property and the improvements thereon, as is, in the condition existing at the time of this Agreement, and subject to all laws, ordinances and administrative rules of the State of Oregon and its subdivisions which may affect said property or the use thereof.

ATTORNEY FEES

In the event this contract is in default, the buyer promises and agrees to pay seller's reasonable collection costs, including but not limited to title report costs, attorney and legal assistant fees, even though no suit or action is filed herein. In case litigation is instituted, arising directly or indirectly out of this contract, the losing party shall pay to the prevailing party the costs above described, and its reasonable attorney and legal assistant fees as may be awarded by the Court, including awards on any appeals therefrom.

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CONSTRUCTION

In construing this Agreement, it is understood that: (1) the seller or buyer may be more than one person; (2) if the context so requires: (a) the singular pronoun shall be taken to mean and include the plural pronoun; (b) the masculine pronoun shall be taken to mean the feminine and the neuter pronoun; and (3) all captions used herein are intended solely for the convenience of reference and shall in no way limit any of the provisions of this contract.

SUCCESSOR INTEREST

The covenants, conditions and terms of this Agreement shall extend to and be binding upon and inure to the benefit of the heirs, administrators, executors and assigns of the parties hereto; provided, however, that nothing contained in this paragraph shall alter the restrictions hereinabove contained relating to assignments.

LAND USE AND FIRE PROTECTION

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. 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 TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

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. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OF COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

CONTRACT PREPARED BY ATTORNEYS FOR SELLER

This Agreement has been prepared by Garrett, Henmann, Robertson, Paulus, Jennings & Comstock, P.C., as attorneys for the seller, notwithstanding any agreement that the parties may have regarding the payment of said fee. The buyer acknowledges that he has the right to have this Agreement reviewed by an attorney of his choice.

DEVELOPMENT OF PROPERTY BY BUYER

Buyer shall be responsible for the systems development charges that may be assessed to the subject property by the City of Keizer. There will be no vehicular access through the seller's property to the subject property, except for purposes of reasonable maintenance by the City of Keizer.

JOINT USE AGREEMENT

On or before the closing date, buyer and seller shall enter into a mutually satisfactory Joint Use Agreement regarding the maintenance and the use of the park and parking area on the school property. It is the intent of the parties that the park be a neighborhood park, with no vehicular access when school is in session, but a limited amount of parking may be allowed by the seller on school district property after school hours or on days that the school is not being attended by students.

APPROVALS

This contract has been approved by the City Council of the City of Keizer and the School Board of School District 24J.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first-above written.

SELLER:

SCHOOL DISTRICT 24J
MARION COUNTY, OREGON

By: _____
Title

BUYER:

CITY OF KEIZER,
an Oregon Municipal Corporation

By: _____
Dorothy Tryk, City Manager

STATE OF OREGON)
) ss.
County of Marion)

On this _____ day of _____, 1995, personally appeared before me the above-named _____, who being first duly sworn, did say that he is the _____ of School District 24J, a political subdivision of the State of Oregon, and that said instrument was signed and sealed on behalf of said school district by authority of its Board of Directors at a duly constituted meeting; and he acknowledged this instrument to be its voluntary act and deed.

Before me:

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Marion)

On this _____ day of _____, 1995, personally appeared before me the above-named Dorothy Tryk, who being first duly sworn, did say that she is the City Manager of the City of Keizer, an Oregon municipal corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its City Council at a duly constituted meeting; and she acknowledged this instrument to be its voluntary act and deed.

Before me:

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

**CITY OF KEIZER/SCHOOL DISTRICT 24J
MAINTENANCE AGREEMENT**

Ownership:

The total 15-acre site was purchased in 1993 at 7425 Meadow Glen St., N., Keizer for the purpose of building a new elementary school. The City of Keizer (hereinafter "City") purchased 4.36 acres of the site, which is described as 660' wide by 287.56' deep and located adjacent to the south boundary of the total site. The school district (hereinafter "District") was responsible for fencing the entire site as part of the initial development.

General:

For the purposes of community use and the scheduling of activities, the total site will be viewed as jointly owned. Use of the area is described in a separate Cooperative Use Agreement.

Any improvements after the initial development and construction is completed will be by mutual consent. No agreement has been reached as to future improvements or development.

Maintenance:

The District will maintain the total area on a year-round basis. This includes regular mowing, leaf pick-up, weeding and edging, periodic pruning of trees and shrubs and repairs of structures and play equipment as needed. The level of maintenance will be subject to budget limitations.

The City will provide the services of an arborist if needed to ensure a proper maintenance program of the tree grove area.

For the City's share of the expenses associated with the maintenance of the site, the City will provide water use to the site at no charge.

Contract Person for Maintenance Issues:

District: Jon Bagshaw, Maintenance Supervisor - 399-3095
 Kevin Wickman, Park Superintendent - 390-3700

SCHOOL DISTRICT 24J

CITY OF KEIZER

Director of Business Services

City Manager

Date: _____

Date: _____

3738COK2.005

**CITY OF KEIZER/SCHOOL DISTRICT 24J
COOPERATIVE USE AGREEMENT**

This agreement is made pursuant to Oregon Revised Statutes, Chapter 190, between School District 24J, Marion County, an Oregon school district ("District"), and the City of Keizer, an Oregon municipal corporation ("City"), for the purpose of providing policies and standards for joint use by the parties of the park facility for the benefit of the community.

Authority for joint performance of functions and activities is granted to the District and the City by Oregon Revised Statutes, Section 190.010 to Section 190.040.

I. GOALS

The District and the City desire to maximize the taxpayer resources by jointly developing and utilizing the park facility.

The District and the City desire to schedule and use the park equitably.

The District and the City want to ensure a well-coordinated joint use of the park.

II. FACILITY

The park and outdoor areas which adjoin the Elementary School, which is located at 7425 Meadow Glen St., Keizer.

III. PRIORITY FOR USE

On school days and during regular school hours, the site will be used exclusively by the District to ensure the safety of students.

During non-school days and non-school hours, priority for sports fields will be given to organized sports use as requested by the City and scheduled as noted in Section V.

The site will be open to the general public for leisure use when school is not in session, and when it is not reserved as noted in Section V.

IV. SUPERVISION

The City shall be responsible for supervision during City-sponsored programs and the District shall be responsible for supervision during District-sponsored programs.

Complaints regarding supervision that cannot be resolved by the supervisors representing the City and the District shall be forwarded in writing to the City's Park Superintendent and the District's Custodial Supervisor.

The District and the City are responsible for training their respective employees, volunteers, and other agents about the facility use rules and regulations, and proper facility supervision, security, and safety procedures.

V. SCHEDULING

The City and the District agree that major scheduling and allocation of sports fields, and related equipment for organized community sports programs will be scheduled by the District or its designees.

The District and the City shall exchange schedules for sports fields for fall and early winter sports activities by September 1 of each year, and for late winter, spring, and summer sports activities by January 15 of each year. These will be included in their community schedule.

VI. CHARGES

The District and the City agree to allow use of the outdoor facility and equipment at no charge to each other, except as noted in Sections VII of this agreement.

VII. MAINTENANCE and REPAIR

The District and the City must agree on the level and type of maintenance or custodial work necessary. This shall be accomplished by the District's Custodial Supervisor and the City's Park Superintendent.

The general maintenance for the site will be covered in a separate operating agreement.

The City and the District agree to leave in the same, if not better condition than it was found prior to use. Clean-up activities shall be the responsibility of the user groups.

If damage or loss occurs to the grounds or equipment, the user jurisdiction shall be charged for replacement or repair. No charges will be made for normal use and wear.

Maintenance work will, when possible, be scheduled around District and City programs.

VIII. INSURANCE

To the extent permitted by Article II, Section 7 of the Oregon Constitution and by the Oregon Tort Claims Act, the City shall indemnify the District and the District shall indemnify the City against any liability or damage to life or property arising from the indemnifier's occupancy or use of the other's facility; provided, however, that the District shall not be required to indemnify the City for any such liability arising out of the wrongful acts of the employees or agents of the City and the City shall not be required to indemnify the District for any such liability arising out of the wrongful acts of the employees or agents of the District.

