

CITY COUNCIL AGENDA PACKET

MONDAY
AUGUST 6, 2001

- 6:15 P.M. EXECUTIVE
SESSION
- 7:00 P.M. CITY COUNCIL
REGULAR SESSION

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

CITY OF KEIZER MISSION STATEMENT

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

A G E N D A

KEIZER CITY COUNCIL
EXECUTIVE SESSION

Monday, August 6, 2001

6: 15 p.m.

Keizer, Oregon 97303

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCUSSION**
 - a. Pursuant to ORS 192.660(1)(h) - Litigation
 - b. Pursuant to ORS 192.660(1)(l) - City Manager Evaluation
4. **ADJOURN**

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

The Oregon Public Meeting Law authorizes governing bodies to meet in executive session in certain limited situations. An executive session is defined as any meeting or part of a meeting of a governing body which is closed to certain persons for deliberations on certain matters as defined by ORS 192.660. These sessions are closed to the public and under certain circumstances the media also. The governing body is not allowed to take final action or make any final decisions during the executive sessions. Any final action or decision must be made after returning or at the next regularly scheduled meeting.

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
REGULAR SESSION

Monday, August 6, 2001

7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. COMMITTEE REPORTS

a. Volunteer of the Quarter Award – Mary Opra

b. Council Liaison Reports

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

5. OTHER BUSINESS

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

a. New Business

b. Old Business

6. PUBLIC HEARINGS

a. Infill Master Plan

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

c. Inferno Dance Club Liquor License Application

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

d. Water and Sewer Administrative Fee

7. ADMINISTRATIVE ACTION

- a. ORDINANCE – Establishing Keizer Park Regulations (Repealing Ordinance Nos. 93-266 and 2001-455)
- b. Authorization to Borrow Funds to Meet General Fund Cash Flow Needs

8. CONSENT CALENDAR

- a. RESOLUTION – Certifying Street Lighting Assessments
- b. Approval of July 9, 2001 Work Session Minutes
- c. Approval of July 16, 2001 Regular Session Minutes

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

10. AGENDA INPUT

August 13, 2001

5:30 p.m. City Council/Parks Advisory Board Work Session

- Annual City Parks Tour

August 14, 2001

5:30 p.m. Joint Work Session Between City Council and Keizer Urban Renewal Board

August 20, 2001

7:00 p.m. City Council Regular Session

- Legislative Amendment to Re-designate Chalmers Jones Park and Clarify Boundaries (cont from 7-16-01)
- Volunteer Coordinating Committee Resolution
- Infill Master Plan ~(Continued from August 6, 2001)

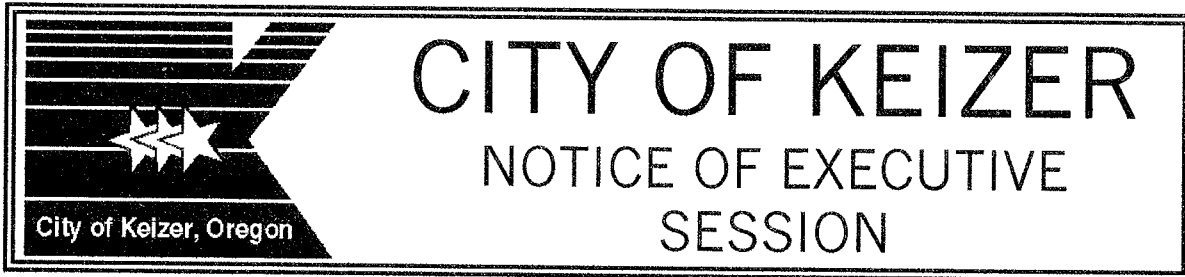
September 4, 2001 (Tuesday)

7:00 p.m. City Council Regular Session

11. ADJOURN

FAXED
8/2/01

KT 2
statesman



NOTICE is hereby given that the City Council of the City of Keizer will hold an executive session on **Monday, August 6, 2001 at 6:15 p.m.** The Executive Session is being held pursuant to ORS 192.660(1)(h)-Litigation and ORS 192.660(1)(l)-City Manager Evaluation.

The Executive Session will be held at Keizer City Hall, 930 Chemawa Road NE, Keizer, Oregon.

Questions regarding this session may be directed to Chris Eppley, City Manager at 390-3700 extension 102.

Dated this 1st day of August, 2001.

Tracy L. Davis, CMC
City Recorder

Notice for Information Purposes Only.

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AGENDA ITEM 4a

Volunteer of the Quarter Award - Mary Opra

CITY COUNCIL MEETING: August 6, 2001

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

SUBJECT: VOLUNTEER OF THE QUARTER AWARD

ISSUE:

The Volunteer Coordinating Committee recently selected Mary Opra as the Volunteer of the Quarter for the second quarter 2001. Ms. Opra has been an active volunteer within the community. Anne Rasmus, Chair of the Volunteer Coordinating Committee will be present at the meeting to introduce Ms. Opra.

VOLUNTEER OF THE QUARTER
2nd Quarter 2001

MARY BAUER OPRA has been chosen as Volunteer of the Quarter, 2nd Quarter 2001.

She is a young woman who considers family and community as top priorities in her life. She has been active in all the schools her children have attended, which includes school programs, volunteering, and sports. She was the president of the Gubser LSAC and is now involved with a similar program at Whiteaker School. With the new schools built in our area, Mary served on the Boundary Committee. For many years, she was the Coordinator of our local Junior Miss Program. She has moved on as Junior Miss State Coordinator and is now involved in National events.

Mary has been a Board member of Keizer Chamber several times and she is an active participant. From one year to the next, she is a good source of continuity for the new Board. She even calls herself "The Budget and Bylaws Queen" because those are 2 items where she puts her focus. This is good for the efficiency of the Board as a whole. Other Chamber committees that she has dedicated her time and energy are:

- Keizer's First Citizen Banquet Committee
- Helping with the Chamber Christmas baskets
- The Iris Festival Committee
- Chamber Representative- Fundraising Committee for Keizer Heritage Community Center.

Besides all these activities, Mary works full time as equal partner at R. Bauer Insurance. Wherever you see Mary, she greets you with a kind heart, a helpful attitude, and a smile.



AGENDA ITEM 6a

Public Hearing-Infill Master Plan

MEMORANDUM

To: Mayor Christopher and City Council

From: Maria Meier, Planning Director

Through: Chris Eppley, City Manager

Date: August 1, 2001

Re: Proposed Infill and Redevelopment Master Plan

BACKGROUND

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

PLAN PURPOSE AND GOALS

Plan Purpose

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

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

Plan Goals

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

Create Efficient Development

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

Improve Neighborhood Quality

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

CITIZEN INVOLVEMENT PROGRAM

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

- ❖ “Stakeholders” are property owners who own property that has an existing use on site and has potential to be further developed. City staff and the consultant met with five stakeholders individually to discuss potential development options under the current Development Code and share ideas. Case Studies were completed for each property discussed.
- ❖ A “Citizen Advisory Committee” (CAC) was established to represent members of the community in the planning process. The CAC includes development review staff, urban service providers, developers, private architects/planners, realtors and lenders, neighborhood association representatives and citizen stakeholders. In addition, Keizer technical staff will participate including Keizer Fire District, Marion County Fire District, Public Works Department and Engineering Department.
- ❖ Public Workshops were incorporated into the CAC schedule to engage public participation and receive input. This was an open format with the meetings facilitated by the consultant. Topics discussed are identified on the attached Citizen Involvement Program schedule.

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

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

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

PLANNING COMMISSION

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

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

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

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

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

RECOMMENDATION

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

ATTACHMENTS

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

Public Involvement Program

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

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

To: Infill Citizen Advisory Committee

Cc: Denny Egner, Planning Consultant
Technical Staff

From: Maria Meier, Planning Director

Date : April 5, 2001

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

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

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

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

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

- ◆ Property located at 4848 Rickman (southeast corner of Rickman and Dunlin Ct) was partitioned to create two 4,000 square foot minimum lots and created attached zero lot line dwellings.
- ◆ McLeod Acres Subdivision located on Sandra Lee Way (Private Street) and McLeod Lane, directly across Northtree Drive has generated a lot of discussion amongst the community. The subdivision contains a private street to the standards allowed in the Keizer Development Code. The width of the street is a 25-foot easement, with a 20-foot wide improvement – No parking on either side of the street. The developer chose to create larger lots rather than create on-street parking. The larger lots will require three parking spaces on each lot, instead of the standard two on-site, and one off site.
- ◆ Gander Subdivision is located at 5030 Windsor Island Road N. This property is on the east-side of Windsor Island Road, the third lot north of Chemawa Road. This subdivision was created with a 20 foot access easement to serve four dwellings.
- ◆ Jordon Run Subdivision is located at the 3800 block of Brooks Avenue NE. The subdivision is served by a private street named Angie Way NE. The improvement is 29 feet with a 1 foot reserve strip along the north side of the street. Essentially, this improvement design (plus the one foot additional improvement) is what is being recommended for infill streets serving more than 4 lots.
- ◆ Property located at 1840 Claxter Road NE, at the far east end of the street on the south side of the road. A 30-foot wide access and utility easement with a bulb cul-de-sac design services the three lots created in the back of the lot.
- ◆ Property located at 531 Cummings Lane N. was partitioned into three lots. Notice the 20-foot wide access easement that services the lots. These lots were created at a time when the minimum lot size was 4,000 square feet and the access easement was included in the minimum lot size. Following the development of this property, the City increased the minimum lot size to 5,000 square feet and the access easement cannot be included in the minimum area for a parcel.

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

To: Planning Commissioners

From: Maria Meier, Planning Director

Date: February 23, 2001

Re: Infill Citizen Advisory Committee Meeting

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

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

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

To: Mayor Christopher and City Councilors
Cc: Chris Eppley, City Manager
From: Maria Meier, Planning Director
Date: February 23, 2001
Re: Infill Citizen Advisory Committee Meeting

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

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

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



City of Keizer

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

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

May 17, 1999

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

To Whom It May Concern:

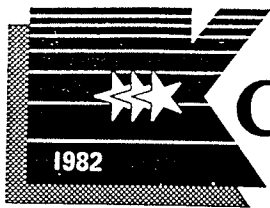
I am writing to you in support of a very important project worth of TGM Program funding. As you may be aware, the City of Keizer is quickly running out of vacant land for residential development. As a result, most of the residential growth that is occurring in Keizer is "infill development." Since this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

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

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

Sincerely,


Bob Newton
Mayor



City of Keizer

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

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

May 12, 1999

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

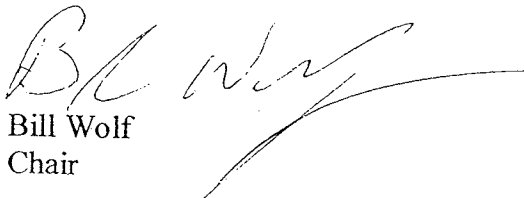
To Whom It May Concern:

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

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

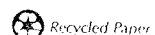
Again, the Planning Commission is very supportive of this project, and is willing to work very hard to make it a success. We hope that you find it worthy of funding. Thank you for your consideration.

Sincerely,


Bill Wolf
Chair

"Pride, Spirit and Volunteerism"

Incorporated 1982



PLANNING COMMISSION
CITY OF KEIZER
STATE OF OREGON

Resolution R99-01

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

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

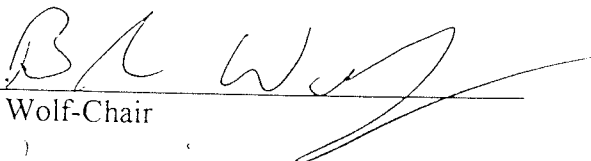
Whereas, a Committee developed recommendations to revise several standards in the Development Code relating to Infill Development;

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

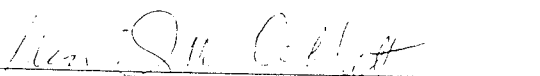
BE IT RESOLVED THAT, the Planning Commission does hereby initiate a legislative amendment of the Development relating to development standards including Zero Lot Line Dwellings, Fire Access Standards, and Minimum Lot Area;

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

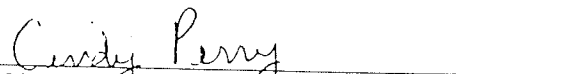
PASSED this 3rd day of March, 1999
SIGNED this 3rd day of March, 1999



Bill Wolf-Chair



June Abbott-Vice-Chair



Cindy Perry-Recording Secretary

FMAGIC



AGENDA ITEM 6b

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

MEMORANDUM

To: Mayor Christopher and City Council

From: Maria Meier, Planning Director *mm*

Date: July 31, 2001

Re: Zone Change Case No. 01-20

ISSUE

The subject property is located at 4630 River Road N., on the southeast corner of River Road and Maine Avenue. The applicant and property owner is Eric Pittsley. The agent for the application is Frank Walker. The request is for approval for a zone change from Commercial Office (CO) to Commercial Mixed.

A Zone Change request is a Type III land use application whereas staff makes a recommendation to the Hearings Officer, and the Hearings Officer then makes a recommendation to the City Council for a final decision. Zone change proposals shall be approved if the applicant provides evidence substantiating the criteria identified in Section 3.110.03 of the Keizer Development Code. The criteria is outlined in both the Hearings Officer Recommendation (Exhibit "A") and the Staff Recommendation (Exhibit "B").

The Hearings Officer conducted a public hearing on May 24, 2001, and continued the hearing for written testimony for an additional two weeks. The recommendation from both Staff and the Hearings Officer is to approve the requested zone change with a Limited Use Overlay. This would change the zone to "Commercial Mixed Limited-Use" with the following recommended restrictions: Uses permitted on the subject property shall include those in the Commercial Mixed zone, excluding Gasoline Service Stations, Fast Food Restaurants, and Banks with Drive-through Windows. Other conditions recommended are identified on pages 8-11 in the Hearings Officer Recommendation (Exhibit "A").

RECOMMENDATION

Staff recommends the City Council conduct a public hearing on Zone Change Case No. 01-20. Furthermore, Staff recommends the City Council consider the Hearings Officer recommendation for approval of a zone change on the subject property to change to "Commercial Mixed Limited-Use" with the conditions identified in the Hearings Officer Recommendation. Staff recommends the City Council deliberate and approve a motion to change the zone for property located at 4630 River Road N from "Commercial Office" (CO) to "Commercial Mixed Limited-Use" with conditions as identified in the Hearings Officer Recommendation.

ATTACHMENTS

- Exhibit "A" Hearings Officer Recommendation
- Exhibit "B" Staff Recommendation
- Exhibit "C" Application Proposal
- Exhibit "D" Written Testimony submitted to the Record
- Exhibit "E" Two Video Tapes Have been submitted to the record by the applicant.
- Exhibit "F" Photographs submitted to the record will be passes around for Council Review during the public hearing.



NORTHWEST PHONE & SECURITY, INC.

Portland: (503) 224-4166 ♦ Salem: (503) 390-2178

FAX: (503) 390-0479

4630 River Road N.
Keizer, OR 97303

July 31, 2001

Keizer City Council
City of Keizer
co/ Maria Meier
930 Chemawa Road N.E.
Keizer, Oregon 97307-1000

Dear City Council Member,

I would like to take this opportunity to allow you, as a member of our City Council, to hear my thoughts, as owner of the property on River Road and Maine Avenue.

In August 1995, my wife, Kim Pittsley, and I moved to Keizer, with the goals of starting a family and expanding our business, which at the time was solely Northwest Phone and Security. In May 1998, my wife and I purchased Vacu-Maid Northwest, which at the time was located in Salem. In July 1998, my wife and I bought the building that we are currently in now, because we reside in Keizer and believed it was a great location for our business.

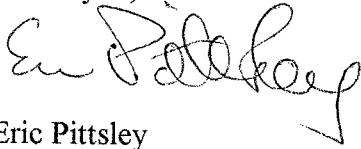
Today, we are trying to get our property that is currently zoned Commercial Office (CO), to be re-zoned as Commercial Mixed (CM). In the case that my property is re-zoned, my goal is to work with the Urban Renewal Development Planing Committee (following their design criteria) to build a new building containing five to six suites. This new building would house the same businesses that currently exist today, however, allowing each of the business to have a more spacious environment to reside in. I would also like to add a retail component to my own businesses and the additional space would allow for showrooms. I believe that the construction of a new building (complete with curbs, sidewalks, parking and landscaping) would not only help my business, but also the surrounding area. I, for one, believe that a new building would be much more attractive to drive by than the small house and gravel parking lot that we have available to us now.

I am also very aware of the neighbors concern about the issue of traffic as well as the lack of clarity regarding what the building would be used for. I can assure you that I will post

signs and give directional arrows for any traffic coming in or going out of my property, informing customers and employees that Maine Avenue is a "Dead End." I can also assure the neighborhood as well as the community at large that I do not plan to house any business with a drive-through window, any gasoline service stations, any Adult Entertainment businesses, or any businesses that are responsible for primarily selling liquor. My intentions are to simply build a larger building on the existing lot to house the current businesses. I would, however, like the ability add a Café, for example.

My wife and I reside Keizer and we bought the property on Maine Avenue and River Road with the intention of staying in the area as well as the benefit of being close to home. I appreciate you taking the time read my thoughts and I look forward to Monday evenings' City Council meeting.

Thank you,

A handwritten signature in black ink, appearing to read "Eric Pittsley". The signature is fluid and cursive, with the first name "Eric" written in a larger, more prominent script than the last name "Pittsley".

Eric Pittsley
Vice President

Northwest Phone and Security and Vacu-Maid Northwest

FRANK WALKER & ASSOCIATES

37708 Kings Valley Highway

Philomath, Oregon 97370

(541) 929-5743

(541) 929-5749 (FAX)

August 1, 2001

Keizer City Council
co/Maria Meier
930 Chemawa Road
Keizer, Oregon 97303

Re: Zone Change Case 01-20

Dear City Council Member:

My firm prepared the permit application for the above-referenced case. My staff and I have listened carefully to the City Planning Staff, City Engineer as well as the neighbors in an effort to provide the community with an improvement and redevelopment program that will be consistent with past efforts to upgrade and modernize the commercial lands of the city.

The residents of the Maine Avenue neighborhood attended the Hearings Officer Public Hearing and expressed concerns about traffic, noise, incompatible uses, trash dumping, and other issues that affected their neighborhood. My client and I share their concerns and hope that the City Staff and Hearing Officer recommendations for approval demonstrate we have made the effort to carry the burden of proof for approval. For the record, I wanted to state that my client and all of his tenants and employees live in the Salem/Keizer area. Because of this, we are receptive to the Limited Use Overlay Zone recommended by the City Planning Staff. My client agrees that no liquor stores, adult entertainment businesses, drive-through fast food restaurants, gasoline stations or banks with drive through windows are appropriate for this location. My client would also like to amend the Hearings Officer recommendation to allow a café or small restaurant on the subject property since this is a high exposure and high accessibility corner lot. In addition, seating restaurants or cafes generate fewer average daily trips and less severe impacts.

This proposal does conform with all the approval criteria, but more importantly, it conforms with the Comprehensive Plan policy to "redevelop" the River Road Corridor from Cherry Avenue to Lockhaven Drive. The Comprehensive Plan is the guiding framework for land use change in the City, and this proposal strongly conforms with that ideal.

At the present time the subject property has a 1949 dwelling that houses five small businesses. All of these businesses have a strong desire to grow and remain in Keizer;

thus, this change is important to my client as well as his tenants. The existing building is one of the few remaining structures along River Road where a residence is used for commercial purposes. My client is offering an alternative to the old home that is not only modern and attractive but one that will address the concerns raised by the City and the neighborhood residents.

First and foremost, the rezoning will enable the property owner and his tenants to have an identifiable "store front." With a new commercial building situated nearer to the rear of the lot, access, parking and internal traffic circulation would be confined entirely to the interior of the lot. The building would block out noise, glare and lights that affect residents to the east and eliminate the unsightly and somewhat dangerous "pull-in" parking lot along Maine Avenue. If the zone change is granted, the access to the subjects property and the one to the south can be done with a single right turn in, right turn out access along the River Road frontage. Left turns from the site can be via Maine Avenue. If the subject property develops independently of the one to the south, a single but engineer-designed access will be located on Maine Avenue/River Road intersection., while minimizing traffic penetration to the neighborhood. Access and parking will definitely improve regardless of how the lot is developed.

The aesthetics of the subject property will improve dramatically if the zone change is granted and a new code compliant structure is constructed. Existing fencing along the eastern boundary of the lot will be retained and a modern parking, lighting and landscaping will be established. The existing residence cannot be used indefinitely for a commercial structure nor would it be desirable from an aesthetics perspective. Curbs and sidewalks along Maine Avenue will also be established.

On a closing note, the property owner has already improved the property greatly. Photographic evidence in the record clearly indicates that he has removed excessive overgrown vegetation, established irrigated lawn areas and cleared the lot of "jungle type" vegetation east of the existing structure. He has painted the existing structure and added attractive sidewalks and entryways. These temporary improvements are no substitute for an improvement program that will result in a complete redevelopment of the property.

My client respectfully requests that you uphold the Staff and hearings Officer recommendations to grant the requested zone change and limited use overlay (with some limited modifications) because that applicant does comply with the Comprehensive Plan vision for redevelopment and the more specific zone change criteria.

Thank you for your favorable consideration of this matter.

Sincerely yours,

Frank D. Walker
Land Planning and Development Consultant

BEFORE THE HEARINGS OFFICER

FOR THE CITY OF KEIZER

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

SHORT RECOMMENDATION

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

I. STATEMENT OF THE MATTER

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

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

planning a future commercial retail establishment on the property. The applicant

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND RECOMMENDATION

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

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

II. SUMMARY OF EVIDENCE

A. Oral Testimony

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

Staff Report

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

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

Applicant

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

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

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

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

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

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

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

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

Testimony Before the Hearings Officer

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

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

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

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

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

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

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

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

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

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

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

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

Applicant Rebuttal

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

B. Written Testimony

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Exhibits

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

1-4 Photos submitted by Applicant

5 Map submitted by Ellen West

6-18 Photos submitted by Ellen West

19-23 Photos submitted by Applicant

Videotapes 1 and 2, submitted by Applicant

Copies of page 1 of 2 of rental agreements for PC Computer,

Adolf's Electric, and Pest Eliminator. These were submitted during the period when the record was left open, presumably by the applicant or his representative.

III. DISCUSSION

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

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

F. The following additional criteria shall be addressed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. RECOMMENDATION

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

RECOMMENDED CONDITIONS OF APPROVAL

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

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

1. The design and placement of any driveway or access encroachments onto River Road and Maine Avenue shall be approved by the Public Works Department prior to issuance of a building permit.
2. Landscaping on the property shall meet the standards of the Keizer Development Code at the time of development. All area required to be landscaped shall be designed adjacent to River Road and Maine Avenue.

3. Upon development of the subject property, the following screening and buffering method shall be used:
 - a. A six-foot sight-obscuring fence or wall shall be constructed along the entire width of the east property line in conjunction with standards in the Keizer Development Code *unless the adjacent property owner and developer of the subject parcel agree otherwise to a shorter (in length or height) fence or wall, vegetation hedge, or no sight-obscuring measure. The developer and successors in interest shall be responsible for maintenance and upkeep of the sight-obscuring measure.*
 - b. One row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart between the east property line and any proposed structure. Prior to issuance of a building permit, a landscaping plan is required to exhibit how this requirement will be met, using either existing or new trees.
4. The minimum setback requirement for development on the subject property shall be 20 feet from the east property line. All other setbacks shall comply with the Keizer Development Code.
5. *New structural development shall be on the westerly portion of the subject parcel, and parking for the new structure shall be located on the easterly portion of the subject parcel. To maximize traffic stacking on Maine Avenue, the placement of any driveway or access encroachment onto Maine Avenue shall be as far to the east on the subject parcel as possible consistent with setback requirements. Parking lot design shall comply with the Keizer Development Code.*
6. The zone shall be changed to "Commercial Mixed Limited-Use" zone. Uses permitted on the subject property shall include all those in the Commercial Mixed zone, excluding *Permitted Uses I.4. Automobile, recreational vehicle and trailer sales, I.8. Eating and drinking places, J.8. Motion pictures, and J.10. Amusement and recreation; Special Permitted Use E.13. Adult Entertainment Businesses; all uses listed in 2.110.04 Use Restrictions A, B, and C.1 through C.11; and Banks with Drive-through Windows.*
7. The proposed commercial development on the subject property must comply with all applicable development standards contained in the Keizer Development Code. This includes, but is not limited to such standards as landscaping requirements, height requirements, structural design requirements, and on-site parking. Several specific

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

- a. Outdoor storage facilities to be screened from view of the public road and from adjacent residential uses.
 - b. Exterior lighting to be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties.
 - c. Roof equipment to be screened from view of nearby residential uses.
8. The Public Works Department requires the following for public facility improvements:

SANITARY SEWERS

- a. Any new development on the subject property will require sanitary sewer service. Removal of existing sewer services and construction of new services will require street opening permits.
- b. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. City of Salem issues sewer hook up permits in the City of Keizer.

WATER SYSTEM

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

STREET AND DRAINAGE IMPROVEMENTS

- a. Prior to any development of the subject property, an overall storm drainage plan shall be submitted to the Department of Public Works for review and approval.
- b. Maine Avenue *adjacent to the subject parcel* shall be improved to a $\frac{3}{4}$ width street improvement to the standards of the City of Keizer department of Public Works. The south one half shall be completed to a $\frac{1}{2}$ street section with a width

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

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

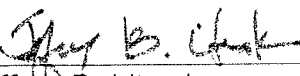
- 9. Development must comply with all standards in the Keizer Development Code, including but not limited to Sections 2.110 and 2.3 *General Development Standards*.

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

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

- 1. Except as otherwise required by conditions of approval, development of the property shall comply with the applicable requirements of the Keizer Development Code and building requirements of the Marion County Building Inspection Division.
- 2. The applicant shall be responsible for all costs associated with public facility improvements, including applicable system development charges for sewer, water, parks and other facilities and shall comply with established City rules and regulations in effect at the time of the final approval of the Zone Change.

DATED this 26 day of June, 2001



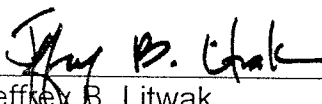
Jeffrey B. Litwak
Hearings Officer

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND RECOMMENDATION

Certificate of Mailing

I hereby certify that on the ^{JUL}~~24~~ 27 day of June, 2001, I mailed the enclosed Findings of Fact, Conclusions of Law and Recommendation by first class mail to the following person.

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



Jeffrey B. Litwak
Hearings Officer

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
STAFF RECOMMENDATION**

ZONE CHANGE CASE No. 01-20

TO: Jeff Litwak, Hearings Officer

FROM: Maria Meier, Planning Director

SUBJECT: Zone Change Case No. 01-20

DATE: May 17, 2001

Planning staff reviewed the above referenced case and offers the following comments.

I. GENERAL INFORMATION

- A. **APPLICANTS:** Eric and Kimberley Pittsley
- B. **PROPERTY LOCATION:** The subject property is located on the east side of River Road N at the southeast corner of the intersection of Maine Avenue and River Road N. The property is addressed as 4630 River Road N. The County Assessor's map identifies the property as being located within Township 7 South; Range 3 West; Section 02CA; Tax Lot #4000. See Exhibit "A".
- C. **EXISTING PARCEL SIZE:** The subject property contains approximately 19,166 square feet (0.44 acres).
- D. **EXISTING DEVELOPMENT AND PUBLIC FACILITIES:** The property is currently contains an existing commercial structure and has frontage along two public streets (River Road N and Maine Avenue). The property may be served by public water and sewer.
- E. **PLAN DESIGNATION AND ZONING:** The property is designated Commercial and zoned CO (COMMERCIAL OFFICE). The purpose of the Commercial Comprehensive Plan Land Use designation and related commercial zones is to provide land for a variety of commercial and office related uses.
- F. **ADJACENT ZONING AND LAND USES:** Property to the north and south is designated Commercial on the Comprehensive Plan Land Use map and is zoned CM (COMMERCIAL MIXED). The properties located to the east are designated Low Density Residential on the Comprehensive Plan Land Use Map and zoned RS (SINGLE FAMILY RESIDENTIAL). Property located to the west,

across River Road N., is designated Commercial on the Comprehensive Plan Land Use map and is zone CO (COMMERCIAL OFFICE). See Exhibit "B".

G. **PROPOSAL:** The applicant is requesting approval of a zone change to change the zoning from CO (COMMERCIAL OFFICE) to CM (COMMERCIAL MIXED). The purpose of the zone change is to allow for planning a future commercial retail establishment on the property. See Exhibit "C".

II. AGENCY COMMENTS

A. The Salem-Keizer School District, Viacom Cable, and Northwest Natural Gas reviewed the proposal and either offered no comment or indicated service is available to the property.

B. The Keizer Fire District stated they have no objection to the zone change. However, the Keizer Fire District provided the following requirements: "Provisions for adequate access to the site must be made and the building address must be visible from River Road."

C. The City Public Works Department and City Engineer provided comments regarding public facility improvements. Related recommended conditions of approval are included in Section V of this staff report.

III. FINDINGS AND CONCLUSIONS

1. Section 1.103.02 of the Keizer Development Code identifies four zones appropriate for the Commercial Comprehensive Plan designation: CO (COMMERCIAL OFFICE), CR (COMMERCIAL RETAIL), CG (COMMERCIAL GENERAL), and CM (COMMERCIAL MIXED). The primary difference between these zones is the level of commercial activity allowed in each zone. Of the four zones, the applicant chose the CM (COMMERCIAL MIXED) zone for this request.