IX. PROVISO

The Superintendent of the District and the City Manager (with approval of the City Council) may, if they mutually deem it advisable, develop and establish rules and procedures to implement, clarify, or in any other manner carry out the purposes and intent of this agreement.

X. TERM OF AGREEMENT

The term of this agreement shall be for two years beginning July 1, 1995 through June 30, 1997.

Cooperative Use Agreement
City of Keizer/School District 24J

This agreement shall renew annually thereafter unless canceled by either party giving 30-day written notice prior to the end of the term.

Any modifications to this agreement must be in writing and signed by each party.

XI. In witness whereof the parties hereto have executed this agreement:

SCHOOL DISTRICT 24J

CITY OF KEIZER

Director of Business Services

City Manager

Date: _____

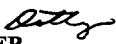
Date: _____

3738COK2.004

CITY COUNCIL MEETING: August 7, 1995

AGENDA ITEM NUMBER: 7c

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DOTTY TRYK 
CITY MANAGER

SUBJECT: RESOLUTION AUTHORIZING MEMBERSHIP IN CIS

BACKGROUND:

The City of Keizer has participated in City County Insurance Services Trust for pooled self insurance for various coverages over the past several years. Because it is an insurance pool, we must declare our intention to become a member. For each of the insurances in which we participate we are asked to adopt a resolution to become a member of that particular trust for a three year period. We currently are members of the property insurance pool.

CIS was accepted as the low bid for our Workers' Compensation Coverage. To participate, we must contract to be members of that trust for three years. Each year, our agent of record reviews all insurance quotes and makes a recommendation for insurance coverage for the following year. If necessary, we can withdraw from the trust with 180 days notice.

FISCAL IMPACT:

Participation in the CIS Workers' compensation Pool will result in an annual savings of \$3,000 to \$18,000 depending on our loss record.

RECOMMENDATION:

It is recommended that the resolution be adopted.

COUNCIL MEETING: August 7, 1995

AGENDA ITEM NUMBER: 7d

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *Tracy*
CITY RECORDER

**SUBJECT: INITIATING TEPPER EAST STREET LIGHTING
LOCAL IMPROVEMENT DISTRICT**

ISSUE:

Shall the City Council initiate Tepper East Street Lighting Local Improvement District?

DISCUSSION:

A petition was filed on July 14, 1995 by the developer of this area to form a local improvement district for street lights in Tepper East subdivision in Keizer. The petition contained the required signatures of the property owner as outlined by City of Keizer Ordinance 94-278.

RECOMMENDATION:

It is recommended that the City Council approve the Resolution initiating Tepper East Street Lighting Local Improvement District and direct the City Engineer to prepare a survey of the area.

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Resolution R95-_____

**DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING
LOCAL IMPROVEMENT DISTRICT (TEPPER EAST) AND
DIRECTING THE CITY ENGINEER TO MAKE A SURVEY AND FILE A
WRITTEN REPORT WITH THE CITY RECORDER**

WHEREAS, the City Council of the City of Keizer has received a petition from the developer and residents to initiate a street lighting district in the Tepper East subdivision in the City of Keizer, Oregon; and

WHEREAS, pursuant to City of Keizer Ordinance 94-278, the necessary signatures of
land owner comprising two-thirds of the property to be included within Tepper East Street
Lighting District have requested the formation of the district; NOW, THEREFORE,

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

1. The City Council declares its intent to initiate the Tepper East Street Lighting Local Improvement District;
2. The map attached hereto, marked Exhibit "A", and by this reference incorporated herein sets forth the proposed boundaries of the district;
3. The City Engineer is hereby directed to make a survey of the District;
4. The City Engineer shall file a written report with the City Recorder to be considered by the City Council on September 5, 1995.

PASSED this _____ day of _____, 1995.

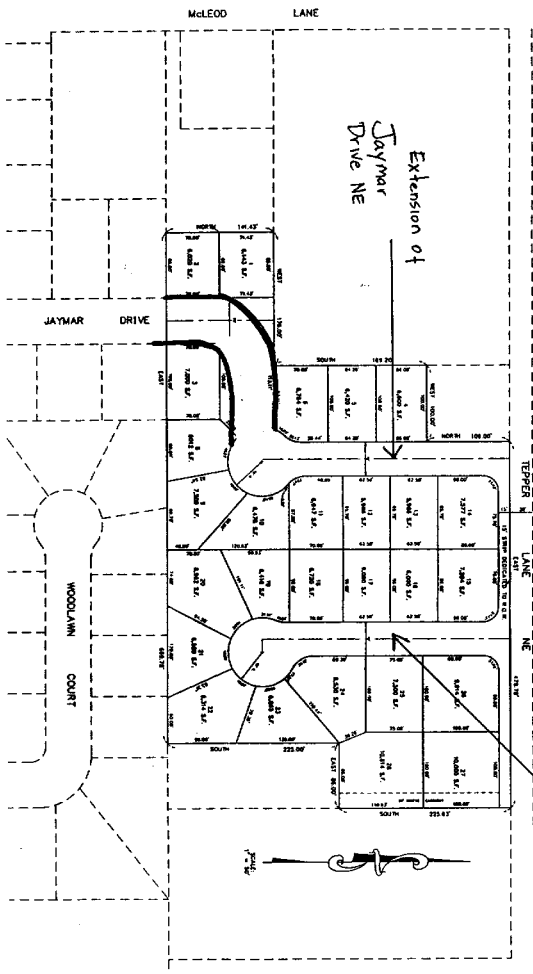
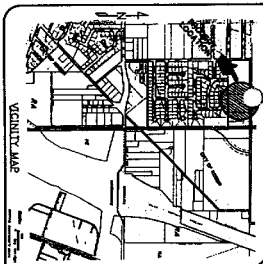
SIGNED this _____ day of _____, 1995.

Mayor

City Recorder

CITY OF SALEM
MARION COUNTY, OREGON

SEE STREET
NAME APPLICATION
FOR CHOICES

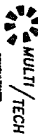


Owner / Developer:
DAN CHANDLER
P.O. BOX 12397
SALEM, OREGON 97309

PARCEL SIZE:
 DEVELOPABLE AREA — 6.05 AC.
 NUMBER OF UNITS — 28
 DENSITY — 4.5 UNITS/ACRE
 LARGEST LOT — 10,814 SQ. FT.
 SMALLEST LOT — 5,986 SQ. FT.
 AVERAGE — 6,900 SQ. FT.

EXISTING ZONE — RA

CULV. — VACUUM
 POWER — P.O.E.
 PHONE — US WEST COMMUNICATIONS
 GAS — NW NATURAL GAS
 WATER, SEWER — CITY OF SALT LAKE
 SANITARY SEWER — CITY OF SALT LAKE



1964-1965 - 1967

NOT FOR
CONSTRUCTION
UNLESS STAMPED
APPROVED



no chance of misbehavior or noncompliance are to be used in their business without a written authorization from the board director.

Density: M.O.
Orems: SS
Orehead: M.O.
Date: SEP 11
Took: A. 900m
As-Out: _____

TEPPER LANE
SUBDIVISION

PRELIMINARY PLAN

Drawing Number
2230
Sheet Number
1 of 1

CITY COUNCIL MEETING: August 7, 1995

AGENDA ITEM NUMBER: 7e

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK ,
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AUTHORIZATION TO SUBMIT GRANT REQUESTS

DISCUSSION:

Staff is seeking Council to submit two grant requests. These are for funds from the State's ODOT/DLCD Transportation and Growth Management Grants (TGM) program.

The grants will support two specific projects. Discussion of potential projects and selection of these proposals was carried out by the Planning Commission at its meeting of July 13, 1995.

During the last year, Staff has participated in four TGM grant funded projects, for which the Council of Governments was the grant recipient. These included the Regional Transportation Plan, the Chemawa Activity Center Plan, The River Road Alternative Modal Opportunity Study, and the River and Chemawa Center Specific Plan. Staff time devoted to these projects will be completed in time for the new TGM projects to start.

The projects are:

Local Transportation System Plan

It is a Council goal for 1995-1997 to "Adopt a Transportation Plan Addressing Pedestrian, Bicycle, Traffic Circulation, and Safety Needs."

The City also is required to complete a local transportation plan after completion of the Region Transportation System Plan. The SKATS Plan update, which is the regional plan,

should be adopted by early next year. The Local Plan is required to be completed within 12 months of the regional plan.

The proposed grant amount is \$35,000 of which the majority will go to consulting services to prepare the plan. A ten percent local match is required, which will be provided through in-kind services by Community Development and Public Works staff.

Clear Lake Neighborhood Plan

The Clear Lake Neighborhood, north of Barnick Road, is the last undeveloped part of the City. It will be difficult to develop in a cohesive manner due to the large variety of parcel sizes and shapes in the area. It will be impossible for any private party to provide a comprehensive plan for the area that sets up the framework for major streets, open space, public amenities, and utilities. Through the development of a neighborhood plan, this framework plan can be established which will provide the design guidance for each property owner and developer when properties convert to urban uses.

The grant request is for \$50,000 which will be used primarily for consulting services. The ten percent local match will be provided through in-kind services involving the time of Community Development and Public Works staff. This project will take approximately 12 months to complete, with a start date of March or April 1996.

RECOMMENDATION:

It is recommended Council, by motion, authorize staff to submit applications for Transportation and Growth Management Grants to fund the Local Transportation Plan and the Clear Lake Neighborhood Plan.

CITY COUNCIL MEETING: August 7, 1995

AGENDA ITEM NUMBER: 7f

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DOTTY TRYK 
CITY MANAGER

SUBJECT: RESOLUTION CONCERNING EMPLOYEE RETIREMENT
CONTRIBUTIONS

BACKGROUND:

The City of Keizer has always contributed the 6% "pick-up" to PERS for covered employees. We have also contributed 11% to ICMA Retirement for non PERS employees. Measure 8 was approved by the voters last November which required all public employees to contribute 6% to their retirement benefits. Employees covered by contracts would not be affected until the expiration of their contracts. This was the case for our Police Association.

Because the constitutionality of the measure was questioned, the Council chose to authorize a continuation of the status quo for non-union and management employees until June 30, 1997. These agreements were signed by all employees before January 1, 1995 which was to be the effective date of Measure 8. Any employees hired after January 1 could not be covered by similar contracts. And they have been contributing 6% to their retirement. This affected one person promoted out of the union and two non union hires.

Since the appellate court overturned Measure 8, the City has an opportunity to offer these people the same contract all other employees have with some modifications that clearly state that all parties acknowledge that the Measure is in litigation. The contract states that the City owes no obligation to the employee if the measure is upheld and the employee will reimburse the City if the courts determine that our contribution was illegal.

This resolution would allow the City to sign contract with any new non-union employee hired between now and June 30, 1997.

FISCAL IMPACT:

Adoption would cost the City 6% of an employee's salary if the employee is a non-union PERS participant. Essentially that means Police Supervisory staff. There is no cost for ICMA participants.

RECOMMENDATION:

Approval of this resolution would allow the City to treat all employees consistently. It is recommended that the resolution be adopted.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R95-_____

3 AUTHORIZING EMPLOYEE CONTRACTS ELIMINATING REQUIREMENT
4 FOR ADDITIONAL EMPLOYEE CONTRIBUTION TO RETIREMENT
5 PLAN AND AUTHORIZING THE CITY OF KEIZER TO PICK
6 UP PUBLIC EMPLOYEES RETIREMENT SYSTEM
7 CONTRIBUTIONS FOR ELIGIBLE EMPLOYEES

8 WHEREAS, the City of Keizer wishes to address the issue of employer
9 and employee contributions to employee retirement plans in light of the
10 questioned status of Ballot Measure 8; and

11 WHEREAS, the current City of Keizer personnel policies require the
12 City to pick up the PERS contribution for the sworn Keizer police officers and
13 each Keizer Water Department employee transferred from the Keizer Water
14 District; and

15 WHEREAS, the City of Keizer personnel policies require the City to
16 contribute an amount above the amount contributed through the management
17 benefit package to the City's retirement plan for management employees in an
18 amount to be established by Council resolution; and

19 WHEREAS, the City of Keizer personnel policies require the City to
20 contribute an amount over and above the employee's base salary to the City's
21 retirement program for all other general City employees with the amount to be
22 established by Council resolution; NOW, THEREFORE,

23 The City Council of the City of Keizer hereby resolves as follows:

24 Section 1. EMPLOYEES COVERED. This resolution applies to all
25 employees of the City of Keizer hired after December 31, 1994.

1 Section 2. PERS CONTRIBUTIONS. The City of Keizer shall enter
2 into amendments to employment agreements or employment agreements with
3 all management and non-management employees who are eligible for Public
4 Employees Retirement System benefits which eliminates the employee's
5 requirement to contribute to the employee's PERS fund and which authorizes
6 the City of Keizer to pick up the PERS contribution for each of these
7 employees.

8 Section 3. ICMA CONTRIBUTIONS. The City of Keizer shall
9 enter into amendments to employment agreements or employment agreements
10 with all management and non-management employees eligible for ICMA
11 Retirement Plan benefits which eliminates any requirement for said employees
12 to contribute to the employee's qualified ICMA retirement plan in excess of the
13 rate city employees hired before January 1, 1995, currently contribute and
14 which authorizes the City of Keizer to contribute to the employee's qualified
15 ICMA retirement plan.

16 Section 4. TERM OF AGREEMENT. The term of the employment
17 agreements authorized in sections 2 and 3 of this resolution shall begin on
18 May 27, 1995, or the date of hire, whichever is later, and shall end on June
19 30, 1997.

20 Section 5. AUTHORIZED SIGNATURE. The Keizer City Manager
21 is authorized to sign the employment agreements referred to herein on behalf
22 of the City of Keizer.

23 ///

1 Section 6. CONSIDERATION OF ESCROW ACCOUNTS. On or
2 before termination of the above referenced agreements on June 30, 1997, the
3 City Council will consider holding retirement benefits in escrow accounts
4 should court decisions make that appropriate.

5 PASSED this _____ day of _____, 1995.

6 SIGNED this _____ day of _____, 1995.

7 _____
8 Mayor

9 _____
10 City Recorder
11

824COK2.074

EMPLOYMENT AGREEMENT

PARTIES: CITY OF KEIZER (an Oregon Municipal Corporation)
and

"employee"

RECITALS:

1. The City has personnel rules regarding retirement plans.
2. The parties herein wish to address and clarify the issue of employer and employee contributions to the employee retirement plans in light of the questioned status of Ballot Measure 8.

AGREEMENT:

IN CONSIDERATION OF the mutual covenants herein contained, the parties agree as follows:

- A. If the employee is eligible for PERS, the City will pay to PERS (or pick up) an eligible employee's contribution equal to six percent (6%) of the employee's salary through June 30, 1997.
- B. If the employee is eligible for ICMA retirement plan benefits, then the employee is not required to contribute to the ICMA retirement plan in excess of the rate city employees hired before January 1, 1995, currently contribute and the City of Keizer is authorized to contribute to the employee's qualified ICMA retirement account.
- C. The term of this Agreement shall begin _____, 1995, and extend through June 30, 1997.
- D. The parties enter into this Agreement as individuals and not collectively, and there is no claim that the parties are to be considered as a bargaining unit.
- E. This Agreement is not intended to limit or modify other provisions of the City's personnel rules.
- F. The parties understand that this Agreement is entered into while the status of Ballot Measure 8 regarding retirement contributions is pending in the court system. The parties agree that the City shall owe no contractual obligation to the employee for unconstitutional retirement contributions in the event that Ballot Measure 8 is ultimately approved by the courts and that the employee will reimburse the City if a court of competent jurisdiction orders that the City contribution was unlawful and must be repaid to the City.