2. The zone change will permit the establishment of a wider range of commercial and retail uses on the subject property than is currently allowed with the Commercial Office zone.

3. The zone change review criteria are found in Section 3.110 of the Keizer Development Code. Staff's response to the criteria are noted below:

(a) 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.

Section 1.103.02 identifies Comprehensive Plan designations and their corresponding appropriate zones. Pursuant to this Section, the CM (COMMERCIAL MIXED) zone is appropriate for the Commercial Comprehensive Plan Land Use designation.

The goals and policies for *Economic, Commercial and industrial Development* identified in the Keizer Comprehensive Plan prove to support the intent of the proposal. As the adjacent property to the south is zoned Commercial Mixed (CM), compatible and uniform zoning would be advantageous at this particular site, due to the access and exposure from River Road.

An opportunity to develop a joint commercial use on the subject property in conjunction with the adjacent property to the south may promote additional landscaping site improvements along Maine Avenue, while developing a business to orient from River Road.

The proposal also meets the Comprehensive Plan Goal for *Economic, Commercial and Industrial Development* to encourage public and private efforts to increase economic development in Keizer to the extent possible by incorporating strict performance standards within potential development of the site. This can be achieved by restricting the zoning of the property through a Limited Use Overlay (LUO) zone above the standards of the Commercial Mixed zone.

The applicant examined vacancy rates for Commercial Office and Commercial Mixed zoning, including an analysis in absorption rates of usage, demand information provided by real estate firms, and observation of usage. The applicant explains that supply is also related to redevelopment of properties with non-conforming structures and underdeveloped parcels. Two additional CO zoned vacant lots are located on River Road, and properties within the Chemawa Activity Center on Lockhaven are also vacant and zoned CO. Apparently the rate of growth for commercial office uses is slow. The opportunity to combine a potential development with the subject property and the adjacent property to the south can create a reality for redevelopment on River Road.

The Comprehensive Plan encourages diversification in the local economy while ensuring compatibility with adjacent residential properties. Design features such as special setbacks and screening are encouraged to reduce potential impacts on adjacent residential properties. In addition, commercial development is encouraged to develop and be located along major arterials to avoid traffic filtering through residential areas. The applicant proposes to meet the Comprehensive Plan goal to "*Ensure compatibility between commercial and industrial lands and lands adjacent to them*" through design development standards. The proposal includes the subject property to maintain any "substantial existing vegetation, fencing and/or walls to mitigate visual impact, sensitive building placement to buffer residential use from the impacts of automobiles and the possible employment of a Limited Use Overlay Zone to limit high impact uses. Section 2.309.05 *Screening and Buffering* of the Keizer Development Code requires commercial uses to screen and to use buffering methods to eliminate or reduce the visual impacts to adjacent residential uses. In addition, the development of commercial buildings must maintain setbacks in accordance Section 2.110.05B of the CM zone, which states that all structures shall be placed no less than the minimum rear yard setback for the adjacent zone. In this case, the minimum setback would be at least 14 feet from the rear property line. All landscaped areas would be required to be maintained with an established irrigation.

The proposal complies with the Comprehensive Plan goals and policies for *Economic and Commercial Development* in relation to transportation efficiency and public facilities. Public services are readily available to the subject property.

The proposal to change the subject property zone to Commercial Mixed, with a Limited Use Overlay zone to reduce vehicular-based commercial developments meets this criterion.

(b) The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

The applicant submitted a statement and a site plan proposing that the property will be developed with a commercial retail development. The property owner also suggested the exploration of combining the subject property for some form of joint development. Based on the parcel's size there may be physical limitation, which could prohibit certain types of commercial retail development on the property. However, with limitation on vehicular orientated commercial business, the Commercial Mixed (CM) may appropriately suit the property and surrounding uses. The ground is flat and level, and has no unusual features. River Road is designated a Major Arterial by the adopted 2000 *Keizer Transportation Systems Plan*. Access to River Road is limited due to this designation to limit ingress/egress to promote safe traffic circulation. With appropriate restrictions of uses permitted in the CM zone and limited access to River Road, development of the subject property as some form of commercial retail use would not exceed its physical capacity. The applicant indicates that the property may be developed with a "broader range of uses permitted in the CM zone if jointly developed with the vacant property to the south."

Section 2.110 of the Keizer Development Code identifies uses permitted in the Commercial Mixed (CM) zone. Section 2.124 *Limited Use Overlay Zone* establishes a method to reduce the list of permitted uses within a zone to those that are suitable for particular location. In addition, Section 2.110.04 *Use Restrictions* specifies a description of that are prohibited from being developed in the area described at the intersection of River Road and Chemawa Road, just three blocks north of the location of the subject property. This section is suggested to be used as a base model for limiting some vehicle-based uses that can limit the impact on the adjacent residential neighborhood. The existing establishments located on the other three intersection corners of River Road and Maine Avenue include the following: NE corner, Fast Food Restaurant; NW corner, Bank with drive-through service and; SW corner, established, Non-Conforming Gasoline Service Station. The applicant indicates that a gasoline service station without a mini-mart may be an acceptable use on the property. Staff disagrees with this suggestion, as the use exists across the street on River Road and is not necessary at this location. Specifically, staff recommends that Gasoline Service Stations, Fast Food Restaurants, and Banks with drive-through windows be eliminated from the permitted uses within the CM zone for the subject property. Staff recommendation more appropriately complies with the Comprehensive Plan goal to create compatibility between commercial and residential uses.

The development is located off of River Road, which is classified as a major arterial. Access to the major arterial is available as a “right-in, right-out” controlled access as permitted by the Public Works Department. Access may be available from Maine Avenue which is designated a local street. Access to River Road from Maine Avenue will not generate traffic filtering through residential neighborhoods as Maine Avenue is a dead-end street.

Conditioned in accordance with Staff’s recommendation to limit uses as described above, the proposal can comply with this criterion.

(c) Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.

The subject property is approximately 19,166 square feet. The CM zoned property to the south is approximately 16,117 square feet. The applicant submitted a preliminary site plan, exhibiting where two possible locations for structures on the subject parcel and the lot to the south. The building pads are approximately 2600 square feet. This exhibits the scale of the property, and how the properties either developed together or separately. Either way, the subject property can be developed in accordance with the general development standards identified in the Code. The CM zone limits the maximum building coverage area to 90 percent, requiring commercial development to landscape a minimum 10 percent of the property. Parking requirements are based upon gross floor area of the structure.

Section 2.110 *Commercial Mixed (CM) Zone* and Section 2.3 *General Development Standards* in the Keizer Development Code outline specific requirements for property development in the proposed zone. These standards govern parking, buffering, vision clearance areas, special setbacks, and other applicable development requirements. While the site plan is not specific as to all the details, it is apparent the site can be developed in conformance with these standards. Compliance with the requirements contained in Section 2.3 and 2.110 of the Keizer Development Code will be made conditions of the zone change approval.

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

The Public Works Department noted sewer and water facilities are readily available for the development of the site. Maine Avenue shall be improved to a ¾ width street improvement to the standards of the City of Keizer department of Public Works. The south ½ shall be completed to a ½ street section with a width of 17 feet from centerline to the new curb. Sidewalk construction shall be required along the frontage of Maine Avenue.

Street access for the proposed development shall be from Maine Avenue. No access shall be allowed from River Road. If a satisfactory agreement with the adjoining property to the south of the subject property is approved by the City of Keizer, the City may consider

a joint access from River Road in the form of a "right in, right out" controlled access. No left turn movements from the subject property onto River Road will be permitted.

Improvements for sanitary sewer and the water system are required by the Public Works Department. Such conditions of approval are identified in Section V of this staff report.

(e) For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.

This criterion is not applicable as the proposed zone change does not involve residential use.

(f) The following additional criteria shall be addressed:

(1) The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next five 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 site.

The addition of the subject parcel into the CM (COMMERCIAL MIXED) zone will add to the inventory of properties available for development. This particular parcel is a small lot, which is becoming a rare commodity. The adjacent property to the south is zone CM and may provide for a joint commercial retail development. The supply of vacant land in the CM zone continues to be absorbed, including commercial office developments within the CM zone. Recent developments near the intersection of River Road and Chemawa Road include commercial office uses, while in the CM zone. The applicant has provided an adequate analysis of commercial zoned properties on River Road, which concludes that the rate of absorption of Commercial Mixed zoned properties indicates that 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.

No site specific inventory by the City is available which lists undeveloped property designated Commercial on the Comprehensive Plan Land Use Map and zoned CM (COMMERCIAL MIXED). However, the applicant provided an analysis factoring supply, physical and locational attributes of the site. In addition, based upon staff's knowledge of available lands for commercial development it is very likely that the supply of land currently zoned CM (COMMERCIAL MIXED) may be inadequate to accommodate the current rate of development of retail and other related uses allowed within the CM Zone. The proposal meets this criterion.

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

The five year supply of vacant land for the Commercial Office (CO) zone is adequate to accommodate the projected rate of development. The development and redevelopment of CO zoned properties in Keizer has been very slow over the last decade. Commercial Office zoned land on Janet Avenue have yet to initiate the opportunity to develop into commercial uses permitted in the CO zone. In addition, commercial office zoned properties exist in the area currently recognized as the Chemawa Activity Center. Also, uses permitted in the Commercial Office zone are also primarily permitted in the Mixed Use (MU) zone, whereas significant acres of MU zoned land remains vacant and underdeveloped within the City. Therefore, the supply of vacant land in the existing zone is adequate to accommodate the projected rate of development of uses allowed in the zone during the next 5 years.

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

The proposed zone change to Commercial Mixed (CM) will be similar in nature and intensity as uses within the general vicinity, in conjunction with strict buffering, landscaping, and use restrictions.

As described earlier, Section 2.110 of the Keizer Development Code identifies uses permitted in the Commercial Mixed (CM) zone. Section 2.124 *Limited Use Overlay Zone* establishes a method to reduce the list of permitted uses within a zone to those that are suitable for particular location. In addition, Section 2.110.04 *Use Restrictions* specifies a description of that are prohibited from being developed in the area described at the intersection of River Road and Chemawa Road, just three blocks north of the location of the subject property. This section is suggested to be used as a base model for limiting some vehicle-based uses that can limit the impact on the adjacent residential neighborhood.

The existing establishments located on the other three intersection corners of River Road and Maine Avenue include the following: NE corner, Fast Food Restaurant; NW corner, Bank with drive-through service and; SW corner, established, Non-Conforming Gasoline Service Station. The applicant indicates that a gasoline service station without a mini-mart may be an acceptable use on the property. Staff disagrees with this suggestion, as the use exists across the street on River Road and is not necessary at this location. Specifically, staff recommends that Gasoline Service Stations, Fast Food Restaurants, and Banks with drive-through windows be eliminated from the permitted uses within the CM zone for the subject property.

The proposed zone, with appropriate restrictions to uses identified above, will not create a use that will destabilize the land use pattern of the area or that will significantly adversely affect surrounding properties.

IV. GENERAL DEVELOPMENT CONSIDERATIONS

- A. The Public Works Department requested the development connect to public utility services as the Keizer Development Code requires these connections. The Keizer Development Code also requires all utility services to be placed below ground. In addition, the developer is responsible for all utility connection costs.
- B. Access to Maine Avenue and River Road is shown on the conceptual site plan does not comply with the standards of the Public Works Department. Public Works stated that Street access for the proposed development shall be from Maine Avenue. No access shall be allowed from River Road. If a satisfactory agreement with the adjoining property to the south of the subject property is approved by the City of Keizer, the City may consider a joint access from River Road in the form of a "right in, right out" controlled access. No left turn movements from the subject property onto River Road will be permitted.

Maine Avenue shall be improved to a $\frac{3}{4}$ width street improvement to the standards of the City of Keizer department of Public Works. The south $\frac{1}{2}$ shall be completed to a $\frac{1}{2}$ street section with a width of 17 feet from centerline to the new curb. Sidewalk construction shall be required along the frontage of Maine Avenue.

- C. The Keizer Fire District requested review of the site plan to determine if additional fire hydrants will be required. The applicant will be required to coordinate with the District on all matters of fire safety. This will be done prior to receiving a building permit.

V. RECOMMENDATIONS AND CONDITIONS

- A. Staff recommends approval of the zone change subject to the placement of the following conditions:
 - 1. The design and placement of any driveway or access encroachments onto River Road and Maine Avenue shall be approved by the Public Works Department prior to issuance of a building permit.
 - 2. Landscaping on the property shall meet the standards of the Keizer Development Code at the time of development. All area required to be landscaped shall be designed adjacent to River Road and Maine Avenue.
 - 3. Upon development of the subject property, the following screening and buffering method shall be used:
 - ◆ A six-foot sight obscuring fence or wall shall be constructed along the entire width of the east property line in conjunction with standards in the Keizer Development Code.

- ◆ One row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart between the east property line and any proposed structure. Prior to issuance of a building permit, a landscaping plan is required to exhibit how this requirement will be met, using either existing or new trees.
- 4. The minimum setback requirement for development on the subject property shall be 20 feet from the east property line. All other setbacks shall comply with the Keizer Development Code.
- 5. Parking shall be located to the west of any proposed structure. Parking lot design shall comply with the Keizer Development Code.
- 6. The zone shall be changes to “Commercial Mixed Limited-Use” Zone. Uses permitted on the subject property shall include those in the Commercial Mixed zone, excluding Gasoline Service Stations, Fast Food Restaurants, and Banks with Drive-through Windows.
- 7. The proposed commercial development on the subject property must comply with all applicable development standards contained in the Keizer Development Code. This includes, but is not limited to such standards as landscaping requirements, height requirements, structural design requirements, and on-site parking. Several specific Zoning Ordinance requirements affect the proposed development associated with the Zone Change request as follows:
 - (a) Outdoor storage facilities to be screened from view of the public road and from adjacent residential uses.
 - (b) Exterior lighting to be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties.
 - (c) Roof equipment to be screened from view of nearby residential uses.
- 8. The Public Works Department requires the following for public facility improvements:
SANITARY SEWERS
 - a. Any new development on the subject property will require sanitary sewer service. Removal of existing sewer services and construction of new services will require street opening permits.
 - b.) Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property. City of Salem issues sewer hook up permits in the City of Keizer.

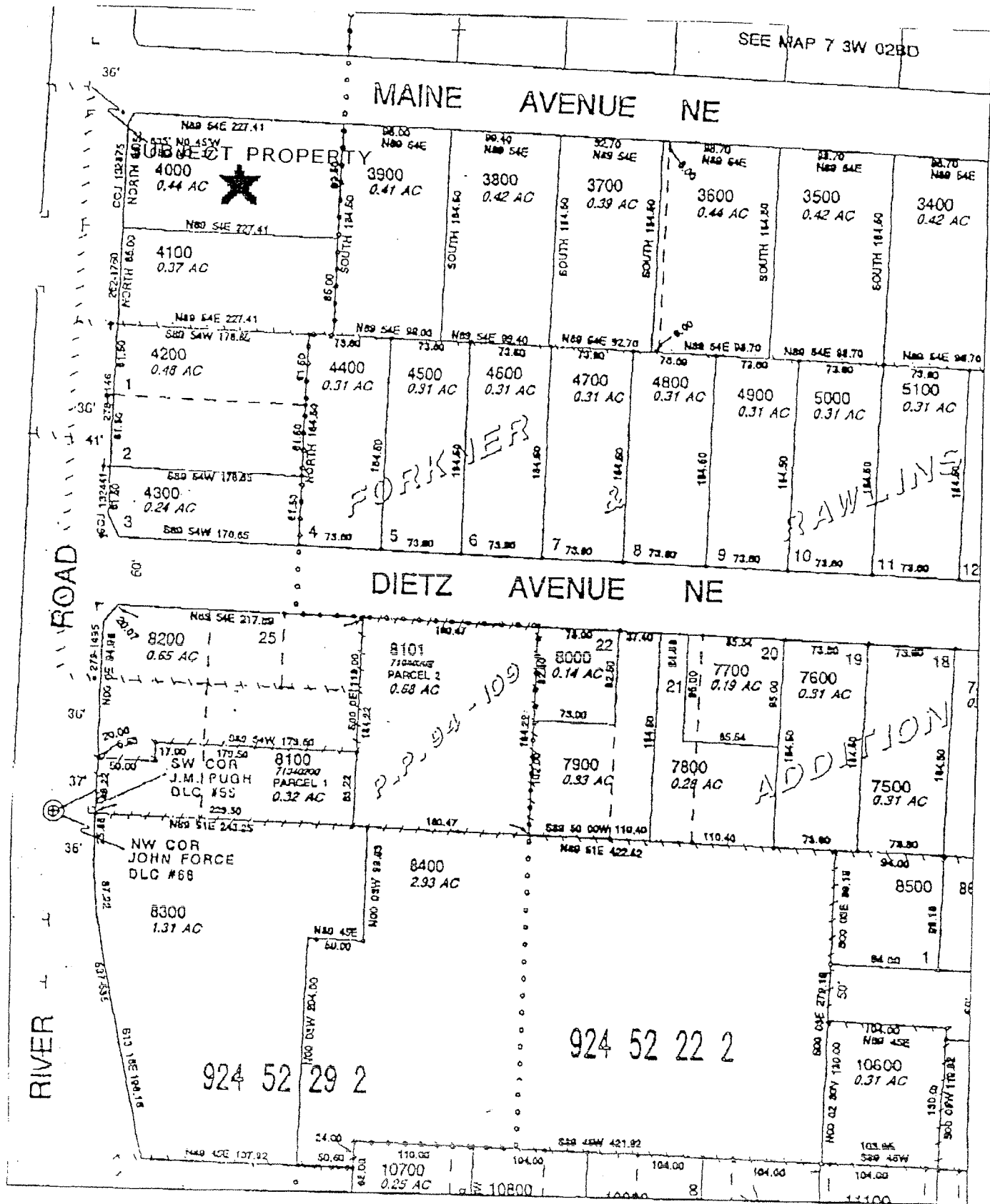
WATER SYSTEM

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

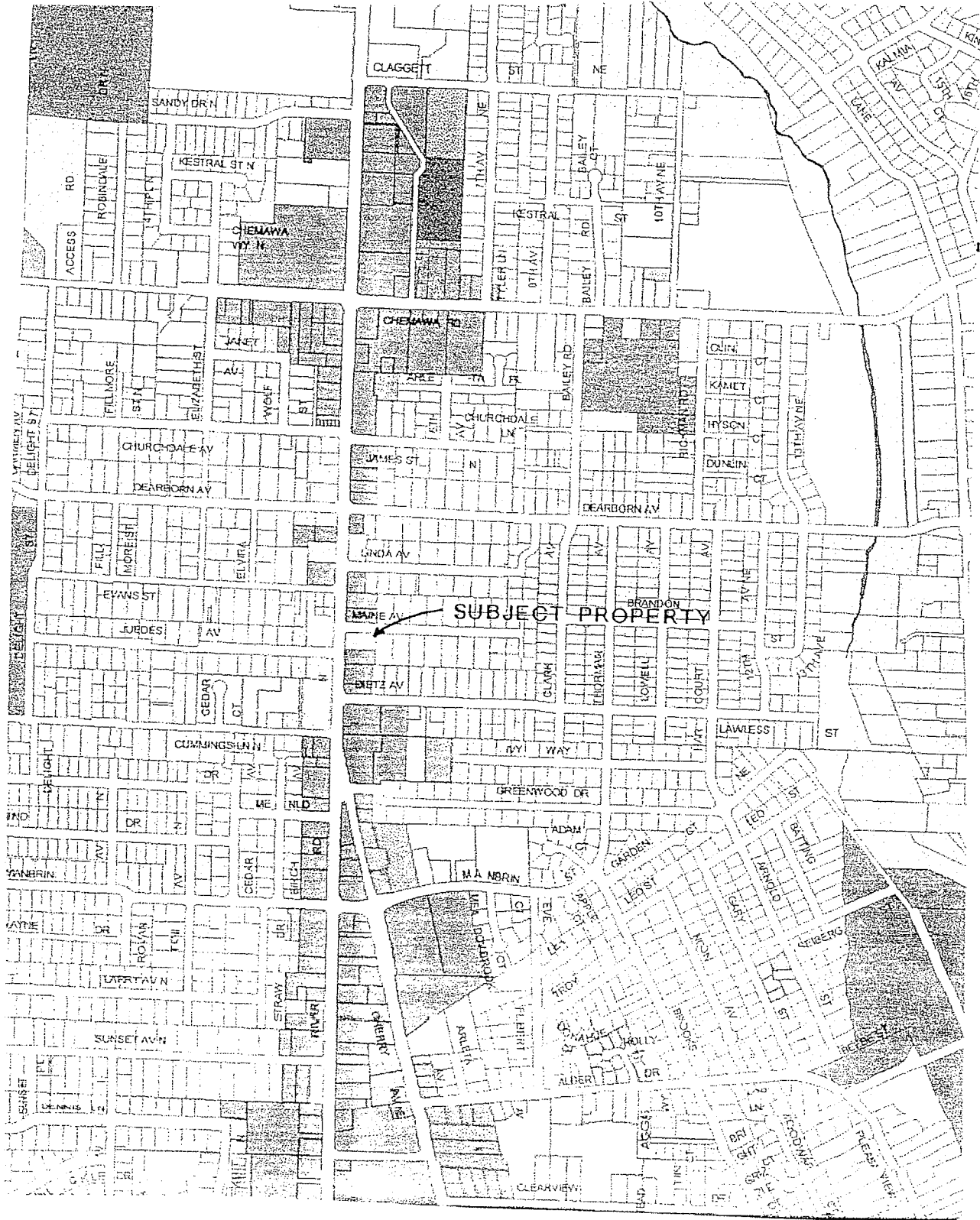
STREET AND DRAINAGE IMPROVEMENTS

- a.) Prior to any development of the subject property, an overall storm drainage plan shall be submitted to the Department of Public Works for review and approval.
 - b.) Maine Avenue shall be improved to a $\frac{3}{4}$ width street improvement to the standards of the City of Keizer department of Public Works. The south $\frac{1}{2}$ shall be completed to a $\frac{1}{2}$ street section with a width of 17 feet from centerline to the new curb. Sidewalk construction shall be required along the frontage of Maine Avenue.
 - c.) Street access for the proposed development shall be from Maine Avenue. No access shall be allowed from River Road. If a satisfactory agreement with the adjoining property to the south of the subject property is approved by the City of Keizer, the City may consider a joint access from River Road in the form of a "right in, right out" controlled access. No left turn movements from the subject property onto River Road will be permitted.
9. Development must comply with all standards in the Keizer Development Code, including but not limited to Sections 2.110 and 2.3 *General Development Standards*.
10. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.
- B. The Keizer Development Code establishes specific development and processing requirements. These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment process. These requirements are included for the benefit of the applicant.
- 1. Except as otherwise required by conditions of approval, development of the property shall comply with the applicable requirements of the Keizer Development Code and building requirements of the Marion County Building Inspection Division.
 - 2. The applicant shall be responsible for all costs associated with public facility improvements, including applicable system development charges for sewer, water, parks and other facilities and shall comply with established City rules and regulations in effect at the time of the final approval of the Zone Change.

FIGURE 3
ASSESSOR'S MAP



KEIZER ZONING MAP



SCALE 1" EQUALS 850'



EXHIBIT "B"

FIGURE 6 PROPOSED USES

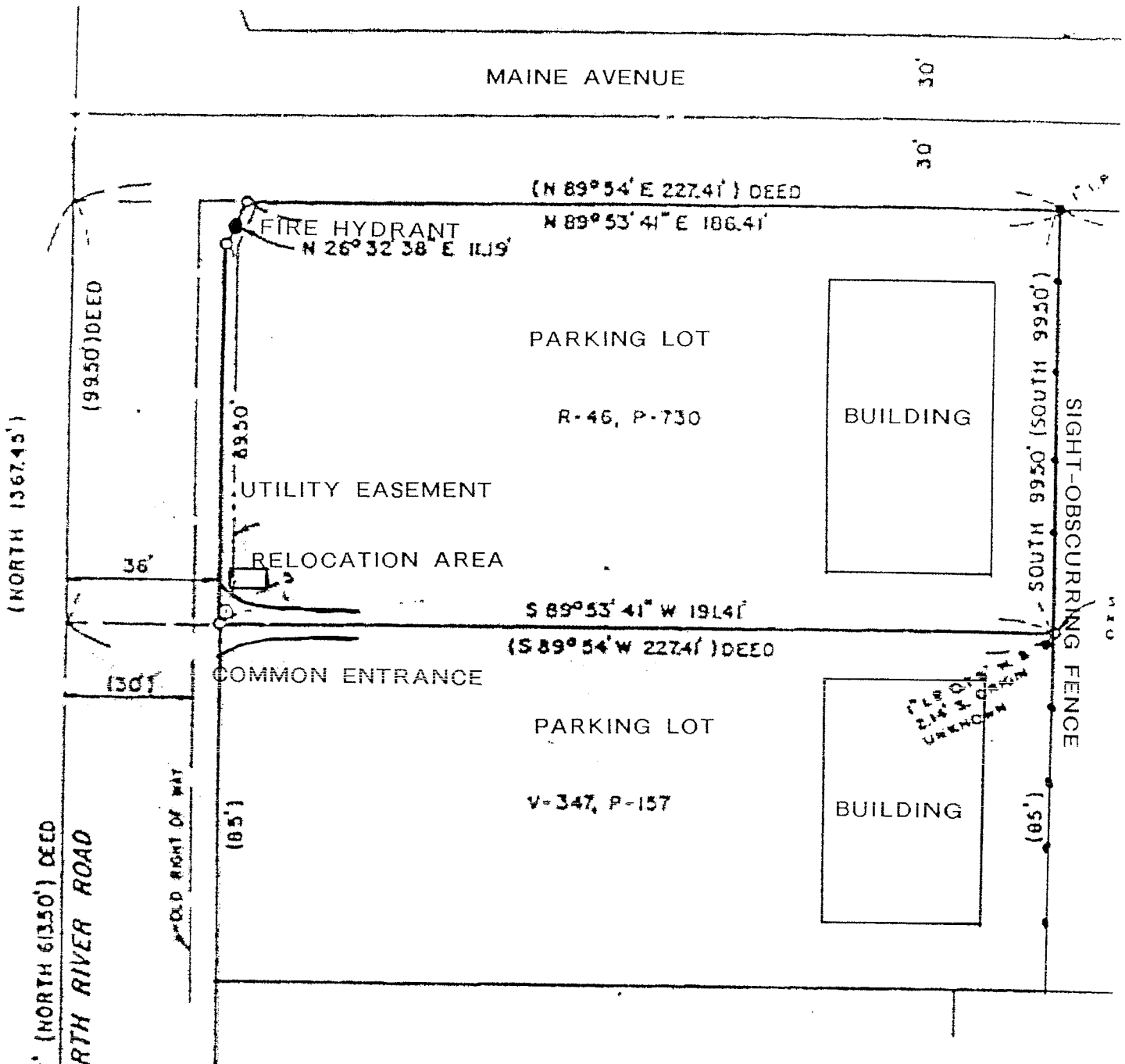


EXHIBIT "C"

APPROXIMATE SCALE: 1" EQUALS 36'

EXISTING USES

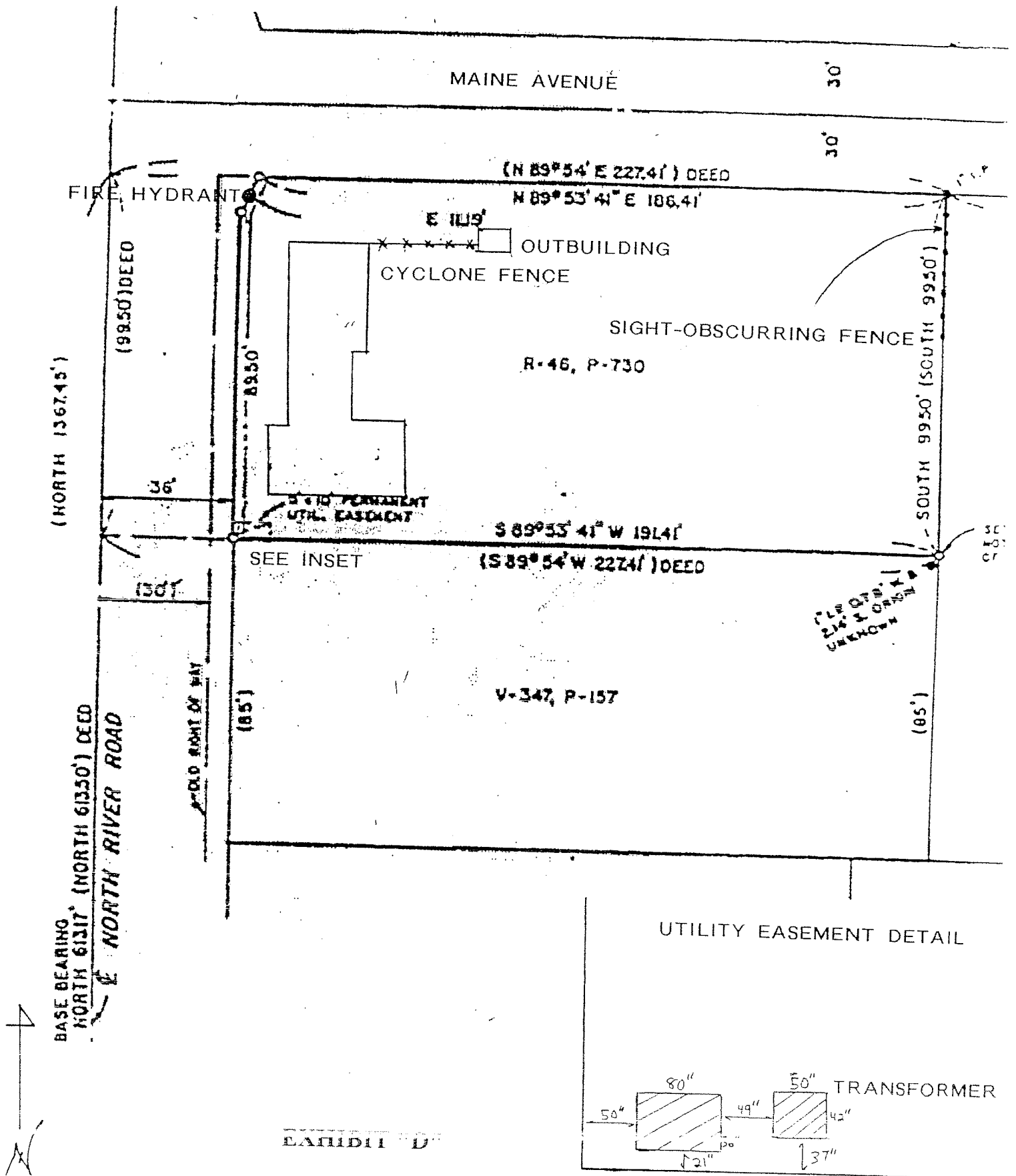


EXHIBIT "D"