Dated this _____ day of _____, 1995.

CITY OF KEIZER, OREGON

By: _____
Dotty Tryk, City Manager

Employee 824COK2.040

MINUTES
KEIZER CITY COUNCIL
SPECIAL SESSION
Monday, July 10, 1995
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the special session to order at 7:02 p.m. Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Al Miller, Councilor
Jerry Watson, Councilor

Absent

Jerry McGee, Councilor
Chet Patterson, Councilor

Staff:

Dotty Tryk, City Manager
John Morgan, Community Development Director
Kim Krause, Finance Director
Wally Mull, Public Works Director
John Lien, City Attorney
Dianne Suek, Administrative Assistant

**PUBLIC
TESTIMONY**

Presenting testimony to the Council was:

Robert Ray, 581 Cummings Lane, Keizer voiced his concern regarding a 911 call he made on July 6, 1995 in respect to a robbery which had occurred at a residence on Delight Street. Mr. Ray noted he was troubled by the lack of communication with the 911 operator in having a Keizer Police Officer respond immediately to the residence. Mr. Ray stated the lack of having the 911 center located within the City will continue to be a detriment to the Keizer Police Department and the citizens of Keizer.

Mayor Koho asked the City Manager to investigate the incident and report back to the Council on the findings. Councilor Watson requested Mr. Ray be notified of the findings of the report

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

PUBLIC HEARING

Mayor Koho opened the Public Hearing.

SUBDIVISION 95-1 APPEAL (SHADY LANE SUBDIVISION)

John Lien, City Attorney announced the applicable criteria for the hearing was listed in section 3, subsection 1 of the Keizer Zoning Ordinance. Mr. Lien reviewed these guidelines.

In response to a request from Mr. Lien there were no objections or conflicts of interest raised at the opening of the hearing.

John Morgan, Community Development Director reported this is a complex land-use case involving a parcel of land presently zoned Residential Multi-Family (RM). The applicants, Dennis Sullenger and Dr. Everett Mozell have applied to develop a ten-lot subdivision in which six of the proposed lots have had houses moved upon them. The present condition of the houses has caused great concern, however, according to the state law the houses do not have to meet the current building code requirements if they are moved from another location. Nevertheless, Mr. Morgan has informed the applicants the City will apply the Keizer Housing Code against these houses.

Mr. Morgan stated during the subdivision process it allows the City to provide the needed "consumer protection" to make sure the buyer of one of these parcels is assured all standards have been met. Mr. Morgan summarized these issues that focus on the environmental issues surrounding the property. The appellant has raised the issue of the location of wetlands on the subject property. A request was made to the Division of State Lands to analyze the property for wetland issues. Mr. Morgan submitted a copy of the response from the Division of State Lands noting a analysis will be performed to determine if a additional state permits are required.

An additional concern that was raised is the removal of trees and the noise impacts on the subject property. Mr. Morgan stated the trees have already been removed from this area. He noted the Council could include a condition addressing the requirement to plant trees within the subdivision.

Another concern raised was the issue of surface water on the property. Mr. Morgan displayed a map showing the Claggett Creek flood plain at this location. The applicant applied for a flood plain permit, met the criteria and therefore the permit was given.

Mr. Morgan presented a short video tape showing the subject property.

Mr. Morgan recommended the Council receive the testimony and recess the hearing to August 7, 1995 for staff to return with an Order upholding the hearings officers decision and include the following two conditions:

- A wetlands analysis will be prepared by a qualified wetlands expert and accepted by the Community Development Department determining if there are wetlands impacts and including a plan for mitigation of any impacts. The Plan must be implemented prior to the platting of the subdivision.
- The storm drainage plan required by the Hearings Officer shall include a plan to convey a storm waters through the subject property so that there is no additional flooding of adjacent properties beyond levels occurring prior to the development of the property. Plus the drainage plan will be approved by the Public Works Department and implemented prior to platting of the subdivision.

In response to a question from Councilor Watson, Mr. Morgan noted the advantage to placing these conditions of approval on the subdivision will make the developer responsible for the surface water issue rather than the home owner.

Councilor Miller noted lending institutions financing these homes may require the houses to be brought up to curing code conditions.

Presenting testimony to the Council was:

Jerry L. Groff, 5478 River Road S, Salem, civil engineer, spoke on behalf of the applicants of this project. Mr. Groff stated the owners do intend to improve the condition of the houses. However, this approval process has caused the developer increased financial burdens and construction delays which therefore could result in the selling of the houses and parcels as they are presently.

Mr. Groff reviewed the history of the purchase of the homes and the developers intentions to provide additional affordable housing in Keizer. He noted the original intent was to start with only the six houses and lots in the subdivision, however they decided to go with the full plan of ten at this time. This caused additional improvements to be required by the City to complete the subdivision. Mr. Groff showed an aerial photo showing the small cluster of trees which were removed from the parcel. At no time was there an intent to remove the trees to increase the noise levels. In fact, Mr. Groff believed the houses will provide a greater noise barrier than the trees.

In regards to the wetland issue, Mr. Groff reported approval was granted for a flood plain development permit. He added the developer does not have any intention to affect Claggett Creek, in fact this plan will leave approximately 8000 square feet of native and natural land on the parcel.

Pertaining to the drainage situation, Mr. Groff noted the primary source of drainage is the runoff from the state highway. The lowland which originally carried the water to Claggett Creek have been filled and may have created additional drainage problems to surrounding parcels. In conclusion, Mr. Groff does not feel the developer of this parcel should be responsible for fixing the entire system. Mr. Groff noted the developer has complied with all storm drainage standards as set forth by the City.

Dennis Sullenger, 1710 Dearborn Avenue NE, Keizer indicated when he originally began planning this development there was a natural flow of drainage, however due to adjoining properties being filled, it has created the standing water problem. Mr. Sullenger noted the problem lies with the surrounding parcels of land and their actions changed the flow of the water.

In response to a question from Councilor Watson, Mr. Sullenger stated he concurs with his engineers analysis of the ponding on the property.

Councilor Keller confirmed Mr. Sullenger was agreeable to the extra conditions of approval as recommended by staff.

Dr. Everett Mozell, 2020 Capitol Street NE, Salem stated he is a partner in this project with Mr. Sullenger. He explained the initial philosophy of this project was to preserve the houses targeted for destruction by the expansion of the Salem Clinic and to provide additional affordable housing in the area. Upon his initial visit to the property, Dr. Mozell indicated he was concerned this development may be a detriment to the wetlands and obtained all the necessary approvals and permits needed to assure it was environmentally safe.

In response to a question from Councilor Watson, Dr. Mozell indicated the only access to Claggett Creek will be from the two undevelopable lots.

Mayor Koho expressed his appreciation for Dr. Mozell's concern of the environmental issues for this important gateway to Keizer.

Councilor Miller suggested the undevelopable portions could be deeded to the City in order for the area to remain in its natural state.

Dean Rudishauser, 3764 Pleasant View Drive, Keizer informed the Council he is a property owner near this proposed subdivision. Mr. Rudishauser noted he is not opposed to the subdivision only the way it is being constructed. In the eight years of living in this area, he is concerned the removal of the trees will create a greater noise impact on the area. Mr. Rudishauser presented an aerial map showing the area and the number of the trees which were removed. (Note: this 1981 aerial map is the same as those on file in the Planning Department).

Mr. Rudishauser acknowledged fill was placed along the banks of Claggett Creek near his property. He noted there is

approximately a four-foot difference in the elevation of the land on the other side of the creek. Mr. Rudishauser displayed photographs of the area and explained the flow of the drainage.

Mr. Rudishauser quoted the Oregon Drainage Law taken from the Hydraulics Manual ODOT which reads as follows:

For a land owner to drain water onto lands of another in the State of Oregon two conditions must be satisfied initially; the land must contain a natural drainage course and the landowner must have acquired the right of drainage supported by consideration. In addition because Oregon has adopted the civil law doctrine of drainage three basic elements must be followed; a land owner may not divert water onto adjoining land which would not otherwise had flowed there. Diverted water includes but is not necessarily limited to water diverted from one drainage area to another, from water collected and discharged which normally would infiltrate into the ground, pond and/or evaporate. The upper land owner may not change the place where the water flows onto the lower owners land.