APPROXIMATE SCALE: 1" EQUALS 36'

SCALE: 1" EQUALS 10'

PROPOSED ZONE CHANGE

Property Owners:

Eric & Kimberley Pittsley
899 Lawnview Street N.E.
Salem, Oregon 97303

Property Location:

4630 River Road North
Keizer, Oregon 97303

Applicant:

Frank Walker & Associates
37708 Kings Valley Highway
Philomath, Oregon 97370
(541) 929-5743

March 20, 2001

EXHIBIT "C"
Application
Proposal

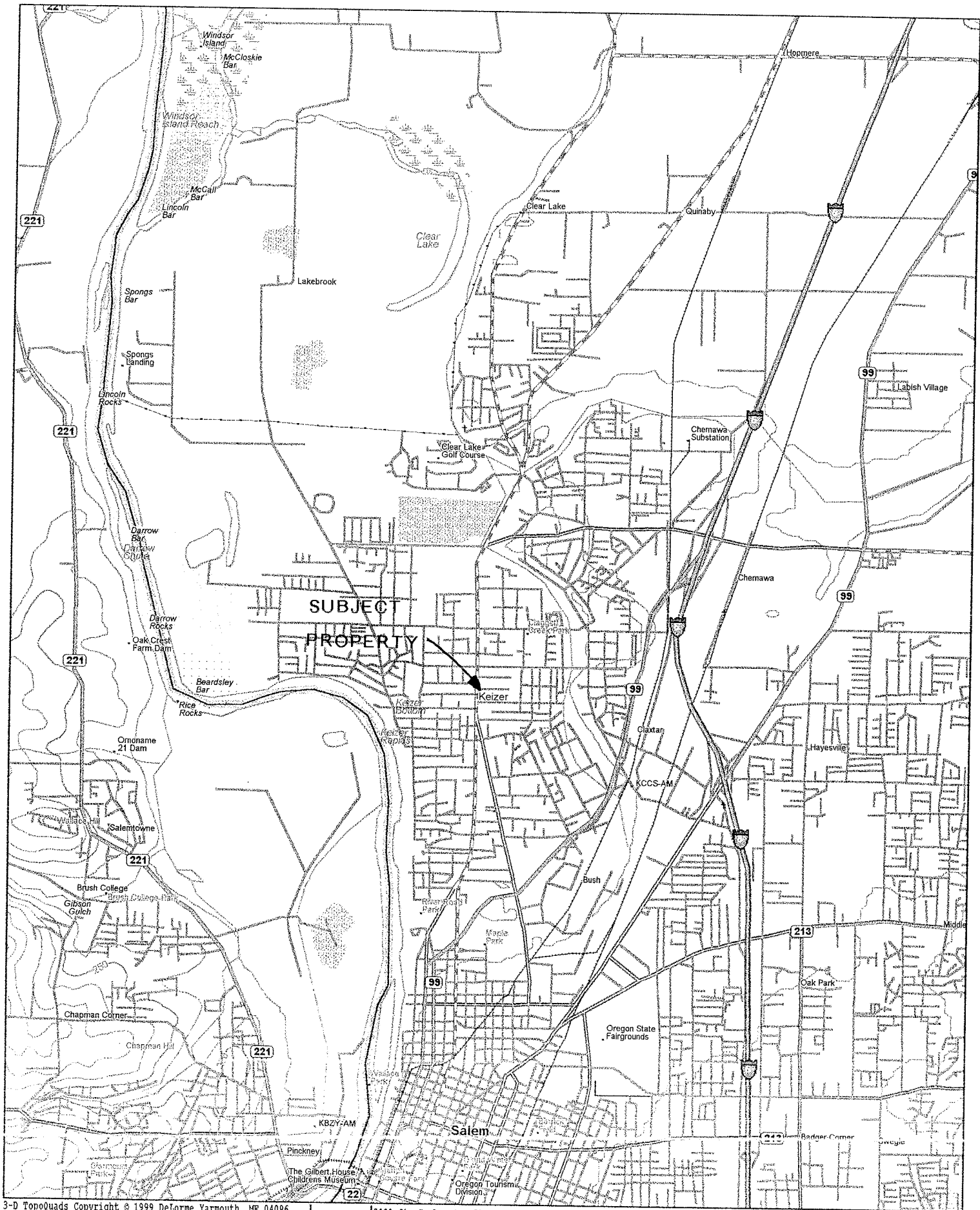
Introduction

This is an application by Eric and Kimberley Pittsley to rezone a .44-acre parcel in the Commercial Office zone to Commercial Retail. No Comprehensive Plan Amendment will be required since the property is designated "Commercial" in the plan. This is simply a zone change within the context of the Commercial Plan designation. The subject property is only one of seven properties on the east side of North River Road that remains in Commercial Office zoning. This is a significant factor when considering that 57 ownerships are already zoned for Commercial Mixed (formerly Commercial Retail). The east side of North River Road is dominantly in retail uses precisely because it offers right-hand turning movements to and from properties for p.m. rush-hour commuter traffic. Unlike a.m. peak hour traffic where people have to be at work or school, the p.m. rush hour involves both planned trips and impulse trips. Traffic safety and traffic flow are enhanced by locating commercial retail uses in areas where right-hand ingress/egress turning movements can be made (See Figure 1 for location of property).

The subject property is also located at an intersection where the property across the street to the north is already in a commercial retail use. Directly across River Road is Wells Fargo Bank and to the north of that is a gasoline station (zoned CO). The adjacent property to the south is vacant but is zoned Commercial Mixed. An examination of the 1998 Keizer Zoning Designation Map (Figure 2) clearly indicates that the subject property is an isolated parcel of Commercial Office zoned land in an area otherwise dominated by commercial uses (fast food restaurant, bank, gas station).

The subject property currently houses three businesses that are retail in orientation instead of office. All three uses are non-conforming, and the building in which they are located is also non-conforming. The zoning of this property for office was done largely because the property

FIGURE 1
VICINITY MA.



[illegible]

contained a residence which could be adapted to office use. Another reason was neighborhood sensitivity to the impacts from uses allowed in the Commercial Mixed zone. This residence has been converted to commercial use, and commercial retail use in particular. The high exposure (over 30,000 Average Daily Traffic Trips) and excellent visibility make this location nothing less than ideal for commercial retail uses, notwithstanding the fact that it has frontage on North River Road and Maine Avenue.

The City of Keizer contains 110.8 acres of Commercially designated lands in the Comprehensive Plan, which represents only 2.5% of the total land area in the city. The appropriate zoning of this land is more compelling when considering this proportion. Commercial Office land typically contains uses where planned trips are made. Many of these trips are during non-peak traffic hours, and many office uses do not open until 9:00 a.m.; consequently, ease of access and visibility are not as necessary for office uses as they are for retail uses. Retail uses, by contrast, often involve impulse stops that are not necessarily planned. The subject property is more appropriately suited for retail uses, as is evidenced by the significant number of commercial office properties located on the west side of North River Road. No fewer than 24 ownerships are located west of River Road compared to seven east of River Road. Seventy seven percent of the Commercial Office zoned ownerships on North River Road are on the west side. This fact clearly supports the premise that retail uses are dependent upon high visibility/exposure sites with ease of access for both ingress/egress.

The Keizer Comprehensive Plan states as matter of policy that the city of Keizer has “three major” opportunities for economic development (page 39 of Comprehensive Plan). This policy states the following:

Re-development and in-filling of commercial development along the North River Road and Cherry Avenue corridor from the southern city limit to Olson Street.

This city policy affirms the ideal that **redevelopment and in-fill** are major strategies for the city's economic development. The subject property fits this mold in a very compelling manner. First and foremost, the existing structure is a former residential dwelling that has a limited economic life as a commercial structure (redevelopment) and occupies a largely underutilized lot that is next door to a vacant lot (in-fill). The Comprehensive Plan sets the stage policy-wise to contemplate the type of change being proposed by the owners.

The owners are also exploring the possibility of jointly developing their property with the vacant lot to the south to provide an even larger area for a commercial retail establishment that requires more space than either property offers individually. In light of this possibility, the owners feel the rezone is even more warranted.

Rezoning the 1998 implementation of the Commercial Mixed zoning did not take into account that the subject property could be improved with the ownership to the south. Objections from the neighborhood based on such potential impacts as increased traffic on Maine Avenue, and visual and noise incompatibility can be mitigated with existing performance standards in the Code and the possible implementation of a Limited Use Overlay Zone. For example, the access to the subject property and to the one to the south can be made from North River Road exclusively. Existing vegetation and privacy fencing can be maintained, and additional noise and visual barriers can be installed through design review or through a Limited Use Overlay Zone performance standard. The value of the property is also diminished considerably by having non-conforming status and Commercial Office zoning. Though this is not a criterion for this proposed zone

change, it is nevertheless a dynamic in the ultimate improvement program for the property.

The remainder of this report provides detailed information on the site and addresses the specific rezone criteria contained in the Keizer Zone Code.

Site Description

The subject property is located at the southeast corner of the intersection of Maine Avenue N.E. and North River Road (Figure 3, Assessor's Map). The metes and bounds description is Township 7 South, Range 3 West, Section 2, Map CA. The site address is 4630 North River Road.

Figure 4 is a survey map that shows the exact dimensions of the subject property. The site has 89.5 feet of frontage on North River Road and 186.41 feet of frontage on Maine Avenue for a total of 275.91 feet of public road frontage. The 1985 survey also shows a slight irregularity at the northeast corner of the property where Maine Avenue and North River Road intersect. This tucking of the corner allows a right-hand turn onto Maine Avenue with a greater degree of ease.

Figure 5 is a plot plan map of the subject property and shows all of the existing improvements. The current improvements include the converted residential structure, perimeter fencing, and a gravel driveway into the rear of the lot from Maine Avenue. An electrical vault is also located at the southwest corner of the lot. The rear of the lot does have a partial privacy fence and a few remaining trees.

Figure 6 is a conceptual plan that reflects how the property could be improved from its

FIGURE 3

ASSESSOR'S MAP

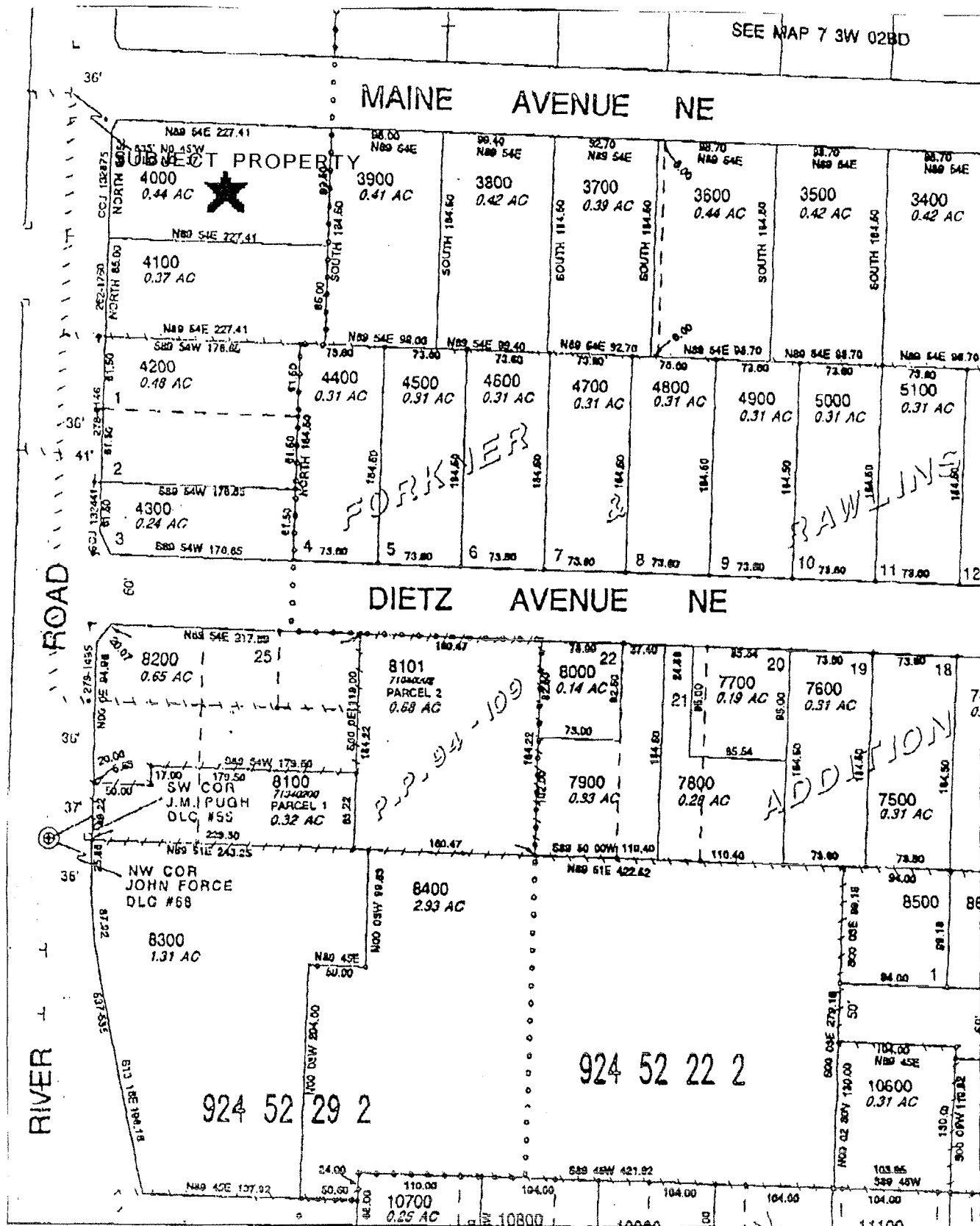


FIGURE 4

SURVEY MAP

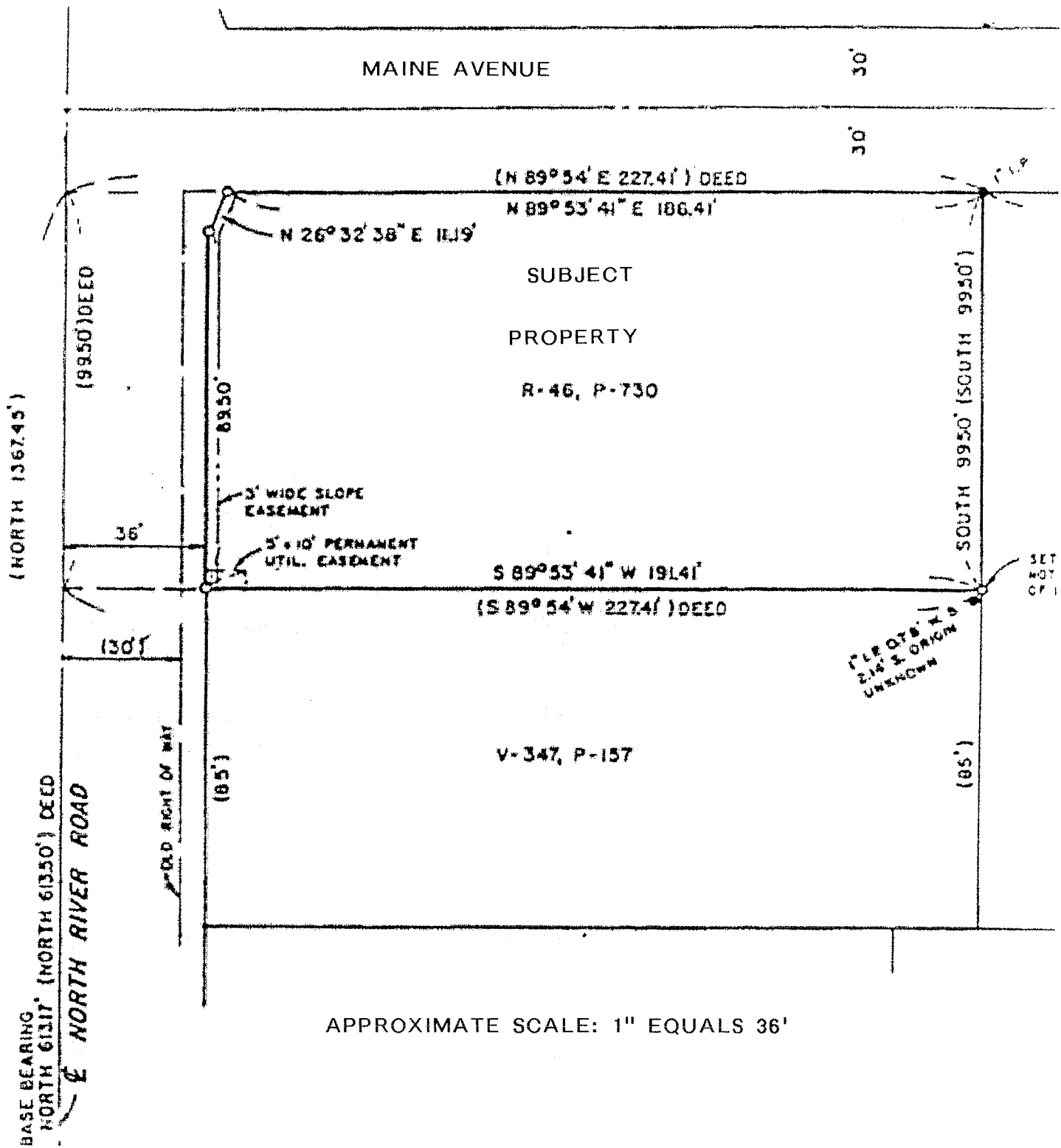
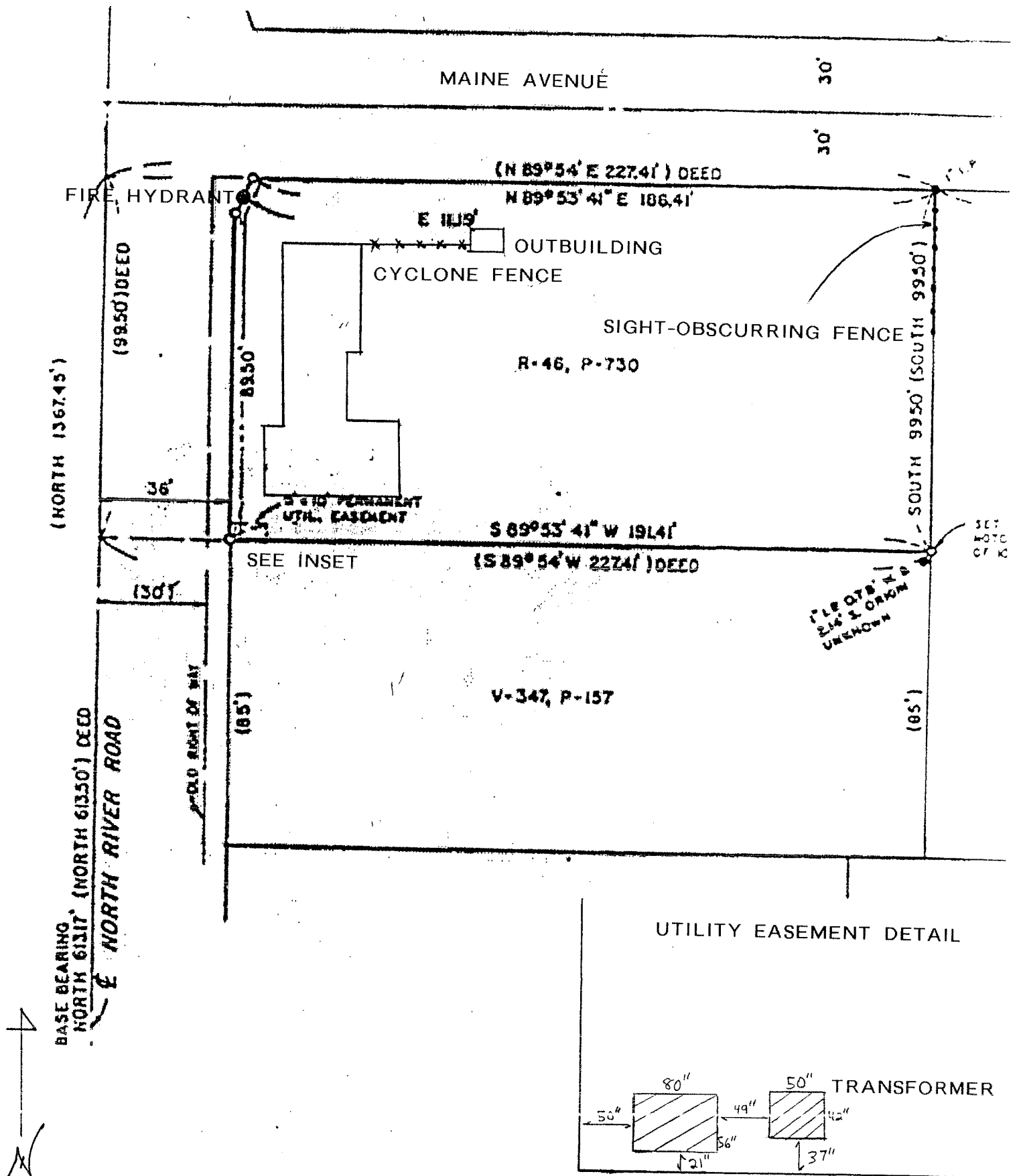


FIGURE 5

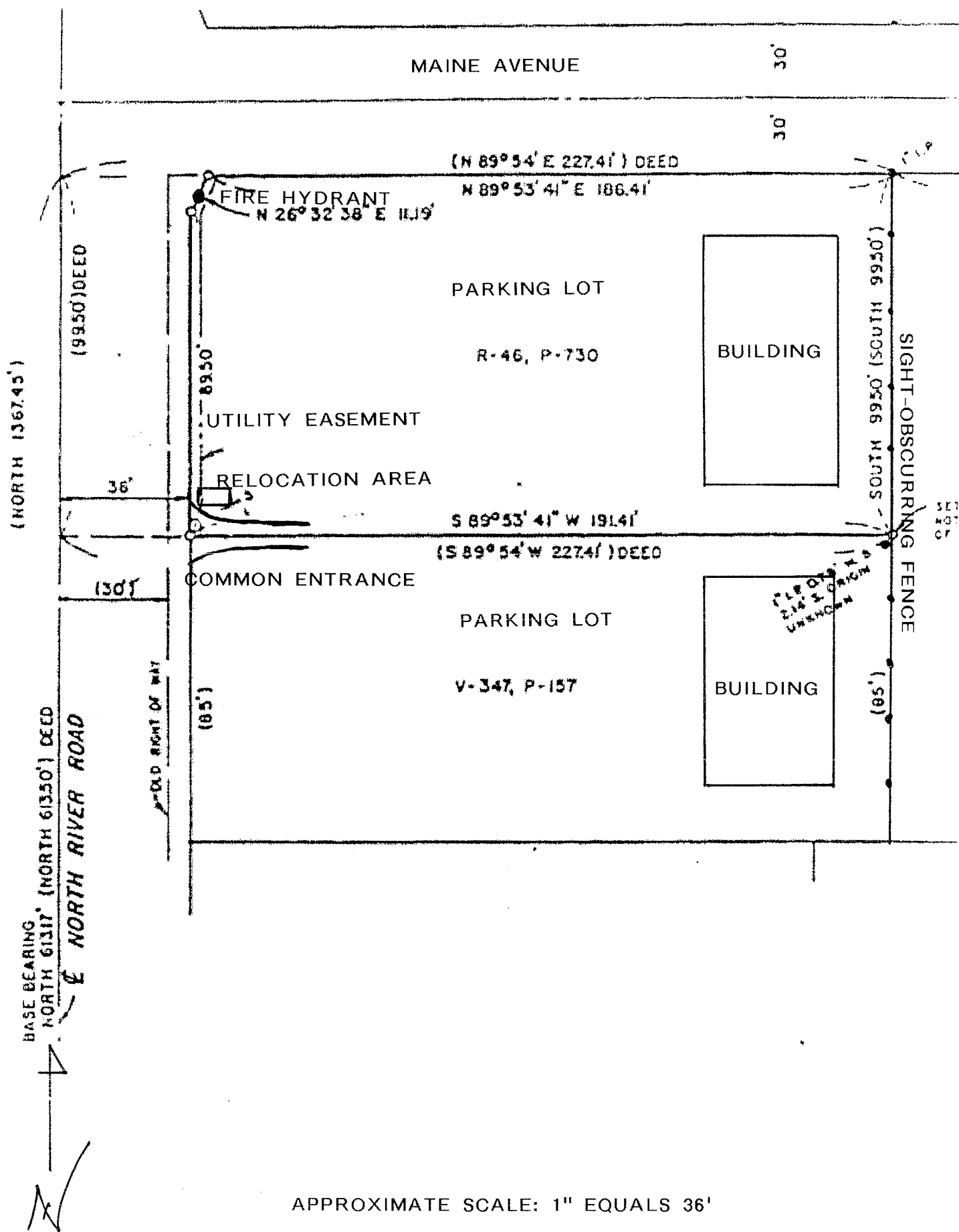
EXISTING USES



APPROXIMATE SCALE: 1" EQUALS 36'

SCALE: 1" EQUALS 10'

FIGURE 6 PROPOSED USES



current status. The proposed building improvement would be located more towards the rear of the lot, and parking and access would be along the frontage of River Road. Landscaping and noise and site-obscuring fences could be employed along the Commercial/Residential interface to mitigate potential adverse impacts. All parking would be confined to the interior of the property, and lighting could be directed away from residential uses.

The relatively small size of the lot will likely result in its being developed in some comprehensive fashion with the Commercial Mixed zoned parcel to the south. Neither parcel by itself is large enough to accommodate a broad range of uses permitted in the CM zone.

Approval Criteria

Section 3.202.03 of the Keizer Land Development Code contains the zone change criteria in accordance with the Type III Review Procedures. This application for the zone change proposal demonstrates substantial compliance with the six principal approval criteria. Each criterion is addressed as follows:

- A. 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.

The commercial goals contained in the Keizer Comprehensive Plan are integrated with economic and industrial development goals, policies, and findings. One of the principal goals, however, is the mixed use development in the area north of Olson Street and generally west of North River Road. The Plan states that this mixed use shall include the categories of office, retail, and government. The Plan states that redevelopment and in-filling of commercial development

along North River Road and the Cherry Avenue Corridor occur from the southern city limit to Olson Street. The subject property fits into the latter category rather than the former.

Nine goals that address economic, commercial, and industrial development are identified in the Comprehensive Plan. Each of the nine general goals are listed below, and a response is provided for each goal to demonstrate how this proposal conforms with the Goal Statement.

1. Broaden, improve and diversify the Keizer economy while maintaining or enhancing its environment.

This proposal demonstrates strong compliance with this Goal Statement because the end redevelopment of this property by itself or in conjunction with the property to the south will provide a better opportunity than currently exists. A larger improvement area, coupled with access on North River Road, provides a backdrop for improving and diversifying the economy of Keizer as a whole and the property in particular. Narrowing the focus of the zoning does little to enhance the overall economic development of this lot and the one to the south. Compatible and uniform zoning would be advantageous at this particular location on North River Road because of the excellent site attributes related to access and exposure.

2. Supply an adequate amount of land to accommodate new and existing businesses.

An analysis has been conducted for every commercially zoned property in Keizer. This analysis examined current vacancy rates for Commercial Office and Mixed Commercial zoning, trends in absorption rates of usage, demand information provided by commercial real estate firms, and empirical observation of usage. Supply is also related to redevelopment of properties with non-conforming structures and underdeveloped parcels.

The current vacancy rate for existing office zoned properties is very low, but the rate at which office zoned lands develop is also low. Seven vacant CO zoned parcels, two on River Road and five on Lockhaven Drive, comprise all of the bare land in the city.

3. Reserve enough remaining large parcels for special developments requiring large lots.

This criterion supports the major premise of this proposal, which is to develop the subject property and the adjoining one to the south in a comprehensive fashion. In a redevelopment area, the only means of achieving larger parcels is to combine existing parcels. Having one zoning that is consistent with that which is dominant in the area will go farther toward achieving the objectives of this goal. Commercial Mixed zoning dominates the block and the arterial corridor.

4. Ensure compatibility between commercial and industrial lands and lands adjacent to them.

The existing zone code provides several standards for enhancing compatibility between commercial lands and residential lands. In this case, the property owner is proposing a comprehensive program for promoting compatibility between residential uses to the east and the subject property. These measures include access exclusively from North River Road, maintenance of any substantial existing vegetation, fencing and/or walls to mitigate visual impact, sensitive building placement to buffer residential use from the impacts of automobiles within the lot, and the possible employment of a limited use overlay zone to limit the some high impact uses. The owner, in cooperation with the City, will insure that compatibility exists between the subject property and the residential lands to the east.

5. Provide for limited mixing of office, commercial, and industrial land uses when

such mixing does not reduce the suitability of the site for the primary land use designated in the plan.

This proposed zone change does not preclude mixing of office and commercial retail uses, but it does facilitate compatibility of zoning so that even greater mixing can potentially take place. Both commercial office and commercial retail uses are primary permitted uses under the Commercial Lands designation in the plan. This proposal conforms with this standard.

6. Provide the necessary public facilities and services to allow economic development.

The existing levels of public facilities were examined after conferring with the consulting engineer for the City of Keizer. The principal public facilities, such as sanitary sewer, city water, and storm drainage, already exist at a level that would permit any use permitted by either the CO or CM zones. Public services include accessibility to the Salem Transit District bus system, police protection from the City of Keizer, and fire protection. Public services are readily available to the subject property. This proposal strongly conforms with this criterion.

7. Encourage public and private efforts to increase economic development in Keizer. To the extent possible, such development should use local capital, labor, and management.

This proposal affords the City of Keizer an excellent opportunity to increase economic development potential through in-fill and development. The property owners' willingness to develop a tentative site plan (Figure 5) incorporating strict performance standards demonstrates that local capital, labor, and management can promote economic development. The subject property, at .44 acre, precludes consideration of certain uses that require greater amounts of land in order to operate. For example, nurseries, retail lumber sales, furniture stores, thrift stores, and

larger seating restaurants would have a difficult time meeting all their space needs on the subject property. The approval of this application will provide an opportunity to attract uses that have greater land requirements, particularly if Tax Lot 4100 to the south can be jointly improved.

8. Reduce unemployment in the resident labor force.

Providing a larger area widens the scope of uses which could achieve this end. Approving this application would have the potential to reduce unemployment.

9. Improve the level, stability, and distribution of per capita income for residents.

Approving the proposed zone change would likely have a positive effect on the level, stability, and distribution of per capita income for residents. Most retail uses generally create more employment opportunity than office uses.

An analysis of the goals demonstrates that this proposal is consistent with the general goals established in the Comprehensive Plan. This proposal is particularly compliant with General Goal 3, to reserve enough remaining large parcels for special developments requiring large lots. This proposal also strongly complies with the policy to supply an adequate amount of land to accommodate new and existing businesses. Both the Commercial Office and the Commercial Mixed zoning categories are appropriate for the Comprehensive Plan; however, the Commercial Mixed zoning designation better implements the plan at this particular location. This is the only location within the City of Keizer that provides an opportunity for both in-fill and redevelopment on adjacent lots. The entire North River Road Corridor does not have any similarly situated lots that would allow a larger, more comprehensive development opportunity. Neither lot, by itself, can accommodate any broad range of commercial mixed uses.

The subject property is only one of seven ownerships that are zoned Commercial Office east of North River Road. The largest vacant parcel immediately south of the intersection of Bever Drive and North River Road was very recently developed as an adult care facility. Of the seven ownerships, only two small lots north of the intersection of Bever Drive and North River Road are still available for commercial office development. The remaining developed Commercial Office lots on the east side of North River Road are longstanding dental offices (since 1950, 1960, and 1974 respectively). An analysis of these east-side commercial office uses reveals that not a single commercial office activity has been initiated in 27 years. The conclusion one could reach is that the east side of North River Road has not been a desirable location for commercial office development for at least 27 years; or, put differently, has had only three commercial offices established over a 51-year period. The large lot at the southeast intersection of Bever Drive and North River Road was available for office development, and yet it ended up being developed as an adult care facility. This alone suggests that investors have a very keen awareness that high-exposure, high-visibility locations have the potential for uses other than office.

A large number of commercial office uses (12) can be found in the Commercial Mixed zone, but only a couple of small retail uses can be found in the Commercial Office zone. The Commercial Mixed zone allows office uses, but the Commercial Office zone discourages or prohibits most uses permitted in the Commercial Mixed zone.

In the 1998 rezone, a six-lot area north of Janet and east of Elizabeth Street, were designated for Commercial Office. The six dwellings that are located on these six lots can be adaptively utilized for commercial office space. In addition, Baker Plaza located immediately east

of these six lots provides even more opportunity for commercial office space. The rate of commercial office development historically can largely be accommodated in this area. By contrast, the subject property is an isolated parcel of Commercial Office zoned land with no other complementary office uses adjacent or even nearby except for a bank directly across the street (also considered a quasi-retail use) and a dental office one-half block away to the southwest.

The subject property lies outside of the main commercial office area of Keizer, which is unquestionably west of North River Road between Cummings Lane and Chemawa Road. As stated previously in the report, 77% of all commercial uses on the North River Road Corridor are on the west side. This is a significant factor because it demonstrates that evening commuters utilize right-hand turns for accessing restaurants and grocery stores. The majority of the supermarkets in Keizer are on the east side of River Road (Safeway and Albertsons) where they are easily accessible by right-hand turns. The Roth's Store on Chemawa is also a right-hand turning movement as commuters return home. Appointment-oriented businesses associated with offices do not require the same ease of access as necessity trips and impulse stops. Appointments commonly occur at times other than rush hour when left-hand turns can be more easily made.

In conclusion, a strong positive finding can be made that the proposed Commercial Mixed zone is at least as appropriate as Commercial Office zoning for implementing the Comprehensive Plan but is much more appropriate considering use trends and the opportunity afforded by allowing joint development with the vacant lot to the south. Since the Comprehensive Plan speaks to economic goals, it is appropriate to note that this location is clearly more superior for commercial mixed uses than for commercial office uses because of its high exposure and visibility

to afternoon/evening commuter traffic, and its lack of complementarity to other office uses.

- B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

The subject property, by itself, is limited for many commercial mixed uses simply because of its size (.44 acres). The issues relating to physical capacity are streets, sanitary sewer, water, storm drainage, electrical power, telephone, natural gas, and the physical attributes of the site itself, such as size and configuration.

All of the above facilities were examined by contacting the consulting engineer for the City of Keizer and the providers of electricity and natural gas. Any use allowed in the proposed zone can be accommodated taking into account the above factors. Traffic generation to the site can better be accommodated if the property is jointly developed with a shared access. The existing electrical transformer located at the southwest corner of the subject property might need to be relocated if the access were to be equally shared between two parcels, but this does not, in and of itself, provide a physical capacity limitation. According to Peterson Engineering, no alterations to sewer, storm drainage, or water lines would be expected.

The uses permitted in the proposed zone can be accommodated on this site without exceeding the physical capacity of existing facilities and services.

- C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.

The size and configuration of the proposed lot allows for most uses that are permitted outright by special use permits or by conditional use permits. The subject property tends to be on the small side for many of the retail trade uses permitted in the zone, including fast food

restaurants. Most of the fast food restaurants already present in the area, such as Taco Bell, McDonald's, Burger King, KFC, Dairy Queen, Pizza Hut, and Arby's, are on significantly larger lots. A more suitable use for the subject property may be something smaller in scale if it cannot be combined with the property to the south. The existing nonconforming uses could be made conforming if the zoning is changed and could certainly be expanded in size.

The net developable area on the .44-acre site (minus yard setback areas) is .34 acre. The fact that the property has double street frontage results in a greater loss of net developable area than would otherwise occur. This fact largely precludes many of the permitted uses based on the usable area within the lot, and it is a factor in the desire to change the zoning to be consistent with that of the parcel to the south. Once again, neither parcel by itself is as suitable for the uses permitted in the CM zone as when combined.

- D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

All of the above public facilities are already in place. Each of the facilities are described as follows:

Streets: The property is bounded on the west by North River Road and on the north by Maine Avenue Northeast. North River Road is a four-lane arterial street, while Maine Avenue is a local street. The curb at Maine and North River Road has been angled to facilitate more rapid right-hand turning movements from North River Road onto Maine Avenue. North River Road was also recently improved with curbs, sidewalks, and storm drains. The streets are more than adequate to provide safe access and to facilitate traffic movement.

Storm Drains: A new storm drain grate was constructed near the northwest corner of the property in River Road. Additional storm drains, including a dry well to the northeast of the subject property, are located along Maine Avenue. Any improvements to the property will be tied to these facilities.

Domestic Water: According to Peterson Engineering, the property is served by an 8-inch water main that is located in Maine Avenue and North River Road. A fire hydrant is located at the northwest corner of the property immediately behind the sidewalk. All of the property can be serviced by this hydrant for fire-fighting purposes.

Sanitary Sewer: According to Peterson Engineering, a sanitary sewer is located in both River Road and Maine Avenue. No information on the size of this facility was provided.

Conclusion: The consulting engineer assured that any use permitted in the zone could be accommodated by existing levels of infrastructure.

- E. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.

This criterion is not applicable to this zone change.

- F. The following additional criteria shall be addressed:

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

This criterion has three components; one related to supply, the second to the physical and locational attributes of the site, and the last to specific site amenities. This criterion

does not require that all factors be satisfied; however, each of these apply to the site in varying degrees.

The supply of vacant land in the CM zone category has been absorbed at a substantial rate since the implementation of the 1985 Comprehensive Plan.

Since 1985 45.04 acres of land has been developed for CM uses for an annual absorption rate of 2.81 acres. At this rate, the projected amount of land needed for CM uses over the five-year supply period will be 14.08 acres.

A city-wide survey of vacant (in-fill) and non-conforming uses (redevelopment) was undertaken. For the purposes of this study, any structures built after 1975, regardless of current usage or condition, were not included as potentially developable because the structures still have a useful projected life beyond five years. Conversely, all non-conforming structures built prior to 1975, regardless of age and condition, were treated as available for CM uses.

The total acreage for all in-fill and redevelopment land is 24.8 acres. This is enough land to supply the city for a period of 8.8 years. The amount of vacant land suitable for in-fill is 12.2 acres, which means the vacant land could be used up in 4.34 years at current rates of absorption. The land suitable for redevelopment is 12.6 acres, or enough land to last 4.48 years. While these figures quantify the need, they do not address specific qualitative factors such as exposure, visibility, ease of access, availability of services, joint development, and complementarity of uses. A finding can be made that the supply of land for CM uses is adequate but not abundant. The vacant land could easily be used up within a five-year window based on the events of the last 16 years.

The second component of this criterion requires that "the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property." This property is not locationally or physically appropriate for the existing uses of the property since they are all retail oriented and cannot expand due to the existing Commercial Office zoning. The strongest argument for this rezone case is that the property is not locationally suited for office use. The evidence clearly demonstrates that office uses are not developing along the east side of River Road, nor have they grown at any significant level city-wide since 1985. Only one full lot zoned for office use has developed in the last 16 years, and that is the State Farm Insurance Claim Center on Lockhaven. No such growth has occurred at all along either side of River Road. The last office to develop on the east side of River Road was opened in 1974. Recently, a large Commercial Office zoned parcel at the southeast corner of Bever Drive and River Road was developed for adult assisted living care rather than as office. The subject property is not locationally suited for office use, and the use trends substantiate this position.

The third component of this criterion requires a finding that the property "lacks site specific amenities required by the proposed use." More aptly stated, the subject property has compelling attributes for mixed commercial uses such as high visibility, high exposure, arterial street frontage, full utilities and services, high potential for redevelopment and high potential for aggregation with an adjoining lot. Office use, by contrast, is not highly dependent upon having arterial street frontage, as evidenced by the recent rezoning of six single family lots along Janet and Elizabeth Streets for Commercial Office. Other office complexes throughout Keizer are found on side streets "around the corner" from the arterial street such as the dental offices on

Dearborn Avenue east of River Road and those on Dearborn west of River Road.

In summary, this proposal demonstrates substantial compliance with this criterion when considering locational factors and site attributes. The supply of vacant land alone is not enough to satisfy the need for more CM-zoned land for the next five years. It is only when the land with redevelopment potential is added to the mix that a projection can be made for a 8.8-year supply. The ability to redevelop land does not occur at the same rate as the development of vacant land, as evidenced by the consumption of vacant land over the last 16 years.

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

The five-year supply of vacant land for Commercial Office use is definitely adequate to accommodate the projected rate of development. The development and redevelopment of land for office space has been very slow for the past 16 years. Only one structure has been built, and a total of 3.82 acres has been developed to Commercial Office Use. The city of Keizer currently has 14.24 acres of vacant land zoned for Commercial Office use. Another 7.72 acres of land is suitable for redevelopment based on the same parameters applied to the CM zone (pre-1975 non-conforming uses).

Surprisingly, most of the Commercial Office development preceding the Comprehensive Plan adoption occurred in Commercial Retail zones. At least 12 offices that are currently operating in the CM zone were established prior to modern zoning. Since 1985, however, no more office uses have developed in other zones.

The city has a variety of sizes and locations for office development. Twenty different

properties are available and range in size from .14 acres to 4.73 acres. Six properties are currently vacant, and 14 have potential for redevelopment. Based on the absorption rate of .24 acres over the last 16 years, the city has a 92-year supply of land suitable for commercial office space.

The six lots zoned for Commercial Office located on Janet and Elizabeth Streets offset any potential loss of redevelopment land resulting from the proposed conversion of the subject site.

In summary, a strong positive finding can be made that the supply of Commercial Office zoned land is adequate for the next five years and for many years thereafter. The same finding cannot be made for CM zoned land.

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

The existing code mechanisms for maintaining stable land use patterns include the Comprehensive Plan and the specific performance standards for each zone code designation. In addition, the city has the ability to utilize limited use overlay zones to effect certain changes in order to mitigate potential adverse impacts. This property, whether developed by itself or in conjunction with the vacant parcel to the south, can be improved in a manner that will not adversely affect adjacent properties.

The Comprehensive Plan encourages redevelopment and in-fill and also encourages reserving remaining large parcels for special developments. In essence, the plan encourages lot aggregation so that development can be conducted more efficiently.

If the subject property is improved by itself or in conjunction with the vacant land to the

south, the performance standards of the CM zone can be applied. The current on-street parking on Maine Avenue would be eliminated and internalized to the parcel. The current access on Maine Avenue would be eliminated in favor of an access on North River Road. The parking would be placed to the frontage of the lot rather than towards the rear of the lot, and landscaping would be increased from the small strip that currently fronts onto River Road to a landscaping package that has landscaped side and rear yards. The existing rear yard has a 48-foot-long, six-foot-high wooden privacy fence. This fence could be extended along the entire common boundary with the residential property to the east. If necessary, a noise attenuation wall could be constructed depending on the end use of the property and noise levels generated. Overhead lighting and car headlights are not currently a source of incompatibility, but even this situation can be improved from what currently exists. The elimination of access from Maine Avenue will reduce headlight glare, and the redevelopment of a new structure will result in modern directed lighting rather than unrestricted lighting. All of these code performance standards collectively help maintain and stabilize the land use pattern of the area and also significantly reduce adverse impacts to adjoining properties.

A positive finding can be made that the implementation and enforcement of existing code standards can improve compatibility between dissimilar zoned areas. Establishing access onto North River Road will be particularly helpful since it will keep through traffic out of the adjoining residential neighborhood. Ultimately, design review will further assist in aesthetic considerations relating to neighborhood appearance. The height, size, and bulk of the building will be examined as well as colors, textures, and lighting. The property owners would prefer enforcement of existing code regulations rather than the establishment of a limited use overlay zone. They do not

believe that their parcel has the size to attract any fast food restaurants since most of the major franchise fast food establishments are already located in Keizer. The owners also feel that they have a low potential to attract a fast food restaurant since they only have a net developable area of .34 acres. All of the other fast food franchises have more space than is available on the subject property.

The owners of the subject property have been in discussions with the adjoining property owner to the south to aggregate the two properties for common benefit. Interest has been expressed in establishing an automobile parts store or a nursery. Neither of these two uses should be incompatible with the neighborhood if existing standards are enforced.

Summary and Conclusions

This proposal involves a zone change from CO to CM and no corresponding Plan Designation Amendment. Both zones implement the comprehensive plan designation for commercial uses. This case involves matters of degree and appropriateness of one zone over another.

The first premise in favor of the application is historical land development trends along the Cherry Avenue/River Road commercial corridor. Commercial Office uses have basically been frozen for 27 years while uses permitted in the Commercial Mixed zone have proliferated dramatically in the last 16 years. Only three of the current commercial office zoned properties have developed in the last 50 years, and only fifteen total office uses have been established in both office and retail zones historically.

The second premise is the supply of Commercial Office zoned land suitable for in-fill and redevelopment far exceeds any foreseeable demand. Based on historical trend evidence, the supply of land could last many decades. The only major commercial office development was the establishment of the State Farm Claims Center (2.77 acres). The consultant contacted State Farm and they stated their site was totally built out.

The third premise in support of this application is that most of the future commercial office development will occur where there are groupings of redevelopment lots or vacant parcels, rather than where there is a single isolated parcel. Most of the vacant and available land is located on Lockhaven Drive (65%) and most of the redevelopment land 26% is also located on Lockhaven Drive. This area will carry the load for commercial office development in Keizer.

The fourth premise is that this proposal helps implement the goals and policies of the Keizer Comprehensive Plan. A major tenet of the plan is to “encourage” infill and redevelopment. This proposal clearly has the potential to do both.

The fifth premise is that uses permitted by the CM zone are in much greater demand and therefore more land is needed to be zoned CM. The subject property only represents 2% of the available land for office development. While the supply of available lands zoned for office use projects out to 92 years, the lands zoned for mixed uses only projects out 8.8 years. Clearly the demand is greater and the supply is less in the CM zone.

The final premise is that the proposed use of the site for mixed uses can be made compatible with adjacent and nearby residential lands based on the specific performance standards of the zone and design review considerations. Many commercial uses that line the River Road corridor exist in harmony with dissimilar uses due to city mandated standards for segregation and

mitigation of impacts. The property owners have demonstrated in Figure 6 that future uses can be established with minimum adverse impacts to neighboring lands. Any potential for incompatibility should be able to be mitigated through sensitive design and enforcement of existing code standards.

Eric Pittsley
Northwest Phone and Security
4630 River Road N.
Keizer, Oregon 97303
(503) 390-2178

May 11, 2001

Maria Meier
City of Keizer
Community Development Department
930 Chemawa Road N.E.
Keizer, Oregon 97303

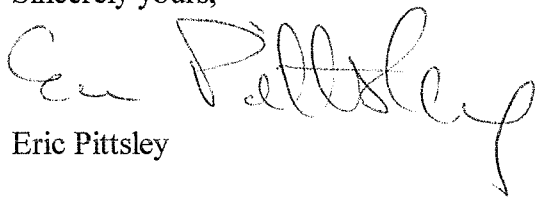
Re: Case File: ZC 2001-20

Dear Ms. Meier:

I have contacted the property owner directly south of my property regarding shared access in the event our properties are developed jointly. More specifically, this property is located in Township 7 South, Range 3 West, Section CA, Tax Lot 4100. The owner, Ruth Jacobs, is agreeable to having a shared access entry that would serve both properties. It is our understanding that the City Engineer believes this would be safer and promote traffic flow better than having individual access approaches.

Please let me know if you need any more information concerning this arrangement.

Sincerely yours,



Eric Pittsley

EXHIBIT "D"
Written Testimony
Submitted to Record

May 22, 2001

Via Fax 503/393-9437

Community Development Dept.
Keizer City Hall
930 Chemawa Rd. NE
Keizer, OR 97303

Re: Zone Change Case 01-20

Dear Community Development Dept:

I am writing to state my opposition to the change in the zoning of the property located at 4630 River Rd. N, Keizer, OR 97303, from Commercial Office to Commercial Mixed.

For 39 years, we have owned our home at 622 Maine Ave., which borders the subject property of this proposed change. In the approximately 3 years Mr. Pittsley's has owned his property, I have had concerns with how the property has been maintained, some of which are as follows:

1. An abundance of cars and service vehicles from the 5 businesses operating out of his location are parked alongside the subject property, and when the parking area is muddy, the vehicles are moved alongside the Taco Bell property, impeding the traffic to and from Maine Ave. and the increasingly busy River Rd. This is especially a problem when combined with the "Taco Bell turn-a-rounds," as we refer to the many vehicles that turn on Maine Ave. with the intent of entering the restaurant from that side;
2. Unmowed weeds and grass (which I mowed on several occasions); and
3. Part of a border hedge was removed by Mr. Pittsley from our mutual property line opening my backyard up to his property and necessitating us to endure the cost of materials and construction of a fence to regain some privacy, to cut down on the noise from River Rd. and the weeds from his property.

Mr. Pittsley has improved some areas of his property, but in a conversation I had with him this week, he indicated that he has little funds to do much more. Even if Mr. Pittsley intends to run his business with little additional impact to Maine Ave., who is to say what a future owner of the property might do, or be allowed to do by the City, if this zoning change is allowed?

Community Development Dept.
May 22, 2001
Page 2

As some of the Council members know, the residents of Maine Ave. have had the dubious distinction of fighting to maintain the livability of our dead-end street on many occasions and have had to attend numerous hearings regarding proposed changes. Our experience with the City has not always been favorable, i.e., the construction of Taco Bell and the many promises that were made about the removal of the billboard on that property. (It is my understanding that there are designated funds available to litigate the removal of that sign, but year after year goes by, and I still have to look at that billboard from my living room window.)

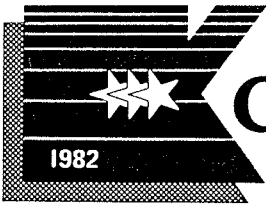
Some City officials have stated that Taco Bell should never have been allowed to be built on the corner of our street, but that did not keep it from being built. Why should we trust the City that something like that, or even worse, won't happen again on our street?

Thank you for your consideration of my opposition to the changing of the zoning of the aforementioned property.

Sincerely,

A handwritten signature in black ink that reads "Sherrill Wagnier". The signature is written in a cursive style with a large, sweeping initial 'S'.

Sherrill Wagnier
622 Maine Ave. NE
Keizer, OR 97303



City of Keizer

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

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

May 25, 2001

Frank Walker & Associates
37708 Kings Valley Highway
Philomath, Oregon 97370

Re: Zone Change Case No. 01-20

Dear Frank:

The Public Hearing record for Zone Change Case No. 01-20 has been held open until June 4, 2001. You will be receiving a notice of the status of record that has also been sent to persons whom attended the meeting last night.

City staff would like to submit comments to the record relating to some questions and comments stated at the public hearing. Adjacent residents stated that "six" business are located within the existing structure on the property. In turn, you stated that "five" businesses are located in the structure. To address this issue, City staff requests that you or the property owner submit a list to the City stating what specific business uses are existing in the structure and specifically when each business was established (month/year).

Please submit this information to the Community Development Department by May 30, 2001 in order for City staff to have time to adequately respond. Thank you.

Sincerely,

Maria Meier
Planning Director

Cc: Eric Pittsley, Property Owner

Frank Walker & Associates
37708 Kings Valley Highway
Philomath, Oregon 97370
(541) 929-5743
(541) 929-5749 fax

May 30, 2001

Maria Meier
City of Keizer
Community Development Department
930 Chemawa Road NE
Keizer, Oregon 97307-1000

Dear Maria:

Frank's recent letter outlined the date of establishment of the businesses located at the 4630 River Road North property. For the sake of clarification, I thought it might be helpful to provide a time line of when these business started at this location:

---VacuMaid: July 1998

--Northwest Phone and Security: August 1998

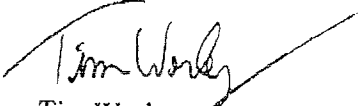
--Pest Eliminator: September 19, 1998

--Adolph's Electric: December 15, 2000

--PC Computer: March 10, 2000

Please call us if you have any questions.

Sincerely,



Tim Worley
Land Use Planning Consultant

Jeffrey B. Litwak
4311 SE 64th Avenue
Portland, OR 97206
(503) 777-4758
jlitwak@qwest.net

June 4, 2001

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

VIA FACSIMILE

(503) ~~390-8295~~

393-9437

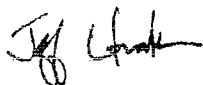
**Subject: Order Reopening Record
 Zone Change Case No. 01-20**

Dear Maria:

I am faxing you a copy of an order reopening the record for this case. Please make sure you notify all of the people who were at the hearing or submitted the additional evidence to give them all a fair opportunity to respond. Be sure to remind me next time to schedule time for responses at the hearing, so we don't have to do an order and get it out to folks again. I'll mail the original of this order with my recommendation so you have a complete file of originals.

Please don't hesitate to call me if you have any questions. I am in my office in White Salmon tomorrow and Wednesday (509) 493-3323.

Very truly yours,



Jeffrey B. Litwak

BEFORE THE HEARINGS OFFICER
FOR THE CITY OF KEIZER

In the Matter of	)	ORDER REOPENING RECORD
Zone Change Case No. 01-20	)	FOR RESPONSE EVIDENCE
_____	)	AND ARGUMENTS

On May 24, 2001, the Hearings Officer conducted a public hearing on this matter. At the hearing, a person testifying about the application requested additional time to review the application and submit written comments. The record was held open until 5:00 pm on June 4, 2001 to submit additional written evidence.

On June 4, 2001, the Planning Director reported to the Hearings Officer that the applicant and several interested persons submitted additional comment, including three letters and a video submitted at 4:58 pm on June 4, 2001 and filed a written request to hold the record open for an additional seven days to allow time for staff to evaluate and respond to the additional evidence.

ORS § 197.763(6)(c) requires the Hearings Officer to reopen the record if any participant files a written request for an opportunity to respond to new evidence submitted during the period the record was left open.

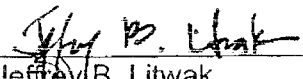
Pursuant to ORS § 197.763(7), any person may raise new issues that relate to the new evidence, arguments, or criteria for decision-making which

ORDER REOPENING RECORD
FOR RESPONSE EVIDENCE
AND ARGUMENTS

apply to the matter at issue. For the purpose of this order, "new evidence" is the evidence submitted during the time the record was held open, which was the time period between the close of the May 24th hearing and 5:00 pm on June 4, 2001.

IT IS HEREBY ORDERED that the record shall be reopened effective immediately, and shall close at 5:00 pm on Wednesday, June 13, 2001 to admit new evidence or arguments consistent with ORS § 197.763(7). At a minimum, staff shall make the new evidence available for inspection at its office during its regular business hours. The new evidence or arguments submitted during this time the record is reopened must be responsive to the "new evidence" as defined above.

DATED this 4th day of June, 2001



Jeffrey B. Litwak
Hearings Officer

ORDER REOPENING RECORD
FOR RESPONSE EVIDENCE
AND ARGUMENTS

TO: CITY OF KEIZER HEARINGS OFFICER
FROM: WILLIAM I. PETERSON, P.E.
CITY ENGINEER
THROUGH: MARIA MEIER
PLANNING DIRECTOR
DATE: June 4, 2001
RE: 2001-20 ZONE CHANGE
FRANK WALKER AND ASSOCIATES

ADDITIONS TO PUBLIC WORKS REQUIREMENTS

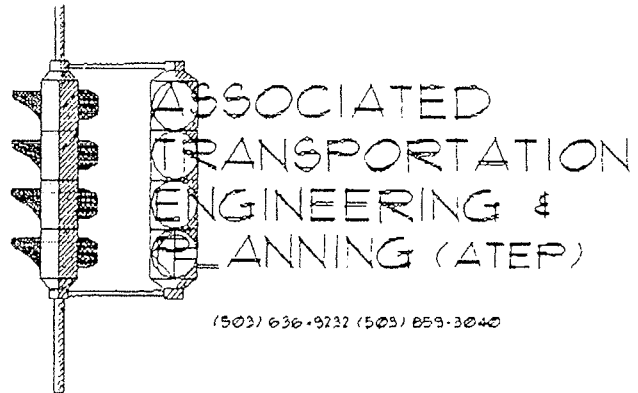
Testimony was presented at the public hearing that a traffic report by the city traffic engineer was available that discussed the traffic impacts for a previous application on the subject property. We have contacted the city traffic engineer and he has furnished a copy of a letter regarding property at 3836 River Rd. N. His letter is referring to a site which is already zoned retail.

The applicant has not yet identified which uses might occur as a result of the proposed zone change. The Public Works Department would therefore add the following requirement:

Location of access to Maine Avenue – The future uses of the subject property could result in additional peak hour traffic. The Public Works Department recommends that the site plan be modified to result in placing of new buildings on the westerly portion of the property and developing the required parking on the easterly portion of the property. The access driveway to Maine should be located on the eastern most portion of the property to provide for the maximum amount of stacking distance on Maine.