In response to a question from Councilor Keller, Mr. Rudishauser stated he agrees the additional conditions as recommended by staff should be made part of the order of approval.

In summary, Mr. Rudishauser noted his main concern is the flooding of the property in the back of his house. He believes the diversion of the water from one piece of property to another is in violation of the law. He questioned how the increased drainage from the improved street will affect the overall drainage in the area. Mr. Rudishauser noted he would be willing to allow the applicant to continue the culvert along the back of his property line to flow through to Claggett Creek.

Chuck DeLong, 3770 Pleasant View Drive, Keizer addressed the Council as a property owner in the area of the proposed subdivision. He concurred with the previous testimony of Mr. Rudishauser. In addition, Mr. DeLong stated during his ten years of living at this location, he has never been faced with the amount of standing water on his property as he did during this last year. He attributed this problem to the work at the proposed development.

Mr. DeLong thanked the staff for the recommended conditions of approval for this subdivision. He hoped these conditions will be monitored for completion.

In closing, Mr. DeLong also voiced his concern for the Oregon law which allows homes to be moved to another location without bringing these homes up to code.

Bill Wolf, 4055 Gary Street, Keizer - President of the South East Keizer Neighborhood Association addressed the Council to relay the concerns of the members of the Association. Mr. Wolf expressed his support of the additional recommendations of approval as stated by staff earlier in the meeting. In addition, Mr. Wolf maintained the applicants should follow through with the drainage master plan to assure each of the neighbors concerns are met. Mr. Wolf noted a major concern of the Association has always been the preservation of Claggett Creek and the surrounding wetlands. Mr. Wolf also voiced his concern with the number of lots proposed for this subdivision and the possible effects upon the wetlands.

Jerry Groff, 5478 River Road S, Salem stated the number of lots cannot be reduced in order to comply with the zoning regulations. Mr. Groff added once the approval process is complete, the developer will be able to move forward with the improvements to the subdivision and homes. However, he disagrees the improvements to the property as being the reason the adjacent properties have seen increased flooding.

Mr. Groff expressed his concern the City may require the developer to be responsible for the costs of the construction of a culvert along adjacent properties.

In response to a question from Councilor Miller, Mr. Groff stated Mr. Sullenger did work with an adjacent property owner to remove trees from another adjacent parcel of land.

There was no further testimony to come before the Council.

Councilor Miller moved to direct staff to prepare an Order upholding the hearings officer's decision including the additional conditions as recommended by staff (i.e. ... A wetlands analysis will be prepared by a qualified wetlands expert and accepted by

the Community Development Department determining if there are wetlands impacts and including a plan for mitigation of any impacts. The Plan must be implemented prior to the platting of the subdivision. The storm drainage plan required by the Hearings Officer shall include a plan to convey a storm waters through the subject property so that there is no additional flooding of adjacent properties beyond levels occurring prior to the development of the property. Plus the drainage plan will be approved by the Public Works Department. Councilor Keller seconded the Motion.

Mayor Koho noted he will be supporting the motion, however it is difficult to make a decision on increasing the supply of affordable housing possibilities and to also provide the needed protection for the natural areas of Claggett Creek.

Councilor Watson requested staff investigate placing a condition on each of the deeds of the property adjacent to the wetland area advising the owner they are wetlands and to provide the necessary protection for these properties. In addition, he asked staff explore the possibility of acquiring an easement on the property.

Mr. Morgan noted a wetland easement is commonly used in these type of cases to protect the area.

The Council agreed by consensus to include the direction as set forth by Councilor Watson.

Councilor Beach stated the testimony provided showed the developer followed the requirements of the law and hoped the developer would provide additional relief for the drainage issues to the adjoining property owners.

Mayor Koho recessed the public hearing until August 7, 1995 at 7:00 p.m.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Miller, and Watson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Patterson (2)

ADMINISTRATIVE ACTION

RESOLUTION - AUTHORIZE THE CITY MANAGER TO SIGN PROPERTY PURCHASE AGREEMENT (SE KEIZER NEIGHBORHOOD PARK)

Wally Mull, Public Works Director reported staff has completed the negotiations to purchase a parcel of property located on Alder Drive for a park in the south east portion of Keizer. Mr. Mull recommended the Council authorize the City Manager to sign the agreement to purchase the property.

Councilor Miller moved a Resolution Authorizing the Purchase of Real Property Located at 1595 Alder Drive NE, Keizer, Oregon for Park Purposes and Authorize the City Manager execute the Sale Agreement. Councilor Watson seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Miller, and Watson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Patterson (2)

OTHER BUSINESS

There was no other business to come before the Council.

WRITTEN COMMUNICATION

There was no written communication to come before the Council.

EXECUTIVE SESSION

The Council adjourned to executive session at 8:56 p.m. pursuant to ORS 192.660(1)(I) - City Manager Evaluation.

The executive session was adjourned at 9:40 p.m.

The Council reconvened the regular session at 9:40 p.m.

Mayor Koho moved that the City Manager be awarded a 3% cost of living increase effective July 1, 1995. Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Miller and Watson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Patterson (2)

Mayor Koho moved that the City Manager be given a 2% performance increase effective July 1, 1995. Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Miller and Watson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Patterson (2)

Mayor Koho moved that the City Manager be given a minimum 3% performance increase effective January 1, 1996 contingent on continued satisfactory performance. Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Miller and Watson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Patterson (2)

ADJOURNMENT

The meeting was adjourned at 9:52 p.m.

Tracy L. Davis
City Recorder

**APPROVED:
MAYOR:**

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Jerry Watson

Councilor #4 - Carl Beach

(absent)

Councilor #2 - Chet Patterson

Councilor #5 - Al Miller

Councilor # 3 - Jim Keller

(absent)
Councilor # 6 - Jerry McGee

MINUTES
KEIZER CITY COUNCIL
Monday, July 17, 1995
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:00 p.m.
Roll call was delayed until 7:05 p.m. when a quorum was present.
Roll Call was taken as follows:

Present

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry Watson, Councilor
Al Miller, Councilor, arrived at 7:15 p.m.

Absent

Jerry McGee, Councilor
Chet Patterson, Councilor

Staff

Dotty Tryk, City Manager
John Morgan, Community Development Director
Charles R. Stull, Chief of Police
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
Nona Oxe', Recording Secretary

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

COMMITTEE REPORTS
SWEARING IN - RESERVE
OFFICERS

Police Chief Stull advised that the swearing-in ceremony was being postponed due to health problems.

Because a quorum was not present, Mayor Koho deferred the hearings. The item regarding Curfew Hours for Minors was taken out of order and considered at this time.

ADMINISTRATIVE ACTION

ORDINANCE - CURFEW HOURS FOR MINORS

Police Chief Stull presented the proposed amendment to the City's current ordinance regarding curfew. He introduced two members of the Juvenile Justice Committee; Jeri Hemmer and Joe Coons.

(Mayor Koho noted that a quorum was now present. Roll Call was taken at this time.)

Joe Coons introduced the remaining members of the Committee charged with developing a curfew ordinance.

Mr. Coons described the process taken in formulating the draft ordinance, which began about four months ago. At the beginning, everyone on the Committee talked to different cities and found out what they were doing. The information was reviewed and evaluated, and then used to formulate the proposed draft.

Mr. Coons noted that the State of Oregon has had a curfew for some time. He pointed out, however, that cities are permitted to have more restrictive regulations if the need is seen. After evaluating curfews adopted by other cities, the Curfew Committee is recommending a 17-years and under curfew with one set curfew hour.

Jerry Hammer reviewed the proposed ordinance. She pointed out concerns that were considered in developing the draft, taking into consideration the activities that are available for juveniles in Keizer in the evening, and the need to provide protection to the City's youth.