July 2, 1996

Mr. & Mrs. Harry Nelson
Keizer Liquor Store
3836 River Road. N
Salem, OR 97303



RE: Retail Store Location

Dear Mrs Nelson:

As you requested I have reviewed the proposed location for the new Keizer Liquor Store and have found that this location has no traffic related problems.

The site is currently designated retail by the City of Keizer and is located mid way between Deitz Avenue and Juedes Avenue. Since the location is mid-block and North River Road at this location has a continuous left turn pocket, I would expect little if any left turning conflicts to occur in this area.

My only recommendation to you for your site is that the driveway be located on the south property line and that it be a joint use access with the property to the south. This will reduce any if not all left turning conflicts that may occur between the two properties.

If you could site your building to take this driveway location in to account it would greatly enhance the operation of North River Road by consolidating access points.

I have contacted John Morgan of the City of Keizer and he agrees with my analysis.

If I can be of further assistance please contact me at 503-859-3040.

Sincerely,

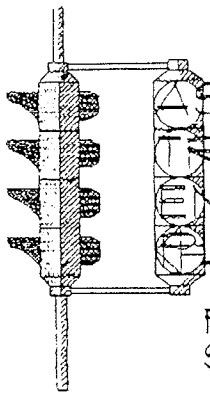
ASSOCIATED TRANSPORTATION ENGINEERING & PLANNING, (ATEP)

Richard L. Woelk, P.E., T.E.
Principal

cc: John Morgan, City of Keizer

4040 DOUGLAS WAY LAKE OSWEGO, OR 97035
P.O. BOX 13185 SALEM, OR 97309

(503) 636-9232
(503) 859-3040
Fax (503) 859-3041



ASSOCIATED
TRANSPORTATION
ENGINEERING &
PLANNING (ATEP)

P.O. BOX 13185
SALEM, OR 97309

(503) 859-3040 (503) 630-9732
aw@atepewv.com

FACSIMILE TRANSMITTAL

COVER SHEET

(503) 931-3770

TO: PETERSON ENGINEERING, INC

FAX #: (503)390-7461

ATTN: Bill Peterson

FROM: DICK WOELK

DATE: May 29, 2001 # OF PAGES__ (includes this sheet)

RE: Nelson Letter - Maine and North River Road

COMMENTS/INSTRUCTIONS:

If you have any questions regarding this, please contact me at 503-931-3770



NORTHWEST PHONE & SECURITY, INC.

Portland: (503) 224-4166 ♦ Salem: (503) 390-2178

FAX: (503) 390-0479

☆ RECEIVED ☆

JUN 04 2001

06/04/01

To: Jeff Litwak, Hearings Officer

Cc: Maria Meier, Planning Director

Subject: Zone Change Case No. 01-02

City of Keizer
Received on 6/14/01
date 3 letters +
2 videotapes
CE/ajh

My name is Eric Pittsley, my wife and I own the property at 4630 River Rd. N., Keizer. We have applied for a rezoning from CO to CM and I would like to address the issue of why!

As stated in the staff recommendation the properties to the north and south are zoned CM this would make the most sense for property located on a state hwy in a down town section of any city. We purchased this property knowing of its current zoned usage knowing that in time we would apply for a rezoning like those properties adjacent to ours. We established Northwest Phone & Security, Inc. in August of 1988 in our home. As the business grew we had a need for more space so in August of 1995 we purchased a new home.

Located on a dead end cul-de-sac street with a detached garage at 899 Lawnview St. NE, Keizer this new residence/office seemed to be the answer. Although, zoned for single family residences the employees took the vans home at night they still reported to work each morning we knew we needed to find a larger space zoned for our usage. At the same time we were approached by the owner of Vacu-maid Northwest to inquire in the interest level of purchasing this additional business. After much consideration we made the acquisition and began running the business out of the rented location at 1018 Liberty Rd. N., Salem.

Now, with two businesses to manage it was very apparent that separate locations would not work. Neither was ideal, the smaller rented retail space or our private residence. Ideally, the 1018 Liberty Rd. address with the high visibility would have been the solution. But at the same time, located in Keizer and closer to my home 4630 River Rd. N was available. Actually with a comparable monthly mortgage payment as we were paying in rent. So in July of 1998, our loan was approved and we acquired the property.

Knowing that previous potential purchasers had tried unsuccessfully to rezone this did not detour us from our dreams of again selling retail vacuum equipment. I tried to show to the planning staff "see exhibit c" of the Keizer Community Development Department Staff Recommendation that our intended usage is to sell "Retail". To be compliant we have applied for a rezoning of this property. We waited approximately three years to establish our business but also the business' of others that have become tenants of our current building. Three out of Five business are capable of increasing their gross income by increasing traffic and allowing retail sales on a grander scheme. By building a new facility and demolishing our current structure we will not only accommodate the tenants but our own issues of growth.

With this proposed zone change our intentions are not to sell but to rebuild with a more accommodating structure that would include a "limited use overlay". This overlay may include but is not limited to eliminating the following types of businesses: gas stations, gas stations w/mini marts, adult video/book stores, fast food restaurants and or banks with drive-through windows.

I've included two videotapes of my own traffic study totaling three days of traffic. Included in these tapes are morning and evening commutes and with lunch hour. Please view them for yourself on a basic VCR they will probably track fast as they were recorded on a time lapse recorder. After personally viewing the traffic flow I do not feel that traffic will increase on Maine Ave. by rezoning to CM. The current businesses goods for sale are of value to a local community but not a daily commodity that would jeopardize the solitude of Maine Ave.

In conclusion, I've written this letter in the hopes that our plan for this property is clear. Build a new building that would allow my two businesses to grow with retail sales.

Sincerely

Eric Pittsley

ADOLF'S ELECTRIC

ELECTRICAL CONTRACTING

P.O. Box 318 • DALLAS, OR 97338

May 25, 2001

City of Keizer
Attn: Hearings officer
Keizer, Or. 97303

☆ RECEIVED ☆

JUN 04 2001

City of Keizer

RE: Proposed zone change

Dear Sir,

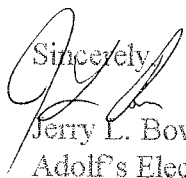
For years, I operated out of the Dallas, Oregon area as a retailer and an electrical contractor. As the years went by, the downtown area in Dallas found it more difficult everyday to keep business in that area. I retailed home appliances, electronics, electrical supplies, and conducted electrical contracting as well. I decided to eliminate the appliance and home electronics portion of my business, but kept retailing the electrical supplies and electrical contracting.

Because the traffic in the downtown area of Dallas was diminishing, I decided to move to a more visible area, with more traffic. In this River Road location, I believe that it would be ideal for the retail market that I have lost since moving from Dallas. I know that there are other places in Keizer to purchase electrical products, but as an electrical contractor, we would be able to retail the electrical supplies, and the expertise for the homeowner to install it themselves.

In conclusion, I believe that it would not only benefit my business to have this area rezoned, but all of the other businesses located in this same building.

Thank you in advance for your time and consideration in this matter.

Sincerely,


Jerry L. Bower
Adolf's Electric

MAIL DEPOT

A Division of OMNI-Enterprises of America, Inc.
4742 Liberty Road S.
Salem, Oregon 97302
(503) 585- 3072

☆ RECEIVED ☆
JUN 04 2001
City of Keizer

May 31, 2001

City of Keizer
Hearings Officer for Zone Change
Keizer, Oregon 97303

Re: Zone Change for 4630 River Road N.

When Mr. Pittsley first purchased the property at 4630 River Road N., we had discussed developing the site to incorporate his business and a second branch for the Mail Depot on the site. The idea of having a store closer to our Keizer residence was attractive. Because the property was not zoned for retail, the concept was dropped from our plans.

Now that Mr. Pittsley is in the process of requesting a zone change, my suggestion is that the property be changed to Commercial Mixed so the land could include retail and be more versatile. It is further suggested that any property on River Road between Appleblossom and Lockhaven be changed to CM to allow for retail.

Sincerely,

Dennis K Miller, secretary
Dennis K. Miller

Frank Walker & Associates
37708 Kings Valley Highway
Philomath, Oregon 97370
(541) 929-5743

May 28, 2001

Maria Meier
City of Keizer
Community Development Department
930 Chemawa Road N.E.
Keizer, Oregon 97303

Re: Case File: ZC 2001-20

Dear Maria:

I am responding to your letter of May 25, 2001, regarding how many businesses are located on the subject property and when each business was established.

Adolf's Electric 1949
Northwest Phone and Security 1987
VacuMaid Northwest 1987
Pest Eliminator (awaiting response)
PC Computer (awaiting response)

My client owns Northwest Phone and Security and Vacumaids Northwest. I personally inspected the property on Friday May 25, 2001, and visited each office within the building. There are five businesses as I testified to at the hearing.

I wanted to clarify for the record that the subject property has no overgrown weeds and no dandelions as testified to at the hearing by the adjoining property owner to the east. New fence panels have been added by the neighbor to the east as she testified. The subject property is now totally sight obscured from the property directly to the east.

All of the above businesses are service oriented only, with some incidental sales. All of the businesses want to expand and have a retail sales component at this location. After carefully examining each business, it is very apparent there is no room in which to conduct any substantial retail sales. The objective of this change is to provide an opportunity for these businesses to have legitimate sized flooring areas for retail sales.

I had the pleasure of knowing Al Adolf, the original founder of Adolf Electric. They had a large retail (approximately 1,000 square feet) sales location in Dallas, Oregon before moving to Keizer, Oregon. They have no opportunity at this location for selling lighting and other assorted electrical equipment. VacuMaid Northwest could compete more favorably with other Salem area vacuum

Page 2
Eric Pittsley

cleaner stores if they only had the space to floor various models and systems. PC Computer would like to sell computers, hard drives, zip drives, screens, mice, and other assorted computer equipment, but has to settle for servicing them only so they are not in violation of zoning standards.

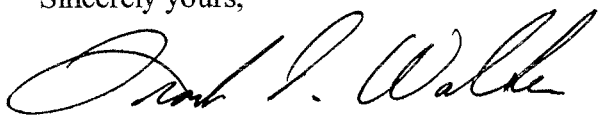
Mr. Pittsley and his tenants want the City of Keizer to understand that any appearance of lack of disclosure about this proposal was for fear they would be reported for a zoning violation and shut down for conducting incidental retail sales. The driving force for this zone change is to create a new building that houses the same tenants that currently operate on the site. In addition, a postal sorting business also wants to relocate to this site from South Salem, and they would need a retail zoning since they retail gifts in order to get the mailing business.

This is a long-term strategy for Mr. Pittsley who began his businesses in 1987. At first, his home in a quiet Keizer neighborhood served as his place of business. Rather than expand his operation at home and disturb his neighbors, he purchased the subject property. All of his tenants have rented with the understanding that they are prohibited from conducting retail sales; however, all of them, including the Pest Eliminator, feel retail sales would improve their businesses substantially. Mr. Pittsley also informed me that whenever he has a vacancy, he has a difficult time replacing tenants because of the use limitation. If he were to lose two tenants at one time, he would have a difficult time finding replacements.

We will respond to the hearings officer's other concern about traffic at Maine Avenue and North River Road as we receive information on the Wolk traffic impact study. We did, however, feel it is strategically very important to inform the hearings official that the uses on the subject property will be exactly the same after the zone change as before. I have assured my clients that the incidental sales of a few items from their very limited floor space does not constitute bona fide retail sales.

Thank you for your assistance, and we do look forward to further cooperating with the City.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Frank D. Walker". The signature is fluid and cursive, with the first name "Frank" being more prominent and the last name "Walker" following in a similar style.

Frank D. Walker
Land Planning and Development Consultant

cc: Eric Pittsley



RENTAL AGREEMENT

FORM

1

OREGON

MULTIFAMILY, SINGLE FAMILY

RENTAL AGREEMENT (Page 1 of 2)

1. DWELLING UNIT: Name, address, unit # of premises:

PC COMPUTER

SERVICE, SALES of comm./Res.

COMPUTERS

2. TENANCY:

☐ Week-to-week ☒ Month-to-month Rent payment due on 1ST OF MONTH Other _____
☐ Fixed term lease beginning _____ ending _____ Total amount of lease \$ _____ payable in monthly rent
payments of \$ _____ per month due on the _____ of the month. Failure to complete the term of the lease will result
in a charge of \$ _____.

3A. PARTIES - OWNER/AGENT: Name, mailing address for payment of rent and/or service of notice:

Make rent payable to: WESTSTAR LOAN

Landlord telephone number (General) _____ (Emergency) _____ (Fax) _____

☐ Notices: Pursuant to Section 11(c) of the Terms and Conditions, the landlord will allow service of notices by "post and mail".
First class mail shall be to the above address and attachment at the following address/location (describe with particularity, reasonably
located in relation to the tenant and available at all hours): _____

3B. PARTIES - OCCUPANTS: List all individuals, hereafter referred to as
"tenant" who are authorized to occupy the dwelling. See Terms and Conditions
for restrictions. Wherever the term "tenant" is used, the term shall apply in the
singular or plural.

Name	Date of Birth	Social Security Number
<u>ERIC HANDSHERY</u>	<u>4-17-74</u>	<u>543-96-1671</u>
<u>JOE ACANDER</u>		

4. VEHICLES:

☐ Permit required # _____
☐ Assigned parking space # _____
Make / Model / License # / State _____

5. PETS: ☒ Animals or pets are strictly prohibited.
☐ Pets and/or aid animals are accepted subject to
the terms and conditions of the addendum.

6. UTILITY PAYMENT RESPONSIBILITY:

Landlord indicate with #1, #2, or #3

- #1) Landlord or tenant responsibility as indicated by "X"
#2) Pursuant to ORS 90.315(2) utility or service which
the tenant pays directly to a utility or service provider
which benefits, directly, the landlord or other tenants
indicated by "2"
#3) Landlord payment indicated by "3". See Section 7.

	Landlord	Tenant	Tenant Acct.#
A) Water	☒	☐	
B) Sewer	☒	☐	
C) Electric	☒	☐	
D) Gas	☒	☐	
E) Garbage Can	☒	☒	<u>PUT IN DUMP</u>
F) Garbage Service	☒	☒	
G) Basic Cable	☐	☐	
H) Oil	☐	☐	
I) Other	☐	☐	

* If single can, tenant shall be limited to one 30 gallon can
picked up weekly, including recycling. Tenant may be billed
for additional amounts.

7. UTILITY CHARGES:

if under Section 6, the landlord
has indicated a "3", the landlord
has elected to bill the tenant for
the indicated utilities. The rate
shall be _____% of the total or
according to the following formula

Utilities for the common area, if
any, will be billed separately from
those utilized by dwelling units.
Billing will be on a ☐ monthly
basis or as follows _____

and must be paid by the _____
of the following month.

Conservation by all
will benefit all.

8. APPLIANCE INCLUDED:

Make / Model / or Serial#
☐ Range _____
☐ Refrigerator _____
☐ Dishwasher _____
☐ Garbage Disposal _____
☐ Washer _____
☐ Dryer _____
☐ Microwave _____
☐ Other _____

9. RECYCLING: The Landlord
identifies the availability of recycling
as follows:

- ☐ Provided on-site.
☒ Provided by the hauler.
☐ Not provided and is the
responsibility of the tenant.

10. REAL ESTATE DISCLOSURE

☐ The landlord identifies that the
property is four units or less and is in a
form of foreclosure.



RENTAL AGREEMENT

FORM

1

OREGON

MULTIFAMILY, SINGLE FAMILY

RENTAL AGREEMENT (Page 1 of 2)

1. DWELLING UNIT: Name, address, unit # of premises:

4630 RIVER Rd. NE
ADOLFS ELECT.

CONTRACTOR, SALES, SERVICE

~~ELECTRICAL~~ ELECTRICAL

2. TENANCY:

☐ Week-to-week ☒ Month-to-month Rent payment due on 1ST OF MONTH Other _____
☐ Fixed term lease beginning _____ ending _____ Total amount of lease \$ _____ payable in monthly rent payments of \$ _____ per month due on the _____ of the month. Failure to complete the term of the lease will result in a charge of \$ _____.

3A. PARTIES - OWNER/AGENT: Name, mailing address for payment of rent and/or service of notice:

Make rent payable to: OWEN FEDERAL BANK FSBLandlord telephone number (General) 503.390.2178 (Emergency) 503.390.3812 (Fax) 503.390.0479

☐ Notices: Pursuant to Section 11(c) of the Terms and Conditions, the landlord will allow service of notices by "post and mail". First class mail shall be to the above address and attachment at the following address/location (describe with particularity, reasonably located in relation to the tenant and available at all hours): _____

3B. PARTIES - OCCUPANTS: List all individuals, hereafter referred to as "tenant" who are authorized to occupy the dwelling. See Terms and Conditions for restrictions. Wherever the term "tenant" is used, the term shall apply in the singular or plural.

Name "Employee" Date of Birth _____ Social Security Number _____

4. VEHICLES:

☐ Permit required # _____
☐ Assigned parking space # _____
Make / Model / License # / State _____

5. PETS: ☒ Animals or pets are strictly prohibited.
☐ Pets and/or aid animals are accepted subject to the terms and conditions of the addendum.

6. UTILITY PAYMENT RESPONSIBILITY:

Landlord indicate with #1, #2, or #3

- #1) Landlord or tenant responsibility as indicated by "X"
#2) Pursuant to ORS 90.315(2) utility or service which the tenant pays directly to a utility or service provider which benefits, directly, the landlord or other tenants indicated by "2"
#3) Landlord payment indicated by "3". See Section 7.

	Landlord	Tenant	Tenant Acct.#
A) Water	☒	☐	_____
B) Sewer	☒	☐	_____
C) Electric	☒	☐	_____
D) Gas	☐	☐	_____
E) Garbage Can	☐	☒	_____
F) Garbage Service	☒	☒	_____
G) Basic Cable	☐	☐	_____
H) Oil	☐	☐	_____
I) Other	☒	☐	<u>ADSL Line</u>

* If single can, tenant shall be limited to one 30 gallon can picked up weekly, including recycling. Tenant may be billed for additional amounts.

7. UTILITY CHARGES:

if under Section 6, the landlord has indicated a "3", the landlord has elected to bill the tenant for the indicated utilities. The rate shall be _____ % of the total or according to the following formula _____

Utilities for the common area, if any, will be billed separately from those utilized by dwelling units. Billing will be on a ☐ monthly basis or as follows _____

and must be paid by the _____ of the following month.

* * * * *
Conservation by all
will benefit all.

8. APPLIANCE INCLUDED:

Make / Model / or Serial#

- ☐ Range _____
☐ Refrigerator _____
☐ Dishwasher _____
☐ Garbage Disposal _____
☐ Washer _____
☐ Dryer _____
☐ Microwave _____
☐ Other _____

9. RECYCLING: The Landlord identifies the availability of recycling as follows:

- ☒ Provided on-site.
☐ Provided by the hauler.
☐ Not provided and is the responsibility of the tenant.

10. REAL ESTATE DISCLOSURE

☐ The landlord identifies that the property is four units or less and is in a form of foreclosure.



RENTAL AGREEMENT

FORM

1

OREGON

MULTIFAMILY, SINGLE FAMILY

RENTAL AGREEMENT (Page 1 of 2)

1. DWELLING UNIT: Name, address, unit # of premises:

Acct # 016-69707-0

PEST ELIMINATOR
4630 River Rd. N. SALES/SERVICE
Keizer, OR 97303 DE PEST CONTROL

2. TENANCY:

☐ Week-to-week ☒ Month-to-month Rent payment due on 1st 20th ~~other~~ W/10 DAY GRACE PERIOD!
☐ Fixed term lease beginning _____ ending _____ Total amount of lease \$ _____ payable in monthly rent
payments of \$ _____ per month due on the _____ of the month. Failure to complete the term of the lease will result
in a charge of \$ _____.

3A. PARTIES - OWNER/AGENT: Name, mailing address for payment of rent and/or service of notice:

Make rent payable to: Acct. # 016-69707-0
WestSTAR LOAN SERVICING CORP.
Landlord telephone number (General) 390-0479 (Emergency) 390-2178 (Fax) 390-0479
☐ Notices: Pursuant to Section 11(c) of the Terms and Conditions, the landlord will allow service of notices by "post and mail".
First class mail shall be to the above address and attachment at the following address/location (describe with particularity, reasonably
located in relation to the tenant and available at all hours): _____

3B. PARTIES - OCCUPANTS: List all individuals, hereafter referred to as "tenant" who are authorized to occupy the dwelling. See Terms and Conditions for restrictions. Wherever the term "tenant" is used, the term shall apply in the singular or plural.

Name	Date of Birth	Social Security Number
<u>Don Brundage</u>	<u>8-17-59</u>	<u>559-92-4926</u>
<u>Jennifer Brundage</u>	<u>3-16-65</u>	<u>435-21-7542</u>

4. VEHICLES:

☐ Permit required # _____
☐ Assigned parking space # _____
Make / Model / License # / State _____

5. PETS: ☐ Animals or pets are strictly prohibited.
☐ Pets and/or aid animals are accepted subject to the terms and conditions of the addendum.

6. UTILITY PAYMENT RESPONSIBILITY:

Landlord indicate with #1, #2, or #3

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#3) Landlord payment indicated by "3". See Section 7.

	Landlord	Tenant	Tenant Acct.#
A) Water	☒	☐	
B) Sewer	☒	☐	
C) Electric	☒	☐	
D) Gas	☒	☐	
E) Garbage Can	☒	☐	
F) Garbage Service	☒	☐	
G) Basic Cable	☐	☐	<u>N/A</u>
H) Oil	☐	☐	<u>N/A</u>
I) Other	☐	☒	<u>telephone</u>

* If single can, tenant shall be limited to one 30 gallon can picked up weekly, including recycling. Tenant may be billed for additional amounts.

7. UTILITY CHARGES:

if under Section 6, the landlord has indicated a "3", the landlord has elected to bill the tenant for the indicated utilities. The rate shall be 0 % of the total or according to the following formula _____

Utilities for the common area, if any, will be billed separately from those utilized by dwelling units. Billing will be on a ☐ monthly basis or as follows _____

and must be paid by the _____ of the following month.

* * * * *
Conservation by all
will benefit all.

8. APPLIANCE INCLUDED:

Make / Model / or Serial#

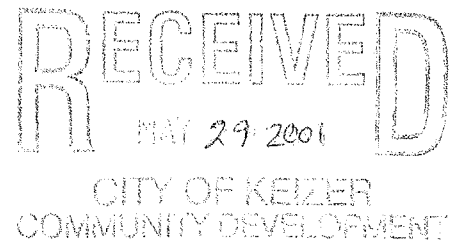
☐ Range _____
☒ Refrigerator _____
☒ Dishwasher _____
☒ Garbage Disposal _____
☐ Washer _____
☐ Dryer _____
☐ Microwave _____
☐ Other _____

9. RECYCLING: The Landlord identifies the availability of recycling as follows:

☒ Provided on-site, cardboard glass me
☐ Provided by the hauler.
☒ Not provided and is the allotment responsibility of the tenant.

10. REAL ESTATE DISCLOSURE

☐ The landlord identifies that the property is four units or less and is in a form of foreclosure.



May 24, 2001

I am Ellen West and I live at 623 Maine Ave. next door to Taco Bell. We know intimately the problems caused by heavy use zoning and we do not want the zone change to CM for this property. These are the reasons why.

We originally had a CO zoning on the Taco Bell property. This was **never** a CR zone that was dropped down to a CO as Mr. Walker stated in his rebutal. The original owner asked for a temporary zone change to CR. A U-Haul rental place moved in and a used appliance place with all manners of junky dilapidated appliances out in the yard. We got a used car lot that drove the cars very fast up and down Maine to dry them off, after washing them down each day. Finally a permanent CR zone change was granted over our protests and Taco Bell moved in.

At the time nobody told us it would be open all-night or very late at night. They didn't tell us it would be a hang out for teens with their loud music or that the drive up window with its legions of idling cars would be placed right by our house and fights and drinking and occasional urinating on our property would occur. They didn't tell us the front of our houses and our driveways would become the "Taco Bell" turn around as we call it or that I would have tire tracks in my lawn from careless drivers turning around. No one warned me my cat would be tortured or my property in my yard would be stolen. Taco Bell just assured us they would be good neighbors and then after it was built anything that happened was just our tough luck. Basically we got this attitude from the police, the City Manager, and Taco Bell.

This is a residential neighborhood that has been there for 50 years. Doesn't seniority and more than 25 families count for anything? Some of the neighbors have been there all of the 50 years. And yes we did check with Marion County planning commission to see if that property would ever be zoned differently before we bought it. **We were told no because it was a residential street.** On the strength of that assurance we bought our home 23 years ago. Unfortunately our City council didn't honor that assurance from the Marion County planning Commission and we have paid dearly for their decision. Now they have admitted that it was a mistake but the damage is done.

At the meeting it was mentioned that Mr. Pitsley had improved the property. He has made very minor improvements. He painted the building and put a door in the side of the house. Incidentally our 50 year old houses are beautiful and have years and years of use left in them. He had a yard with big trees, shrubs and grass and he took a bulldozer and bulldozed it all down. Recently he cut the last remaining tree down. This turned it into a massive weed garden and a muddy mess all winter. Earlier this spring I called him asking if he would spray his dandelions. It was a solid sea of yellow over the entire property followed by the seed puffballs and he did do that.

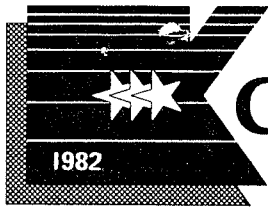
Mr. Walker also said this lot wasn't large enough to attract a fast food business. The Taco Bell property was the same size I believe and it did.

I also believe this property shouldn't be compared with any other property because it is part of a well cared for residential street making it unique. The placing of Taco Bell at the end of our street turned out to be a drastic mistake. Residential and commercial property do not mix. The values of our properties have gone down. Our privacy has been invaded. We feel like a bug in a glass jar. I could go on and on about the changes this commercial property has brought but enough said. I just want to ask would any of you like to change places with us?

Please don't repeat this mistake and make it worse for us. Leave the zoning C0. We don't know who will buy this property some time down the road or what they may decide to do with it if it is zoned CM. Please don't leave us open to anymore problems to disrupt our attempt at a peaceful life on Maine Ave.

Thank you,

Norman West Ellen M. West
Norman and Ellen West
623 Maine Ave. NE
Keizer, OR 97303



City of Keizer

Phone: 390-3700 • Fax: 393-9437

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

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

June 6, 2001

NOTICE OF HEARINGS OFFICER ORDER
TO HOLD RECORD OPEN UNTIL
JUNE 13, 2001

Zone Change Case No. 01-20, Applicant: Eric Pittsley

Attached please find a copy of the Hearings Officer order for Zone Change Case No. 01-20. The attached Notice of Order contains a summary and purpose statement to hold the record open an additional seven days for comment.

Any interested person whom desires to submit additional information or review submitted materials and comment, such comments must be filed with the Keizer Community Development Department, 930 Chemawa Road, NE, PO Box 21000, Keizer, Oregon 97307 by 5:00pm on or before **June 13, 2001**.

If you have any questions, concerns or comments regarding this decision, please contact the Keizer Community Development Department at 390-3700.

BEFORE THE HEARINGS OFFICER
FOR THE CITY OF KEIZER

In the Matter of	)	ORDER REOPENING RECORD
Zone Change Case No. 01-20	)	FOR RESPONSE EVIDENCE
_____	)	AND ARGUMENTS

On May 24, 2001, the Hearings Officer conducted a public hearing on this matter. At the hearing, a person testifying about the application requested additional time to review the application and submit written comments. The record was held open until 5:00 pm on June 4, 2001 to submit additional written evidence.

On June 4, 2001, the Planning Director reported to the Hearings Officer that the applicant and several interested persons submitted additional comment, including three letters and a video submitted at 4:58 pm on June 4, 2001 and filed a written request to hold the record open for an additional seven days to allow time for staff to evaluate and respond to the additional evidence.

ORS § 197.763(6)(c) requires the Hearings Officer to reopen the record if any participant files a written request for an opportunity to respond to new evidence submitted during the period the record was left open.

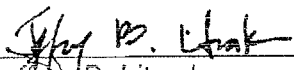
Pursuant to ORS § 197.763(7), any person may raise new issues that relate to the new evidence, arguments, or criteria for decision-making which

ORDER REOPENING RECORD
FOR RESPONSE EVIDENCE
AND ARGUMENTS

apply to the matter at issue. For the purpose of this order, "new evidence" is the evidence submitted during the time the record was held open, which was the time period between the close of the May 24th hearing and 5:00 pm on June 4, 2001.

IT IS HEREBY ORDERED that the record shall be reopened effective immediately, and shall close at 5:00 pm on Wednesday, June 13, 2001 to admit new evidence or arguments consistent with ORS § 197.763(7). At a minimum, staff shall make the new evidence available for inspection at its office during its regular business hours. The new evidence or arguments submitted during this time the record is reopened must be responsive to the "new evidence" as defined above.

DATED this 4th day of June, 2001



Jeffrey B. Litwak
Hearings Officer

ORDER REOPENING RECORD
FOR RESPONSE EVIDENCE
AND ARGUMENTS

Eric Pittsley
Northwest Phone and Security
4630 River Road N.
Keizer, Oregon 97303
(503) 390-2178

May 11, 2001

Maria Meier
City of Keizer
Community Development Department
930 Chemawa Road N.E.
Keizer, Oregon 97303

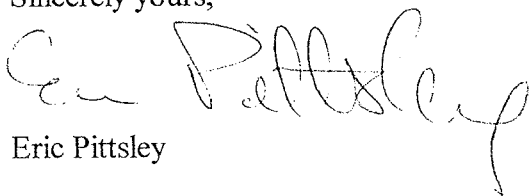
Re: Case File: ZC 2001-20

Dear Ms. Meier:

I have contacted the property owner directly south of my property regarding shared access in the event our properties are developed jointly. More specifically, this property is located in Township 7 South, Range 3 West, Section CA, Tax Lot 4100. The owner, Ruth Jacobs, is agreeable to having a shared access entry that would serve both properties. It is our understanding that the City Engineer believes this would be safer and promote traffic flow better than having individual access approaches.

Please let me know if you need any more information concerning this arrangement.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Eric Pittsley".

Eric Pittsley

FRANK WALKER & ASSOCIATES

37708 Kings Valley Highway

Philomath, Oregon 97370

(541) 929-5743

(541) 929-5749 (FAX)

May 9, 2001

Maria Meier
City of Keizer
Community Development Department
930 Chemawa Road N.E.
Keizer, Oregon 97303

Re: Case File: ZC 2001-20

Dear Maria:

Thank you for your continuing support with the above-referenced case. I spoke with Mr. Pittsley this morning and he is still attempting to obtain a signature for joint access if his property and the one to the south are developed together.

I also wanted to give you some input on the limited use overlay program we discussed. I believe that the limited use overlay is overall very beneficial and that protection of the neighborhood is warranted. We are suggesting that the limited use overlay allow banks, gas stations and seating restaurants but only if they have no drive up or drive through facilities. Fast food restaurants would be prohibited as would gas stations with mini-marts that contain mini-franchises. A savings and loan, commercial bank or a bank without driveup facilities seems reasonable.

We are therefore asking that the limited use overlay be for fast food, gas stations with mini-marts and retail banks. Please let me know whether you agree with our suggestion.

We will be visiting with the neighbors in the adjacent residential neighborhood between now and the 13th of May. We will disclose our findings to you prior to the hearing. Again, thank you for your assistance.

Sincerely yours,



Frank D. Walker
Land Planning and Development Consultant



City of Keizer

Phone: 390-3700 • Fax: 393-9437

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

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

To: Jeff Litwak, Hearings Officer

From: Maria Meier, Planning Director *mm*

Date: June 12, 2001

Re: Zone Change Case No. 01-20; Comments for the Record

Staff responds to public testimony at the May 24 hearing for Zone Change Case No. 01-20 and submitted information on three issues listed below:

Existing Uses & "Non-Conforming Uses"

At the public hearing, the amount of existing businesses in the structure on the subject property was questioned. In addition, the agent for the applicant, Mr. Walker, indicated that a purpose for the proposed zone change is to at least be able to construct a new building on site for the existing uses to be located in the future. This statement by Mr. Walker was coupled with the suggestion that it would bring some of the existing uses on the subject property into conformance with zoning on the property.

Staff believed it was necessary to address the statement of "non-conforming" uses on the subject property. Section 1.200.04 *Definitions* of the Keizer Development Code defines "Non-conforming Structure or Use" as, "A lawfully existing structure or use at the time this Ordinance, or any amendments, becomes effective, which does not conform to the requirements of the zone in which it is located." In order for a use to be considered legally non-conforming, the use when established must have met the standards of the zoning ordinance. Staff requested the applicant to clarify what and how many businesses are existing on the subject property, and to explain the applicant's purpose of rezoning the property to develop a structure to enable the continuation of and growth of existing uses on the property. Mr. Walker provided a list of the existing businesses and time of establishment of the uses on the subject property (Letter dated 05/30/01).

Staff evaluated the identified existing uses and time of establishment on the subject property. The Keizer Development Code identifies uses using Standard Identification

Acres of Commercial Mixed Land

The Hearings officer indicated the supply of land may better be evaluated if determined by number of parcels rather than acres. While it is the applicant's responsibility to respond to criteria, the experience and knowledge by City staff can support the applicant's statement regarding the availability of developable land zoned CM and CO. There are near six properties that are vacant zoned CM along the business corridor in the City of Keizer. This estimate does not include CM zoned parcels contained off I-5, in an area called the Chemawa Activity Center – properties in this area require a master plan for development and consolidation of property. Properties contained in the Chemawa Activity Center are currently required to consolidate for development to occur and contains approximately 19 acres total zoned CM. Also in the Chemawa Activity Center, a total of 12.5 acres (six parcels) of land are zoned CO.

Staff Recommendation

Staff recommends the Hearings Officer evaluate this information to form a recommendation to the City Council.

Classification (SIC) numbers, which are indexed by the Federal SIC Manual for identification of land uses. The existing uses on the property are listed below with the corresponding SIC numbers to describe each use:

<u>Existing Business</u>	<u>SIC No.</u>	<u>Description of Use</u>	<u>Date Use Established</u>
Vacumaid	5722	Vacuum Cleaner Store – retail	07/98
Northwest Phone & Security	7382	Security Systems Services	08/98
Adolf's Electric	1731	Electrical Contractor	12/00
PC Computer	7378	Computer Repair & Maintenance	03/00
Pest Eliminator	7342	Pest Control in Structures	09/98

The subject property is currently zoned Commercial Office (CO). The subject property was zoned CO at the earliest date any existing use was established on the subject property. Only one of the existing uses is listed as a permitted use in the CO zone (PC Computer). The remaining four uses are not permitted in the CO zone. Therefore, the existing uses were not legally established and cannot meet the definition for a "Non-conforming Use".

Therefore, the applicant's proposal to request a zone change for the purpose of constructing a new building to house the existing uses on the property is not valid. When a new building permit is processed, certificates of occupancy can only be approved for uses permitted in the zone.

Zone Change Request without Specific Use Proposed

The Hearings Officer stated concern regarding a specific use not having been identified for the subject property for the reason to request a zone change. Staff concurs that uses are appropriate when discussing zoning designations. However, the criteria for a zone change in Section 3.110.03 of the Keizer Development Code does not specify that a proposed use must be identified. Staff originally reviewed the application request based upon the applicant's written statement for desiring some form of commercial retail use on the subject property. Staff considered the ramifications of the CM zone in relation to the adjacent properties and recommended that the CM zone be applied to the subject property with a "Limited Use Overlay Zone" to prohibit Gasoline Service Stations, Fast Food Restaurants, and Banks with drive-through windows. This method of restricting specific uses within a zone on a particular piece of property is permitted through Section 2.124.03 of the Keizer Development Code.

June 13, 01

To Whom It May Concern:

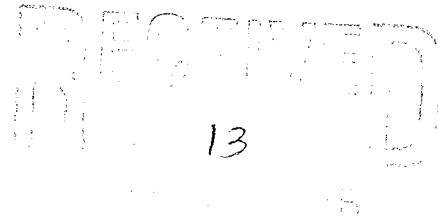
We understand that you were sent a video on the traffic situation on Maine Ave. trying to show there is not much traffic. We just wanted to add a counter comment to the purpose of the video. The traffic is not constant. It is sporadic depending on the time of day or night. Meal times are the worst of course. Weekends are very busy and summers are busy throughout the day and night as well as all the other regular times.

The traffic is part of the issue but the CM zoning leaves our residential neighborhood wide open and at the mercy of most business.

Thank you,

Norman A. West Ellen M. West

Norman and Ellen West
623 Maine Ave. NE
Keizer, OR 97303





August 6, 2001

AGENDA ITEM 6C

**Public Hearing-Inferno Dance Club
Liquor License Application**

CITY COUNCIL MEETING: August 6, 2001

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

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

FROM: TRACY L. DAVIS, CMC 
CITY RECORDER

**SUBJECT: INFERNO DANCE CLUB LIQUOR LICENSE APPLICATION
LIMITED ON PREMISES SALES LICENSE**

BACKGROUND:

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

As required by Keizer Ordinance 95-318, a public hearing was scheduled; notice was published in the Keizertimes and mailed to all property owners within 200 feet of the proposed establishment. ORS 471.166 requires the City to make a recommendation within thirty (30) days of receipt of the application.

On July 16, 2001 a request was sent to the Keizer Police Department to conduct a background check on the applicants. The response is attached to this report. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council approve the application for a Limited On Premises liquor license for Inferno Dance Club under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall be forwarded to the Oregon Liquor Control Commission.



City Council Meeting of _____

Agenda Item No. _____

To: Mayor and City Council

Thru: Christopher Eppley, City Manager

From: Marc Adams, Chief of Police
Rita Powers, Police Support Supervisor

Subject: Liquor License Renewal Application of Inferno Dance Club, formerly
Yesse's Place, 3393 River Rd. N. Keizer, OR 97303

Issue

Shall the City Council approve the liquor license renewal application of Inferno Dance Club, 3393 River Rd. N. Keizer, OR 97303.

Background

The Keizer Police Department responded to 10 calls for service at the address of 3393 River Rd. N., Keizer OR from July 1, 2000 through June 31, 2001.

5 calls for service were in conflict with the ordinance, however none of these were related to the sale or consumption of alcohol on or near the premises.

The applicant(s) Jesse Briseno has a 1981 DWS Misdemeanor conviction. The applicant Kelly Briseno has no criminal history on record. Both applicants hold valid concealed handgun permits.

The background review does not reveal any significant events that are in conflict with the City of Keizer City Ordinance 95-318.

Recommendation

The Keizer Police Department recommends approval of the liquor license for Inferno Dance Club at this time.

(c) Commercial establishments as defined in ORS 471.001 (2).

(d) Public locations, other than those described in paragraphs (a) to (c) of this subsection, where food is cooked and served, and other food service amenities are provided, as prescribed by rules of the Oregon Liquor Control Commission.

(e) A caterer, subject to the requirements of ORS 471.184.

(3) The holder of a full on-premises sales license shall allow a patron to remove a partially consumed bottle of wine from the licensed premises if the wine is served in conjunction with the patron's meal, the patron is not a minor and the patron is not visibly intoxicated.

(4) The holder of a full on-premises sales license is entitled to purchase a commission appointed pursuant to ORS 471.750 at a discount of not more than five percent off the regular listed price fixed by the commission, together with all taxes, in a manner prescribed by commission rule. For purposes of compensation by the commission, the appointed agent shall be credited with such sales at full retail cost.

(5) The holder of a full on-premises sales license may purchase distilled liquor only from a retail sales agent of the commission or from another person licensed under this section who has purchased the distilled liquor from a retail sales agent of the commission.

(6) The holder of a full on-premises sales license may sell factory-sealed containers of wine to a person who organizes a private gathering on the licensee's premises if the wine was acquired as part of a larger purchase of wine by the licensee for the purpose of the gathering and only part of the larger purchase was consumed at the gathering. Wine sold under this subsection may be sold only for an amount adequate to compensate the licensee for the amounts paid by the licensee for the wine.

(7) A private club, including fraternal and veterans organizations, may qualify for a full on-premises sales license under this section only if the club meets minimum membership, charter time and food service requirements set by commission rule and the club is an association of persons, whether incorporated or unincorporated, for the promotion of some common object, not including associations organized for any commercial or business purpose the object of which is money profit, owning, hiring or leasing a building or space in a building, of such extent and character as in the judgment of the commission may be suitable and adequate for the reasonable and comfortable use and ac-

commodation of its members and their guests and provided with suitable and adequate space and equipment, implements and facilities, and employing a sufficient number of servants or employees for serving food and meals for its members and their guests; provided that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the disposition or sale of alcoholic liquor to the club or to the members of the club or its guests introduced by members, beyond the amount of such salary as may be fixed and voted on at annual meetings by the members, directors or other governing body of the club, and that, in the judgment of the commission, shall be reasonable and proper compensation for the services of such member, officer, agent or employee. [1999 c.351 §2]

Note: 471.175 takes effect January 1, 2001. See section 81, chapter 351, Oregon Laws 1999.

471.178 Limited on-premises sales license. (1) The holder of a limited on-premises sales license may sell by the drink at retail wine, malt beverages and cider. Except as provided in this section, all alcoholic beverages sold under a limited on-premises sales license must be consumed on the licensed premises.

(2) The holder of a limited on-premises sales license may sell malt beverages in factory-sealed containers for consumption off the licensed premises. Containers sold under this subsection may not hold less than seven gallons per container.

(3) The holder of a limited on-premises sales license shall allow a patron to remove a partially consumed bottle of wine from the licensed premises if the wine is served in conjunction with the patron's meal, the patron is not a minor and the patron is not visibly intoxicated.

(4) Sales of alcoholic beverages under a limited on-premises sales license must consist principally of sales by the drink for consumption on the licensed premises. [1999 c.351 §3]

Note: 471.178 takes effect January 1, 2001. See section 81, chapter 351, Oregon Laws 1999.

471.180 In-room supply of alcoholic beverages by hotel or arena holding restaurant or dispenser license. A restaurant license or dispenser license issued to a hotel or arena under the provisions of this chapter or ORS chapter 472 shall authorize the person to whom the license is issued to provide for in-room supplies of the alcoholic beverages otherwise authorized to be sold under the license. Any in-room supply of alcoholic beverages that are available for purchase by patrons of the hotel or arena shall be kept in a locked cabinet, and shall conform with any

OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

PL #70.00
#3203
7-11-01



Please Print or Type

Application is being made for:

TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)
☐ Commercial Establishment
☐ Caterer
☐ Passenger Carrier
☐ Other Public Location
☐ Private Club
☒ Limited On-Premises Sales (\$202.60/yr)
☐ Off-Premises Sales (\$100/yr)
☐ Brewery Public House (\$252.60)
☐ Winery (\$250/yr)
☐ Other: _____

ACTIONS

- ☐ Change Ownership
☒ New Outlet
☐ Other: _____

Applying as:

- ☒ Individuals ☐ Limited Partnership ☐ Corporation ☐ Limited Liability Company

.....for city, county use only.....

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐

Denied ☐

By: _____

(signature)

(date)

Name: _____

Title: _____

.....for OLCC office use only.....

Application Rec'd by: P. Mitchell

Date: 7/11/01

90-day authority: ☐ Yes ☒ No

1. Applicant(s):

① Kelly Brisenó

③ _____

② Jesse Brisenó

④ _____

2. Trade Name (dba): Inferno Dance Club

3. Business Location: 3393 River Rd n Keizer Marion OR 97303
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 3393 River Rd n Keizer OR 97303
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-390-1433 503-463-8861
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes _____ No X

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: Jesse's place

9. Will you have a manager? Yes _____ No X Name: _____
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? Keizer
(name of city or county)

11. Contact person for this application: Kelly Brisenó 503-393-4710 or 503-932-7338
(name) (phone number(s))
8285 Portland Rd n Salem 503-463-8861 KelatiInferno@aol.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Kelly Brisenó Date 7-11-01 ③ _____ Date _____

② Jesse Brisenó Date 7-11-01 ④ _____ Date _____

OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION



Please Print or Type

Applicant Name: Jesse + Kelly Brisenö Phone: 503-393-4710

Trade Name (dba): Inferno Dance Club

Business Location Address: 3393 River Rd n

City: Keizer OR ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 9pm to 1 AM
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday 9pm to 1 AM
Friday 9pm to 2 AM
Saturday 9pm to 2 AM

Food Service Hours:

Sunday 9pm to 12:30 AM
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday 9pm to 12:30 AM
Friday 9pm to 130 AM
Saturday 9pm to 130 AM

Outdoor Area Hours:

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

Seasonal Variations: ☐ Yes ☒ No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- | | |
|--|---|
| ☐ Live Music | ☐ Karaoke |
| ☐ Recorded Music | ☐ Coin-operated Games |
| ☒ DJ Music | ☐ Video Lottery Machines |
| ☒ Dancing | ☐ Social Gaming |
| ☐ Nude Entertainers | ☒ Pool Tables |
| | ☐ Other: _____ |

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday 9pm to 1 AM
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday 9pm to 1 AM
Friday 9pm to 2 AM
Saturday 9pm to 2 AM

SEATING COUNT

Restaurant: _____ Outdoor: _____
Lounge: _____ Other (explain): _____
Banquet: _____ Total Seating: ~~150~~ 163

Investigator Verified Seating: _____ (Y) _____ (N)
Investigator Initials: _____
Date: _____
.....for OLCC office use only.....

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 7-11-01

OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY



Please Print or Type

NOTE: YOU MUST ANSWER ALL QUESTIONS ON BOTH SIDES OF THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE.

Business Name: Inferno

Business Location Address: 3393 River Rd n City: Keizer ZIP Code: 97303

PART A - PERSONAL INFORMATION

1. Name: Briseno Jesse Antonio
(last) (first) (middle)

2. Other Names Used: _____
(maiden) (other)

3. Residence Address: 8285 Portland Rd n e Salem OR 97305
(number and street) (city) (state) (ZIP code)

4. Home Phone: (503) 393 4710 Business Phone: (503) 390 1433

5. *SSN: 544-80-8380 Place of Birth: Texas USA Date of Birth: 10/31/1963
(state/country) (mm) (dd) (yyyy)

6. Sex: M Height: 5'8" Weight: 300 Hair Color: BLK Eye Color: Brown

7. Driver License #: 3274761 State: OR Spouse's name: Kelly

PART B - EMPLOYMENT/RESIDENCE INFORMATION *Attach additional sheets if necessary.*

8. List former and current employers or occupations during the past 10 years:

Date by Month/Year	Employer or Business	Occupation	City & State
From: <u>10-96</u> To: <u>Present</u>	<u>Jesse's place</u>	<u>Inferno Bartender/owner</u>	<u>Keizer OR</u>
From: _____ To: <u>Present</u>	<u>Big Time Auto Wrecking</u>	<u>owner</u>	<u>Salem OR</u>
From: _____ To: _____	_____	_____	_____

9. List other cities and states where you have lived in the past 10 years other than that noted above:

From	To	City	State
<u>10-13-96</u>	<u>Present</u>	<u>8285 Portland Rd n e</u>	<u>Salem OR 97305</u>
<u>10-88</u>	<u>10-96</u>	<u>10758 cone st</u>	<u>Donald OR 97</u>
From: _____ To: _____	_____	_____	_____

PART C - CRIMINAL HISTORY INFORMATION

If you answer **YES** to any of the following questions, you **must** also complete PART D on other side of this form.

10. Have you ever been convicted of any violation, misdemeanor or felony? ☒ Yes ☐ No

11. Do you have any arrests or citations pending? ☐ Yes ☒ No

12. Have you ever entered into a diversion agreement? ☒ Yes ☐ No

13. Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse? ☐ Yes ☒ No

14. Have you ever had a warning, violation, suspension, fine, cancellation, or refusal as a licensee or service permittee, in Oregon or any other state? ☒ Yes ☐ No

Handwritten signature and date: 7/11/01

INDIVIDUAL HISTORY - CONTINUED

PART D - CRIMINAL HISTORY

If you answered yes to any of questions 10-14, you must complete this section of the application. Attach additional sheets if necessary.

Have you ever been convicted of any offense?

Convicted of: DWS Conviction Date: 1981 City/State/Country: Marion CO
Convicted of: _____ Conviction Date: _____ City/State/Country: _____
Convicted of: _____ Conviction Date: _____ City/State/Country: _____

Do you have any arrests or citations that have not been resolved?

Arrested/Cited for: _____ Date: _____ City/State/Country: _____
Arrested/Cited for: _____ Date: _____ City/State/Country: _____
Arrested/Cited for: _____ Date: _____ City/State/Country: _____

Have you ever entered into a diversion agreement?

When: 1981 Where: Marion CO. (For DWS)
When: _____ Where: _____

Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse?

When: _____ Where: _____
When: _____ Where: _____

Have you ever had a warning, violation, suspension, fine or cancellation as a licensee or service permittee?

When: 10-30-99 Where: Keizer
When: _____ Where: _____

PART E - APPLICANT SIGNATURE

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 7/11/01

*SOCIAL SECURITY NUMBER DISCLOSURE

As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her Social Security Number. Your Social Security Number will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your Social Security Number for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your Social Security Number for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: [Signature] Date: 7/11/01

OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY



Please Print or Type

NOTE: YOU MUST ANSWER ALL QUESTIONS ON BOTH SIDES OF THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE.

Business Name: Inferno Dance Club
Business Location Address: 3393 River Rd City: Keizer ZIP Code: 97303

PART A - PERSONAL INFORMATION

1. Name: Briseño Kelly Lee
(last) (first) (middle)
2. Other Names Used: Dougherty Kelly
(maiden) (other)
3. Residence Address: 8285 Portland Rd NE Salem OR 97305
(number and street) (city) (state) (ZIP code)
4. Home Phone: (503) 393-4710 Business Phone: (503) 390-1433
5. *SSN: 566-04-9254 Place of Birth: California/USA Date of Birth: 04/13/1962
(state/country) (mm) (dd) (yyyy)
6. Sex: F Height: 5'2" Weight: 150 Hair Color: Red Eye Color: Green
7. Driver License #: 3251386 State: OR Spouse's name: Jesse Briseño

PART B - EMPLOYMENT/RESIDENCE INFORMATION *Attach additional sheets if necessary.*

8. List former and current employers or occupations during the past 10 years:

Date by Month/Year	Employer or Business	Occupation	City & State
From: <u>10-96</u> To: <u>Present</u>	<u>Jesse's place / Inferno</u>	<u>Bartender/owner</u>	<u>Keizer OR</u>
From: <u>1-87?</u> To: <u>8-96</u>	<u>ConAgra</u>	<u>Buyer</u>	<u>Wilsonville OR</u>
From: _____ To: _____	_____	_____	_____

9. List other cities and states where you have lived in the past 10 years other than that noted above:

From	To	City	State
<u>11-87</u>	<u>9-95</u>	<u>Donald</u>	<u>OR</u>
From: _____ To: _____	_____	_____	_____
From: _____ To: _____	_____	_____	_____

PART C - CRIMINAL HISTORY INFORMATION

If you answer **YES** to any of the following questions, you must also complete PART D on other side of this form.

10. Have you ever been convicted of any violation, misdemeanor or felony? ☒ Yes ☒ No
11. Do you have any arrests or citations pending? ☐ Yes ☒ No
12. Have you ever entered into a diversion agreement? ☐ Yes ☒ No
13. Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse? ☐ Yes ☒ No
14. Have you ever had a warning, violation, suspension, fine, cancellation, or refusal as a licensee or service permittee, in Oregon or any other state? ☒ Yes ☐ No

INDIVIDUAL HISTORY - CONTINUED

PART D - CRIMINAL HISTORY

If you answered yes to any of questions 10-14, you must complete this section of the application. Attach additional sheets if necessary.

Have you ever been convicted of any offense?

Convicted of: Speeding Conviction Date: approx 4 yrs ago City/State/County: Marion CO
Convicted of: _____ Conviction Date: _____ City/State/County: _____
Convicted of: _____ Conviction Date: _____ City/State/County: _____

Do you have any arrests or citations that have not been resolved?

Arrested/Cited for: _____ Date: _____ City/State/Country: _____
Arrested/Cited for: _____ Date: _____ City/State/Country: _____
Arrested/Cited for: _____ Date: _____ City/State/Country: _____

Have you ever entered into a diversion agreement?

When: _____ Where: _____
When: _____ Where: _____

Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse?

When: _____ Where: _____
When: _____ Where: _____

Have you ever had a warning, violation, suspension, fine or cancellation as a licensee or service permittee?

When: _____ Where: _____
When: _____ Where: _____

PART E - APPLICANT SIGNATURE

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Kelly Buisen Date: 7-11-01

*SOCIAL SECURITY NUMBER DISCLOSURE

As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her Social Security Number. Your Social Security Number will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your Social Security Number for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your Social Security Number for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: Kelly Buisen Date: 7-11-01



August 6, 2001

AGENDA ITEM 6d

Public Hearing-Sewer Administrative Fee

COUNCIL MEETING: August 6, 2001

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCILORS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR**



SUBJECT: WATER AND SEWER BILLING ADMINISTRATION FEE

BACKGROUND:

On April 19, 1999, the City Council passed a resolution establishing a Sewer administrative fee of \$2.43 to be added to bimonthly sewer bills effective July 1, 1999. At the same time, the City of Salem paid the City of Keizer \$1.77 for each bill generated. The \$1.77 was embedded in the flat rate Salem charged Keizer sewer customers. Therefore, the total administrative cost to each customer was set at \$4.20.

Recently the City of Salem conducted a Cost of Services Analysis and revamped sewer rates for all customer classes within Keizer. During this process, Keizer staff worked with Salem staff to remove all administrative costs from Salem's sewer rates and eliminate the charge Keizer makes to Salem for these costs. Staff believes a more straightforward approach is to bill all administrative costs directly to the customer.

It is also important to point out that the City of Keizer's water charges are included on the same customer bill. However, administrative costs for water services are not currently broken out in the water rates. Administrative costs for the water portion of the bill are exactly the same as the sewer portion because these costs are split 50/50 when incurred. The 50/50 split is based on the fact that the City has approximately the same number of water customers as it has sewer customers.

ISSUE:

Staff have identified three issues involved with these administrative costs:

1) *Should the amount charged to customers be changed?*

Staff have reviewed the administrative costs based on expenditures budgeted in fiscal year 2002. As Schedule A shows, administrative costs have decreased from FY 1999 and the number of customers has increased. This has resulted in a net reduction in the sewer portion of the administrative cost from \$4.20 to \$3.95 per bill.

2) *Should both water and sewer administrative costs be separately identified on the customer's bill?*

Staff believes administrative costs for both water and sewer should be separately identified on the utility bill to present full disclosure of these costs. All administrative costs have already been removed from the sewer rates set by the City of Salem. These costs will therefore need to be directly billed to the customer. (Please refer to Schedule B and C)

3) *What should be the effective date of the change?*

The new sewer rates imposed by the City of Salem are effective for billing cycles starting on or after July 1, 2001. Staff recommends the City of Keizer changes in administrative fees and billing disclosures coincide with the effective date of the new sewer rates to preclude multiple changes in our utility bills.

FISCAL IMPACT:

The administrative costs proposed are the amounts needed to cover budgeted expenditures in FY 2001-02.

RECOMMENDATION:

Staff recommends Council pass the attached resolution, which sets sewer administrative costs at \$3.95 per bill for fiscal year 2001-2002. Furthermore, it is our recommendation that the City continue to exclude qualifying low-income senior citizens from paying the administrative fee.

Furthermore, staff recommends the City Council consider and deliberate the issue of disclosing all administrative costs for water and sewer on the Keizer utility bill.

City of Keizer
Administrative Fees
Water and Sewer Rates
July 1, 2001

Schedule A

Based on Sewer Fund

	FY 1999	Budgeted FY 2002
Personal Services	121,494	131,832
Materials & Services	3,026,381	3,421,116
Less:		
Salem Sewer	(2,692,607)	(3,337,113)
SLD	(244,874)	-
Capital Outlay	11,766	1,174
Debt		8,330
LID Assessments		(8,021)
 Total Costs	 222,160	 217,318
 Sewer Accounts*	 8,825	 9,171
Sewer Rate	\$ 4.20	\$ 3.95

* Excludes the low-income Senior accounts
(96 accounts as of July 2001)

City of Keizer
 Water Rates
 Fiscal Year 2001-02

Schedule B

Water Rates

Water Meter Size	Current Flat Rate	Bi-monthly Charge	
		Proposed Flat Rate	
		Meter	Administration
5/8" - 3/4"	16.86	12.91	3.95
1 inch	31.71	27.76	3.95
1 1/2"	56.42	52.47	3.95
2"	85.99	82.04	3.95
3"	165.04	161.09	3.95
4"	253.97	250.02	3.95
6"	500.95	497.00	3.95
8"	797.30	793.35	3.95

Note: The consumption rate will stay the same at \$.39 per 100 cubic feet

**City of Keizer
Sewer Rates
Fy 2001-02**

Schedule C

	Previous Rates			July 1, 2001 Rates		
	Fixed Rate	Volume	Admin	Fixed Rate	Volume	Admin*
Residential						
w/ measurable water consumption	30.83	0.952	2.43	21.95	1.444	3.95
w/o measurable water consumption**	46.03		2.43	44.99		3.95
Qualifying Seniors						
w/ measurable water consumption	21.01	0.952	-	11.79	1.444	-
w/o measurable water consumption**	36.21		-	34.83		-
Multi-Family	17.99	0.952	2.43	76.12	1.434	3.95
Commerical	38.30	1.940	2.43	29.14	2.013	3.95

*As recommended by staff

**Based on 1600 Cubic Feet

Residential Breakeven point:
Consumtion at 1400 Cubic Feet
Total sewer

30.83	13.328	2.43	21.95	20.216	3.95
		46.588			46.116



August 6, 2001

AGENDA ITEM 7a

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

CITY COUNCIL MEETING: August 6, 2001

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *ORDINANCE FOR PARK REGULATIONS*

At the last meeting, the Council directed our office to revise the park regulation section dealing with the Carlson Skate Park. I also revised the pets section to clarify who had to be under control. The proposed Ordinance is attached, along with a copy of the previous ordinance for comparison purposes.