Ms. Hemmer noted that proposed curfew is for those under the age of 18, from the hours of 11 p.m. to 5 a.m., with a few exceptions. She reviewed the exceptions, and penalty provisions. She noted that the emergency ordinance would take effect immediately upon adoption.

Ms. Hemmer displayed a brochure that will go out to the community advising of the ordinance and explaining the provisions.

(Councilor Miller arrived and took his seat at the Council table.)

Discussion followed regarding the provisions of the proposed ordinance.

Ms. Hemmer, Mr. Coons, and Chief Stull responded to concerns about the difference in curfew hours in the county and various cities; possible over-restrictive hours for the 16-17 dating age; the parental responsibility provisions; the responsibility for determination of a structured activity; the lack of delineation for Friday and Saturday nights; the fine structure; and, school notification of curfew violators.

Mayor Koho summarized the discussion and noted that there appeared to be general support for an ordinance. It was his impression that all of the Council would like some changes made to the draft, particularly in establishing a maximum family fine of \$500, and more closely matching other jurisdictions. He suggested two choices for Council to consider: provide staff with direction for revising the draft, or set the matter over for a workshop.

A member of the audience indicated a desire to speak to the Council regarding the proposed ordinance. Mayor Koho advised that the matter was not scheduled as a public hearing.

Chief Stull suggested that the matter come back to Council at a workshop at which time Council could evaluate the concerns expressed and hear the concerns of the citizens. After that meeting, staff would come back with another draft of the ordinance. He pointed out that this was the first opportunity for staff and the Committee to hear Council's suggestions.

After discussion regarding scheduling, it was the consensus of the Council to discuss the curfew ordinance at the Council Workshop on August 14 at 5:30 p.m., at which time the Council will also be discussing the City's truancy ordinance. Mayor Koho noted that the public is invited to speak at the workshop.

PUBLIC HEARINGS

ORDINANCE - CLAGGETT CREEK CEMETERY - COMP PLAN/ZONE CHANGE

Mayor Koho reopened the public hearing.

Councilor Watson advised the Council that he had listened to the tapes of the testimony presented at the June 19 public hearing.

Community Development Director Morgan recounted Council's

direction at the last meeting to work with the applicants and neighbors for some resolution as to an appropriate buffer between the Cemetery and adjoining properties. He noted that some of the participants were not available to meet and discuss potential conditions of approval during the two weeks since that meeting.

Mr. Morgan relayed the Cemetery Association's intent to fence the expansion property (Lot 23) as the existing cemetery is fenced, being a six foot chain link fence without any sight obscuring slats. Also, the plan is to plant trees along the property lines in much the same manner as the existing cemetery, and to allow plots to be located adjacent to the trees which will result in a setback of five or six feet from the property line.

Mr. Morgan noted that as of today staff had made contact with all the parties. None of the neighbors felt that the Cemetery Association/Mr. Lyman's plan responded to their positions presented in the first part of the public hearing.

Staff recommended that Council consider the following four options for action:

1. Approve Mr. Lyman's proposed plan.
2. Approve the plan with additional conditions of approval based on the neighbors' testimony.
3. Continue the hearing until August 7, 1995 in order to allow the parties to meet to attempt to reach a resolution of their differences.
4. Deny the application.

Presenting testimony to the Council were:

George Lyman, Vice Chairman Claggett Cemetery Association, 4482 Indigo, NE, Salem, recounted events two years ago leading to the Cemetery Association's acquisition of the additional property for expansion. He noted that at that time the possibility of continuing the cyclone fence around the perimeter of Lot 23 was discussed, along with plans to continue some cedar trees as are growing along the east boarder of the cemetery.

Mr. Lyman pointed out that all markers in the new area will be flush with the ground, and there is no noise from the cemetery.

Mr. Lyman confirmed that Cedar Trees, currently about 3-foot

in height, have been growing for two years in pots in his backyard in anticipation of the expansion.

Councilor Miller recalled that at the first part of the hearing there was a request for visual obscuring. He confirmed that he understood the request to be for property at the end of the cul-de-sac, and asked for Mr. Lyman's response to the request. Mr. Morgan agreed that the end of the cul-de-sac is the area of concern which includes two adjacent properties.

Mr. Lyman did not object to a visual barrier on the cul-de-sac area, such as an Arborvitae.

Councilor Keller wondered how long it would be before the current three-foot trees would become sight obscuring. Mr. Lyman felt it would be another year. He also anticipated it would be about a year before anything would be added to the area relative to the cemetery.

Councilor Watson noted that in listening to the tapes of the first part of the hearing it didn't appear that neighbors were concerned about being close to the cemetery. However, he wondered if it would be feasible to delay use of the land closest to the abutting properties until the cedars and Arborvitae have time to fill in. Mr. Lyman answered that land use would start at the existing cemetery and work northerly. He anticipated that it would take five years to presell any property in this section.

Councilor Beach felt that people would not object to viewing the cemetery with flat headstones, but would like to be blocked from any interment taking place. He felt some type of visual barrier would be appropriate.

Mr. Lyman noted that people were apprised of the property becoming cemetery land before they purchased their properties. He had no disagreement with providing a visual barrier at the cul-de-sac, but felt that property owners could put up their own fences.

For clarification, Mr. Morgan noted that the Order is drafted to apply the conditional use to both the existing and new cemetery. Any conditions that Council wished to attach could apply to the entire cemetery or to only Lot 23. He emphasized that Council would need to be specific in directing where conditions would apply. He pointed out that the existing cemetery has a chain link

fence around it, and the adjacent property owners have all put up some kind of barrier behind the cemetery's fence.

Councilor Miller asked if a short stretch of land without a house on it existed on the cul-de-sac. Mr. Morgan responded that about one-third of the cul-de-sac was vacant, whereby the cemetery land would be visible from the street.

Betty Stanley, 6759 Westridge Court, Keizer, stated that her property is two lots over from Lot 23. Ms. Stanley advised that she and her neighbor, Tim Smith, agreed that if fencing, chain link or wooden, and landscaping such as trees or shrubs, were installed by the Cemetery at the cul-de-sac, it would address their concerns about the visual impact when driving into Westridge Court. Mayor Koho asked if chain link fence and Arborvitae would be satisfactory. Ms. Stanley indicated approval.

Bob French, 1384 Manzanita, Keizer, supported the zone change. He emphasized that the cemetery is a historical treasure of Keizer, and described its historical value. He and Mr. Lyman responded to questions about the history of the cemetery, its size, and its economic viability.

Councilor Keller asked if there was any possibility of future access to the cemetery off Westridge. Mr. Morgan indicated that the condition would probably be worded to say that there is no access at Westridge. He confirmed that if agreed to, it would need to be in the conditions.

Councilor Keller asked if vegetation could be planted on the outside of the chain link fence. Mr. Morgan answered that it could be a condition of approval.

Discussion followed regarding the Conditions that should be applied. It was agreed to require a 6-foot chain link fence along the cul-de-sac with vegetation that would obscure the fence. Also that the vegetation be planted on the outside of the fence; and that access from Westridge be restricted.

Councilor Watson suggested that maintenance of the fence and vegetation also be required.

In response to questions about the height of a planted barrier, Mr. Morgan explained that standard language for height requirements is that any vegetation has to be able to achieve the

height in question within three years of the date of planting.

Mayor Koho confirmed Ms. Stanley's understanding that the Cemetery Association would provide the fencing and vegetation for Lot 23, and the fencing along the two abutting properties would be the responsibility of the property owners.

City Attorney Johnson indicated that from Council's comments he had roughly drafted language for the Order. It would provide that a cyclone fence be installed, with no gate and no access either pedestrian or vehicular allowed via Westridge Court. The portion of Lot 23 of the Ridge that abuts on Westridge Court would be planted in Arborvitae or other hedge to achieve six-foot height within three years.

Mr. Johnson explained that it would just be the portion that fronts on Westridge Court that would have a hedge, but the remaining boundary of Lot 23 that abuts residential properties shall be planted in Cedar Trees within a certain amount of time, and also that the remainder of the properties would be fenced by the applicant. He explained that the hedge would be on the front of the Court, but the fence would be all the way around.