RECOMMENDATION:

Adopt the enclosed Ordinance.

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

ESJ/tmh
attachments

1 BILL NO. ____

A BILL

ORDINANCE NO.

2

2001-_____

3

FOR

4

AN ORDINANCE

5

ESTABLISHING KEIZER PARKS REGULATIONS (**REPEALING**

6

ORDINANCES NO. 93-266 AND NO. 2001-455)

7

The City of Keizer ordains as follows:

8

Section 1. GENERAL REGULATIONS. The following regulations apply in

9

Keizer City Parks:

10

(a) Parks open at sunrise and close at sunset each day, with the exception of

11

item (b) below referring to Keizer Little League Park. The City Manager or the City

12

Manager designee may grant permission for use of a park after sunset if the proposed use

13

is appropriate for the park or designated area and consistent with park policies and

14

regulations.

15

(b) Keizer Little League Park may be open after sunset where fields are

16

appropriately lighted within the dates and times as follows:

17

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

18

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

19

(3) Extended hours shall be limited to Monday through Saturday; the

20

park shall close at sunset on Sundays.

21

(c) Pets must be on a leash and controlled by their owners at all times.

22

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

1 (e) CARLSON SKATE PARK REGULATIONS:

2 (1) Permitted uses include skateboards, rollerblades, and BMX bikes
3 only - no foot traffic or motorized vehicles.

4 (2) The use of helmets is mandatory.

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

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

9 (5) Food and/or drink is prohibited on or in the immediate vicinity of
10 the skate park surface.

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

14 (7) Use of Carlson Skate Park is prohibited when the surface is wet.

15 (8) Littering is prohibited.

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

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

22 ///

23 ///

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

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

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

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

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

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

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

- 1 (a) Operate any motor vehicle, except authorized maintenance vehicles, in
2 areas other than those designated for parking.
- 3 (b) Camp overnight.
- 4 (c) Walk or ride horses.
- 5 (d) Hit golf balls.
- 6 (e) Ride skate boards or scooters on tennis courts.
- 7 (f) Dump any items or materials without the written approval of the City
8 Manager or City Manager's designee.
- 9 (g) Be present in a park when the park is closed.
- 10 (h) Start or maintain an open fire.
- 11 (i) Possess alcoholic beverages.
- 12 (j) Vandalize any park property or vegetation.
- 13 (k) Make noise which violates the City of Keizer Noise Ordinance as now
14 enacted or later amended.
- 15 (l) Discharge firearms or other types of weapons, which may include but is
16 not limited to; air guns, BB or pellet guns, sling shots, bow and arrows, crossbows, or
17 any other device which propels any object.
- 18 (m) Use Carlson Skate Park while not wearing an appropriate safety helmet,
19 while the skate park surface is wet or while any other hazardous condition exists in the
20 park.

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

3 (o) Use Carlson Skate Park for any activity other than skateboarding,
4 rollerblading or BMX bike riding.

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

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

8 Section 7. REPEAL OF ORDINANCE 93-266 AND 2001-455. Ordinance
9 93-266(Establishing Keizer Park Regulations) and Ordinance 2001-455 (Amending
10 Keizer Parks Regulations) are hereby repealed in their entirety.

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

14 PASSED this ____ day of _____, 2001.

15 SIGNED this ____ day of _____, 2001.

16 _____
17 MAYOR

18 _____
19 CITY RECORDER

20 824H.043

1 **BILL NO. _____**

A BILL

ORDINANCE NO.
2001- _____

2
3 **FOR**

4
5 **AN ORDINANCE**

6
7 **ESTABLISHING KEIZER PARKS REGULATIONS**
8 **(REPEALING ORDINANCES**
9 **NO. 93-266 AND NO. 2001-455)**

10
11 **The City of Keizer ordains as follows:**

12 **Section 1. General Regulations:** The following regulations apply in

13 Keizer City Parks:

14 (a) Parks open at sunrise and close at sunset each day, with the
15 exception of item (b) below referring to Keizer Little League Park.

16 The City Manager or the City Manager designee may grant
17 permission for use of a park after sunset if the proposed use is
18 appropriate for the park or designated area and consistent with park
19 policies and regulations.

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

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

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

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

26 (c) Pets must be on a leash and in control of their owners at all times.

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

1 (e) CARLSON SKATE PARK REGULATIONS:

- 2 (1) The Carlson Multi-Use Skate Park is not supervised. USE AT
3 YOUR OWN RISK. Permitted uses include skateboards,
4 rollerblades, and BMX bikes only – NO foot traffic or motorized
5 vehicles.
- 6 (2) The involvement of children and youth at this park is the
7 responsibility of parents and guardians. YOUR children and youth
8 are YOUR responsibility for abiding by the posted rules.
- 9 (3) The use of HELMETS IS MANDATORY for all persons using
10 Carlson Skate Park. Knee pads, elbow pads, and wrist guards are
11 STRONGLY recommended.
- 12 (4) Know your ability and stay within them while using Carlson Skate
13 Park.
- 14 (5) This is YOUR Skate Park – take care of it. Keep the Skate Park
15 safe, clean, and friendly.
- 16 (6) Be respectful of other park users, avoid user conflicts. Be
17 courteous.
- 18 (7) Additional obstacles or other materials (ramps/jumps) may not be
19 used at Carlson Skate Park.
- 20 (8) Alcohol, tobacco products, ^{illegal} drugs, and glass containers are not
21 allowed in Carlson Skate Park.
- 22 (9) Keep food and/or drink off the skate park surface.

(10) Do not use Carlson Skate Park if hazardous conditions exist.

Report any damage/hazardous conditions to the City of Keizer
Parks Department.

(11) Do not use Carlson Skate Park when the surface is wet.

(12) DO NOT LITTER. Use trash containers provided.

(13) By using Carlson Skate Park you agree to abide by the above
rules. The City of Keizer is not responsible for any loss, damages,
or injuries resulting from use of Carlson Skate Park.

Section 2. Park Reservations – Organized events using a covered

shelter or soccer field require a park reservation and must be registered through
Keizer City Hall.

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

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

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

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

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

Section 3. Revoking of Park Reservation – Violations of the terms of the park reservation as determined by a police officer, the City Manager, or the City Manager's designee, immediately revokes the reservation.

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

Section 5. Prohibited Actions – The following actions are prohibited in Keizer City Parks:

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

(b) Overnight camping

(c) Walking or riding horses

(d) Hitting golf balls

(e) Riding skate boards or scooters on tennis courts

- 1 (f) Dumping of any items or materials without the written approval of
2 the City Manager or City Manager's designee
3 (g) Being present in a park when the park is closed
4 (h) Open fires
5 (i) Possession of alcoholic beverages
6 (j) Vandalism
7 (k) Noise which violates the City of Keizer Noise Ordinance as now
8 enacted or later amended.
9 (l) Discharge of firearms or other types of weapons, which may include
10 but are not limited to; air guns, BB or pellet guns, sling shots, bow
11 and arrows, crossbows, or any other device which propels any object.

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

14 **Section 7. Repeal of Ordinance 93-266 and 2001-455 –**

15 Ordinance 93-266(Establishing Keizer Park Regulations) and Ordinance 2001-455
16 (Amending Keizer Parks Regulations) are hereby repealed in their entirety.

17 //

18 //

19 //

20 //

21 //

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

5 PASSED this ____ day of _____, 2001.

6
7 SIGNED this ____ day of _____, 2001.

8

9

10

11

12

13

14

15

MAYOR

CITY RECORDER

16

17

18

19



August 6, 2001

AGENDA ITEM 7b

**Authorization to Borrow Funds to
Meet General Fund Cash Flow Needs**

COUNCIL MEETING:

August 6, 2001

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCILORS

THROUGH: CHRIS EPPLEY
CITY MANAGER

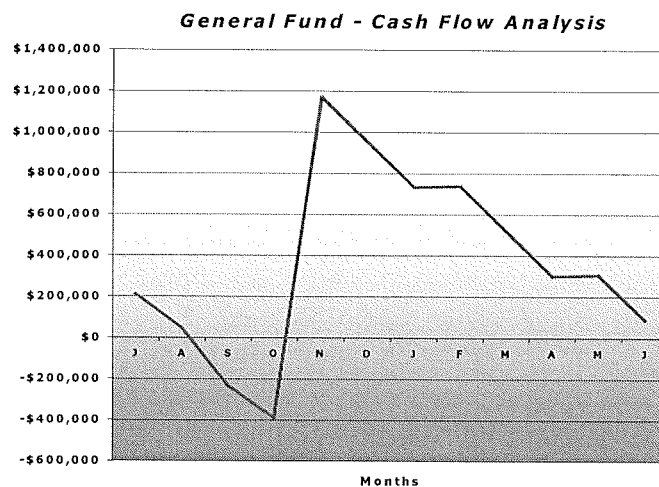
FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR



SUBJECT: INTERFUND BORROWING TO MEET CASH FLOW NEEDS

BACKGROUND:

The City has traditionally used cash from other funds to meet the cash flow needs of the General Fund and the Street Lighting District Fund (SLD). The graph below represents the cash balance of the General Fund in FY 2000-01. At the beginning of the year the fund has a relatively marginal beginning fund balance. Expenditures incurred throughout the year are for on going operating costs, in fact, 77% of the costs are for Personal Services. Therefore, cash outlays are consistent from month to month and average a little over \$400,000.



Revenues on the other hand fluctuate widely. The bulk of the property tax revenues come in late November. Most franchise receipts are paid quarterly and some are paid annually in the spring months. By year-end the General Fund results in a positive ending fund balance. However, the

disparity between the revenue stream and the expenditure stream results in a cash flow deficit during the first five months of the fiscal year. Likewise, the SLD fund has ongoing operating costs but does not receive the bulk of its revenue until assessments are received in late November.

Cash from other funds has traditionally been used to supplant the General Fund and SLD Fund during this shortfall. This practice will continue until the funds reach their targeted ending fund balance as set out in the long-range financial plan. The problem this generates for the other funds is those cash balances become the corpus for the General Fund and SLD Fund's cash needs. Although the money is repaid when property tax revenues and assessments are received, the money can not be spent because it will be needed the following year.

ISSUE:

The long-range financial plan as approved by the council on June 18, 2001 provides for a short-term borrowing arrangement to meet the cash flow needs in the General Fund. Although the SLD is not specifically mentioned in the Plan it too will incur a shortfall if interfund borrowing does not occur. Staff recommends that the General Fund borrows up to \$800,000 and the SLD Fund borrow up to \$70,000 to cover anticipated needs. Staff suggests that the loans be made similar to a line of credit and that only the amounts needed will be borrowed at the time of need.

The Parks Improvement Fund, Water Facility Fund and 911 Communications Fund are designated as the funds from which to borrow cash. In FY 2001-02, there is sufficient cash in these funds to meet the needs of the General Fund as well as carry out the capital improvement programs and other expenditure requirements of the loaning funds. However, capital outlay expenditures need to be held off until the loans are repaid in December 2001.

Since the Parks Improvement Fund and Water Facility Fund have constitutional provisions that restrict the use of revenues, all amounts borrowed must be repaid with interest. The 911 Communications Fund however, does not have such restrictions and need not be repaid with interest.

RECOMMENDATION:

It is recommended the City Council adopt the attached Resolution authorizing the interfund loans to the General Fund and SLD Fund.

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

3 Resolution R2001-_____

4 AUTHORIZATION OF INTERFUND LOANS TO THE GENERAL FUND AND STREET
5 LIGHTING DISTRICT FUND
6

7 WHEREAS, the General Fund and the Street Lighting District Fund do not
8 have adequate cash balances to meet operating expenditures from August 2001
9 through November 2001, at which time property tax revenues and assessments will
10 be received; and

11 WHEREAS, a long-range financial plan has been adopted by the Council to
12 resolve these cash flow problems over the next several years; and

13 NOW, THEREFORE BE IT RESOLVED that the Council authorizes interfund
14 loans to the General Fund and the Street Lighting District Fund, as needed, up to
15 the amounts indicated below:

16 Maximum amounts to be loaned from:

17 911 Communications Fund	\$ 80,000
18 Parks Improvement Fund	\$400,000
19 Water Facility Fund	\$390,000

20 Maximum amounts to be loaned to:

21 General Fund	\$800,000
22 Street Lighting District Fund	\$ 70,000

23 NOW, THEREFORE BE IT RESOLVED that all monies borrowed during the
24 period authorized be repaid, if required, to the appropriate fund by December 31,
25 2001 including interest at the established Oregon State Investment Pool interest
26 rate for the applicable the time period.

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PASSED this _____ day of _____, 2001.

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SIGNED this _____ day of _____, 2001.

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Mayor

City Recorder



August 6, 2001

AGENDA ITEM 8a

RESOLUTION-Certifying Street Lighting Assessments

CITY COUNCIL MEETING: August 6, 2001

AGENDA ITEM NUMBER:

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: SUSAN GAHLSDORF, CPA
FINANCE DIRECTOR**



**SUBJECT: RESOLUTION - CERTIFICATION OF STREET LIGHTING DISTRICT
ASSESSMENTS**

ISSUE:

Staff has computed the amount of money necessary to be raised by assessment to cover Street Lighting District costs as shown on the attached exhibit "A". These assessments need to be turned over to the County Assessor for collection by August 31, 2001.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution certifying the Street Lighting District Assessments, by tax account, to the Marion County Assessor for collection.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2001-_____

CERTIFICATION OF LIGHTING DISTRICT ASSESSMENTS

BE IT RESOLVED by the City Council of the City of Keizer that Keizer has determined and computed the amount of money necessary to be raised by assessment to cover funds spent to operate and maintain certain street lighting facilities within Keizer, including administrative costs in the amount of \$ _____ ; and

BE IT FURTHER RESOLVED that Keizer certifies Exhibit "A" attached hereto, is a true and correct list of the properties within the various lighting assessment district in Keizer giving the proper assessment and apportionment of costs and expenses to be assessed against the respective properties for operation and maintenance of street lighting facilities for the year; and

BE IT FURTHER RESOLVED that Exhibit "A" attached hereto, is certified to the County Assessor to be added to the appropriate tax accounts for the respective properties indicated.

PASSED this _____ day of _____, 2001.

SIGNED this _____ day of _____, 2001.

Mayor

City Recorder

"EXHIBIT A"
CERTIFICATION OF LIGHTING DISTRICTS ACCOUNTS

LIGHTING DISTRICTS 2000/01				
		# OF	TOTAL	
		PER	2001	
	DISTRICT NAME	LOTS	DISTRICT	PER LOT
008	MARDELL	206	5,520.80	26.80
012	WILARK PARK ST LTG	190	10,191.60	53.64
014	MAI LIN	290	8,523.10	29.39
015	APPLEBLOSSOM	88	2,494.80	28.35
017	RIVERCREST	326	10,040.80	30.80
018	IVY WAY	119	3,197.53	26.87
019	ARNOLD WAY	40	720.80	18.02
022	NORTHVIEW	86	3,238.76	37.66
023	MCNARY HGHTS	88	4,538.16	51.57
024	CEDAR PARK ST LGHT	19	995.03	52.37
025	MENLO	27	946.35	35.05
026	SHADY LANE	FF	2,191.87	VARIES
028	NORTHWOOD PARK #1	49	2,838.57	57.93
034	GREENWOOD	FF	1,183.30	VARIES
041	WILARK PARK #6	18	735.84	40.88
042	WILARK PARK ANN #7	16	722.56	45.16
043	NORTHWOOD PARK #2	43	2,203.75	51.25
044	MAI-LIN DISTRICT #2	22	627.44	28.52
045	MCLEOD PARK	36	1,473.84	40.94
046	LANCER PARK	36	1,670.04	46.39
047	HILLIGOSS	14	495.46	35.39
048	CARLHAVEN ADDITION	28	588.56	21.02
049	WINDSOR ESTATES	23	1,114.58	48.46
050	WHITAKER PARK	78	3,672.24	47.08
079	ANDREW PARK	15	726.30	48.42
080	GLYNBROOK	41	1,874.52	45.72
081	LAWNDALE SUB	34	1,797.92	52.88
082	NORTHWOOD PARK #4	98	6,235.74	63.63
083	PALMA CIEA #5	22	724.24	32.92
084	WILARK PARK ANN #5	18	943.38	52.41
086	HICKS JONES	FF	5,848.50	VARIES
087	CARLHAVEN ADD #2	29	673.67	23.23
094	WILL MANOR 4	23	1,026.26	44.62
095	WHEATLAND LN	7	368.34	52.62
096	NORTHTREE ESTATES	100	5,954.00	59.54
097	CHEMAWA PARK	18	1,246.32	69.24
108	MCLEOD PARK #2	28	1,418.48	50.66
120	CHEMAWA EST #1	30	1,640.10	54.67
122	SIX SUBDIVISION	23	557.29	24.23
126	MCLEOD ESTATES	74	3,588.26	48.49
128	CHEHALIS SUB	16	439.36	27.46
129	DENNIS LANE N	43	1,461.57	33.99
130	CRESTWOOD VILLAGE	12	490.56	40.88
131	CHEMAWA EST #2	34	1,883.60	55.40
132	CHARLOTTE	45	1,306.35	29.03
141	PALMA CIEA	447	14,187.78	31.74
142	RIVERVIEW N	29	859.85	29.65
143	MEADOWBROOK	9	354.33	39.37
144	JUNIPER	20	668.60	33.43
146	TERRACE GLEN	16	748.00	46.75
147	WEDGEWOOD ESTATE	32	844.48	26.39
148	JULIE ESTATES	20	1,374.20	68.71
150	KEPHART	40	1,628.40	40.71
159	JOHNISEE ADDN	13	336.70	25.90
161	WALENWOOD SUB	9	184.41	20.49
162	WARNER PARK	10	199.70	19.97

"EXHIBIT A"
CERTIFICATION OF LIGHTING DISTRICTS ACCOUNTS

LIGHTING DISTRICTS 2000/01				
		# OF	TOTAL	
	DISTRICT NAME	LOTS	PER DISTRICT	2001 PER LOT
163	SPRINGTIME PK SUB	15	718.80	47.92
164	STONEHEDGE ESTATE	100	5,395.00	53.95
165	RIVERVIEW N #2	28	864.64	30.88
181	TIMBERVIEW SUB	142	6,083.28	42.84
182	VISTAVIEW ESTATE #2	60	1,914.00	31.90
183	NORTHRIDGE PARK	32	869.76	27.18
184	JUNIPER #2 SUBDIV	21	975.03	46.43
185	KEIZER HEIGHTS	65	2,848.95	43.83
191	CLARK ST NE	29	562.31	19.39
192	FRIENDSHIP ADDITION	12	317.88	26.49
193	TEN AT MCNARY	15	867.60	57.84
194	BUCHOLZ ADDITION	21	468.93	22.33
195	PARKLAWN ADDITION	6	264.54	44.09
205	GLYNBROOK II N	43	2,378.76	55.32
206	FOUR WINDS ADDN N	123	4,167.24	33.88
207	FERNBROOK	39	1,212.90	31.10
208	EDEN ESTATES	42	2,209.62	52.61
209	COUNTRY CLUB EST	29	1,034.14	35.66
212	LAWNDALE I SUB PH-2	39	1,708.98	43.82
213	STONEHEDGE EST II	89	3,773.60	42.40
215	GARY ST	37	818.81	22.13
216	ARNOLD ST #2	23	618.70	26.90
217	FOUR WINDS III	20	375.80	18.79
218	GREENWAY	19	595.08	31.32
219	NOON AVE	32	913.60	28.55
220	STONEHEDGE EST III	32	1,407.04	43.97
221	STONEHEDGE EST 4&5	32	1,600.96	50.03
227	WILLOW LAKE EST	44	2,086.48	47.42
228	THE MEADOWS PH-1	56	3,507.84	62.64
231	FOURWINDS II	16	456.80	28.55
232	WHITAKER HGTS	34	1,150.56	33.84
234	THE MEADOWS PH-3	35	2,192.40	62.64
235	THE MEADOWS PH-2	37	2,317.68	62.64
236	THE MEADOWS PH-4	39	2,442.96	62.64
237	ORCHARD CREST	54	1,893.78	35.07
238	STONEHEDGE EST #6	31	1,603.32	51.72
239	SPRINGMEADOW EST	1	2,980.52	2,980.52
241	WILLOW LAKE 2&3	96	4,221.12	43.97
246	CHERRYLAWN CT NE	8	374.32	46.79
247	ORCHARD CREST PH-3	35	1,426.95	40.77
248	MAX CT	10	542.60	54.26
249	THE MEADOWS PH-5	42	2,630.88	62.64
250	ORCHARD CREST PH-2	53	1,805.18	34.06
251	RIVERCREST PH-1&2	44	1,587.08	36.07
253	THE MEADOWS PH-6	31	1,941.84	62.64
254	THE MEADOWS PH-7	32	2,004.48	62.64
255	TIMBERVIEW PH-3	28	1,788.08	63.86
256	APPLETREE PH-1,2,3	46	3,110.98	67.63
257	BRIARWOOD	1	2,111.72	2,111.72
258	HIDDEN CRK EST PH-1	41	3,485.82	85.02
259	CATERWOOD ESTATES	51	2,533.68	49.68
260	PARKMEADOW APTS	1	1,018.52	1,018.52
261	NORTHRUP/NORTHSHIRE	12	484.08	40.34
262	COUNTRY GLEN EST	189	10,049.13	53.17
263	FIRCON	29	1,390.84	47.96
264	HIDDEN CRK EST PH-2	16	906.08	56.63
265	CLEARLAKE SUBDIV	49	2,926.28	59.72

"EXHIBIT A"
CERTIFICATION OF LIGHTING DISTRICTS ACCOUNTS

LIGHTING DISTRICTS 2000/01				
		# OF	TOTAL	
		PER	2001	
	DISTRICT NAME	LOTS	DISTRICT	PER LOT
266	SPRINGRIDGE EST	32	1,812.16	56.63
267	THE RIDGE	22	1,347.06	61.23
268	NORTHSIDE ESTATES	43	2,015.84	46.88
269	HOMESTEAD/CLEARVIEW	10	300.50	30.05
270	HONEYSUCKLE	25	1,118.25	44.73
272	LARSON PARK SUBDIV	12	477.00	39.75
273	BAILEY ESTATES	10	465.00	46.50
274	STICKLES ADDITION	9	256.50	28.50
275	CEDAR BLUFF SUBDIV	27	1,782.00	66.00
276	ABT KOUFAX LN	24	1,561.44	65.06
277	HIDDEN CREEK PH-3	33	805.53	24.41
278	HOLLY LN/ALDER DR NE	9	294.57	32.73
282	3RD AVE N	57	1,544.70	27.10
283	HIDDEN CREEK PH-4	15	1,102.50	73.50
284	JACOB ESTATES SUB	10	870.00	87.00
285	PRAIRIE EST	93	7,682.73	82.61
286	TECUMSEH ESTATES	21	1,138.62	54.22
287	TEPPER E SUB	28	1,441.44	51.48
288	WESTMORE	24	985.92	41.08
292	PINEHURST ESTATES	57	3,461.61	60.73
293	LEEWOOD MEADOWS	54	2,418.66	44.79
294	BROWER PLACE	31	1,979.35	63.85
295	HIGHLANDS ESTATES	59	3,397.22	57.58
296	JACOB ESTATES PH2	18	1,120.50	62.25
297	BAHNSEN WOODS EST	60	3,466.80	57.78
298	FOREST RIDGE EST	55	2,962.30	53.86
299	WHEATLAND TERRACE	15	630.75	42.05
300	WATERFORD	49	2,930.69	59.81
306	ROCKLEDGE ADDITION	16	703.52	43.97
307	WITTENBERG	1	6.00	6.00
308	JORDON RUN	10	341.90	34.19
309	PRAIRIE CLOVER	4	24.00	6.00
310	VINEYARDS	90	540.00	6.00
311	HIGHLANDS NORTH	16	96.00	6.00
312	CHEMAWA GLEN	38	228.00	6.00
315	SPARROW ADDITION	8	48.00	6.00
316	VINEYARDS NO. PHASE 2	47	612.41	13.03
317	HIDDEN CREEK PHASE 5	10	621.20	62.12
318	BARNICK ESTATES	12	1,394.88	116.24
319	MCLEOD ACRES	10	785.20	78.52
321	BEIER ESTATES	18	398.88	22.16
322	WESTMORE EAST SUBDIV N.	18	908.46	50.47
323	SHADY ADDITION N.-RING ST. N.E.	18	1,019.88	56.66
	TOTAL		300,552.91	



August 6, 2001

AGENDA ITEM 8b

Approval of July 9, 2001 Work Session Minutes

MINUTES
KEIZER CITY COUNCIL
WORK SESSION
Monday, July 9, 2001
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Council President Moir called the Work Session to order at 5:39 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor (arrived at 5:43 p.m.)
Ray Kelly, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor (arrived at 5:42 p.m.)

Absent:

Charles E. Lee, Councilor

Staff:

Chris Eppley, City Manager
Tracy L. Davis, City Recorder

DISCUSSION

a. Appointment Process for City of Keizer Board and Commissions

Anne Rasmus, Chair of Volunteer Coordinating Committee, 7207 Park Terrace Drive NE, Keizer- submitted and read the handout pertaining to the philosophy, criteria and guidelines of the Volunteer Coordinating Committee.

Council President Moir thanked Ms. Rasmus for her report.

City Manager Eppley summarized the staff report and noted the ideas made available to make the process more consistent.

Councilor McGee expressed appreciation of Ms. Rasmus and all the work that she had done during her terms as the Volunteer Coordinating Committee Chair. He also supplied a brief history of the Committee.

Mayor Christopher indicated that she would like to see the direct Council appointment process for the Volunteer Coordinating Committee with two-year terms to be

consistent with the elected terms of Council.

The Council discussed term limits for the committees and how the staggered terms worked.

Ms. Rasmus expressed concern with having the Volunteer Coordinating Committee making appointments to KURB and the Planning Commission. She felt these positions required knowledge and experience and might be better served with appointment by the Council.

To alleviate Ms. Rasmus's concerns Mayor Christopher indicated that Council would ratify these positions.

Councilor Kelly spoke against term limits for these volunteer positions and Councilor Walsh spoke in favor of term limits. The Council discussed the pros and cons of the process.

Mayor Christopher suggested an amendment to the Resolution to include:

- The Volunteer Coordinating Committee being made a direct appointment without Council affirmation, with the appointment running for two years and containing no term limits.
- The Volunteer Coordinating Committee would appoint members to other committees and boards with affirmation by the Council. These Committee's would contain two consecutive, three-year terms with the ability to reapply to that committee after a one-year hiatus.

It was the consensus of the Council to accept these recommendations.

Alternates

Councilor Smith provided her suggestion to have two alternates for each committee that would be affirmed by the Council. She indicated that an alternate would have the power to vote if a voting member was not present or a member had resigned from the committee.

The Council discussed the pros and cons of the use of alternates and the statement of required attendance or an excused absence from the meeting.

It was the consensus to add to the Council Procedures that an absent Councilor had to be excused by the Mayor or Council President and a Committee member must be

excused by the Chair or Vice-Chair. Also that the alternate issue would be re-evaluated if the attendance recommendations did not work.

Attendance was also reviewed and it was the consensus of the Council to require a 75% attendance during a one-year period.

Council discussed who would take action against a member who was in violation of the 75% rule.

It was the consensus of Council that the Volunteer Coordinating Committee would report attendance problems to the Council who would then take action to remove that individual from their position.

Council President Moir addressed the resolutions, which state that the Mayor would appoint the Chair of a Committee or Board. The Council agreed to change this to read that the Committee would chose and select their chair and vice-chair. Also annual reports would be removed from the resolution and requested on an "as requested" basis.

Council also felt it was important to leave the Committee Reports on the Council Agenda giving a Councilor the opportunity to defer to the minutes provided rather than supplying a report.

Protocol

Councilor Smith provided a copy of suggested protocol for the various committees and boards. Each item was discussed and it was the consensus to make the following changes to the document.

- Remove items number three, four and five.
- Reword number one to read; "*Committee decisions are to be made during scheduled meetings*".
- Add language to the end of number seven to read; "*...unless pre-approved limits have been approved by the City Council*".

Council agreed that the protocol would become part of the Volunteer Handbook.

OTHER BUSINESS

Council President Moir noted that 102 people attended the opening session at the Chalmer's Jones Covered Structure on Friday, July 6th.

indicated she would bring this issue up during the next Parks Board Meeting.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 7:26 p.m.

Cindy Perry
Recording Secretary

APPROVED:
MAYOR:

Lore Christopher

COUNCIL MEMBERS:

Councilor #1 - Judy K. Smith

Councilor #4 - Jacque Moir

Councilor #2 - Ray Kelly

Councilor #5 - Richard Walsh

ABSENT

Councilor #3 - Charles E. Lee

Councilor #6 - Jerry McGee

Minutes approved:



August 6, 2001

AGENDA ITEM 8C

Approval of July 16, 2001 Regular Session Minutes

MINUTES
KEIZER CITY COUNCIL
Monday, July 16, 2001
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:02 p.m. Roll Call was taken as follows:

Present:

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

Staff:

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

PUBLIC TESTIMONY
(Taken out of order
after Other Business)

Mayor Christopher asked City Attorney Johnson to clarify some of the changes to the false alarm ordinance prior to public testimony.

Mr. Johnson reported that the ordinance would allow 90-days for those who have an alarm to get a permit free of charge. After the 90-days a \$20 permit fee would be charged. He reviewed the information that would be obtained in the permit application and the fines initiated after the second false alarm. Mr. Johnson indicated that the citation would be issued through the Municipal Court.

Responding to questions Mr. Johnson outlined the public record rule and the balancing rule used to determine if records might be released.

City Manager Eppley went on to state that standard operating procedure would be to deny any claims and have the claims processed through the court. He addressed the \$20 program fee was to cover the

administration of the program.

Testimony

Bill Quinn, 4918 Shoreline Loop, Keizer- spoke in favor of the revised ordinance. He felt it was important to impose a penalty to those who do not obtain a permit. Mr. Quinn noted changes in the ordinance, which he felt, were missed.

Jay Gaffney, Metropolitan Security Systems-spoke in support of the alarm ordinance. He shared that he does not support silent alarms. He outlined some of the other areas of the ordinance pertaining to alarms and noted that users are encouraged to test their systems monthly. Mr. Gaffney suggested changes on page 5; line 6 he encouraged the activation time to be lengthened from ten to 60 seconds to allow for these tests. Also on page 7; line 16 to include a person that lives within 10-15 minutes of the premises and on page 9; line 16 suggested that the word "punishable" be changed to "levied".

Responding to questions, Mayor Christopher noted that there would be some calls that would be at the discretion of the officer whether to levy a fine.

Gene Benson, 3390 Willamette Drive, Keizer-spoke against the proposed false alarm ordinance and re-addressed issues of open records and encouraged that efforts are moved more towards the criminal rather than the victim.

Shirley DeShon, 3985 Rivercrest Drive, Keizer-spoke in opposition of the proposed false alarm ordinance. She asked what the collected fines would be used for and felt that \$200 was too high for a fine. She expressed concern regarding the database of information and urged a closer inspection of the ordinance before its adoption.

Councilor Walsh tried to alleviate Ms. DeShon's concerns noting changes that had been made since the first draft that was reviewed. He outlined some of those changes.

Rick Roemer, 711 Chemawa Road NE, Keizer-spoke as Chair of the Governmental Affairs and expressed his support of an ordinance that would reduce false alarms, but was not in support of the ordinance as it was written. He urged that only individual having false alarms be required to submit information to the police database.

Mayor Christopher noted that the purpose of the registration process was for officer safety and to assist in the reduction of false alarms.

Captain Barker attempted to alleviate Mr. Roemer's concerns and Mr. Roemer argued that the information being requested would not act as a safeguard to officers and felt there was a better way to deal with false alarms than the proposed ordinance.

Responding to questions Councilor McGee supplied data from 1990-1993 regarding false alarms. He questioned the safety issue for officers noting that traffic stops and domestic calls would have a much greater instance for securing safety for an officer versus a false alarm.

Mr. Roemer indicated that he had spoken with the President of the McNary Homeowners Association and they were against the permit for false alarms.

Bob Herberger, 2805 Chemawa Road NE, Keizer-urged the Council to keep the ordinance simple. He expressed his apprehension of the intrusiveness of the proposed ordinance and safety issues regarding the information that would be collected for the permit system. Mr. Herberger felt the cost of initiating the ordinance would be an additional burden on the City's budget.

Cliff Moeller, 1180 Rafael North, Keizer-addressed the issue of central stations monitoring alarm systems noting that they would have access to the information which was being requested for the permit process. He felt the additional intrusion of government for this process was unnecessary.

Council President Moir referred to systems that were not monitored. She emphasized how the permitting system would supply the needed information to a responding officer.

Mr. Moeller disagreed indicating that he felt unmonitored alarm systems would continue to be dealt with as they currently were on an "as called" basis.

John Preston, 3500 River Road, Keizer- spoke in support of the ordinance. He shared that he resided in Salem and paid a yearly fee to hold his alarm permit. He did not see any problem with the information being requested.

**COMMITTEE
REPORTS** (taken prior
to Public Testimony)

- a. **Introduction of Recent Volunteer Appointments**
- **Budget Committee-Robert Gebhardt & Carl Beach**
 - **Traffic Safety Commission-Steve Prothero**
 - **Parks Advisory Board-Carol Dicksa**
 - **Planning Commission-John Preston,
Christopher Andersen and Ross Day**

Mayor Christopher introduced and welcomed the new volunteer appointments and provided them with a proclamation regarding their appointments.

b. **City of Keizer Employee Debbie Bernard-
Toastmaster Award**

Mayor Christopher read the letter from the Executive Director of Toastmasters International regarding Ms. Bernard's award.

Finance Director, Susan Gahlsdorf congratulated and provided Ms. Bernard with an award for her efforts.

c. **Council Liaison Reports**

- **Mid Willamette Area Commission on
Transportation (MWACT)**-Councilor Smith reported ODOT would be receiving \$400 million and the possibilities that these funds could be allocated for. Also discussed was the expressway to be built in the Dundee/Newberg area.
- **Parks Advisory Board**-Mayor Christopher reported that the Claggett Wetlands project had not met the requirements of the DSL so a member of the watershed council would be working with DSL to get the project to move forward next spring.

Mayor Christopher reported that the Parks Board was making a recommendation to Gubser Neighborhood regarding the Big Toy to be placed in Wilark Park. She also noted that the grand opening of the Chalmers Jones covered structure would take place on Labor Day and the effort of staff to have grass planted in Country Glen Park in September.

Mayor Christopher shared that the Park Tour would take place on August 13th at 5:30 p.m. She outlined the parks that would be visited.

- **Planning Commission-Council President Moir** reported that the Commission was continuing to meet regarding infill. Their next meeting would take place on July 25th in hopes of forwarding a recommendation to Council.
- **Chamber of Commerce Governmental Affairs-** Councilor Walsh reported that City Manager Eppley attended the meeting and supplied an update on the City's interest in the future of it's UGB and the proposed False Alarm Ordinance.
- **SEKNA-Councilor Lee** reported the efforts of SEKNA through the Mennonite Church for the Hispanic community. He shared on August 24th a school supply day would take place with a tour of the new schools on August 25th.
- **Conference Center Feasibility Study-Councilor Lee** reported that he had copies of the information and offered it to those interested.

OTHER BUSINESS (taken out of order before Public Testimony)

a. New Business

Councilor Smith thanked the community for donations made to allow for the purchase of bike helmets that are provided "free of charge" to children who do not have a helmet.

b. Old Business

Human Resource Director, Dianne Hunt shared that the first part of the screening process took place narrowing down the field of applicants from 38 to 11. She noted that a new ability test would be put in place that would be more representative of what an officer would be required to do.

PUBLIC HEARINGS

a. Legislative Amendment to Re- designate Chalmers Jones Park and Clarify Boundaries (continued from June 18, 2001)

City Manager Eppley reported that on April 2001 the City Council initiated legislative amendment to consider changing the designation of Chalmers Jones Park from a neighborhood park to a community park and to clarify its boundaries. Ultimately, the task for defining the boundaries fell on the Parks Advisory Board who discussed this issue during their July meeting. The Parks Board submitted a list of questions, which they felt, needed answered before being able to make this determination at their August 14th meeting.

Staff recommended that Council reopens the hearing, allow testimony and continue the hearing until Monday, August 20, 2001 to receive the recommendation from the Parks Advisory Board.

Mayor Christopher opened the public hearing.

With no one wishing to testify Mayor Christopher closed the public hearing and it was the consensus of the Council to continue the hearing until August 20, 2001.

ADMINISTRATIVE ACTION

a. ORDINANCE- Regulating False Alarms in the City of Keizer (second reading)

City Manager Eppley reported that at the July 2, 2001 meeting Council adopted the false alarm ordinance with amendments. Since there was not a unanimous vote the ordinance was brought back for a second reading.

Staff recommended adoption of the Ordinance.

Council discussed the ordinance, its cause and effect and the individual feelings of each Councilor regarding the ordinance.

Council President Moir noted grammatical errors and requested that on page five; line six that the activation time be changed from ten seconds to sixty seconds.

Council President Moir moved a Bill for an Ordinance Regulating Alarm Systems, Requiring Permits and Providing Penalties for False Alarms, Fees and Penalties for Ordinance Violations as amended. Councilor Lee seconded the motion.

The motion passed as follows:

AYES: Christopher, Lee, Moir and Smith (4)

NAYS: Kelly, McGee and Walsh (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. ORDINANCE- Establishing Keizer Park Regulations (Repealing Ordinance #'s 93-266 and 2001- 455) (second reading)

City Manager Eppley reported that on July 2, 2001 the Ordinance Establishing Park Regulations was presented to the Council for discussion and adoption. Because there was not a unanimous vote on the Ordinance it was brought back for a second reading.

Staff recommended that Council make a motion and vote on the Ordinance.

Councilor McGee indicated that he would prefer that the ordinance be referred back to legal counsel to address rules that could not be regulated as discussed at the previous Council Meeting.

Council President Moir moved a Bill for an Ordinance Establishing Keizer Parks Regulations (Repealing Ordinance No. 93-266 and No. 2001-455). Councilor Smith seconded the motion.

Councilor Kelly commented on wording in the Ordinance that he felt needed to be reviewed. Council discussed this and the following motion was made.

Councilor Kelly moved to table the issue until the Ordinance was rewritten and brought back to the Council on August 6, 2001. Councilor McGee seconded the motion.

The motion to table passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**c. RESOLUTION-
Establishing Volunteer
Coordinating
Committee (Repealing
R95-617)**

City Manager Eppley reported that on Monday, July 9, 2001 the Council met in a work session to discuss the Committee Appointment Process. During the discussion suggested changes were made to the appointment process and the duties of the Volunteer Coordinating Committee.

Staff recommended review and adoption of the Resolution.

Council discussed the Resolution and adding suggested amendments.

Councilor Kelly moved a Motion Establishing a Volunteer Coordinating Committee (Repealing Resolution No. 95-617) with the suggested amendments. Council President Moir seconded the motion.

Additional amendments and deletions were suggested to the Resolution and the following motion was made.

CONSENT CALENDAR

Councilor Kelly moved to table the issue to allow legal counsel to make the necessary amendments and bring back for Council to review on August 20, 2001. Councilor McGee seconded the motion.

The motion to table passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

- a. RESOLUTION- Certifying Delinquent Sewer Accounts
- b. RESOLUTION- Authorizing City Manager to Enter Agreement with Morse Bros. Construction for Verda Lane Improvements
- c. RESOLUTION- Establishing Volunteer Coordinating Committee (Repealing R95-617)
- d. RESOLUTION- Establishing Facility Use Policy for City Hall property (Repealing R86-229)
- e. Approval of June 18, 2001 Regular Session Minutes
- f. Approval of July 2, 2001 Regular Session Minutes

Councilor Lee requested that item "d" is pulled from the Consent Calendar.

Council President Moir moved a motion for adoption of the Consent Calendar with the exception of item "d". Councilor Kelly seconded.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Lee requested that staff readdresses the fees being requested and the requirement of a certificate of insurance for groups renting rooms at the City Hall Facility.

City Manager Eppley indicated that the increases were nominal, but the intent of the increases was not to cover costs but to allow facilities to be available to citizens at a minimal cost.

The Council discussed the priority uses of the facility and the fee structure for profit versus non-profit organizations and it was suggested that a sentence be added stating *"Confirmed dates have priority over all others"*.

Councilor Lee suggested that the committee that was going to be established to review stadium parking lot as a source of revenue could also review the fees for the use of the City Hall Facility.

Council President Moir moved a motion to adopt a Resolution Establishing a Policy for Community Use of City Hall Facilities (Repealing Resolution No. R86-229) with the suggested amendments. Councilor Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

None

WRITTEN COMMUNICATIONS

AGENDA INPUT

July 23, 2001

5:30 p.m. City Council Work Session

- Pilot Water Project with City of Salem
- Keizer Aquatics Center Presentation

August 6, 2001

7:00 p.m. City Council Regular Session

- Zone Change Case No. 01-20 Public Hearing (River Road/Maine Avenue)
- Infill Master Plan Public Hearing

August 13, 2001

5:30 p.m. City Council/Parks Advisory Board Work Session

- Annual Parks Tour

August 20, 2001
7:00 p.m. City Council Regular Session

ADJOURNMENT

Mayor Christopher adjourned the meeting at 10:24 p.m.

Cindy Perry
Recording Secretary

APPROVED:
MAYOR:

Lore Christopher

COUNCIL MEMBERS:

Councilor #1 - Judy K. Smith

Councilor #4 - Jacque Moir

Councilor #2 - Ray Kelly

Councilor #5 - Richard Walsh

Councilor #3 - Charles E. Lee

Councilor #6 - Jerry McGee

Minutes approved:

PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER THE PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: Jim Kellan

Address: 1919 Mistwood Dr NE
Kelso

Subject or Agenda Item Number: _____
Munich County Fair

Your Comments:

Proponent _____ Opponent _____ General ☒

Date 8.6-01

PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER THE PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: KEIZER CHAMBER OF COMMERCE
CHRISTINE JONES

Address: 980 CHEMANA RD NE
KEIZER

Subject or Agenda Item Number: VISITOR CENTER
REPORT

Your Comments: SEE ATTACHED MEMO

Proponent Opponent General

Date 8-6-01

PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER THE PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: DAVE BAUER

Address: 260 Janet Ave N

Subject or Agenda Item Number: CITY EMPLOYEE

Your Comments:

Proponent X Opponent _____ General _____

Date 8-6-01

PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER THE PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: Bubba Smith

Address: 3641 Cherry lawn Ct. NE
Keizer OR 97303

Subject or Agenda Item Number: Regulating
The Ice Cream vendors

Your Comments:

Proponent ☒ Opponent ☐ General ☐

Date 8-10-01



Phone (503) 393-9111
Fax (503) 393-1003
www.keizerchamber.com
Email keizercc@keizerchamber.com

980 Chemewa Rd. NE
Keizer, Oregon 97303

August 6, 2001

To: Keizer City Council

From: Christine Jones, Executive Director of Keizer Chamber of Commerce and Visitor Center

The Keizer Chamber of Commerce and Visitor Center would like to present to the council a report on visitor services as it relates to our allocation of hotel tax dollars.

In the City of Keizer's fiscal year of July 2000 - June 2001, we received \$10,326 of the hotel tax.

Within that same period we expensed \$8,475 in the production and distribution of our Keizer....in the Heart of the Oregon Experience brochure. I'd like to report more on further distribution of the brochure, our launching of our keizerchamber.com web site, and our visitor center referrals but tonight I have bigger news.

Just today we have heard confirmation that the Oregon State Wide Bowling Tournament will be hosted by Town & Country Lanes in the spring of 2003. Our Visitor Center assisted in bringing this tournament to Keizer instead of the two other bowling centers in Salem. Numbers attending and participating in this tournament, I am told, will reach 10,000. Organizers related to John Preston, GM of Town and Country Lanes, that this tournament will bring in close to 1.5 million dollars to our community through visitor expenditures.

The Keizer Chamber's Visitor Committee will be forming a task force to discuss promotional and marketable services that we could coordinate to further assist Keizer businesses and the city in helping to serve the attendees. I invite the city's participation in this task force.

In closing, I would like to thank you for seeing the value of using portions of the hotel tax to further our city's economic vitality through our Visitor Center. Please anticipate future quarterly reports on how we are working to accomplish this goal.



DATE: August 6, 2001 TIME: 7:00 p.m. AGENDA ITEM # 6c

BEFORE THE: KEIZER CITY COUNCIL

PLACE: ROBERT L. SIMON COUNCIL CHAMBERS

(PLEASE PRINT)

[illegible]

8-6-01
distributed
by Frank
Walker

**Zone Change 01-20
Eric and Kimberly Pittsley**

OUTLINE FOR KEIZER CITY COUNCIL PUBLIC HEARING

I. Introduction

- Appreciation for Staff assistance
- Introduction of clients
- Confirmation of Objective:
 - To redevelop property with an improvement program that will benefit the Community of Keizer and the current and future stewards of the property.
- Appearance of improved site (refer to Site Plan Map)
- Site Description
 - Existing attributes
 - Corner lot
 - High visibility/exposure
 - Appropriate configuration (90' x 190')
 - Existing 6' wooden privacy fence on east
 - Some existing larger vegetation
 - Upgraded dwelling with landscaping on frontage/ramp sidewalks
 - Proposed Upgrades
 - Sidewalks and curbs on Maine Avenue
 - Clearly defined engineered access
 - Modern landscaping with irrigation for green grass areas
 - Clearly defined internal parking and circulation
 - Code defined parking to meet parking needs
 - New building meeting modern building code standards
 - Limited Use Overlay prohibiting alcohol sales, adult entertainment drive-through restaurants and banks and gas stations
 - Sensitive building placement to reduce noise, glare and other impacts
 - Additional buffering between residential uses and commercial uses

II Conformance of Proposal with Applicable Approval Criteria

A. Keizer Comprehensive Plan

Page 39 Comprehensive Plan Policy

“Re-development and in-filling of commercial development along the North River Road and Cherry Avenue corridor from the southern city limit to Olson Street.”

Nine Comprehensive Plan Policies regarding economic, commercial and industrial development (redevelopment)

- Broaden and diversify economy**
- Supply an adequate supply of land for new businesses**
- Reserve enough remaining large parcels**
- Ensure compatibility between commercial uses and uses adjacent**
- Provide for limited mixing of commercial, industrial where suitable**
- Encourage public and private efforts to increase economic development**
- Reduce unemployment in the resident labor force**
- Improve per capita income**

B. Zone Change Criteria

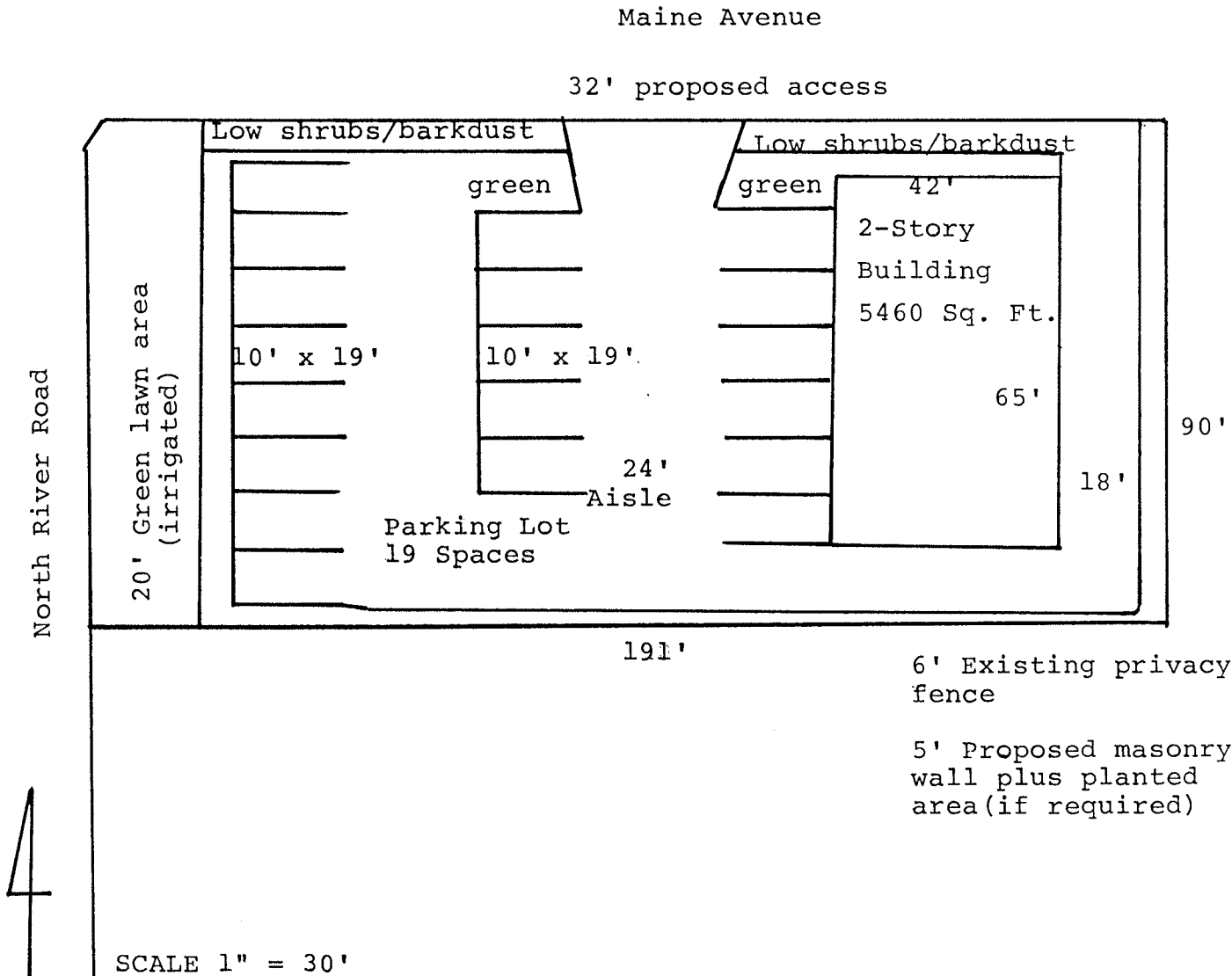
- Supply of vacant land for proposed zone (Meet this criterion)**
- Supply of vacant land for existing zone (Meet this criterion)**
- Destabilization of land use pattern resulting from more intensive use (LUO helps assure stable land use pattern)**

**STAFF AND HEARINGS OFFICIAL CONCUR THAT BASIC
APPROVAL
CRITERIA ARE MET**

III.. Neighborhood Concerns

- Traffic (Mitigate with better access, parking and use restrictions)**
- Noise (Mitigate with sensitive building placement, buffering improvements and use restriction)**
- Trash (Difficult to mitigate with fast food restaurants nearby)**
- Trespass and vandalism (Mitigate with better lighting, better street surveillance and use restrictions that discourage loitering and late night business)**
- Aesthetics and appearance (Mitigate existing situation with modern building, landscaping, parking and off-street loading)**

SITE PLAN FOR 4630 NORTH RIVER ROAD
KEIZER, OREGON



Eric and Kimberly Pittsley
4630 North River Road
Keizer, Oregon 97303



DATE: August 6, 2001 TIME: 7:00 p.m. AGENDA ITEM # 6b

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS
(PLEASE PRINT)

[illegible]



DATE: August 6, 2001 TIME: 7:00 p.m. AGENDA ITEM # 6a

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS
(PLEASE PRINT)

[illegible]



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

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

August 6, 2001

Rick Bastasch
Willamette Restoration Initiative
P.O. Box 13026
1717 Fabry Rd. SE
Salem, OR 97309-5686

Re: RIVERR and support for application to the National Park Service for assistance

Dear Mr. Bastasch :

The City Council of Keizer recognizes the Willamette River as a valuable community asset. Additionally, we believe that we should strive to reconnect with this resource so as to enhance potential opportunities for our community. To this end, on April 16, 2001, the Keizer City Council adopted a long-range goal to explore the feasibility of developing intergovernmental cooperation to study the potential for a trail system along the Willamette River that would extend through and beyond our city. The Council named this goal the RIVERR project, which stands for Regional Intergovernmental Visions Enhancing River Resources (RIVERR) and it states as follows:

"Explore intergovernmental cooperation for the development of a greenway from Salem to Willamette Mission Park through Keizer. This task force will investigate the potential opportunities for the residents of this region as they relate to the river and work toward furthering Governor Tom McCall's vision for greenway enhancements. This task force should take into account a number of issues, including the following:

- **Private Property Rights**
- **Land acquisition costs and funding**
- **Intermodal transportation opportunities**
- **Recreational opportunities**
- **Other opportunities that may be discovered."**

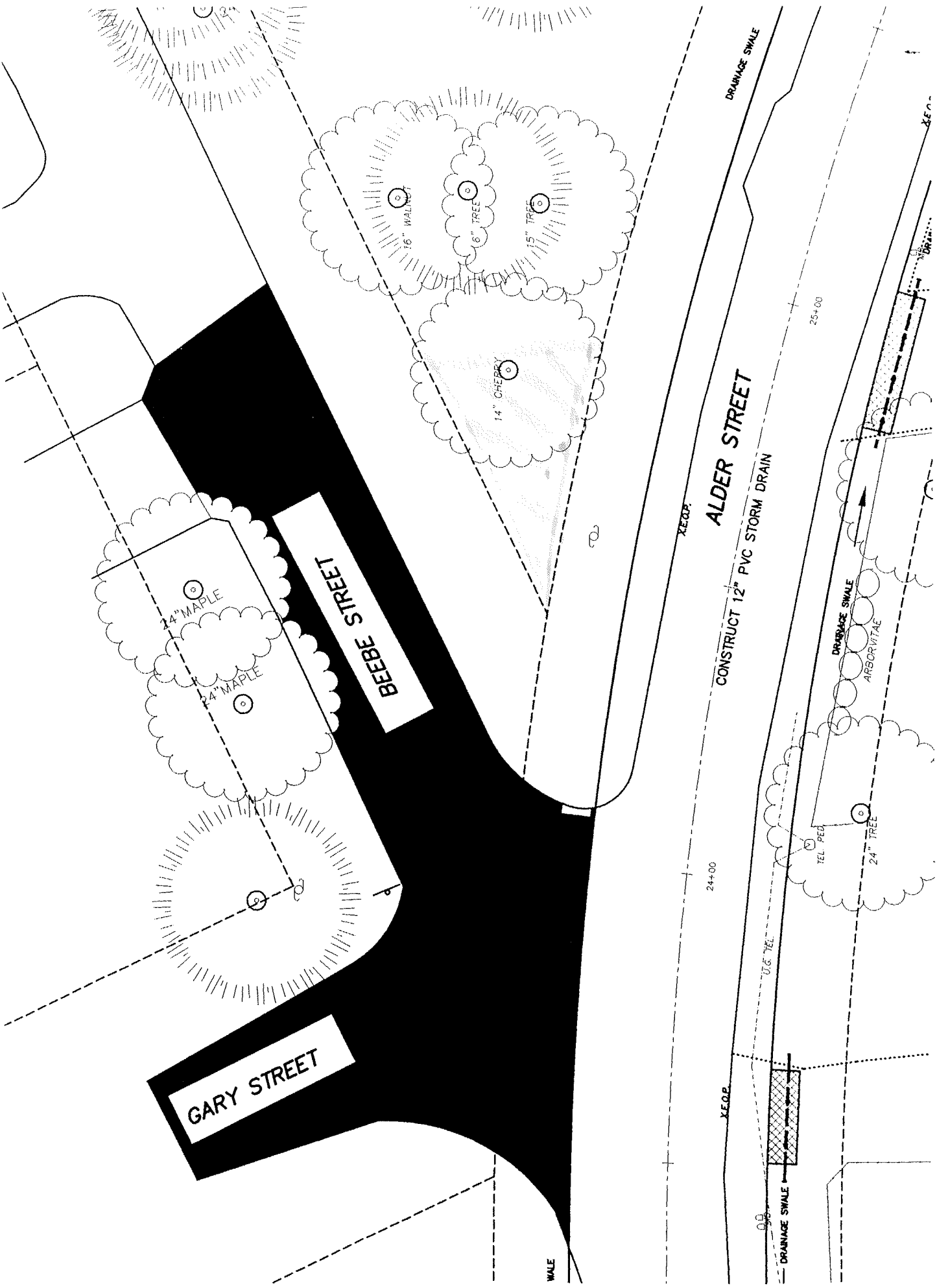
Connecting our community with other communities and exploring the history, beauty, and recreational opportunities along the Willamette River are the essence of this long-range goal. We believe that accomplishing this goal will require a committed, long-term, regional effort that extends beyond city or county boundaries.

For these reasons, the Keizer City Council supports your application for assistance to the National Park Service for consultation and other assistance they may be able to provide in studying the feasibility and desirability of targeted improvements along the Willamette River corridor from Corvallis to Keizer. The goal of this assistance is to help facilitate communication among partnering jurisdictions and stakeholders within the target area.

Furthermore, the City Council commits to providing a representative of the City to serve on the project team. Councilor Richard Walsh has agreed to attend any meetings or conferences associated with this project. I also will attend meetings and conferences to the extent that my schedule permits. Please let me know if I can be of further assistance in your grant application.

Very truly yours,

Lore D. Christopher
Mayor, City of Keizer



EXISTING

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

3 Resolution R2001-_____

4 CERTIFICATION OF LIGHTING DISTRICT ASSESSMENTS
5

6 BE IT RESOLVED by the City Council of the City of Keizer that Keizer has
7 determined and computed the amount of money necessary to be raised by
8 assessment to cover funds spent to operate and maintain certain street lighting
9 facilities within Keizer, including administrative costs in the amount of \$300,552.91;
10 and

11 BE IT FURTHER RESOLVED that Keizer certifies Exhibit "A" attached hereto,
12 is a true and correct list of the properties within the various lighting assessment
13 district in Keizer giving the proper assessment and apportionment of costs and
14 expenses to be assessed against the respective properties for operation and
15 maintenance of street lighting facilities for the year; and

16 BE IT FURTHER RESOLVED that Exhibit "A" attached hereto, is certified to
17 the County Assessor to be added to the appropriate tax accounts for the respective
18 properties indicated.
19

20 PASSED this _____ day of _____, 2001.

21 SIGNED this _____ day of _____, 2001.

22
23 _____
24 Mayor
25

26
27 _____
28 City Recorder