Mayor Koho felt that Mr. Johnson's understanding was somewhat different from Council's intent. He requested that Mr. Lyman indicate his intent.

Mr. Lyman stated that the Cemetery Association had proposed to enclose the entire perimeter of Lot 23 with a cyclone fence--Cedar Trees to be on a good portion of the border, except for the cul-de-sac, where Arborvitae would be placed on the outside of the cyclone fence to barricade that portion. He confirmed that the entire cemetery would be enclosed with cyclone fencing.

Mayor Koho indicated Council's agreement with Mr. Lyman's proposal.

There was no further testimony to come before the Council.

Mayor Koho closed the public hearing.

Mayor Koho directed staff to bring back an ordinance on the August 7 agenda, reflecting Council's direction with regard to the buffer.

**ORDER -
Conditional Use Permit
Case No. 95-2 - Keizer City
Hall/Keizer Heritage**

Mayor Koho reopened the public hearing.

Councilor Watson advised the Council that he had listened to the tapes of the testimony presented at the June 19 public hearing.

City Attorney Johnson recalled that at the last meeting staff was directed to come back with an Order granting the Conditional Use Permit based on the conditions set forth in the staff report. He noted that in response to a discussion about the operating hours, and further evaluation by staff, one change was made. It was felt that extending hours by approval of neighboring residents might not be practical. Therefore, the condition regarding the operating hours was revised to indicate that if Keizer Heritage wishes the hours to be extended, they may make application to the City Council to modify the Conditional Use Permit. Staff recommended approval of the Conditional Use Permit.

Presenting testimony to the Council were:

Holly Erickson, 4775 Verda Lane, Keizer, indicated support for the Conditional Use Permit.

Bob French, 1384 Manzanita St. NE, Keizer, praised City Manager Tryk and City Attorney Johnson for their cooperation and hard work in bringing the matter to completion. He indicated his support for the Conditional Use Permit.

Mayor Koho closed the public hearing.

Councilor Miller moved an Order in the Matter of the Application of Keizer Heritage Foundation, Inc. for a Conditional Use Permit for Property Located at 930 Chemawa Road NE, Keizer, Oregon, (Case No. CU 95-2). Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Watson, and Miller (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Patterson (2)

**ADMINISTRATIVE
ACTION**

Because of its relationship to the above hearing, this item was taken out of order.

RESOLUTION -

Ground Lease Agreement - Keizer Heritage

City Attorney Johnson distributed copies of the amended agreement and explained the changes relating to Casualty Insurance, Extensions of the Lease, and Removal of Underground Fuel Storage Tanks.

Councilor Miller Moved for a Resolution Authorizing the City Manager to Sign a Ground Lease with Keizer Heritage Foundation, Inc., as amended. Mayor Koho seconded the Motion.

Councilor Keller asked if the lease agreement would allow the Chamber of Commerce to come in as a tenant of the Keizer Heritage Foundation. City Attorney Johnson answered that it would; as a non-profit group there would be no problem with approval of the Chamber as a tenant.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Watson, and Miller (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Patterson (2)

HEARINGS

ORDINANCE -

Periodic Review - UT Zone Change

Mayor Koho reopened the public hearing.

Councilor Watson advised the Council that he had listened to the tapes of the testimony presented at the June 19 public hearing.

Community Development Director Morgan stated that the Ordinance represents the Council's decision at the June 19 public hearing.

There was no public testimony to come before the Council.

Councilor Keller asked for confirmation that the change in the zoning would not affect any activity engaged in on the St. Edwards property with regard to farming, the Keizerfest, etc. Mr. Morgan answered that it would not. He explained that the farming is considered nonconforming; and, Keizerfest is considered ancillary to the Church operation, and is permitted. Mr. Morgan reviewed the provisions for non-conforming uses.

Mayor Koho closed the public hearing.

Mayor Koho moved for an Ordinance in the Matter of the Keizer Periodic Review (Rezone of Urban Transition Land); Amending Ordinance No. 87-077; and Declaring an Emergency. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Watson, and Miller (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Patterson (2)

RESOLUTION -

**Solid Waste Collection Rate
Change**

Mayor Koho opened the public hearing.

City Manager Tryk noted that the City's two refuse collection franchises have requested two minor modifications to their rate schedule. The schedule had not been modified since 1991.

Ms. Tryk reviewed the request for an increase in the rates for medical waste collection. She explained that the requested increase represents a pass-through of a 15% increase imposed on the refuse haulers by Marion Environmental Services.

Ms. Tryk described the second change; the establishment of rates for a new 32-gallon roll cart service for residential customers, and a new 32-gallon roll cart service for commercial customers.

Ms. Tryk noted that the revenue benefit to the City from the modified schedule would be negligible.

Ms. Tryk reviewed the City's current procedure for adopting refuse collection rate changes by Order of the City Council. She pointed out the difficulty in tracking an Order, and requested that Council take the stronger step of adopting the rate change by Resolution.

Presenting testimony to the Council were:

Bob French, 1384 Manzanita Street, NE, Keizer, spoke of his past professional association with the refuse collection consortium in the State of Oregon. He expressed support for the proposed rate schedule.

Dan Porth, 1395 Liberty, SE, Salem, a CPA retained by Marion

Recycling, indicated that he was here to present the financial information that was submitted to the City Manager relative to medical waste collection. He explained the components in determining costs for the medical waste collection. He indicated that the increase was necessitated by the increase in costs to the refuse companies, particularly with regard to the mandated medical waste packing materials. He noted that the companies have been absorbing the costs and were not generating enough revenue to adequately replace equipment and maintain building and grounds.

Mary Kanz, 3680 Brooklake Road NE, Salem, Executive Director of Mid-Valley Garbage and Recycling Association, pointed out that the medical waste collection service is for commercial customers only. Less than two dozen are serviced within Keizer. She reviewed the requirements for medical waste collection, and noted that this is the first request for an increase in medical waste collection rates separate from the usual garbage collection rate request.

Councilor Beach asked if the roll cart service was separate and apart from medical waste rate request. Ms. Kanz answered that they are totally separate.

Councilor Beach then asked if the 32-gallon roll carts are subject to purchase or provided by the haulers. Ms. Kanz responded that the haulers would provide the cart, as is done with the 90-gallon cart. Councilor Beach wondered if a customer could purchase a smaller cart through the supplier. Ms. Kanz answered that it was not done because replacement of a damaged cart could not be guaranteed. In response to a question from Councilor Beach about the cost of carts, Ms. Kanz noted that a 32-gallon roll cart costs around \$50.00.

Councilor Miller asked if the rate for a 90-gallon cart would change. Ms. Kanz answered that it would not.

With regard to the medical refuse collection rates, Councilor Watson asked if his understanding was correct, that the Association bills customers separate from the City's two haulers. Ms. Kanz answered that he was correct.

Mayor Koho closed the public hearing.

Mayor Koho moved for a Resolution Amending the Solid Waste

The Motion passed as follows:

AYES: Beach, Keller, Koho, Watson, and Miller (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Patterson (2)

ADMINISTRATIVE ACTION

RESOLUTION -

Authorizing Cost of Living Increase for City Employees

City Manager Tryk stated that traditionally the Council looks at the City's compensation package on an annual basis to adjust for changes in the cost of living. She noted that over the past twelve months, the cost of living on a month to month basis has ranged from 2.4 in the early part of the year to 3.2 the last two months; the average being 2.85 from May to May. She pointed out that based on current reports, the average continues at about 3.2.

Ms. Tryk noted that as a part of the Collective Bargaining Agreement with the Police Association they will be receiving a 3% cost of living increase effective July 1. She called attention to a survey of comparable cities indicating what they are expecting to offer to their employees as cost of living adjustments.

City Manager Tryk recommended that the Council grant a 3% cost of living increase to non-represented employees. She noted that the cost over budget amounts to about \$6,200 over all funds. In addition, Ms. Tryk recommended appointment of a task force to review and report back to the Council on discrepancies in some fringe benefits, concerns about PERS and Measure 8 implications, and possible adjustments in individual salaries based on a compensation matrix.

Mayor Koho recalled that Council had previously mentioned a need for more consistency from employee group to employee group.

Councilor Keller called attention to the peaks and valleys in tracking the CPI over a 12-month period. Ms. Tryk responded to his questions about possible reasons for the rise from 2.85 to 3.2 over the last two months. Councilor Keller pointed out that a 2.7 increase was budgeted, and the 12-month average came out at 2.85. He indicated that he would like to see some consistency in determining pay raises, and felt Council should go with the 2.85

average.

Ms. Tryk pointed out her two-fold reason for recommending a 3% increase: since the Police Association is getting 3%, for internal consistency non-represented employees should receive 3%; and, over this year the moving CPI has continually increased.

Mayor Koho relayed a message from Councilor McGee that his position would be lower amount.

Councilor Beach indicated that Councilor McGee also called him, indicating support for the 2.85% increase. Councilor McGee had also emphasized his position to establish a principle for abiding by the CPI with no rounding up or down.

Councilor Miller also felt that it would be improper to round off one way or the other. Since Council would be negotiating with represented employees in the future and could take the difference into consideration, he was not concerned that the increase for non-represented employees was not the same. He will support the 2.85% increase as consistent with what has been done in the past.

Councilor Watson had also talked to Councilor McGee. Councilor Watson did not recall past Council conversations as being exactly determinant of what to do, however, he felt that since the increase is characterized as a cost of living increase he will support 2.85%.

Mayor Koho reiterated his feeling that it made sense to be consistent from employee group to employee group. He stressed the importance of considering the effects on the employees.

Councilor Keller asked for clarification from the City Manager on the request for establishment of a task force. Ms. Tryk reviewed the discrepancies in fringe benefits and inconsistencies in salaries, noting the need for review and recommendation to Council.

Councilor Keller felt the understanding was to base any increase on the CPI, and therefore he would be supporting the 2.85%. He suggested that any change be discussed in a setting with full discussion and input.

Ms. Tryk restated her recommendation that Council approve a cost of living increase for non-represented employees, at a level set by Council, and appoint a task force to perform an independent review of fringe benefits and salaries and bring a recommendation to Council in a couple months.

Councilor Miller moved to direct staff to bring back a resolution which authorizes a 2.85% cost of living increase effective July 1, 1995 for all non-represented employees. Councilor Keller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Watson, and Miller (4)

NAYS: Koho (1)

ABSTENTIONS: None (0)

ABSENT: McGee and Patterson (2)

CONSENT CALENDAR

The consent calendar consisted of the following:

- a. RESOLUTION - Workers' Compensation Insurance Renewal for 1995-96
- b. RESOLUTION - Declare Surplus Property (DARE Car)
- c. RESOLUTION - Appointing Pro Tem City Recorder
- d. RESOLUTION - Initiating Hidden Creek Phase 3 Lighting District
- e. RESOLUTION - Access to Whiteaker Middle School
- f. Motion appointing a Financial Planning Task Force
- g. Approval of June 19, 1995 Regular Session Minutes

Councilor Miller removed items "a" and "e" from the consent calendar. Mayor Koho removed item "f", and Councilor Watson removed item "g."

Councilor Keller moved for approval of items "b," "c," and "d" on the Consent Calendar. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Watson, and Miller (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Patterson (2)

Item "a" - RESOLUTION - *Workers' Compensation Insurance Renewal for 1995-96*

Councilor Miller requested clarification of the costs to the City relative to the CIS (pooled self-insurance program) premium and deductible. City Manager Tryk explained that the \$46,000 premium will be reduced by the \$15,000 deductible. The City will pay quarterly payments totaling \$31,000 for the year. In addition, the City will be billed for every loss up to a total of \$15,000. Ms. Tryk explained how participation in the self-insurance program would differ from participation in SAIF, and noted the anticipated savings to the City.

Councilor Miller pointed out that the current cost with SAIF is \$49,000, however, the City recently received a dividend of \$6,200.

Ms. Tryk noted that the City will receive a dividend check from CIS of \$4,500.

Mayor Koho moved for a Resolution Accepting Workers' Compensation Liability. Councilor Watson Seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Watson, and Miller (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Patterson (2)

Item "e" - RESOLUTION - *Access to Whiteaker Middle School*

Councilor Miller noted that since the last meeting where the access was discussed, he was informed of an alleyway access on the north end of the Whiteaker Middle School property, outside the fence, that goes to 14th Street. After visiting the site, he felt that this location might be a more logical place to put access with a road along the west side of the Whiteaker property from the

property out to the corner. It would allow the buses to go out on 14th Street, quite a distance from Lockhaven. He felt this location should be looked at by the school district.

Councilor Miller indicated that he would like to change the resolution to include a new access east of McLeod Lane or west of 14th Street NE.

Councilor Watson felt that the adjacent neighbors would not like to see the alley turned into a very long driveway.

Mayor Koho supported a change in the resolution that would ask the school district to look at the two alternatives and make an assessment.

After discussion, it was agreed to revise the language in paragraph 3 of the resolution to add "or west to 14th Street," paragraph 4 to say that "the City of Keizer, Oregon calls upon the Salem/Keizer Public Schools Board of Education to assess the viability of a new access and requests that it share its findings with the City of Keizer, and paragraph 5 to indicate full cooperation and assistance by City Staff in designing "any" new access.

Mayor Koho moved for a Resolution Asking the Salem/Keizer School Board to Construct an Additional Access to Whiteaker Middle School. The Motion was seconded by Councilor Miller.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Watson, and Miller (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Patterson (2)

Item "f" - Motion appointing a Financial Planning Task Force

Mayor Koho relayed Councilor McGee's concerns about putting the community policing districts at same level as the neighborhood associations in formulating the task force. Councilor McGee felt that community policing as a whole should have representatives on the task force, but that the task force should not have representatives from each individual district.

Mayor Koho had discussed with Councilor McGee changing the composition to one community policing member, possibly Jim

Warner who appeared first on the list, and adding the next two, Joe Coons and Jim Duke, as at-large members.

Concerns were expressed about the size of the committee and the manner in which it would operate. City Manager Tryk confirmed that the committee would report directly to the Council.

In response to a question about how the names were chosen, Mayor Koho indicated that he suggested the Council representatives and requested input from staff. The list went to the Volunteer Coordinating Committee where additional names were added. All persons on the list were contacted by the City Manager to see if they wished to participate.

Mayor Koho confirmed that the recommendation is to approve the list as modified, naming Joe Coons and Jim Duke as at-large members.

Mayor Koho moved to appoint a Financial Planning Task Force to develop a long-term financial strategy. Councilor Miller seconded the motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Watson, and Miller (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Patterson (2)

Item "g" - Approval of June 19, 1995 Regular Session Minutes

Councilor Watson indicated that he would abstain from voting on the June 19 minutes inasmuch as he was not present at that meeting.

Mayor Koho moved to approve the June 19, 1995 Regular Session Minutes. Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, and Miller (4)

NAYS: None (0)

ABSTENTIONS: Watson (1)

ABSENT: McGee and Patterson (2)

OTHER BUSINESS

Councilor Beach questioned the City's billing procedures for delinquent water bills with regard to tenants and landlords. Public Works Director Mull advised him of the procedure, and indicated that a landlord can request in writing to be notified of a tenant's delinquent account.

Councilor Miller questioned City Manager Tryk about a 911 complaint. City Manager Tryk indicated that she would receive a report tomorrow, and relay the information to the Council.

WRITTEN COMMUNICATIONS

There were no written communications to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items.

ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

Nona M. Oxe'
City Recorder Pro Tem

APPROVED:

MAYOR:

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Jerry Watson

(absent)

Councilor #2 - Chet Patterson

Councilor # 3 - Jim Keller

Councilor #4 - Carl Beach

Councilor #5 - Al Miller

(absent)

Councilor # 6 - Jerry McGee

Minutes approved:

