

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

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

Monday, August 5, 2002

6:30 p.m.

**Robert L. Simon Council Chambers
Keizer, Oregon**

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

This time is provided for citizens to address the Urban Renewal Agency on any matter not scheduled for public hearing.

4. PUBLIC HEARING

- a. **RESOLUTION** – Authorizing the City Manager to Enter Into A Transaction for the Sale of Urban Renewal Agency Owned Property Located at the Southwest Corner of Chemawa Road and River Road to Keizer Saw and Mower, Inc.

5. ADMINISTRATIVE ACTION

6. CONSENT CALENDAR

- a. Approval of May 20, 2002 Urban Renewal Agency Minutes
b. Approval of June 3, 2002 Urban Renewal Agency Minutes
c. Approval of July 1, 2002 Urban Renewal Agency Minutes

7. OTHER BUSINESS

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

8. ADJOURN

Upon request, auxiliary aids and/or special services will be provided to participants with disabilities. To request services, please contact us at (503) 390-3700 at least two working days (48 hours) in advance.



URBAN RENEWAL AGENCY BOARD

August 5, 2002

AGENDA ITEM 4a

**RESOLUTION – AUTHORIZING THE CITY MANAGER TO
ENTER TRANSACTION FOR THE SALE OF URBAN RENEWAL
AGENCY PROPERTY LOCATED AT RIVER/CHEMAWA ROAD**

URBAN RENEWAL AGENCY MEETING: August 5, 2002

AGENDA ITEM NUMBER: _____

TO: URBAN RENEWAL AGENCY
THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER
FROM: E. SHANNON JOHNSON, CITY ATTORNEY
SUBJECT: SALE OF AGENCY PROPERTY (UNOCAL SITE)

The Agency previously directed staff to sell the property referenced above by bid with certain conditions and restrictions. The property was advertised for sale by bid in both the Statesman Journal and the Keizertimes. As you may remember, the Agency received only one bid which was from Keizer Outdoor Power Equipment (Rob Titus). Because the agreement was modified, the Agency rejected the bid and declared it void.

The Agency later directed staff to enter into negotiations with Keizer Outdoor Power Equipment outside the bid process for sale of the southwest corner of the property. Staff has negotiated with Mr. Titus and have agreed on the terms of the transaction which are outlined in the attached earnest money agreement.

State law requires that a public hearing be held prior to the sale of publicly owned property. The appraised value for the entire Unocal site was \$130,000.00. The Agency determined that it would sell approximately one-third of the subject property to Keizer Saw and Mower and felt it was appropriate to discount the amount due to special conditions made part of the sale.

RECOMMENDATION:

Open and conduct a public hearing. After taking all public testimony, close the public hearing and adopt the attached resolution authorizing the City Manager to enter into the transaction of the sale of the property for \$34,330.00.

If you have any questions or concerns in this regard, please contact me. Thank you.

ESJ/tmh
attachments

1 URBAN RENEWAL AGENCY, CITY OF KEIZER, STATE OF OREGON

2 Resolution UR2002-_____

3 AUTHORIZING THE CITY MANAGER TO ENTER INTO A
4 TRANSACTION FOR THE SALE OF URBAN RENEWAL AGENCY
5 OWNED PROPERTY LOCATED AT THE SOUTHWEST CORNER OF
6 CHEMAWA ROAD AND RIVER ROAD TO KEIZER SAW &
7 MOWER, INC., AN OREGON CORPORATION

8 WHEREAS, Keizer Saw & Mower, Inc. has requested the Urban Renewal
9 Agency of Keizer to sell to it property located at the southwest corner of Chemawa Road
10 and River Road, Keizer, Marion County, Oregon for use as additional Commercial
11 Mixed property;

12 WHEREAS, a notice of hearing as provided in ORS 221.725 was completed and
13 a public hearing was held on August 5, 2002;

14 WHEREAS, the Urban Renewal Agency of Keizer enters the findings set forth
15 below;

16 NOW, THEREFORE,

17 BE IT RESOLVED as follows:

18 Section 1. PUBLIC HEARING. A public hearing was held before the Urban
19 Renewal Agency on August 5, 2002. Notice of such hearing was published concerning
20 the above referenced sale.

21 Section 2. FINDINGS. The notice requirements of ORS 221.725 have been
22 complied with. The nature of the proposed sale and the general terms thereof, including
23 an appraisal or other evidence of the market value of the property have been fully

1 disclosed by the Urban Renewal Agency at the public hearing. Any resident of the city
2 has been given an opportunity to present written or oral testimony at the hearing.

3 The property is not necessary for public use, except for right-of-way and sidewalk
4 easements. The subject property is of use to the proposed buyer in that it provides it
5 additional Commercial Mixed property for its business located adjacent to the subject
6 property.

7 It is necessary and convenient to sell the real property at this time as it would be
8 of little or no use to anyone other than the proposed buyer herein and the proposed buyer
9 now wishes to buy the property.

10 Section 3. DECISION TO SELL. Following the public hearing, the Urban
11 Renewal Agency voted to sell the subject property to the buyer, on the terms set forth
12 in the attached Agreement.

13 Section 4. AUTHORIZATION TO CITY MANAGER. The Urban Renewal
14 Agency hereby authorizes the City Manager to enter into the attached Sale Agreement
15 and Receipt for Earnest Money and to take all acts necessary to consummate the
16 transaction as contemplated therein.

17 PASSED this _____ day of _____, 2002.

18 SIGNED this _____ day of _____, 2002.

19

20

Agency Chair

21

22

City Recorder

**SALE AGREEMENT AND
RECEIPT FOR EARNEST MONEY**

SELLER: URBAN RENEWAL AGENCY OF THE CITY OF
KEIZER, an Oregon municipal corporation
PO Box 21000
Keizer, OR 97307

BUYER: KEIZER SAW & MOWER, INC., an
Oregon corporation
120 Chemawa Road N.
Keizer, OR 97303

RECITAL:

Seller desires to sell to Buyer and Buyer desires to purchase from Seller certain real property located in Marion County, Keizer, Oregon (the "Property"):

See Exhibit "A" attached hereto and by this reference incorporated herein.

AGREEMENT:

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

1. **Sale and Purchase.** Buyer agrees to purchase the Property from Seller and Seller agrees to sell the Property to Buyer for the sum of \$34,330.00 the "Purchase Price").

2. **Earnest Money.** Seller hereby acknowledges receipt of the sum of \$2,000.00 paid by Buyer as earnest money. The earnest money shall be applied to the Purchase Price on the Closing Date, as that term is defined below.

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

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

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

4. **Closing.** Closing shall take place on or before ninety (90) days after the date of Seller's execution of this Agreement (the "Closing Date"), at the offices of Fidelity National Title.

5. **Buyer's Conditions/Preliminary Title Report.** The sale is conditioned on the following:

5.1 Upon Buyer's receipt of Seller's written acceptance and execution of this Sale Agreement (the "Notification Date"), Buyer shall have sixty (60) days to determine if the Property is contaminated by hazardous or toxic wastes. Buyer's determination shall include but not be limited to access to the property for inspections, the ability to take soil/water samples for testing and analysis, and access to all of Seller's records and reports concerning the Property with regard to hazardous, toxic, and/or petroleum wastes.

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

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

6. Right-of-Way Dedication/Easement. Prior to closing, Seller will dedicate a portion of right-of-way adjacent to the subject property. At the time of closing, and as a condition of this Agreement, Buyer shall dedicate additional right-of-way as set forth on Exhibit "B" across the Chemawa Road frontage of Buyer's adjoining property. At the time Buyer develops its adjoining property, or one (1) year after the closing Date, whichever is earliest, Buyer shall complete right-of-way and sidewalk improvements over the entirety of both the subject property, as well as Buyer's adjoining property in a manner reasonably acceptable in writing by Seller and subject to all applicable regulatory standards. If improvements are not finished by such date, Buyer authorizes Seller to go onto the subject property and adjoining property and complete such improvements at Buyer's expense. Buyer shall remit all reasonable costs for such improvements within thirty (30) days of receipt of invoice from Seller. The provisions of this Section shall survive closing and the conveyance of the Property to Buyer. As used herein, the time "Buyer develops its adjoining property" shall mean when Buyer receives any building permit for that property.

7. Deed. On the Closing Date, Seller shall execute and deliver to Buyer a deed in the form attached as Exhibit "C".

8. Title Insurance. Within fifteen (15) days after closing, Buyer shall be furnished, at Seller's expense, with an owner's policy of title insurance in the amount of the purchase price, standard form, insuring Buyer as the owner of the Property subject only to the usual printed exceptions and the Permitted Exceptions, plus all exceptions, conditions, covenants and restrictions set forth in the attached deed.

9. Costs and Expenses. Seller shall pay for all premiums for the title insurance policy, one-half of all escrow fees and costs, and Seller's share of prorations. Buyer shall pay for all document recording charges, one-half of all escrow fees and costs, and Buyer's share of prorations. Buyer and Seller shall each pay their own legal and professional fees respectively. All other costs and expenses shall be allocated between Buyer and Seller in accordance with the customary practice in Marion County, Oregon.

10. Taxes; Prorates. Real property taxes, if any, for the current tax year and other usual items shall be prorated as of the Closing Date.

11. Possession. Buyer shall be entitled to possession immediately upon closing.

12. **Property Included.** The Property is bare land only. No fixtures are part of the Property.

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

14. **Property Sold "AS IS".** Buyer has had and has exercised a full and complete opportunity to inspect and investigate the property. No representations or warranties have been made by the Seller or anyone on Seller's behalf to the Buyer as to the environmental or other condition of the premises or the improvements, and it is understood and agreed that the premises are sold "as is" at the time this Agreement is closed.

Seller acknowledges that as between Seller and Buyer, Seller will be responsible to Buyer for any environmental hazard that was placed on the subject property from the time Seller acquired the property to the date of closing.

Buyer acknowledges and agrees that as between Seller and Buyer, Buyer will be responsible to Seller for any environmental hazard that was placed on the subject property after the date of closing.

As used herein, "environmental hazard" shall mean any and all hazardous or toxic substances, materials or wastes as defined or listed under any federal, state or local environmental laws, now existing or hereinafter enacted. The term "placed" shall mean any and all manner of placement of environmental hazard on the subject property whether from adjoining property or not, and whether accidentally or intentionally placed.

Buyer understands and acknowledges that the subject property has been used as a gasoline service station and it is possible that contamination by hazardous or toxic wastes may have occurred on the subject property. The past uses on the subject property or on the adjacent property may have led to soil and/or groundwater contamination. Seller makes no representation, warranty, guarantee or disclosure other than the disclosure contained herein. Please see Deed Conditions attached as Exhibit "C". The Provisions of this Section shall survive closing and shall not merge with the deed.

15. **Access and Use Limited.** Buyer understands and acknowledges that access to the Property is extremely limited. Access will be limited to one 24-foot wide driveway on Chemawa Road as far west on the property as possible. Such access shall be limited to "right-out" traffic only. In addition, the property has

limitations on allowed uses, including, but not limited to a prohibition of "auto-related" uses. Buyer has reviewed and accepts any and all land use restrictions or prohibitions. Seller agrees that Buyer shall retain a minimum 24-foot driveway on Buyer's adjoining property for both ingress and egress. The provisions of this Section shall survive closing and the conveyance of the Property to Buyer.

16. Seller Held Harmless as Municipal Government. Buyer agrees and understands that Seller's responsibility and obligations under this Agreement do not and cannot bind Seller as to its duties as municipal government which are necessarily separate and apart from its obligations hereunder. To that end, with regard to any actions that may affect Buyer's operation of the Premises in any manner whatsoever, Buyer agrees that enforcement in good faith of any lawful ordinances or regulations or any other acts Seller may take with regard to the adoption of appropriate and necessary laws and ordinances, or any other acts Seller may take in its role as municipal government shall not be restricted by the fact that Seller entered into this Agreement. However, nothing in Section shall be interpreted to permit Seller to act or fail to act in any way inconsistent with any common law, constitutional or statutory rights of Buyer or the established duties and obligations of Seller as a municipal body. This provision shall survive closing and shall not merge with the deed. As used in this Section, the term "Seller" shall also include the City of Keizer.

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

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

19. Remedies. Time is of the essence of this Agreement. If this Agreement does not close, through no fault of Seller, prior to the close of business on the closing date specified above, Buyer shall forfeit the earnest money to Seller as liquidated damages, and such forfeiture shall be Seller's sole remedy. If Seller cannot furnish marketable title at closing or otherwise fails to consummate this transaction, the earnest money shall be refunded to Buyer, and Buyer shall be entitled to its actual out-of-pocket

expenses. The refund of the earnest money and reimbursement of the expenses shall be Buyer's sole remedy.

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

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

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

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

24. **Acceptance.** This Agreement shall be null and void unless accepted by Seller, by Seller's execution of it, on or before August 6, 2002. Buyer may not revoke this offer prior to such date.

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

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

BUYER HAS READ AND UNDERSTANDS ALL THE CONTENTS OF THIS SALE AGREEMENT. THIS IS A BINDING CONTRACT ONCE SIGNED BY SELLER. BUYER IS URGED TO SEEK LEGAL COUNSEL OF THEIR OWN CHOOSING.

SELLER:

Dated: _____

URBAN RENEWAL AGENCY OF THE
CITY OF KEIZER, an Oregon
municipal corporation

By: _____
Christopher C. Eppley,
City Manager

BUYER:

Dated: 07-22-02

KEIZER SAW & MOWER, INC., an
Oregon corporation

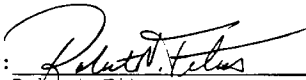
By: 
Robert Titus

EXHIBIT "A"

City of Keizer to Keizer Saw Shop
7-08-02

Parcel B

Beginning at the Southwest corner of that tract of land described in Reel 1628, Page 312, Deed Records of Marion County, Oregon which point is recorded as being North 89°30'00" West 150.00 feet and South 00°28'00" East 155.77 feet from a County Monument marking the Northeast corner of the J.B. Keizer Donation Land Claim No. 37 situated in Section 2, Township 7 South, Range 3 West of the Willamette Meridian in the City of Keizer, Marion County, Oregon;

Thence North 00°28'00" West along the West line of said tract, a distance of 115.76 feet;

Thence South 87°09'38" East parallel with the North line of said Keizer claim, a distance of 40.06 feet;

Thence South 00°28'00" East 114.12 feet to a point on the South line of said tract described in Reel 1628, Page 312;

Thence North 89°30'00" West along said South line, a distance of 40.00 feet to the Point of Beginning and containing 4596.9 square feet of land, more or less.

Keizer Saw and Mower, Inc.

January 23, 2002

Description of land to be deeded for Right-of-way:

Beginning at a point in the center of Chemawa Road which bears North 89°30'00" West 150.00 feet from the Northeast corner of the J.B. Keizer Donation Land Claim No.37 in Section 2, Township 7 South, Range 3 West, Willamette Meridian in the City of Keizer, Marion County, Oregon;

thence South 00°28'00" East along the East line of that tract of land described in Reel 420, Page 389, Deed Records, a distance of 30.00 feet to the South Right-of-way line of said Chemawa Road and being the True Point of Beginning.

thence South 00°28'00" East 5.00 feet;

thence North 89°30'00" West 75.00 feet, more or less, to the West line of said tract of land;

thence North 00°28'00" West along said West line, a distance of 5.00 feet to the South Right-of-way line of said Chemawa Road;

thence South 89°30'00" East along said Right-of-way line, a distance of 75.00 feet to the True Point of Beginning.

BARGAIN AND SALE DEED - STATUTORY FORM

Corporate Grantor

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER, OREGON, an Oregon municipal corporation, Grantor, bargains, sells and conveys to KEIZER SAW & MOWER, Inc., an Oregon corporation, Grantee, the following described real property situated in Marion County, Oregon, to-wit:

See Exhibit "A" attached hereto and by this reference incorporated herein

together with all tenements, hereditaments and appurtenances thereto belonging.

SUBJECT TO use restrictions, conditions, covenants, restrictions, reservations, liens, encumbrances, exceptions, rights of way, easements and other matters of record. Further, subject to the terms and conditions set forth in Exhibit "B" ("Deed Conditions") attached hereto and by this reference incorporated herein.

The true consideration for this conveyance is \$34,330.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.903.

DATED this _____ day of _____, 2002.

URBAN RENEWAL AGENCY OF THE
CITY OF KEIZER, OREGON, an
Oregon municipal corporation

By: _____
Christopher C. Eppley

STATE OF OREGON)
) ss.
County of Marion)

The foregoing instrument was acknowledged before me this _____ day of _____, 2002, by Christopher C. Eppley of Urban Renewal Agency of the City of Keizer, Oregon, an Oregon municipal corporation, on behalf of the corporation.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

**AFTER RECORDING
RETURN TO:**
Keizer Saw & Mower, Inc.
120 Chemawa Road N.
Keizer, OR 97303

**UNTIL A CHANGE IS REQUESTED,
SEND ALL TAX STATEMENTS TO:**
Keizer Saw & Mower, Inc.
120 Chemawa Road N.
Keizer, OR 97303

EXHIBIT "A"

City of Keizer to Keizer Saw Shop
7-08-02

Parcel B

Beginning at the Southwest corner of that tract of land described in Reel 1628, Page 312, Deed Records of Marion County, Oregon which point is recorded as being North 89°30'00" West 150.00 feet and South 00°28'00" East 155.77 feet from a County Monument marking the Northeast corner of the J.B. Keizer Donation Land Claim No. 37 situated in Section 2, Township 7 South, Range 3 West of the Willamette Meridian in the City of Keizer, Marion County, Oregon;

Thence North 00°28'00" West along the West line of said tract a distance of 115.76 feet;

Thence South 87°09'38" East parallel with the North line of said Keizer claim a distance of 40.06 feet;

Thence South 00°28'00" East 114.12 feet to a point on the South line of said tract described in Reel 1628, Page 312;

Thence North 89°30'00" West along said South line a distance of 40.00 feet to the Point of Beginning and containing 4596.9 square feet of land, more or less.

EXHIBIT "B"

DEED CONDITIONS

Acceptance of title to the Property more particularly described in the Deed to which these Deed Conditions are attached is expressly conditioned upon the following provisions:

1. As used herein, the following terms shall have the respective meanings as set forth below:

"Agency" shall mean any federal, state, or local government authority actually asserting jurisdiction over conditions of Contamination over the Property.

"Applicable Contamination" shall mean any Contamination which resulted during Unocal's ownership of the Property from Unocal's products or related wastes, or from Unocal's use of the Property as a facility for the sale or resale of gasoline or other petroleum products and/or the performance of automotive service activities.

"Contamination" shall mean any hazardous or toxic material, substance, chemical or waste, contaminant, emission, discharge or pollutant or comparable material listed, identified or regulated pursuant to any federal, state or local law, ordinance or regulation which has as a purpose the protection of health, safety or the environment, including but not limited to petroleum or petroleum products or wastes derived therefrom.

"Property" shall mean that certain real property described on Exhibit "A" hereto.

"Sale Agreement" shall mean that certain Sale Agreement and Receipt for Earnest Money executed by Urban Renewal Agency of the City of Keizer, as Seller, and Owner, as Buyer, pertaining to the Property and resulting in recordation of this Agreement.

"Owner Group" shall mean, individually and collectively, Owner and its parent, subsidiary and affiliated companies; their respective agents, employees, partners, officers, shareholders and directors; their respective guardians, trustees, executors and administrators; their respective successors and assigns; and any subsequent owner of any interest whatsoever and however acquired in the Property.

"Unocal" shall mean Union Oil Company of California, predecessor in title to Seller.

2. Owner Group, by accepting title to the Property, acknowledges that:

(a) The Property has been used, among other uses, as a facility for the sale or resale of gasoline or other petroleum products and/or the performance of automotive service activities, and that underground tanks were located thereon;

(b) Unocal has remediated any Applicable Contamination found in, on, or about the Property in compliance with Agency requirements applied to the Property by said Agency, and Unocal has obtained a "no further action" letter from the Agency;

(c) Notwithstanding the remediation of Applicable Contamination as described above, some Contamination may remain in, on, or about the Property, and Owner has released Seller in the Sale Agreement with respect to Contamination and remediation thereof.

3. Owner Group, by accepting title to the Property, acknowledges that the following provisions are binding upon Owner Group:

It is the express intent of the parties that (i) the risk of any Contamination on, within or emanating from the Property shall shift to Owner, and (ii) Seller shall have no obligation for any Contamination, on, within or emanating from the Property, including but not limited to any remediation thereof. Expressly, but without limiting the generality of the foregoing, Seller shall have no liability for remediation of any Contamination of the Property, for changes in any law, regulations, guidelines, or other criteria concerning appropriate levels of cleanup of such Contamination, or for any third-party claims resulting from any such Contamination. Owner, for itself and the Owner Group, hereby releases Seller from all claims, liability, damages, demands, costs, and causes of action of all kinds arising out of or in connection with the existence, assessment or remediation of Contamination upon, under, in, or emanating from the soils or groundwater of the Property, including without limitation any claims for bodily injury, illness, death, property damage, any special, indirect or consequential damages, loss of use, rents, anticipated profit or business opportunity, or business interruption, diminution in value, or mental or emotional distress or fear of injury or illness, trespass, nuisance or otherwise for any response costs it may incur with respect to the Property under any existing or future federal, state or local law, statute, ordinance, regulation, legal cause of action or theory of any kind, including but not limited to any claim under CERCLA (42 USC 9601 et seq.), RCRA (42 USC 6901 et seq.) Or similar or comparable state, federal, or local laws (individually and collectively, "Released Claims"). Owner, for itself and the Owner Group, further recognizes that there is a risk that subsequent to the close of escrow Owner or a member of the Owner Group will incur Released Claims or suffer loss, damage or

injuries which are in some way caused by the matters which are the subject of this release and which may be unknown or unanticipated at the time of close of escrow, and Owner, for itself and the Owner Group, assumes this risk and agrees that this release shall apply to all such unknown or unanticipated Released Claims, loss, damage, or injury.

4. Owner, by accepting title to the Property, further acknowledges for itself and the Owner Group that:

(a) The provisions contained herein are not a representation or warranty by Seller that the Property contains no Contamination or Applicable Contamination;

(b) The provisions contained herein are not an admission by Seller as to the existence of any Contamination or Applicable Contamination on the Property;

(c) The provisions contained herein are not an indemnity by Seller of Owner, any member of the Owner Group, or any third party regarding any environmental or other matter concerning the Property; and

(d) The provisions contained herein create no rights in Owner, any member of the Owner Group, or any third party.

SW
W.P
DLC

80 Road

- Parcel A

5.00'
Roadway
Dedication

NW C
J.M.
DLC

REV

500 28E 414.77
500 28E 344.77

75.00

4100
0.99 AC

✓ NOO 30W 152.77

S00 28E 189.00

75.07

4200
0.22 AC

Parcel B
To be
deducted to
F.L. 4200
75.07
N89 30W

4600
0.47 AC

(S00 28E 155.77

N00 28W 133.00

~~30E 120.00~~

ZE COR
J B. KEIZER
DLC 37

4300

3340

S89 30E 150.00

4500
0.35 AC

100.77
N00.28W

N00 28W 133,00

58.00
600 28E

75.00

4800
D 27 AC

N89 30W 225.07

130.00

283/00 4700



URBAN RENEWAL AGENCY BOARD
August 5, 2002

AGENDA ITEM 6a

**APPROVAL OF MAY 20, 2002 URBAN RENEWAL AGENCY
MINUTES**

MINUTES
KEIZER URBAN RENEWAL AGENCY
Monday, May 20, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Chair Christopher called the regular meeting to order at 6:37 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Chair
Michel Gaynor
Charles E. Lee
Jerry McGee
Jacque Moir
Judy Smith
Richard Walsh

Staff:

Chris Eppley, City Manager
Rob Kissler, Public Works Director
Shannon Johnson, City Attorney

**PUBLIC
TESTIMONY**

No one wished to testify before the Urban Renewal Agency.

PUBLIC HEARING

No public hearings were brought before the Agency.

**ADMINISTRATIVE
ACTION**

**a. Keizer Urban Renewal
Board Appointment**

City Manager Eppley reported in April, Michel Gaynor was appointed to the Keizer City Council to fill the vacancy created by the resignation of Ray Kelly. Mr. Gaynor was serving a three-year term on the Keizer Urban Renewal Board.

On May 2, 2002 the Volunteer Coordinating Committee reviewed applications and recommended the appointment of Gregory McLeod to fill the vacancy on the Board, which expires on February 1, 2003.

It was recommended that the agency accepts the recommendation of the Volunteer Coordinating Committee and appoint Gregory McLeod to fill the vacancy on the Keizer Urban Renewal Board.

Jacque Moir moved to accept the recommendation of the Volunteer Coordinating Committee and appoint Gregory McLeod to fill the vacancy on the Keizer Urban Renewal Board. Jerry McGee second the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

- a. Approval of Urban Renewal Agency Minutes of April 15, 2002

Jacque Moir moved for approval of the Consent Calendar. Judy Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS

No other business was brought before the Urban Renewal Agency.

ADJOURNMENT

The meeting was adjourned at 6:39 p.m.

Cindy Perry Recording Secretary

APPROVED:
CHAIR:

Lore Christopher



URBAN RENEWAL AGENCY BOARD
August 5, 2002

AGENDA ITEM 6b

APPROVAL OF JUNE 3, 2002 URBAN RENEWAL AGENCY
MINUTES

MINUTES
KEIZER URBAN RENEWAL AGENCY
Monday, June 3, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Chair Christopher called the meeting to order at 6:30 p.m.
Roll Call was taken as follows:

Present:

Lore Christopher, Chair
Michel Gaynor
Charles E. Lee
Jerry McGee
Jacque Moir
Judy K. Smith
Richard Walsh

Staff:

Chris Eppley, City Manager
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

No public testimony was brought before the Agency.

PUBLIC HEARINGS

**a. RESOLUTION-
Adopting Fiscal Year
2002-2003 Keizer Urban
Renewal Budget,
Making Appropriations,
Imposing and
Categorizing Taxes**

City Manager Eppley reported on May 14, 2001 that the Budget Committee had approved the Manager's Recommended Budget for Fiscal Year 2002-2003. The proper publishing requirements had been met.

Staff recommended that the public hearing be conducted and deliberated with adoption of the budget as presented.

Mayor Christopher opened the public hearing. With no one wishing to testify the public hearing was closed.

Jacque Moir moved for adoption of the Resolution Adopting the FY 2002 Budget, Making Appropriations, and Imposing and Categorizing Taxes. Jerry McGee seconded the motion.

Responding to questions City Manager Eppley addressed various portions of the 21st Century Plan as recommended by the Keizer Urban Renewal Board, but not adopted by the Agency.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION None

OTHER BUSINESS None

ADJOURNMENT Chair Christopher adjourned the meeting at 6:40 p.m.



URBAN RENEWAL AGENCY BOARD
August 5, 2002

AGENDA ITEM 6C

**APPROVAL OF JULY 1, 2002 URBAN RENEWAL AGENCY
MINUTES**

MINUTES
KEIZER URBAN RENEWAL AGENCY
Monday, July 1, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Chair Christopher called the regular meeting to order at 6:48 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Chair
Michel Gaynor
Charles E. Lee
Jerry McGee
Jacque Moir
Judy Smith
Richard Walsh

Staff:

Chris Eppley, City Manager
Rob Kissler, Public Works Director
Shannon Johnson, City Attorney
Tracy Davis, City Recorder

**PUBLIC
TESTIMONY**

No public testimony was presented before the Agency.

PUBLIC HEARING

No public hearings were brought before the Agency.

**ADMINISTRATIVE
ACTION**

**a. RESOLUTION-
Authorizing the City
Manager to Enter
Agreement for North
River Road Overlay
Project**

Public Works Director Rob Kissler reported on May 29, 2002 bids were received and opened for the construction of an overlay on North River Road between Chemawa Road and Lockhaven Drive. He noted how the project was bid.

The low bidder was on the project were J. C. Compton Co., dba Salem Road and Driveway Company totaling \$253,000.20.

Mr. Kissler indicated that funds for this project were included in the 2002-2003 Urban Renewal Fund.

Staff recommended that the City Council adopt the resolution authorizing the agreement.

Mr. Kissler answered questions form the Council.

Council President Moir moved a Resolution Authorizing the City Manager to Enter an Agreement with Salem Road and Driveway for North River Road Overlay Project. Councilor Lee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

Nothing was present on the Consent Calendar for approval.

OTHER BUSINESS

No other business was brought before the Agency.

ADJOURNMENT

The meeting was adjourned at 6:53 p.m.

August 5

Agenda

missing



August 5, 2002

AGENDA ITEM 4a

PROCLAMATION – NATIONAL NIGHT OUT

City of Keizer, Oregon



Proclamation

- WHEREAS, cohesive and healthy neighborhoods are key to preventing crime and violence; and*
- WHEREAS, the Mayor and City Councilors believe that positive activities displace negative activities by building community, increasing hope and creating harmony; and*
- WHEREAS, National Night Out promotes the partnership of citizens and police combating crime together by promoting active neighborhoods and bringing people together around the shared goal of a safe, healthy community; and*
- WHEREAS, the citizens of Keizer and the Keizer Police Department will join together on the 6th of August 2002 to enjoy the City's 19th National Night Out with more than 40 neighborhoods and nearly 2,000 adults and children expected to participate.*

NOW THEREFORE, BE IT PROCLAIMED by Mayor Lore Christopher, with concurrence of the City Council assembled in regular session, that the governing body of Keizer gives recognition to the citizens of Keizer and the Keizer Police Department for promoting the ideals of partnering for a safer community by celebrating National Night Out.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to be affixed to this document this 5th day of August, 2002.

Signed:

Lore Christopher, Mayor



August 5, 2002

AGENDA ITEM 4b

WILLOW LAKE FACILITIES PLAN PRESENTATION



PUBLIC WORKS FIELD OFFICE

1410 20th Street SE, Bldg #2 • Salem, OR 97302-1200 • (503) 588-6063 Fax (503) 588-6480

July 22, 2002

Rob Kissler, Public Works Director
City of Keizer
930 Chemawa Road NE
Keizer OR 97307-1000

SUBJECT: WILLOW LAKE FACILITIES PLAN

Dear Rob:

Enclosed are ten copies of the final draft of Willow Lake Facilities Plan for your August 5, 2002, Council Meeting. Francis Kessler, Randy Krueger (Black & Veatch), and I plan on being at the meeting and giving a 20-minute presentation on the Plan and hopefully answering any questions from your Council.

Our next step is to hold a formal public hearing on August 12 at the Salem City Council meeting. Please call me with any questions at 503-361-2220.

Sincerely,

Paul L. Eckley
Operations Services Manager

SDS:FILE\GROUP\FILES\CHRONO\07222PEJ.LTR

Enclosure: Final Draft Facilities Plan (10 copies)

cc: Tim Gerling, Public Works Director

Willow Lake Wastewater Treatment Plant

*Final Draft
Facilities Plan
Summary*

June 19, 2002

Willow Lake Wastewater Treatment Plant

FINAL DRAFT FACILITIES PLAN SUMMARY

June 19, 2002

Prepared for



Willow Lake Wastewater Treatment Plant
Acknowledgements

City of Salem

Frank Mauldin
Tim Gerling
Paul Eckley
Keith Whisenhunt
Karl Goertzen
Francis Kessler
Jim Russell
Steve Downs
Randy Pecor
Keith Garlinghouse
Walt Hawkins
WLTP Operations, Maintenance, and Laboratory Staff

Peer Review Committee

Walt Meyer
Ken Williamson
Dale Richwine

Associated Firms

DWG Associates
Galardi Consulting
Crawford Engineering Associates
Limno-Tech
Jeanne Lawson Associates

Willow Lake Wastewater Treatment Plant
Final Draft Facilities Plan Summary

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Willow Lake Wastewater Treatment Plant Final Draft Facilities Plan Summary

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Willow Lake Wastewater Treatment Plant Final Draft Facilities Plan Summary

SUMMARY

The Willow Lake Wastewater Treatment Plant Facilities Plan (Facilities Plan) identifies conveyance and treatment facilities needed to eliminate sanitary sewer overflows (SSOs) and to treat existing and future wastewater flows through the year 2025. Under the Facilities Plan, conveyance and treatment alternatives identified in the 1996 Wastewater Management Master Plan (1996 Master Plan) were evaluated as well as other alternatives developed by the facilities planning team.

Sanitary sewer overflows (SSO) are those flows released from the conveyance system when its capacity is exceeded. Sanitary sewer overflows occur in Salem during periods of high rainfall when dilute raw sewage is released from the system. Oregon water quality regulations disallow SSOs for rainfall events less than the 5-year, 24-hour winter storm and 10-year, 24-hour summer storm. The winter regulatory storm, which is defined as 2.7 inches of rain in a 24-hour period for Salem, governs facility requirements.

The timeline set forth in the Facilities Plan for conveyance and treatment facilities is governed primarily by deadlines set forth in the 1998 Mutual Agreement and Order (MAO) ⁽¹⁾ between the City of Salem and the State of Oregon, Department of Environmental Quality (DEQ). The MAO required completion of collection system improvements to eliminate SSOs to tributary streams by January 1, 2000, and newly discovered SSOs to tributary streams by January 1, 2005 and elimination of SSOs to the Willamette River by December 31, 2009. The City has met the 2000 MAO deadline and is working toward the 2005 and 2009 deadlines. The timeline for improvements outlined in the Facilities Plan allows the City to comply with the 2005 and 2009 deadlines while spreading costs over time to lessen impact to rates.

Integration with 1996 Wastewater Management Master Plan

The 1996 Master Plan outlined requirements for providing wastewater services for existing and future customers for a 20 year period. The 1996 Master Plan addressed two primary issues: how to deal with wet weather flows and how to treat wastewater loads. The 1996 Master Plan outlined specific capital improvements for collection, conveyance, and treatment of wastewater; including the following:

- **Repair and restoration of the collection system** to eliminate SSOs to tributary streams resulting from the 5-year, 24-hour winter storm and to provide even greater protection from basement flooding. The City has completed a majority of this collection system work.
- **Replacement and/or rehabilitation of sewer service laterals; this work continues.**

- Construction of large diameter **interceptor sewers** from the Union Street area to the Willow Lake Wastewater Treatment Plant (WLTP). The new and existing interceptor sewers would convey peak flows up to those associated with the regulatory 5-year, 24-hour winter storm to the WLTP.
- Implementation of a natural treatment system for **food processing wastewater**, relieving the WLTP of these high organic loads.
- Development of a natural treatment system to complement conventional treatment facilities at the WLTP.
- Expansion of the WLTP **conventional treatment facilities**.

The Facilities Plan replaces elements of the 1996 Master Plan, while leaving in place other elements. The fundamental policies and goals of the 1996 Master Plan remain whole with some specific implementation concepts changing. Changes to the 1996 Master Plan made by the Facilities Plan and the elements that remain unchanged are as follows:

<u>Replaced</u>	<u>Not Replaced</u>
Wet Weather Treatment Plans	Policies
Food Processing Treatment Plan	Collection System Improvement Plans
Wastewater Flow and Load Projections	Pump Station Improvement Plans
Interceptor Improvement Plan	

Things That Changed

The City has implemented many of the collection system improvements outlined in the 1996 Master Plan and further studied the food processing treatment system, natural treatment system (NTS), wet weather conveyance and treatment concepts, and WLTP improvements. The findings of these studies are summarized below:

1. **Food Processing Treatment System.** The 1996 Master Plan included separate treatment of food processing wastewater using poplar plantations. This removed the need for conventional facilities at the WLTP to treat the high organic load associated with food processing wastewater. Due to changes taking place in the industry, the economic uncertainty of several local food processors, and the fact that recent food processing wastewater loads are lower than they have been historically, plans for separate treatment of food processing wastewater have been postponed beyond the planning period.
2. **Natural Treatment/Reclamation System.** The 1996 Master Plan identified a Natural Treatment System (NTS) primarily to provide storage of excess wet weather flows prior to reintroduction of these flows into the WLTP when conditions allowed. The City's decision to intercept and treat excess wet weather

flows using remote facilities at existing SSO locations significantly reduces the need for development of an NTS. The City has, however, continued with the concept of using a natural system to treat and polish summer effluent loads as well as to produce reclaimed water for irrigation. A Natural Reclamation System (NRS) demonstration project is currently underway to evaluate the benefits of this approach for possible inclusion in future WLTP expansion plans. The City is planning to decide by 2005 on how or if to proceed with the NRS.

3. WLTP and Interceptor Sewers. Following investigations regarding **separate** treatment of food processing wastewater and use of a natural treatment system for storage and treatment of wet weather flows, the City undertook planning for conveyance and conventional treatment facilities. The work is summarized in this Facilities Plan. Recommendations set forth in the Facilities Plan amend the 1996 Master Plan in the manner wet weather flows are conveyed and treated as follows:
 - To significantly reduce conveyance costs, peak wet weather flows up to 160 million gallons per day (mgd) will be treated within the conveyance system at a facility constructed at the original wastewater treatment plant site in River Road Park. Peak hour flows up to the conveyance system capacity of 155 mgd will be treated at the WLTP.
 - Food processing wastewater will be treated at the WLTP. The City may again review separate treatment if historical high loads from the industry return.

Guiding Principles

At the outset of the facilities planning process, a set of guiding principles was developed. The guiding principles were maintained throughout the planning process as a benchmark for making decisions. The guiding principles are as follows:

1. Continue to meet current National Pollutant Discharge Elimination System (NPDES) permit conditions and meet MAO compliance schedules.
2. Provide flexibility and capacity to meet future NPDES permit conditions under projected flow and loading conditions, and allow for potential water reclamation options.
3. Develop alternatives that provide secondary equivalent treatment for wet weather flows up to the regulatory design storm by using high rate treatment processes at the WLTP site or at remote upstream installations.
4. Simplify plant operation and control wherever possible by **reducing the need for** flow splitting, and by providing a process train that is operated consistently throughout the year.
5. Develop alternatives that include priority replacement of aged and worn components of the WLTP to enhance process efficiency and improve plant reliability (modernization).

6. Reduce project capital costs by using existing facilities and tankage that have useful remaining service life wherever possible.
7. Reduce operation and maintenance (O&M) and energy costs by minimizing internal plant pumping requirements wherever possible.
8. Develop expansion and upgrade alternatives for phased implementation that allow continued service of existing facilities during construction.
9. Design processes with redundant capacity sufficient to meet the standard of practice and WLTP staff requirements.
10. Provide space at the WLTP site so that future NPDES permit requirements for parameters such as biological oxygen demand (BOD), total suspended solids (TSS), ammonia, temperature, and phosphorus can be addressed.
11. Incorporate computerized monitoring and control for rehabilitated and new facilities to achieve maximum automation.

Goals

Several high-priority goals consistent with the guiding principles were identified during the planning process. These goals are as follows:

1. The MAO requires all SSOs up to those associated with the regulatory storm to be eliminated by December 31, 2009. Hydraulic modeling and independent review of the City's conveyance system indicates that, during a 5-year, 24-hour winter rainfall event with antecedent saturated ground conditions, peak hour flows in the system can reach 315 mgd. The existing WLTP can treat flows up to 105 mgd; which consists of 70 mgd of full secondary treatment and 35 mgd of "select treatment." The "select treatment" process includes screening, primary clarification and disinfection, with the blended full secondary and "select treatment" effluent meeting NPDES discharge limits. In keeping with the guiding principles, providing an additional 210 mgd of peak hour treatment capacity is a primary goal of the Facilities Plan. Also, providing full secondary equivalent treatment in a phased manner for all flows conveyed to the WLTP is a primary goal.
2. The WLTP has a north and south plant with the south plant operating in high purity oxygen activated sludge (HPOAS) and air activated sludge (AS) modes. The flow split between north and south plants and the south plant operating mode are changed seasonally. In keeping with the guiding principles, eliminating the need for seasonal process modifications and providing sufficient capacity for future flows and loads is a primary goal.
3. Hydraulic limitations in the conveyance system cause SSOs during wet weather events several times during the year on average. Elimination of the hydraulic

limitations and treatment of wet weather flows to eliminate SSOs is a requirement of the MAO and therefore, a high priority goal.

4. Many of the treatment components at the WLTP have been in operation for over 30 years. Although they have been well maintained, they are nearing the end of their useful life. Priority replacement or rehabilitation of aged equipment and facilities is a high priority.

Summary of Recommended Plan

Seven alternative conveyance and treatment scenarios were evaluated under the Facilities Plan. Each scenario provides conveyance and treatment of flows for existing and future customers through the year 2025 and wet weather flows up to the regulatory storm to eliminate SSOs. The recommended scenario provides a cost-effective approach to conveyance and treatment, has broad community acceptance, meets with requirements of the 1998 MAO for elimination of SSOs by December 31, 2009, has preliminary acceptance of the concept by the Department of Environmental Quality (DEQ), and allows financing of required capital projects to be spread over the next 10 to 15 years to lessen the slope of rate increases.

The recommended scenario uses the existing conveyance system to its fullest capability to convey wet weather flows to the WLTP, adds conveyance capacity for wet weather flows from the downtown area to River Road Park, adds a wet weather treatment facility within River Road Park, and expands and upgrades facilities at the WLTP. An overview of the recommended scenario is shown on Figure 1.

The recommended scenario outlines facilities that have lower capital costs than those of the 1996 Master Plan. Lower costs are achieved by treating flows within the collection system thus avoiding construction of large diameter sewers to the WLTP, and by treating peak excess wet weather flows using a high rate, physical-chemical process rather than a biological process. Also, the recommended plan phases wet weather facilities at River Road Park and expansion and upgrades at the WLTP to allow financing over a 10 to 15 year period. Spreading the costs over time prevents an abrupt rate increase and provides the opportunity to lessen the slope of yearly rate increases. The recommended scenario includes the following facilities:

1. A 48-inch diameter interceptor sewer in the downtown area from Church Street and Ferry Street to Union Street as shown on Figure 2.
2. A 60-inch diameter interceptor sewer or pump station and force main from Union Street to River Road Park as shown on Figure 3.
3. A 160 mgd wet weather treatment facility at River Road Park constructed in two 80 mgd phases as shown on Figure 4. The wet weather treatment facility will consist of flow diversion and bypass piping, screening and grit removal, high-rate clarification, ultra-violet light disinfection, pumping, and discharge through the

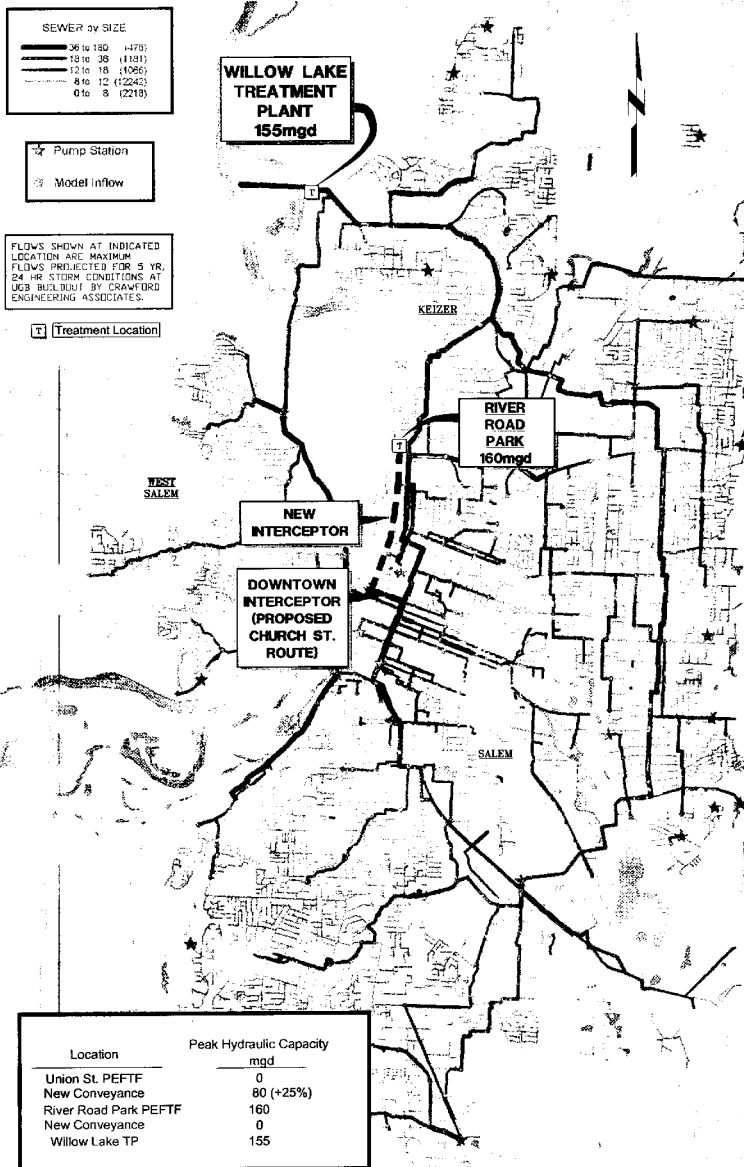
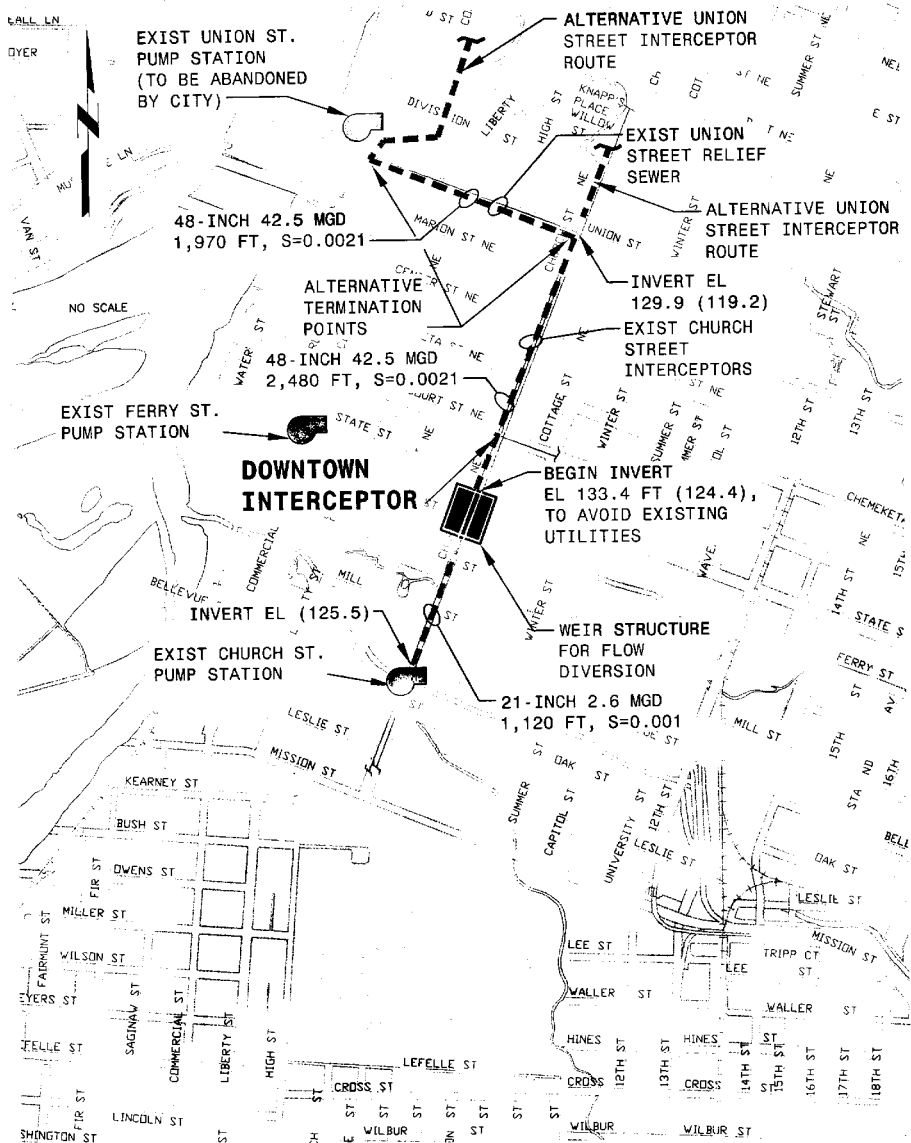


FIGURE 1
SCENARIO 2B
160 MGD REMOTE TREATMENT FACILITY
RIVER ROAD PARK



**FIGURE 2
DOWNTOWN INTERCEPTOR
CHURCH STREET
ROUTE ALTERNATIVE**

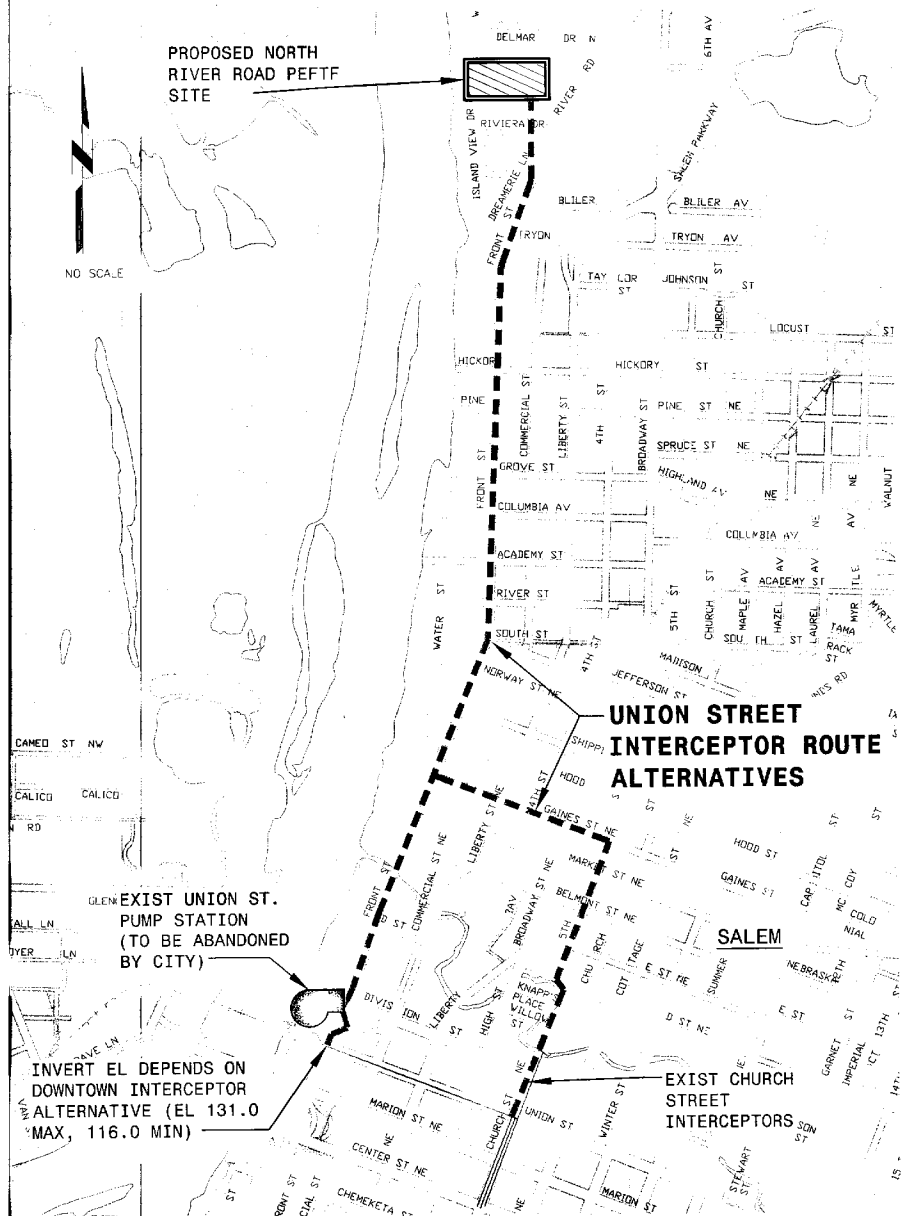


FIGURE 3
UNION STREET INTERCEPTOR
ALTERNATIVE CONVEYANCE ROUTES

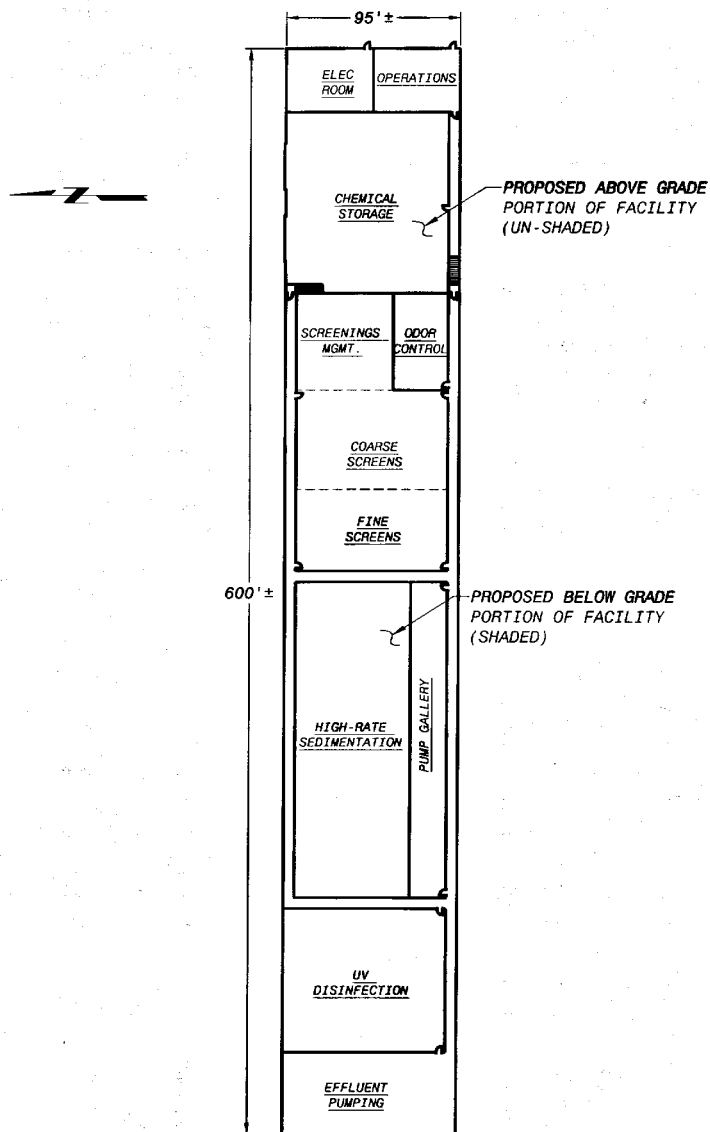


FIGURE 4
RIVER ROAD PARK
160 MGD REMOTE TREATMENT FACILITY CONCEPT

existing outfall. Design of the facility will include odorous air collection, treatment and sound/noise abatement construction materials, and integration with park amenities.

4. Phased expansion and upgrade of the WLTP to expand its capacity to 155 mgd and upgrade existing facilities as shown on Figure 5. The projects involve adding capacity to the preliminary, primary and secondary clarification, activated sludge, disinfection, and sludge handling processes; replacing the existing trickling filters and influent pumping station; and adding influent grit removal and screening processes.
5. Expansion and upgrade of the West Salem Pump Station and force main system to expand its capacity to about 35 mgd.

Community Outreach

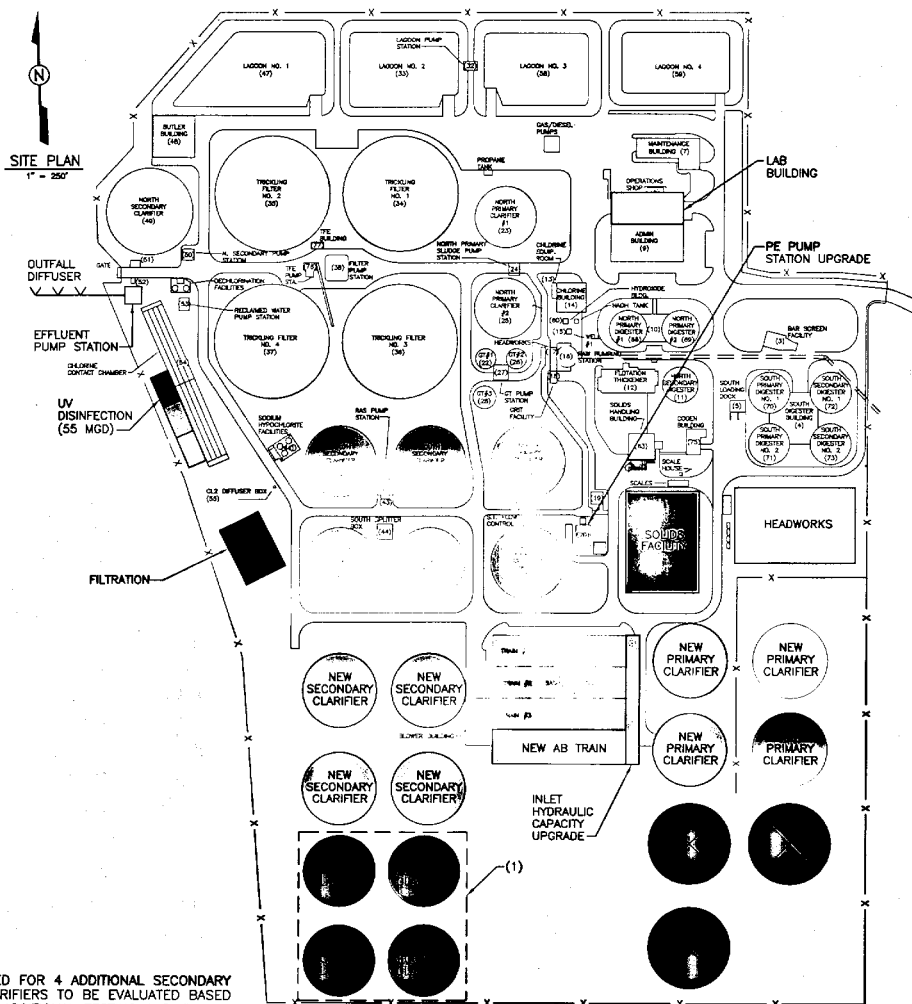
Community outreach paralleled engineering work during the planning process and will continue throughout implementation of the planned projects. Wide-spread support from the community led the engineering team to develop solutions built around wet weather treatment facilities within the conveyance system at River Road Park. Community outreach to-date has been extensive, involving the following activities:

- Stakeholder interviews and an initial round of community workshops to gain an understanding of community values and opinions,
- Various informational newsletters and articles in local publications,
- Over twenty (20) presentations to Salem, Keizer, and Marion County neighborhoods reaching over 275 people, and
- Water and Wastewater Task Force and Parks Board presentations.

Next Steps

Following adoption of the Facilities Plan, the following steps are necessary to meet the MAO deadlines:

1. Determination of a preferred route for the Downtown Interceptor through community outreach and engineering evaluation,
2. Determination of the preferred siting of wet weather treatment facilities within River Road Park through coordination with the Parks Board, community outreach, and engineering evaluation,
3. Securing an NPDES permit for the treatment plan (WLTP and remote wet weather treatment facility). Although preliminary acceptance of the concept has been received from DEQ, and the plan follows a recent draft guidance document from the U.S. Environmental Protection Agency (EPA)⁽²⁾, specific permit limits are required prior to final design.



NOTE:
1. NEED FOR 4 ADDITIONAL SECONDARY CLARIFIERS TO BE EVALUATED BASED ON ADDITIONAL TESTING AND FULL-SCALE PERFORMANCE.

LEGEND

- EXISTING UNITS IN SERVICE
- NEW/REHAB UNITS (PHASE 1)
- NEW/REHAB UNITS (PHASE 1A)
- NEW/REHAB UNITS (PHASE 2)
- NEW/REHAB UNITS (POST 2010)

FIGURE 5
SCENARIO 2B, OPTION 1

4. Determination of final phasing of projects at the WLTP through more detailed engineering analysis,
5. Purchase of land for facilities at the WLTP and to provide a buffer zone, and
6. Development and implementation of a financing plan for the work.

Three provisions of the recommended plan will require special review by DEQ. These provisions are as follows:

- Use of a remote facility for peak excess flow treatment on a long-term basis,
- Use of a high-rate, physical/chemical process for treatment of wet weather peak excess flows, and
- Methodology used to secure the needed increase in effluent mass load limits.

These provisions have been discussed with and preliminarily accepted in concept by DEQ and follow recent guidance set forth by the EPA for treatment of peak excess flows. A new NPDES permit is required for implementation of the recommended plan. The City plans to apply for an NPDES permit in concert with predesign efforts. The City's application will initiate DEQ action to develop and issue the needed NPDES permit. The NPDES permitting activity will parallel predesign work with expected completion by mid-summer 2003. The NPDES permit will likely have a re-opening provision that allows DEQ to add or modify the permit following their final waste load allocations on the Willamette river. The waste load allocations for the Willamette River will follow DEQ's current TMDL process, but will likely not be in place until 2004 or beyond.

The timeline for facility improvements includes three major phases of work as presented in Tables 1 and 2. Phasing the work makes it possible to spread costs over the next 10 to 15 years, which lessens financial impacts to ratepayers. The timeline shows completion of the Downtown Interceptor, which eliminates SSOs to Pringle Creek, to comply with the January 1, 2005 MAO deadline. Construction of facilities at River Road Park is shown in two phases. This two-phased approach allows the proposed high-rate physical chemical process to be demonstrated in full-scale during the first phase. Although the high-rate treatment process proposed is not new, and the pilot tests performed in Salem show that it will meet regulatory effluent limits, its application for treatment of peak excess wet weather flows is not widespread. Accordingly, construction in two phases will allow adjustments to be made if needed during the second phase prior to the MAO deadline.

Table 1 - Summary of Scenario 2B Costs

Phase	Goals	Project Cost (M) ⁽¹⁾
1	80 mgd capacity at River Road Park, Downtown Interceptor, and 155 mgd capacity at WLTP	\$133.9
1a	Solids processing facility at WLTP	\$14.0
2	160 mgd capacity at River Road Park, Union to RRP interceptor, and Misc. WLTP improvements	\$133.4
Subtotal MAO Compliance ⁽²⁾		\$281.3
Post 2010	Eliminate "Select Treatment" at WLTP, South Plant TF/AS train, Class A Biosolids, and basin standard (10/10)	\$110.6
Program Total		\$391.9
- All costs in 2001 dollars (ENR 6300) - Projects required to eliminate SSOs completed by December 31, 2009. Other projects at WLTP not directly associated with increasing wet weather capacity completed by February, 2011.		

Table 2 - Scenario 2B Estimated Phasing Schedule⁽¹⁾

Design			Construction	
Phase	Start	Complete	Start	Complete
Phase 1 (Liquid stream)	Jun 2002	Jun 2004	Aug 2004	Feb 2008
Phase 1a (Solids processing)	Jun 2005	Jun 2006	Aug 2006	Aug 2008
Phase 2	Jun 2005	Jun 2007	Aug 2007	Feb 2011
Post 2010	Jun 2008	Dec 2009	Aug 2010	Mar 2013
Schedules for each phase have been estimated through the year 2013 for the purpose of completing preliminary financial analysis. Schedules for project packages within each phase of construction are likely to shift to accommodate early design and construction of priority projects.				

Phasing of facilities at the WLTP requires some expenditure of funds to keep existing aged facilities at the plant in operation, then provides for their replacement when loads exceed capacity. Also, the implementation plan relies on the assumption that the process of "select treatment" for high wet weather flows will continue to be allowed at the WLTP while facilities

BASIS OF PLANNING

The Facilities Plan identifies alternatives for treating existing and future wastewater from the service area at the WLTP. Also, the Facilities Plan identifies alternatives for conveyance of wet weather flows to the WLTP. To identify the required conveyance treatment facilities, flows and loads for the existing service area were analyzed and projections for future flows and loads were made.

Study Area

The WLTP provides treatment for wastewater from the Cities of Salem, Keizer and Turner and from the East Salem Service District and the Labish and Chatnicka Sewer Districts. The WLTP service population and land area primarily lie within the Salem/Keizer Area Urban Growth Boundary (UGB). Relatively minor flows and loads come from areas outside the Salem/Keizer Area UGB, including the City of Turner.

Population. To project future flows and loads for the WLTP, population and land use information for the Salem/Keizer Area UGB were analyzed and flows and loads added for those areas outside the Salem/Keizer Area UGB. Population and land use types for the Salem/Keizer Area UGB were primarily derived for the City of Salem Futures⁽³⁾ documentation.

Based on review of this and other documents, the service area population throughout the planning period was projected as a shown in Table 3. These projections assume a relatively steady average annual growth rate of 1.3 to 1.4 percent through the year 2020, and 1.1 percent beyond that time. By the year 2025, the WLTP service area population is estimated to be 273,200.

Table 3 - Projected WLTP Service Area Population			
Year	Salem/Keizer Area UGB Population Served ⁽¹⁾	Additional Population Served ⁽²⁾	Total Estimated WLTP Service Area Population
2005	201,000	2,720	203,720
2010	225,026	2,920	227,946
2015	240,037	3,115	243,152
2020	255,338	3,322	258,660
2025	269,700	3,500	273,200
1. Projected growth within the Salem/Keizer Area UGB as defined by Salem Futures.			
2. Estimated growth in service area population outside of the Salem/Keizer Area UGB.			

Receiving Water Quantity. The WLTP discharges to the Willamette River at about river mile 78.2. Stream gauging information is available from 1923 to present in the vicinity of Salem. Stream flows in the Willamette River are highly regulated and vary widely from year to year. The largest flow over the last thirty years was 226,000 cfs (February 1996) with the lowest being 4,140 cfs (February 1977). On average, highest flows occur during December and January and are about 50,000 cubic feet per second (cfs), while the lowest flows occur July and August and are about 7,000 cfs. The critical flow from a permitting standpoint is the seven day, ten year low flow (7Q10 flow). The 7Q10 flow applied to the WLTP discharge point is 5,392 cfs⁽⁴⁾ and typically occurs in late August.

Receiving Water Quality. Water quality standards for the Willamette River are regulated under the Oregon Administrative Rules (OAR), Division 41, Section 340-041-0445. Limitations for dissolved oxygen, temperature, turbidity, pH, bacteria, tastes or odors, toxicity, sediments, and other water quality standard are set forth in the OAR. The river in the vicinity of the discharge has been identified as water quality limited for bacteria, temperature, biological criteria (skeletal fish deformities), and toxics (mercury in fish tissue). As required by the Federal Clean Water Act, the DEQ is in the process of developing Total Maximum Daily Loads (TMDL) for those pollutants for the Willamette River Basin. Following development of the TMDLs, the DEQ will allocate waste loads to point source discharges within the Willamette River Basin. The TMDLs are scheduled to be complete for the Willamette River in 2003.

Existing Facilities

Conveyance System. The City of Salem sanitary sewer collection system conveys flows generally northward to the WLTP. The major sanitary sewers and pump stations in the system are shown on Figure 6. In general, the system follows three major routes to the WLTP. These routes are as follows:

- Flows from areas in east Salem, and flows pumped from the airport area are conveyed in an interceptor sewer that generally follows along Lancaster Avenue. The interceptor proceeds north then traverses northwest to combine with an interceptor from the downtown area.
- Flows from the south, southeast, and downtown areas are conveyed along a route that follows Church Street in the downtown area. At Union Street and Church Street three major interceptors combine into one interceptor. The single interceptor proceeds north to River Road Park and then traverses north and northeast through the City of Keizer to connect with the interceptor from the east. After these interceptors combine, flow is conveyed in a single interceptor that traverses northwest through the City of Keizer to the WLTP.

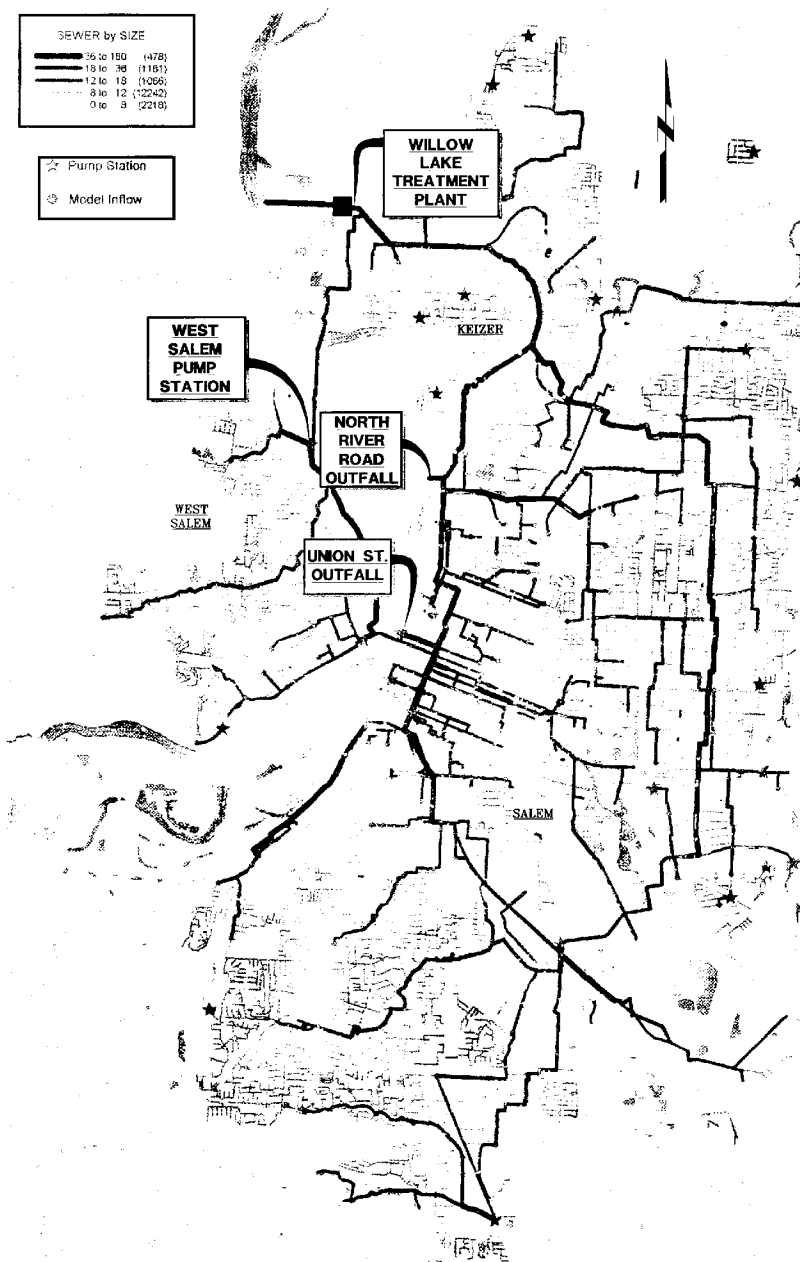
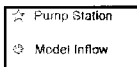
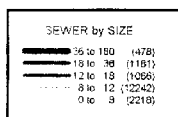


FIGURE 6
EXISTING SANITARY SEWER COLLECTION SYSTEM

- Flows from West Salem are collected and conveyed to the West Salem Pump Station. The flows are conveyed from the pump station in two force mains that cross under the Willamette River and proceed northerly to the WLTP.

The interceptor system has two major overflow locations - Union Street and River Road Park. During wet weather, when the sewer capacity is exceeded, the interceptors discharge untreated dilute wastewater to the Willamette River to prevent excessive surcharging, basement flooding, and overflows from manholes. The number of SSO events varies each year with precipitation. During the 2001-2002 wet weather season, the system overflowed to the Willamette River eleven (11) times.

The Union Street overflow is controlled by a weir located in a vault at the intersection of Church Street and Union Street. When the level in the 60-inch interceptor reaches the top of the pipe, flows pass over the weir and are conveyed through a 48-inch pipe westerly in Union Street, discharging through a tide gate to the Willamette River. The overflow is necessary to prevent basement flooding in the downtown area.

At River Road Park, a diversion structure on the 72-inch interceptor contains three gates that may be operated manually or automatically through the City's SCADA system. A single 72-inch gate controls flow in the 72-inch interceptor. The gate is normally open, allowing flow to continue north to combine with flow from the east and then to the WLTP. During wet weather events, when the capacity of the sewer system is exceeded, two 48-inch diameter slide gates can be opened allowing excess flows to discharge through a 72-inch pipe to the Willamette River. If the level of the Willamette River is too high for overflows to occur by gravity, a pump station that was part of the original wastewater treatment plant is used to pump flows to the river.

The 1996 Master Plan identified sanitary sewer and pump station improvements to allow for growth and to eliminate SSOs. Also, a "perpetual life" program was outlined to replace and rehabilitate sanitary sewers to reduce infiltration and inflow over the long-term. The City has implemented a number of the projects outlined in the 1996 Master Plan and has several projects under the current Capital Improvement Program. The City has a plan to replace or rehabilitate sewers each year to reduce, to the extent possible, inflow and infiltration. It is realized that as sewers are replaced or rehabilitated others become aged. Thus, the goal of the perpetual life program is to maintain the system in as good a condition as possible, keeping inflow and infiltration flows from increasing substantially in the future.

Projects completed since the 1996 Master Plan have eliminated SSOs to tributary streams and overflows at a number of manholes. The result, as planned, is that more flow is conveyed to the major interceptor sewers during wet weather storms. During wet weather events, flows that

exceed the capacity of the sewer system are now discharged at the two primary SSO locations (Union Street and River Road Park).

The annual wastewater flow to the WLTP has averaged about 40 mgd. However, flows in the system reach much higher levels during wet weather events. Flows peak during intense rainfall events with antecedent saturated ground conditions. Recent hydraulic modeling shows that peak hourly flows can reach 315 mgd during the 5-year, 24-hour storm at the end of the planning period with antecedent saturated ground conditions. This projected peak hourly flow significantly exceeds the capacity of the existing conveyance system.

Flows in excess of about 105 mgd at the WLTP exceed the capacity of the existing WLTP influent pumping system. Flows in excess of about 140 mgd exceed the capacity of the existing conveyance system at the WLTP (about 20 mgd from West Salem and 120 mgd from the east). Flows in excess of the existing system capacity cause SSOs to the Willamette River. To eliminate SSOs, improvements are required to increase the capacity to convey and treat wet weather flows. The required conveyance system improvements are as follows:

- Increase capacity of the downtown interceptors that follow Church Street by 42.5 mgd from Ferry Street to the Union Street relief sewer. This capacity increase is needed to eliminate SSOs into Pringle Creek at the Church Street pump station site. To comply with the MAO deadline, projects to increase the capacity of the downtown interceptors must be complete by January 1, 2005.
- Increase capacity from Union Street to River Road Park by 80 mgd. This capacity increase is needed to eliminate SSOs through the Union Street relief sewer to the Willamette River. The capacity increase includes the flows that will occur through the increased capacity of the downtown interceptors.
- Conveyance system capacity requirements from River Road Park to the WLTP are dependent on the location selected for treatment of wet weather flows. An increase in capacity from River Road Park to the WLTP of 160 mgd is required if all treatment occurs at the WLTP. A remote 160 mgd wet weather treatment plant at River Road Park eliminates the need for conveyance improvements from River Road Park to the WLTP.
- Increase capacity of the West Salem Pump Station and force main system from about 20 mgd to about 35 mgd.

Willow Lake Wastewater Treatment Plant. The WLTP is located near the Willamette River in the northwestern corner of the Salem/Keizer UGB as shown on Figure 6. The WLTP is contained within approximately 80 acres owned by the City, and is bordered on the north by Naples Street, and on the northwest by Windsor Island Road as shown on Figure 7. Another 13 acres to the south of the WLTP are owned by the City, which yields a total of 93 contiguous acres of land under City ownership at the site.

City of Salem
WLTP Property Boundary

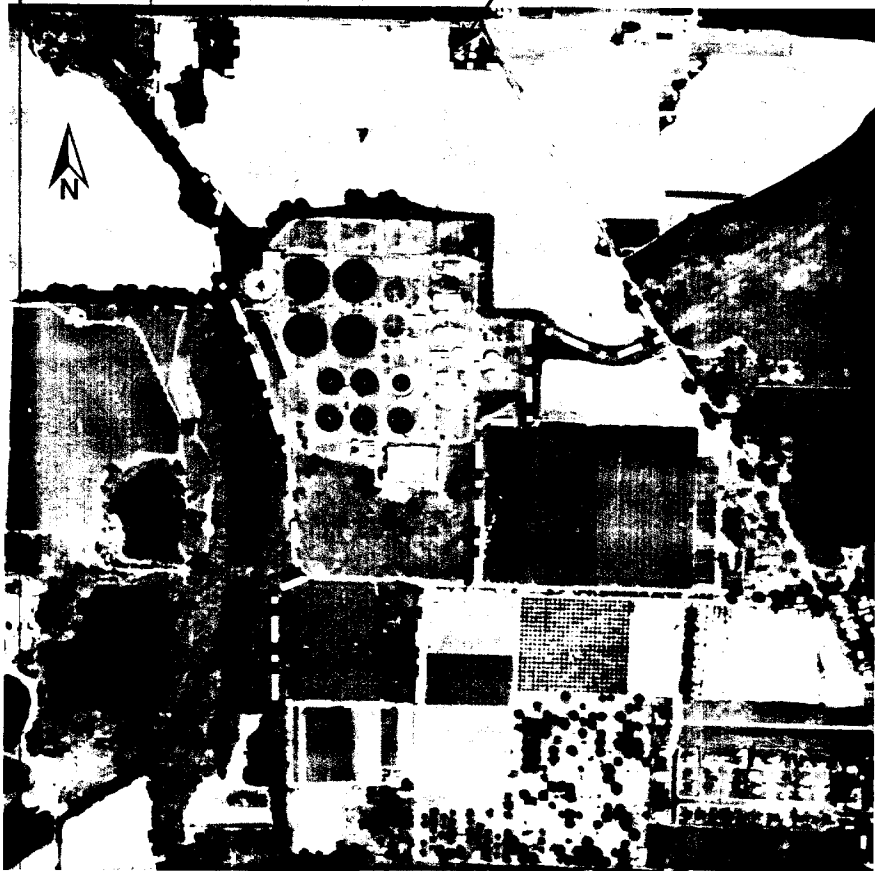


FIGURE 7
APPROXIMATE LOCATION OF CITY PROPERTY AT WLTP

The WLTP consists of two sets of facilities. The facilities include an original north plant constructed in 1963 and a south plant associated with a 1975 plant expansion. A project in 1986, constructed primarily for energy conservation, added influent screening among other modifications. The layout of the WLTP is shown on Figure 8. The north plant facilities consist of an influent pump station, two primary clarifiers, four rock media trickling filters, a final clarifier, two gravity thickeners, and three digester tanks. The south plant which was originally constructed to operate in parallel with the north plant includes two primary clarifiers, a high-purity oxygen activated sludge process, four secondary clarifiers, a gravity thickener, and four digester tanks.

The 1986 improvements that were made allowed flow from the north trickling filters to be conveyed to the activated sludge process. These piping and pumping modifications allow the north and south facilities to operate in series. In addition, blowers, air piping, and diffusers were added in 1986 to allow the activated sludge process to operate in either the high-purity oxygen or air activated sludge process.

The WLTP has relatively dramatic seasonal flow and loading variations. The flow variations are associated with wet weather while the load variations are associated with canning season food processing wastes. The plant requires a significant degree of flexibility to maintain operation and effluent quality under the extreme conditions encountered. There are three basic operating seasons at the WLTP as follows:

- May 15 through July 31 - **Dry weather non-canning season**, typified by moderately low flow conditions and baseline domestic loads.
- August 1 through October 31 - Canning season, typified by dry weather flows and high food processing loads.
- November 1 through May 14 - **Wet weather season**, typified by high flow conditions and baseline domestic loads.

Within each of these seasons, hydraulic and process loading limits dictate the mode of operation of the plant. Operating schematics for each of the primary seasons are shown on Figures 9, 10, 11, and 12 for various flow conditions up to a maximum of 105 mgd during the wet weather season. This is less than can be conveyed to the plant (120 mgd from the east and ultimately 35 mgd from West Salem).

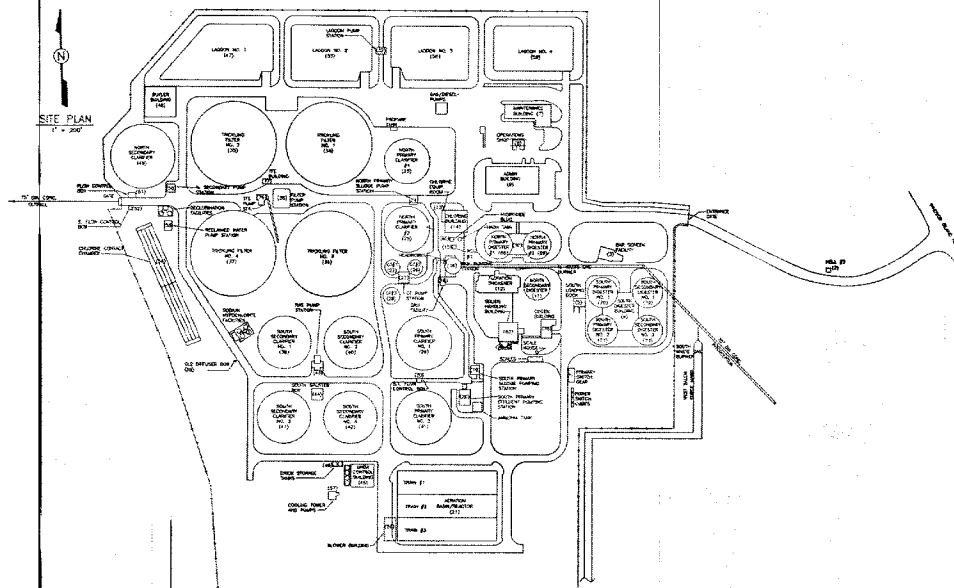


FIGURE 8
WLTP SITE PLAN

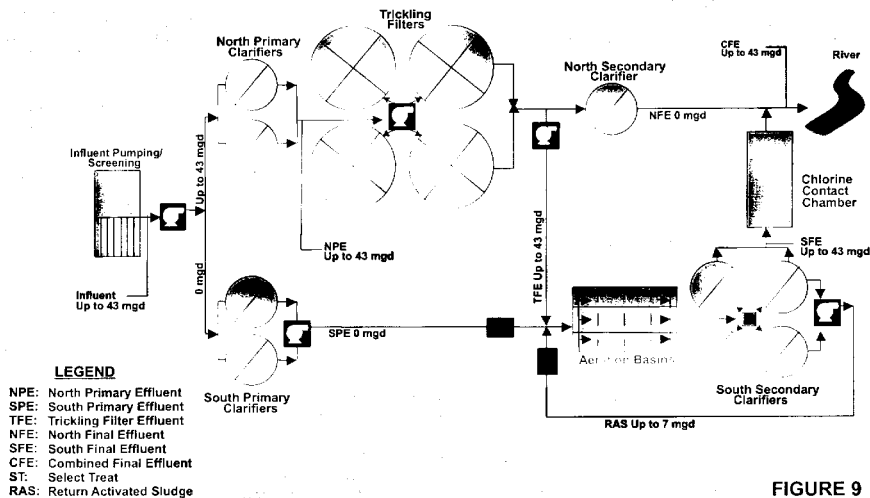


FIGURE 9
WLTP DRY WEATHER OPERATION SCHEMATIC

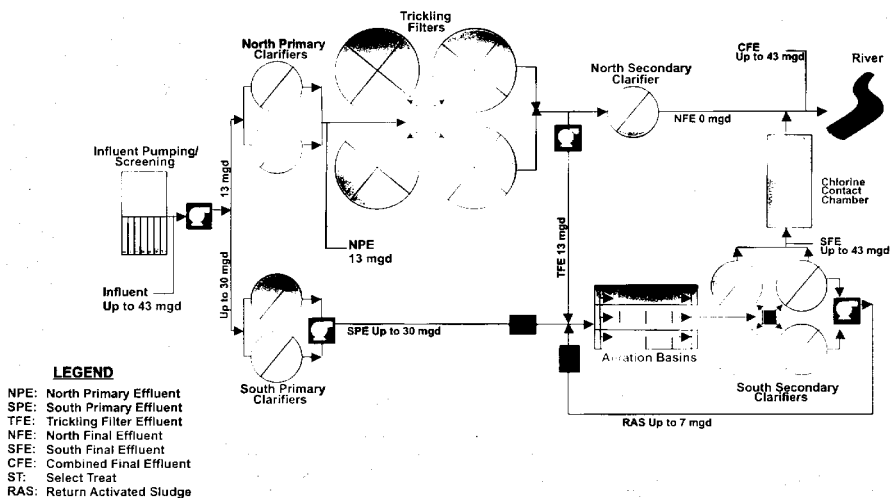
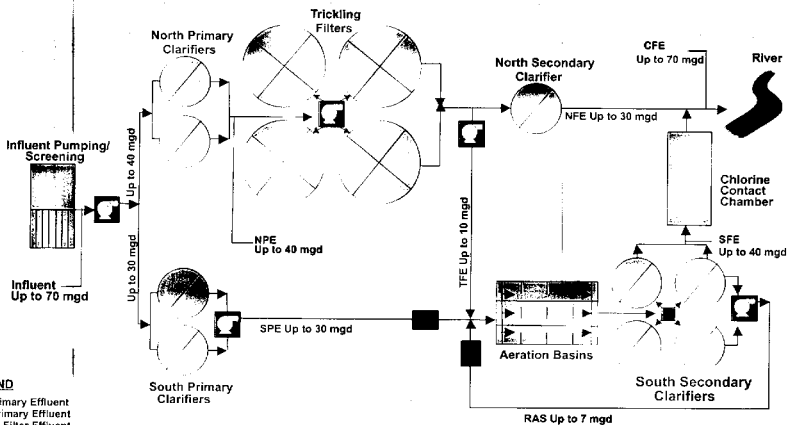


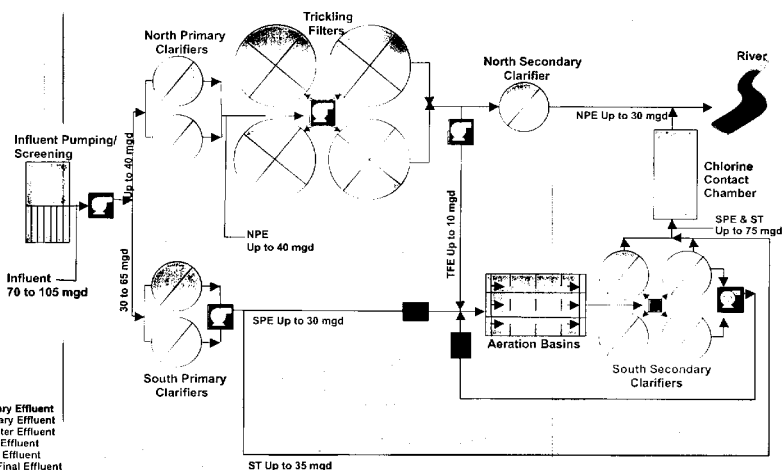
FIGURE 10
WLTP CANNING SEASON OPERATION SCHEMATIC



LEGEND

NPE: North Primary Effluent
SPE: South Primary Effluent
TFE: Tricking Filter Effluent
NFE: North Final Effluent
SFE: South Final Effluent
CFE: Combined Final Effluent
ST: Select Treat
RAS: Return Activated Sludge

FIGURE 11
WLTP WET WEATHER OPERATION SCHEMATIC
(Flows up to 70 mgd)



LEGEND

NPE: North Primary Effluent
SPE: South Primary Effluent
TFE: Tricking Filter Effluent
NFE: North Final Effluent
SFE: South Final Effluent
CFE: Combined Final Effluent
ST: Select Treat
RAS: Return Activated Sludge

FIGURE 12
WLTP WET WEATHER OPERATION SCHEMATIC
(Flows up to 105 mgd)

Flows and Loads

To plan for upgrades of wastewater collection and treatment facilities, it is necessary to understand the quantity and characteristics of the wastewater being generated within the service area. Wastewater quantity, which drives the design of collection and conveyance systems, also dictates hydraulic capacity of the WLTP. Base wastewater flows are largely a function of population demographics, and the distribution of residential, commercial, and industrial connections throughout the service area. The wet local climate, the condition of the existing sewers, and the amount of infiltration and inflow play a significant role in determining seasonal variations in wastewater quantity.

Historically, the WLTP has received wastewater generated from four primary sources: domestic (residential and commercial), institutional (school, correctional facilities, and hospitals), industrial, and infiltration and inflow (I/I). Wastewater quantity and strength vary significantly from season to season in the WLTP service area. The factor that affects wastewater quantity the most at the WLTP is rainfall induced I/I. The factor that affects wastewater strength the most at the WLTP is the high organic loads received from food processors.

The current dry weather non-canning season average daily flow is about 32.5 mgd. Of this, domestic wastewater production is estimated to be about 17.3 mgd, institutional and industrial production is estimated to be about 5.2 mgd (non-canning season), and infiltration and inflow (I/I) is estimated to be about 9.5 mgd. When viewed on a per capita basis, the dry weather non-canning season domestic and I/I flow is about 148 gallons per capita per day (gpcd).

The current wet weather season average daily flow is about 53.5 mgd. Of this, the average domestic wastewater production is estimated to be about 17.3 mgd and the average institutional and industrial production is estimated to be about 5.2 mgd (non-canning season). This leaves infiltration and inflow (I/I) production to be about 31.0 mgd during the wet weather period. As a per capita basis, the wet weather flow for domestic and I/I is about 260 gpcd as compared to the dry weather per capita flow of 148 gpcd.

As stated earlier, the City has an aggressive I/I and "perpetual life" program underway and intends to maintain the program throughout the planning period. Accordingly, future wet weather flow projections were based on replacing and rehabilitating sewers to reduce I/I and new sewers installed under more stringent I/I standards. Based on direction from the City's sewer modeling consultant, wet weather period flow projections for the design year (2025) are based on a per capita flow of 160 gpcd for future growth components in the collection system.

Besides flow, the wastewater characteristics that impact design of the WLTP are solids, organics, and nutrients. The quantity of solid matter in the wastewater, measured as total suspended solids (TSS), is used to design solid handling facilities such as digesters and dewatering equipment.

Organic material, measured as biochemical oxygen demand (BOD), is used to design secondary treatment processes. Nutrients such as nitrogen and phosphorus also impact design of the secondary treatment process, and when stringent effluent limits exist, tertiary process requirements.

The rated capacity of wastewater treatment facilities is often based on average flows and loads in the design year. As a practical matter, average flows and loads have little value for determining maximum design capacity of facilities, especially when flows and loads vary with seasonal changes as at the WLTP. Sound design practice dictates that average flow values are used primarily as a point of reference for developing peaking factors that are used for establishing design criteria.

Due to the current trend of declining fruit and vegetable processing in the service area, a decision was made by project stakeholders during early planning workshops to assume that industrial and institutional flows and loads would not increase through the planning period, nor decline.

During the Facilities Plan work, a series of flow and loading peaking factors was developed for each of the three seasons that affect design and operation of the WLTP. The peaking factors were developed by analyzing historic flow and loading data, reviewing results of recent hydraulic modeling of the collection system, and projecting population and land use within the service area. The peaking factors were used to develop flow and load projections for the WLTP through the year 2025, and are shown on Figures 13 and 14.

Permit Issues

The WLTP discharges to the main stem of the Willamette River at about river mile 78.2. The discharge from the WLTP is regulated by the National Pollution Discharge Elimination System (NPDES) permitting process. The City is currently operating under an administrative extension of the NPDES permit that formally expired May 31, 1998. The City is operating under the administrative extension until a new permit is issued that allows discharges proposed under the recommended plan.

In addition to the NPDES permit, the City must comply with provisions of the 1998 MAO. The MAO requires the City to eliminate all SSOs to the Willamette River up to the 5-year, 24-hour storm by December 31, 2009. The peak hourly wet weather flow associated with the regulatory storm that must be conveyed and treated is 315 mgd.

Beneficial Use and Endangered Species Protection. The established beneficial uses of the main stem of the Willamette River⁽⁶⁾ at the WLTP discharge are as follows:

- Public and private domestic water supplies,
- Industrial water supply,

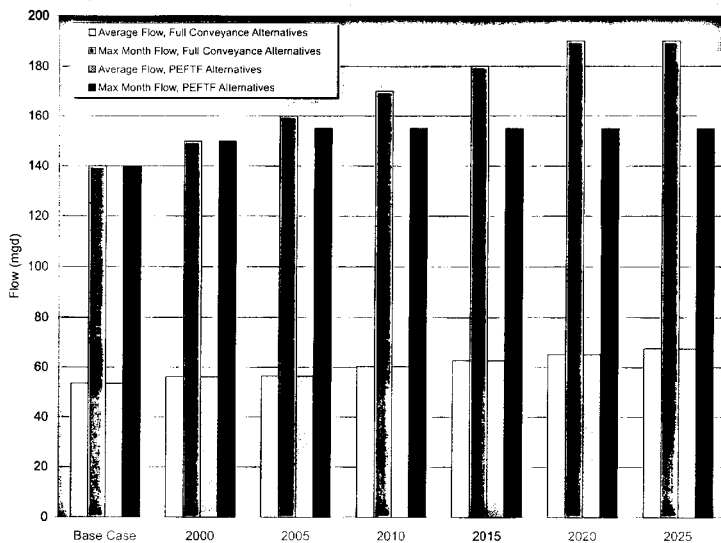


FIGURE 13
PROJECTED WET WEATHER FLOWS

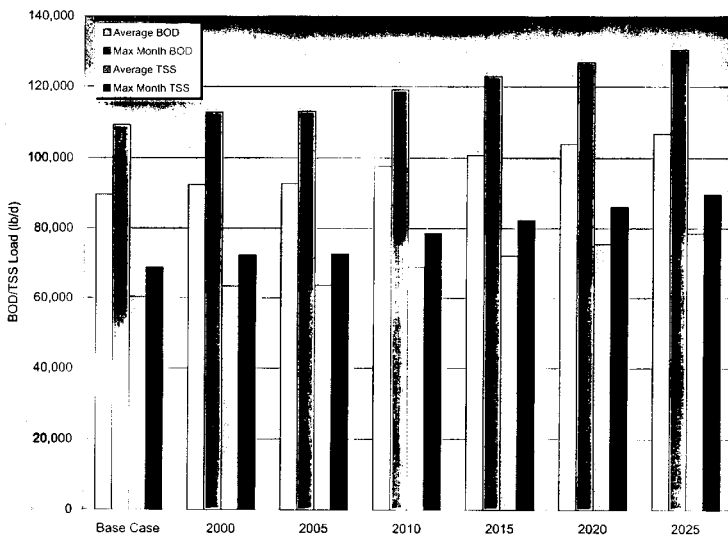


FIGURE 14
PROJECTED CANNING SEASON LOADS

- Irrigation and livestock watering,
- Anadromous fish passage,
- Salmonid fish spawning and rearing,
- Resident fish and aquatic life,
- Wildlife and hunting, fishing and boating,
- Water contact recreation,
- Aesthetic quality, and
- Commercial navigation and transportation.

The Oregon Department of Fish and Wildlife has established that the Willamette River, in the vicinity of the City of Salem, is a designated spawning and rearing area for fall chinook salmon and a migration route for spring chinook salmon, summer and winter steelhead, and coho salmon. The reach is also year-round habitat for rainbow trout.

Spring chinook salmon and winter steelhead trout are listed as **threatened** on the upper Willamette River by the National Marine Fisheries Service (NMFS). As a result, these species are afforded additional protection under the mandates of the Endangered Species Act (ESA). This listing will likely add restrictions in future NPDES permits on parameters such as temperature.

Potential Future NPDES Permit Limitations. The future NPDES permit will likely cover discharges from the WLTP, the remote wet weather treatment facility, and three primary bypass locations (Union Street, River Road Park, and Claggett Creek). It is also likely that the future NPDES permit will follow the provisions of the existing permit with regard to carbonaceous biological oxygen demand (CBOD) and TSS limits for the WLTP. The effluent concentration and mass load limits for CBOD and TSS vary seasonally. The summer period (June 1 through October 31) has an allowance for high strength food processing loads.

In the future NPDES permit, of primary concern during the dry weather period are mass load limits for CBOD, TSS, and temperature and effluent concentration limits for ammonia, chlorine, CBOD, TSS, bacteria, phosphorus, pH, and temperature. Of primary concern during wet weather periods for the WLTP and remote treatment facility are mass load limits for CBOD and TSS, percent removal limits for BOD and TSS, and limits for bacteria.

In addition to the above specific permit limits, the future NPDES permit will need to allow continued use of "select treatment" for peak wet weather flows at the WLTP. The Facilities Plan presents alternatives that have secondary equivalent treatment for peak hour flows up to 315 mgd as needed to meet the requirements under the MAO to eliminate SSOs. This includes treatment of up to 160 mgd at remote facilities and treatment of up to 155 mgd at the WLTP. However, secondary equivalent treatment of all flows reaching the WLTP will not be provided during

initial phases of construction. "Select treatment" of wet weather flows at the WLTP will be phased out over time but will continue beyond the year 2010. This concept has preliminary acceptance of the DEQ, meets the intent of the MAO, and follows a recent draft guidance document of the EPA regarding treatment of wet weather flows.

The secondary treatment processes evaluated for implementation are based on the following anticipated permit limits. Table 4 summarizes these effluent parameters.

- Monthly average effluent concentrations for domestic flows will be held at 25/30 mg/l for CBOD and for TSS, and additional load will be allowed for food processing wastewater. Additional loads allowed for food processors will likely follow EPA effluent guidelines for best conventional treatment technology. Removal efficiency requirements of 85 percent as a monthly average will likely remain for BOD and TSS.
- Dry period monthly average effluent concentrations for domestic flows will, at some point in the future, be limited to 10 mg/l for CBOD and for TSS with removal efficiency requirements of 85 percent as a monthly average for BOD and for TSS. Treatment alternatives at the WLTP provide flexibility to consistently meet 10/10 mg/L CBOD and TSS limits if required.
- Wet weather mass load limits will be increased to account for wet weather flows that are treated in lieu of being discharged as an SSO.
- Wet period removal efficiencies will be lower than 85 percent, as included under the existing NPDES permit. Removal efficiency limits will be based on plant design criteria.
- Ammonia limits may be added in the NPDES permit in the future. The limits will likely be based on the EPA 1999 ammonia criteria. The City is currently piloting an NRS to determine the feasibility of meeting future ammonia limits without the need for conventional facilities. Treatment alternatives at the WLTP are dependent on the success of the NRS demonstration project. Conventional facilities proposed under the Facilities Plan provide flexibility to allow upgrades to achieve ammonia reduction if required. Ultimately, ammonia toxicity requirements will be met through the NRS system, enhancing dilution at the WLTP outfall, providing nitrification at the WLTP, or through the most cost-effective and reliable combination of these options.
- Chlorine will be limited to a residual of 0.05 mg/l or less in the future NPDES permit. To address the chlorine limit, treatment alternatives at the WLTP include continued operation of the dechlorination process or installation of a UV disinfection process, or a combination of the dechlorination and UV processes.
- Phosphorus limits will not likely be included in the next NPDES permit. However, some concern exists about increasing algae growth in the Newberg

Pool, downstream of the WLTP discharge. Accordingly, all proposed alternatives include the flexibility to achieve future phosphorus limits.

Table 4 - Summary of Anticipated Effluent Requirements

Season or Period	Planning Period (2005 - 2025)		
	Initial Phases (Present to 2010)	Continued WLTP Upgrades (2010 to 2025)	Beyond 2025
Summertime (June 1 - Oct. 31):			
CBOD / TSS	25 / 30 mg/L plus allowance for food processing load	10 / 10 mg/L plus allowance for food processing load	10 / 10 mg/L plus allowance for food processing load
BOD / TSS	85% removal efficiency	85% removal efficiency	85% removal efficiency
pH	6.5 to 8.5	6.5 to 8.5	6.5 to 8.5
Bacteria	126 <i>E. Coli</i> organisms per 100 ml 30-day log mean, no single sample exceeding 406 <i>E. Coli</i> organisms per 100 ml	126 <i>E. Coli</i> organisms per 100 ml 30-day log mean, no single sample exceeding 406 <i>E. Coli</i> organisms per 100 ml	126 <i>E. Coli</i> organisms per 100 ml 30-day log mean, no single sample exceeding 406 <i>E. Coli</i> organisms per 100 ml
Cl ₂ Residual	<0.05 mg/L	<0.05 mg/L	<0.05 mg/L
NH ₃ -Toxicity	Seasonal limit, 1985 EPA criteria; could be based on 1999 EPA criteria	Seasonal limit 1999 EPA ammonia criteria	Seasonal limit 1999 EPA ammonia criteria
Total P	No specific limit, may require monitoring.	No specific limit, may require monitoring.	Limit possible based on waste load allocation for Willamette River basin
Temperature	Temperature management plan with preliminary seasonal temperature limits and mass load set pending final Willamette River basin waste load allocations	Seasonal temperature limits and mass loads based on Willamette River basin waste load allocations	Seasonal temperature limits and mass loads

Table 4 - Summary of Anticipated Effluent Requirements

Season or Period	Planning Period (2005 - 2025)		
	Initial Phases (Present to 2010)	Continued WLTP Upgrades (2010 to 2025)	Beyond 2025
Wintertime (Nov. 11 - May 31): CBOD / TSS	25 / 30 mg/L	25 / 30 mg/L	25 / 30 mg/L
BOD / TSS	85% removal required; reduction allowed by DEQ approval if there is no excessive infiltration and inflow and engineering study shows less than 85% under DEQ conditions	85% removal required; reduction allowed by DEQ approval if there is no excessive infiltration and inflow and engineering study shows less than 85% under DEQ conditions	85% removal required; reduction allowed by DEQ approval if there is no excessive infiltration and inflow and engineering study shows less than 85% under DEQ conditions
pH, bacteria, Cl ₂ residual, NH ₃ - toxicity, total P, temperature	Same as summertime limit with seasonal values where applicable	Same as summertime limit with seasonal values where applicable	Same as summertime limit with seasonal values where applicable
<u>Wet Weather Event¹</u>			
CBOD / TSS	25 / 30 mg/l with waiver on daily mass load limit	25 / 30 mg/l with waiver on daily mass load limit	25 / 30 mg/l with waiver on daily mass load limit
BOD	>50%, removal efficiency established by engineering study	>50%, removal efficiency established by engineering study	>50%, removal efficiency established by engineering study
TSS	85% or higher for high rate clarification process, less than 85% for convention secondary process, removal efficiency established by engineering study	85% or higher for high rate clarification process, less than 85% for convention secondary process, removal efficiency established by engineering study	85% or higher for high rate clarification process, less than 85% for convention secondary process, removal efficiency established by engineering study
pH, bacteria, Cl ₂ residual, NH ₃ - toxicity, total P, temperature	Same as summertime limit with seasonal values where applicable	Same as summertime limit with seasonal values where applicable	Same as summertime limit with seasonal values where applicable

¹ Flows exceed twice design average dry weather flow

DEVELOPMENT AND EVALUATION OF ALTERNATIVES

Conveyance Alternatives

Conveyance alternatives were developed to correlate with wet weather treatment alternatives.

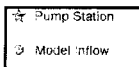
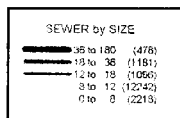
Four distinct reaches of the conveyance system were identified that could require improvements depending on the treatment alternative. The four reaches are as follows:

- Downtown area from Ferry Street to Union Street,
- Union Street to River Road Park,
- River Road Park to the WLTP, and
- West Salem Pump Station and force main.

In each of these reaches, alternative routes and pump station and gravity sewer alternatives were evaluated. The results were used to develop and compare wet weather treatment scenarios. The following six conveyance alternatives and corresponding improvements required to increase conveyance capacity were identified to correlate with six wet weather treatment alternatives.

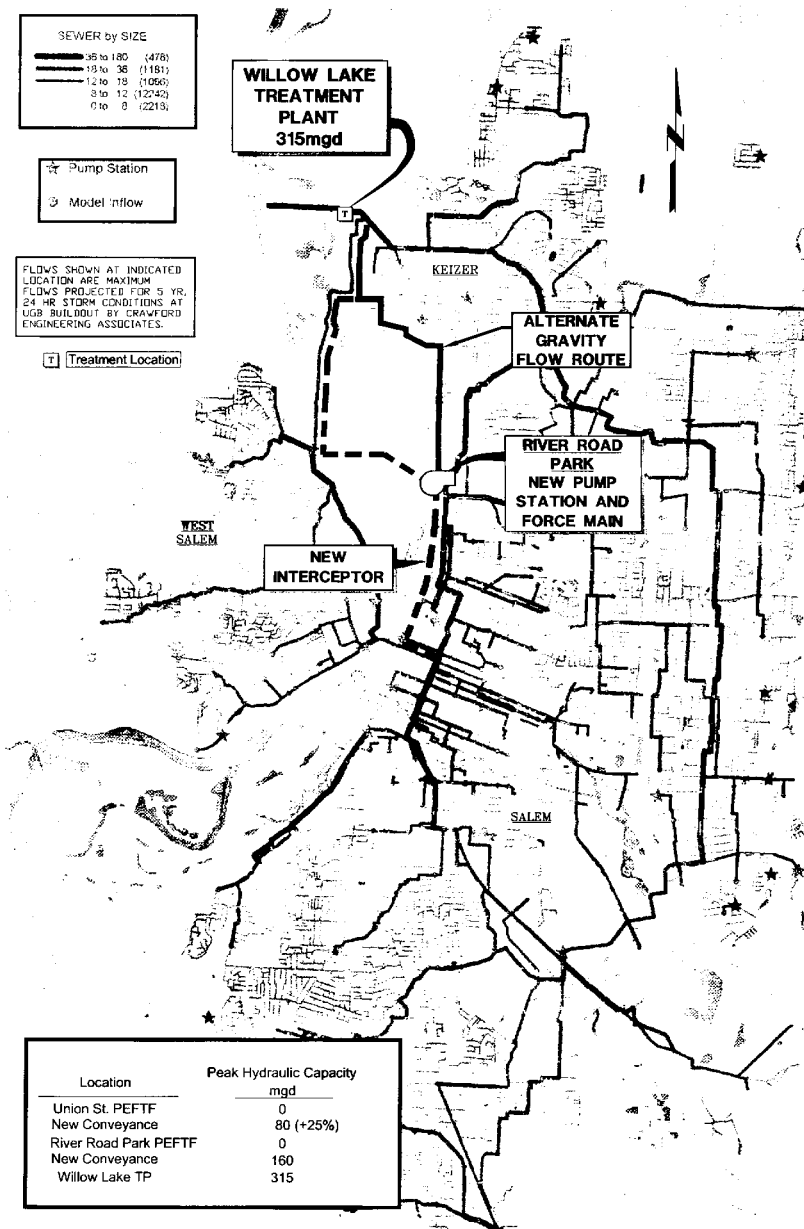
These alternatives are shown on Figures 15, 16, 17, 18, and 19:

1. Up to 315 mgd peak hour flows conveyed and treated at the WLTP:
 - a. Downtown interceptor from Ferry Street to Union Street having 42.5 mgd capacity.
 - b. Interceptor from Union Street to River Road Park having 80 mgd capacity.
 - c. Interceptor from River Road Park to the WLTP having 160 mgd capacity.
 - d. Expansion of the West Salem Pump Station and force main system from about 20 mgd to about 35 mgd.
2. Up to 235 mgd conveyed and treated at the WLTP; 80 mgd treated at Union Street:
 - a. Downtown interceptor from Ferry Street to Union Street having 42.5 mgd capacity.
 - b. Interceptor from River Road Park to the WLTP having 80 mgd capacity.
 - c. Expansion of the West Salem Pump Station and force main system from about 20 mgd to about 35 mgd.
3. Up to 235 mgd conveyed and treated at the WLTP; 80 mgd treated at River Road Park:
 - a. Downtown interceptor from Ferry Street to Union Street having 42.5 mgd capacity.
 - b. Interceptor from Union Street to River Road Park having 80 mgd capacity.
 - c. Interceptor from River Road Park to the WLTP having 80 mgd capacity.
 - d. Expansion of the West Salem Pump Station and force main system from about 20 mgd to about 35 mgd.



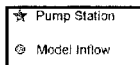
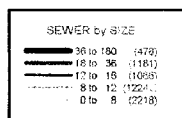
FLWS SHOWN AT INDICATED LOCATION ARE MAXIMUM
FLWS PROJECTED FOR 5 YR.
24 HR. STORM CONDITIONS AT
UGB BUILDOUT BY GRAFFORD
ENGINEERING ASSOCIATES.

T Treatment Location



Location	Peak Hydraulic Capacity mgd
Union St. PEFTF	0
New Conveyance	80 (+25%)
River Road Park PEFTF	0
New Conveyance	160
Willow Lake TP	315

FIGURE 15
SCENARIOS 1A & 1B
FULL CONVEYANCE OF WET WEATHER FLOW TO WLTP



FLOWS SHOWN AT INDICATED LOCATION ARE MAXIMUM FLOWS PROJECTED FOR 3 YR. 24 HR. STORM CONDITIONS AT UGB BUILDOUT BY CRAWFORD ENGINEERING ASSOCIATES.

T Treatment Location

**WILLOW LAKE
TREATMENT
PLANT
155mgd**

KEIZER

WEST
SALEM

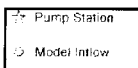
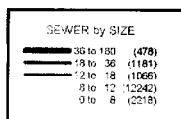
**NEW
INTERCEPTOR**

**UNION ST.
160mgd**

SALEM

Location	Peak Hydraulic Capacity mgd
Union St. PEFTF	160
New Conveyance	80 (+25%)
River Road Park PEFTF	0
New Conveyance	0
Willow Lake TP	155

FIGURE 16
SCENARIO 2A
160 MGD REMOTE TREATMENT FACILITY AT
UNION STREET



Flows shown at indicated location are maximum flows projected for 5 yr. 24 hr storm conditions at wet buildout by Crawford Engineering Associates.

T Treatment Location

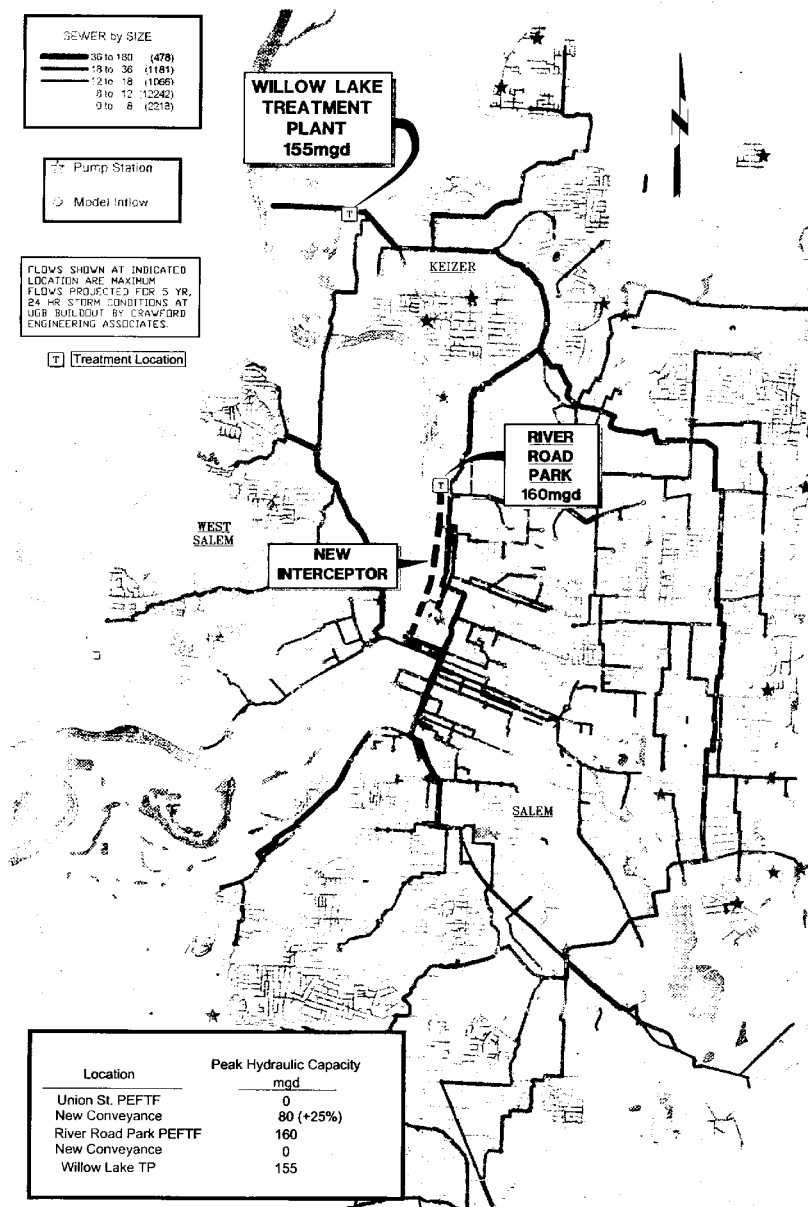


FIGURE 17
SCENARIO 2B
160 MGD REMOTE TREATMENT FACILITY
RIVER ROAD PARK

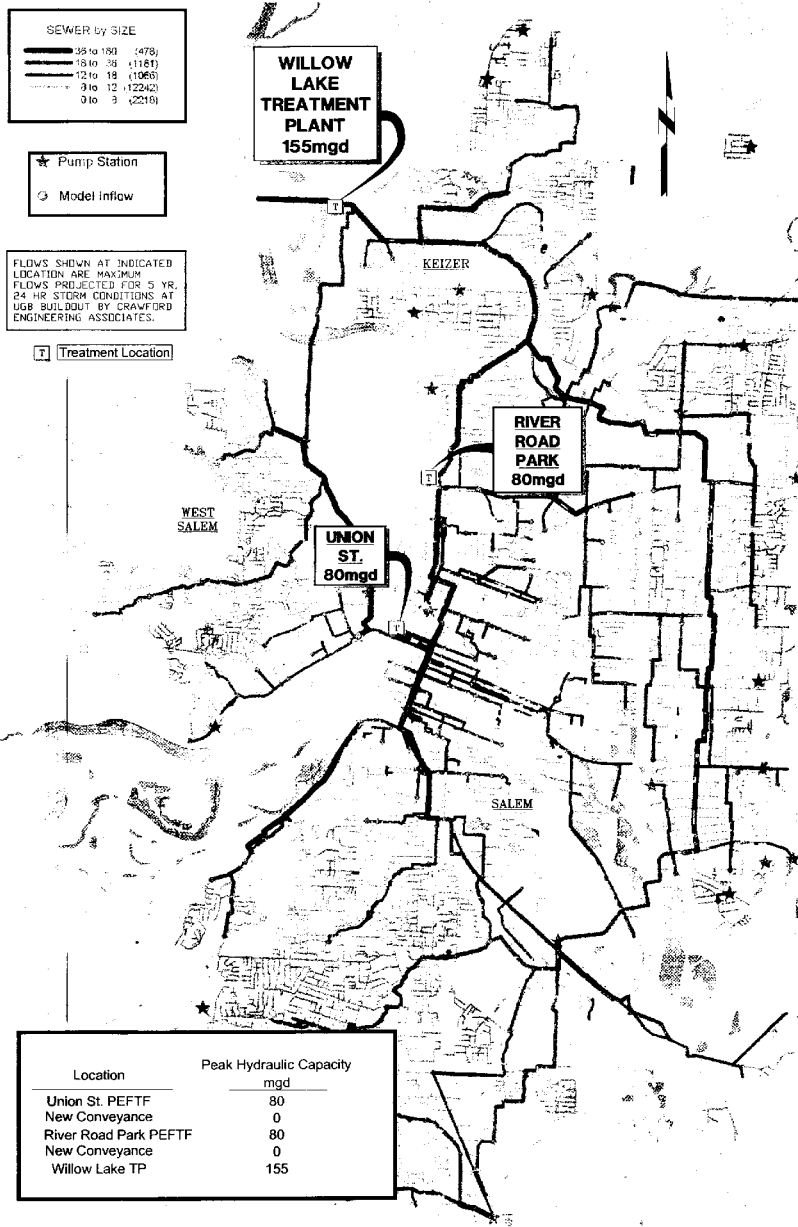
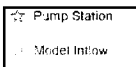
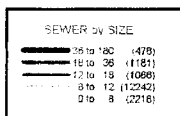


FIGURE 18
SCENARIO 2C
TWO 80 MGD REMOTE TREATMENT FACILITIES



Flows shown at indicated location are maximum flows projected for 5 yr. 24 hr. storm conditions at UGB buildout by Crawford Engineering Associates.

T Treatment Location

Location	Peak Hydraulic Capacity mgd
Union St. PEFTF	0
New Conveyance	80 (+25%)
River Road Park PEFTF	80
New Conveyance	80
Willow Lake TP	235

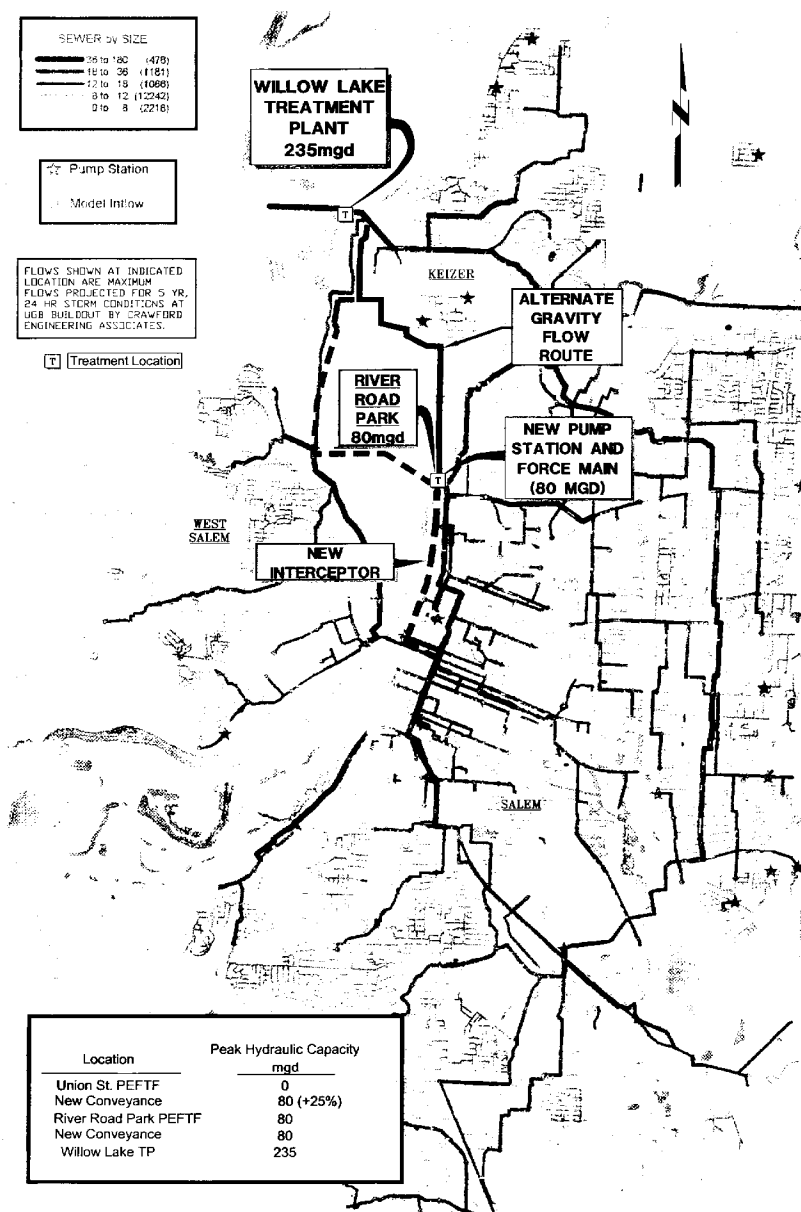


FIGURE 19
SCENARIO 2E
80 MGD REMOTE TREATMENT FACILITY
RIVER ROAD PARK

4. Up to 155 mgd conveyed and treated at the WLTP; 160 mgd treated at Union Street:
 - a. Downtown interceptor from Ferry Street to Union Street having 42.5 mgd capacity.
 - b. Interceptor from River Road Park to the Union Street having 80 mgd capacity.
 - c. Expansion of the West Salem Pump Station and force main system from about 20 mgd to about 35 mgd.
5. Up to 155 mgd conveyed and treated at the WLTP; 160 mgd treated at River Road Park:
 - a. Downtown interceptor from Ferry Street to Union Street having 42.5 mgd capacity.
 - b. Interceptor from Union Street to River Road Park having 80 mgd capacity.
 - c. Expansion of the West Salem Pump Station and force main system from about 20 mgd to about 35 mgd.
6. Up to 155 mgd conveyed and treated at the WLTP; 80 mgd treated at Union Street and 80 mgd treated at River Road Park:
 - a. Downtown interceptor from Ferry Street to Union Street having 42.5 mgd capacity.
 - b. Expansion of the West Salem Pump Station and force main system from about 20 mgd to about 35 mgd.

Treatment Alternatives

Treatment alternatives for dry weather and canning season loads were developed for the WLTP. For wet weather flows, treatment alternatives were developed for the WLTP and for a combination of treatment at the WLTP and remote sites.

Wet Weather Alternatives. Wet weather alternatives were developed using the following guidelines:

- Flows up to the capacity of the existing conveyance system, 155 mgd, are treated at the WLTP.
- Flows exceeding the capacity of the existing conveyance system will be treated at the WLTP or at remote treatment facilities.
- Remote treatment facilities will be located at existing permitted outfalls (Union Street and/or River Road Park) to prevent permitting of new outfalls to the Willamette River, which could be difficult due to threatened and endangered species issues.
- Remote treatment facilities or wet weather facilities at the WLTP would employ a high-rate physical-chemical treatment process that could be operated intermittently and that minimize treatment facility size.

Using these guidelines, seven wet weather treatment alternatives that included combinations of treating wet weather flows remotely or at the WLTP were developed.

Wet Weather Treatment Alternatives. Remote treatment facilities proposed would be operated to prevent the capacity of the existing sewer system from being exceeded. This happens six to seven times a year, on average, for a period of a few hours to one to two days. Remote treatment facilities would not process solids or sludge at the sites, but return the solids and sludge to the interceptor sewer for treatment at the WLTP. Facilities proposed at the remote sites include screening and grit removal, high-rate sedimentation, UV disinfection, and pumping (influent, effluent, or both), odor control, chemical storage and feed, space for electrical and control equipment, and an operations area.

To meet regulatory criteria, the remote treatment facilities must meet effluent limits, which require secondary treatment equivalency and disinfection. Although the high-rate treatment process proposed is not new, it does not have a significant history in the U.S. for wet weather flow treatment. To confirm that the high-rate sedimentation process coupled with UV disinfection could reliably achieve secondary treatment equivalency, pilot testing was performed.

Two pilot testing programs were conducted; the first in 2001 followed by a second in 2002. Results from the first pilot testing program showed that secondary equivalency could reliably be achieved. However, 2001 proved to be a drier than normal year and storm induced wet weather flows were not present for testing. Therefore, all tests were performed on wastewater diluted with well water to achieve expected dilute wet weather flow concentrations. A second pilot test was conducted in 2002 to assure that the high-rate sedimentation process could reliably treat dilute wet weather flows, to determine how it would react to varying wastewater characteristics assumed to exist in the dilute influent, and to pilot equipment from two vendors. Results of the 2002 pilot program confirmed the results of the 2001 pilot program, that the high-rate process could be coupled with UV disinfection to reliably achieve secondary equivalent treatment.

The remote facilities are proposed primarily to be located below grade at the River Road Park, allowing most of the park to be used for recreation. The remote treatment facilities could be located below grade at Union Street also. Conceptual layouts for the remote facilities are shown on Figures 20 and 21. Figure 20 shows a linear layout of the facility with most of it below grade. Figure 21 shows a square layout for the remote facility, a majority of which could be buried.

Dry Weather and Canning Season WLTP Alternatives. Five treatment alternatives were developed and evaluated for upgrading and expanding the liquid stream capacity of the WLTP. Each of the treatment alternatives provide equivalent capacity and performance using consistent design criteria. Criteria for screening of the alternatives were developed as follows:

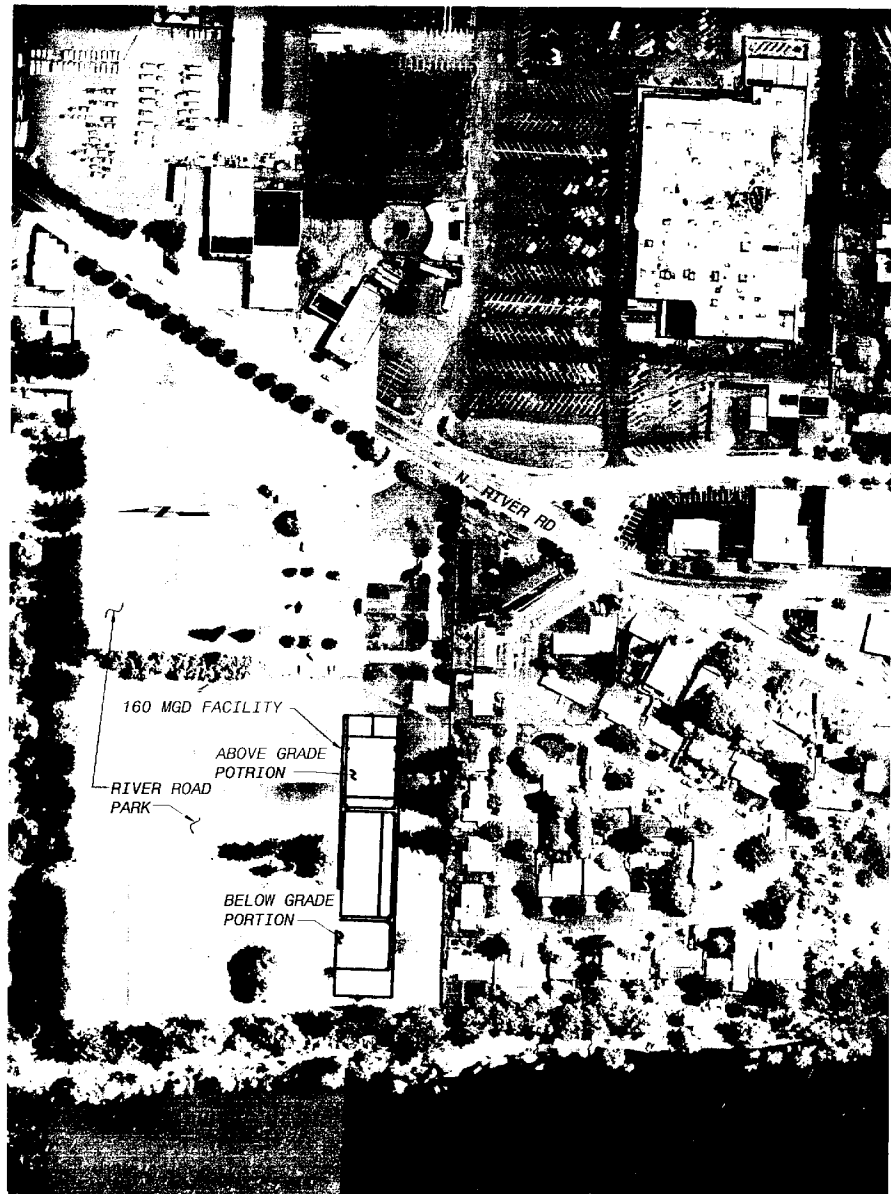


FIGURE 20
160 MGD REMOTE TREATMENT FACILITY
RIVER ROAD PARK

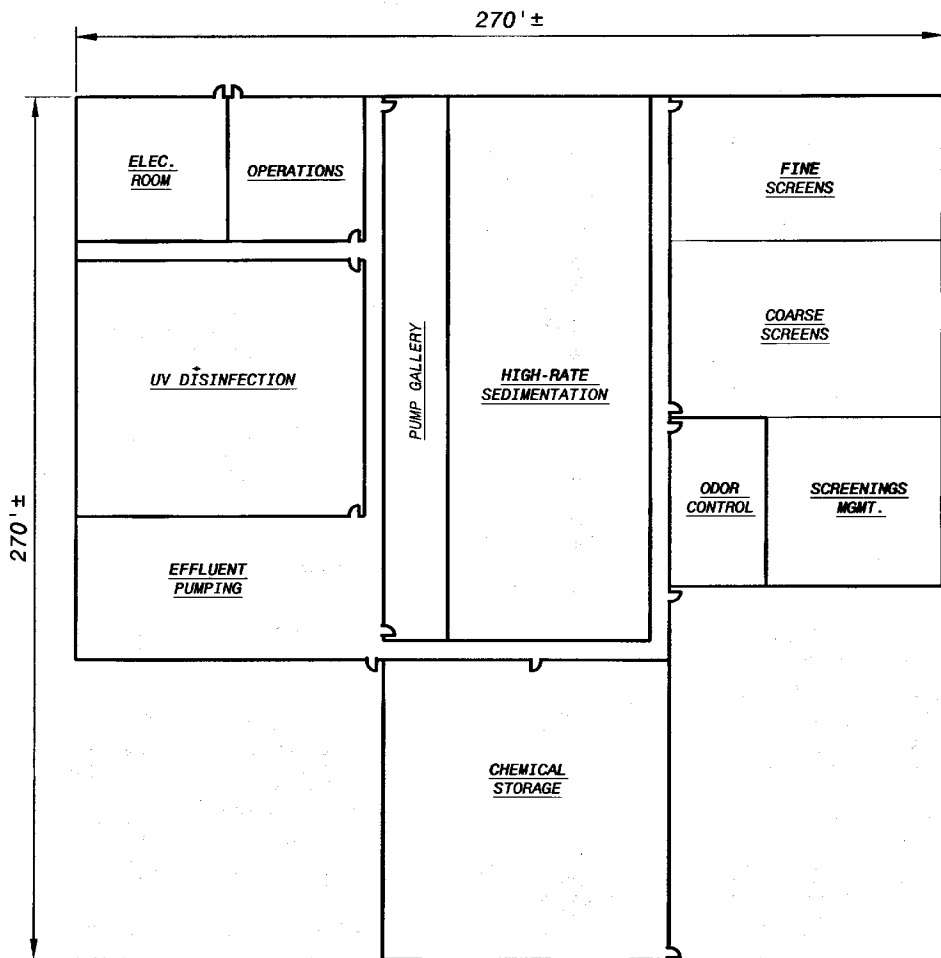


FIGURE 21
160 MGD REMOTE TREATMENT FACILITY
UNION STREET

- Provide process flexibility,
- Simplify operation and control,
- Improve reliability,
- Utilize existing facilities,
- Improve energy efficiency,
- Allow phased implementation to spread costs,
- Leave room for future expansion.

Common to all liquid stream alternatives is the ability to meet NPDES and MAO requirements and schedules. As a baseline, each alternative was developed to meet anticipated future CBOD and TSS requirements, as well as providing wet weather capacity up to 155 mgd. Also, nitrification options needed to meet ammonia toxicity requirements were developed for each alternative. Under each of the five treatment alternatives, preliminary treatment is considered to include screening, grit removal, and an influent pump station. The five treatment alternatives evaluated and the screening summary for each are as follows:

Alternative 1 - HPOAS Plant. Alternative 1 converts the plant to a single high-purity oxygen activated sludge HPOAS treatment train. By doing so, alternative 1 simplifies overall plant operation and maintenance at the WLTP. By removing the trickling filters, the need to operate parallel processes is eliminated. By removing the air activated sludge (AS) system, the need to convert from one process to another in response to seasonal loads is eliminated. However, to implement HPOAS for long-term use requires replacement of the aged and inefficient UNOX process and oxygen diffusion systems. This reduces the economic benefit of converting to a year-round HPOAS process.

When compared to the alternatives using the trickling filter/activated sludge (TF/AS) process train, Alternative 1 has reduced flexibility for the following reasons:

- It is not considered feasible for future nitrification.
- The manipulation of mixed liquor suspended solids (MLSS) to maintain the desired solids retention time (SRT) requires basins to be added or removed from service as loading changes.
- The higher MLSS concentration typical of the HPOAS mode and the associated solids loading increase to the secondary clarifiers are not conducive to wet weather operations.

Due to this decreased flexibility, as well as the cost of installing and operating a new HPOAS system, Alternative 1 was not considered a viable alternative for upgrading the WLTP.

Alternative 2 - Air AS Plant. Alternative 2 converts the plant to a single air activated sludge treatment train. Alternative 2 simplifies plant operation and maintenance in the same ways as

Alternative 1. However, the need to add five aeration basin trains to the three existing trains (for a total of 8) and the need to provide the horsepower to operate the AS system makes it very costly from a construction and operational standpoint. The ability to nitrify in the basins adds to the process flexibility of the alternative, but the need for an additional four aeration basin trains (for a total of 12) would add significantly to the overall cost.

Due to the high construction and operational costs associated with the air AS train for BOD removal and nitrification, Alternative 2 is not considered a viable alternative for upgrading the WLTP.

Alternative 3 - TF/AS, North and South Plant. Alternative 3 maximizes the continued use of all existing facilities at the WLTP. In doing so, Alternative 3 has several drawbacks. The North Plant facilities that would be reused under this alternative, including the trickling filters, are all aged and would need rehabilitation before being considered reliable over the planning period. Replacement of the existing trickling filter media would not be required, but the distribution mechanisms and support structures would likely need replacement and/or major rehabilitation.

Another drawback of Alternative 3 is that it fails to address the issues of simplifying plant operation and flow routing. The continued use of the North Plant facilities necessitates flow splits and intermediate pumping prior to and following primary clarification. During normal operation, additional pumping would be required for effluent from the existing trickling filters. To operate in a nitrification mode, secondary effluent would need to be pumped back across the plant site to the existing trickling filters.

Alternative 3 does not provide an optimum flow path during all seasons of operation, nor does it allow for sensible expansion of unit process groups to handle flow and load increases beyond the planning period. For these reasons, Alternative 3 is not considered a viable alternative for upgrading the WLTP.

Alternative 4 - TF/AS, North Plant. Alternative 4 converts the North Plant TF and retains the South Plant AS process. In terms of continued use of existing facilities, Alternative 4 has drawbacks that are similar to Alternative 3. The aged North Plant facilities would need significant rehabilitation before being considered reliable over the planning period. The most significant rehabilitation effort would be required for the trickling filters to accept higher loading rates. The trickling filters have been in service for over 30 years. The complexity associated with rehabilitating these units with new distribution systems, media, and odor control facilities, is sufficient to require a large construction contingency, which reduced the economic benefit of their reuse.

Another drawback of Alternative 4 is that it fails to address the issue of simplifying plant operation and flow routing. The reuse of the North Plant facilities necessitates flow splits, and requires that South Plant primary effluent be pumped north to the trickling filters. Trickling filter effluent would then have to be pumped back across the site to the existing aeration basins. Although flow routing control could be improved over existing conditions with the addition of more sophisticated mechanical equipment, the layout of Alternative 4 does not provide an optimum flow path during all seasons of operation, nor does it allow for sensible expansion of unit process groups to handle flow and load increases beyond the planning period. For these reasons, Alternative 4 is not considered a viable alternative for upgrading the WLTP.

Alternative 5 - TF/AS, South Plant. Alternative 5 converts the South Plant to a TF/AS process and eliminates the North Plant treatment train. Alternative 5 involves ultimately abandoning treatment units associated with the existing North Plant to allow phased construction over a 10 to 15 year period after new South Plant facilities are constructed. To assure the North Plant can operate reliably until fully abandoned, Alternative 5 includes a significant amount of North Plant rehabilitation work. Alternative 5 makes use of a significant portion of the units in the South Plant also. The South Plant is newer and therefore generally in better condition than the North Plant, and able to provide service over the planning period. The continued use of the North and South facilities helps to reduce the capital cost of the alternative.

The process layout of Alternative 5 provides a cleaner path of flow through the facility than currently exists. Routing flow to the south downstream of the headworks eliminates the need for flow splitting to the primary clarifiers, and for operation of parallel treatment processes. Trickling filter effluent will no longer need to be pumped across the site to the existing aeration basins. Although the need for a wet weather flow split to a parallel high-rate process may be included to reduce the need for construction of additional primary and secondary treatment units, the split could be provided in a manner that would not impact operation or performance of the system in a negative way.

Recommended WLTP Alternative. Constructing a TF/AS process train adjacent to the South Plant (Alternative 5) is the recommended alternative for upgrading the WLTP. The alternative makes use of the existing facilities at the WLTP that are currently in the best condition, and offers significant improvement from an O&M standpoint. The TF/AS process is flexible and will improve the energy efficiency of the WLTP. Modifications to provide nitrification, if necessary, can be phased into the process at some point in the future without significant impact to the plant layout and operational scheme. Because it involves expansion in undeveloped areas at the plant site, the layout will be less complicated to implement than many of the other alternatives. Ultimately, it will lead to a site plan that is expandable in the future to meet growth and capacity issues beyond the planning period.

Solids Processing Alternatives for WLTP. Alternatives were developed and evaluated for expanding the capacity of the thickening and dewatering processes to handle increased solids loads and to provide redundancy. The evaluation of thickening/dewatering equipment showed that changing from gravity belt thickeners and gravity belt presses to centrifuges may offer savings in capital cost, O&M cost, and in space requirements. Based on these advantages, a more detailed review of centrifuges is recommended during predesign.

Alternatives were developed and reviewed for achieving Class A biosolids also. Like most programs in the Pacific Northwest, the City's current BioGro program operates successfully with a Class B biosolids product. Class B biosolids are well stabilized, with relatively low levels of pathogens. They do, however, carry some modest restrictions for site access and are not applied to food crops. Class A biosolids are virtually pathogen free and their application is unrestricted. At this time, there is no regulatory requirement for producing a Class A biosolid product under the BioGro program. However, there seems to be a growing trend in the industry and among regulatory entities to consider reducing pathogens beyond Class B levels. Also, the City may find a local market for a class A biosolids. This could reduce or eliminate the costs associated with transport of a Class B product to eastern Oregon during the winter when the climate does not allow land application to occur locally. Therefore, it is prudent to consider how Class A biosolids could be produced at the WLTP. Several processes were reviewed, including the following:

- Composting,
- Alkaline stabilization,
- Drying,
- Temperature phased digestion,
- Two-phase digestion, and
- Pasteurization.

The evaluation showed that the two least expensive costs were associated with alkaline stabilization (Bio-Set process) and pasteurization (ECO-Therm process). The cost of constructing these processes at the WLTP would be in the order of \$2 to \$3 million.

Development of Scenarios

Conveyance and treatment alternatives were combined to develop scenarios to convey and treat wet weather sanitary flows to eliminate sanitary sewer overflows (SSOs) and to treat existing and future wastewater through the year 2025. Seven scenarios were developed based on a logical combination of conveyance requirements and treatment alternatives. A summary of the seven flow routing and treatment scenarios is shown in Table 5, and Table 6 provides estimated scenario costs. The scenarios are described under the "Recommended Plan" section of this summary.

Table 5 - Summary of Flow Routing/Treatment Scenarios

Scenario	Peak Hour Flows at Treatment Facility (mgd)			Total Peak Hour Flow, mgd
	Union St.	River Rd. Park	WLTP	
Scenario 1 Alternatives (1A & 1B) - Wet weather flow treatment at WLTP, no remote facilities				
Scenario 1A - Conventional Secondary Treatment of Wet Weather Flow				
Current Peak Flow, mgd	--	--	287	287
Buildout Peak Flow, mgd	--	--	315	315
Scenario 1B - Split-Flow Treatment of Wet Weather Flow				
Current Peak Flow, mgd	--	--	287	287
Buildout Peak Flow, mgd	--	--	315	315
Scenario 2 Alternatives (2A - 2E) - Wet Weather Flow Treatment using Remote Facilities and WLTP				
Scenario 2A - 160 PEFTF at Union Street				
Current Peak Flow, mgd	124	--	163	287
Buildout Peak Flow, mgd	160	--	155	315
Scenario 2B - 160 mgd PEFTF at River Road Park				
Current Peak Flow, mgd	--	124	163	287
Buildout Peak Flow, mgd	--	160	155	315
Scenario 2C - 80 mgd PEFTF's at Union Street and River Road Park				
Current Peak Flow, mgd	62	62	163	287
Buildout Peak Flow, mgd	80	80	155	315
Scenario 2D - 80 PEFTF at Union Street				
Current Peak Flow, mgd	62	--	225	287
Buildout Peak Flow, mgd	80	--	235	315
Scenario 2E - 80 mgd PEFTF at River Road Park				
Current Peak Flow, mgd	--	62	225	287
Buildout Peak Flow, mgd	--	80	235	315

Table 6 - Opinions of Scenario Costs (\$1,000,000s)

Scenario	WLTP (Notes 2&3)	Remote Treatment		Conveyance			West Salem PS & Pipe	Total
		Union St.	RR Park	Downtown	Union to RRP	RRP to WLTP		
Scenario 1 - All Flow to WLTP								
1A - Full Secondary Treatment (315 MGD WLTP)								
Construction	\$291.2	n/a	n/a	\$5.0	\$15.0	\$25.6	\$7.3	
Land	\$0.5	n/a	n/a	\$0.0	\$0.0	\$0.6	\$0.2	
Administration/Engr/Legal 27%	\$78.7	n/a	n/a	\$1.4	\$4.1	\$7.1	\$2.0	
Subtotal	\$370.4	n/a	n/a	\$6.4	\$19.1	\$33.3	\$9.5	\$438.7
1B - Split Flow Treatment (120 MGD Sec. / 195 MGD High-rate clarification)								
Construction	\$266.7	n/a	n/a	\$5.0	\$15.0	\$25.3	\$7.3	
Land	\$0.5	n/a	n/a	\$0.0	\$0.0	\$0.6	\$0.2	
Administration/Engr/Legal 27%	\$72.1	n/a	n/a	\$1.4	\$4.1	\$7.1	\$2.0	
Subtotal	\$339.3	n/a	n/a	\$6.4	\$19.1	\$33.3	\$9.5	\$407.6
Scenario 2 - Remote Treatment								
2A - 160 MGD Union St/ 155 MGD WLTP								
Construction	\$207.9	(Note 4)		\$5.0	\$16.9	n/a	\$7.3	
Land	\$0.5	\$2.0	n/a	\$0.0	\$0.0	n/a	\$0.2	
Administration/Engr/Legal 27%	\$56.3	\$20.3	n/a	\$1.4	\$4.6	n/a	\$2.0	
Subtotal	\$264.7	\$95.4	n/a	\$6.4	\$21.5	n/a	\$9.5	\$397.5

Table 6 - Opinions of Scenario Costs (\$1,000,000s)

Scenario	WLTP (Notes 2&3)	Remote Treatment		Conveyance			West Salem PS & Pipe	Total
		Union St.	RR Park	Downtown	Union to RRP	RRP to WLTP		
2B - 160 MGD RR Park / 155 MGD WLTP								
Construction	\$207.9	n/a	(Note 4) \$72.3	\$5.0	\$15.0	n/a	\$7.3	
Land	\$0.5	n/a	\$0.5	\$0.0	\$0.0	n/a	\$0.2	
Administration/Engr/Legal	\$56.3	n/a	\$19.7	\$1.4	\$4.0	n/a	\$2.0	
Subtotal	\$264.7	n/a	\$92.5	\$6.4	\$19.0	n/a	\$9.5	\$392.1
2C - 80 MGD Un. St & RRP / 155 MGD WLTP								
Construction	\$207.9	\$36.9	\$36.4	\$5.0	n/a	n/a	\$7.3	
Land	\$0.5	\$2.0	\$0.5	\$0.0	n/a	n/a	\$0.2	
Administration/Engr/Legal	\$56.3	\$10.5	\$10.0	\$1.4	n/a	n/a	\$2.0	
Subtotal	\$264.7	\$49.4	\$46.9	\$6.4	n/a	n/a	\$9.5	\$376.9
2D - 80 MGD Union St / 235 MGD WLTP								
Construction	\$230.0	\$36.9	n/a	\$5.0	n/a	\$18.8	\$7.3	
Land	\$0.5	\$2.0	n/a	\$0.0	n/a	\$0.6	\$0.2	
Administration/Engr/Legal	\$62.2	\$10.5	n/a	\$1.4	n/a	\$5.2	\$2.0	
Subtotal	\$292.7	\$49.4	n/a	\$6.4	n/a	\$24.6	\$9.5	\$382.6
2E - 80 MGD NRR Park / 235 MGD WLTP								
Construction	\$230.0	n/a	\$36.4	\$5.0	\$15.0	\$18.8	\$7.3	
Land	\$0.5	n/a	\$0.5	\$0.0	\$0.0	\$0.6	\$0.2	
Administration/Engr/Legal	\$62.2	n/a	\$10.0	\$1.4	\$4.0	\$5.2	\$2.0	
Subtotal	\$292.7	n/a	\$46.9	\$6.4	\$19.0	\$24.6	\$9.5	\$399.1

Table 6 - Opinions of Scenario Costs (\$1,000,000s)

1. Costs at Oct. 2001 with ENR CCI of 6300.
2. The costs for providing 155 mgd of maximum month capacity through biological treatment at WLTP (Scenarios 2A, 2B, and 2C) reflect conservative design criteria for secondary clarifier surface overflow rate (SQR). Increasing clarifier SQR above the conservative values (800 gpd/sf) appears feasible based on sludge settleability testing performed during Facilities Planning, and will have the effect of reducing established costs at WLTP by as much as \$20 million. Design criteria for secondary clarifiers will be established based on stress testing performed during predesign and full scale performance of the facility during initial phases of construction.
3. Reducing costs by providing secondary equivalent treatment at WLTP through a combination of biological and HRC process will be evaluated during predesign.
4. PEFTF facility costs assume construction is in two phases to lessen financing requirements. The cost for PEFTF facilities without phasing are \$65.4 M and \$64.7 M for Scenarios 2A and 2B, respectively, yielding total costs for Scenarios 2A and 2B of \$387.7 M and \$384.5M, respectively.

COMMUNITY OUTREACH

The work scope for the Facilities Plan included implementation of an extensive community outreach program. The program provided timely information to the community as the planning work progressed and solicited input and comments. The community outreach program was jointly conducted by City staff and the facility planning consultant team.

The community outreach program was divided into three general phases. The first phase included stakeholder interviews and an initial round of community workshops. The intent of the first phase was to gain an understanding of ratepayer and community values and opinions regarding solutions to the wet weather problems. Comments received indicated that the community:

- Wants to solve the problem now, not pass it along to future generations.
- Wants to have a solution that protects the environment and improves the Willamette River.
- Is concerned over cost, initial as well as long-term operating costs, and the impact to rates. They want to look for solutions that have less cost.
- Want to use "green" type solutions if feasible.

The findings under the first phase led the project team to continue development of solutions that met MAO compliance by December 31, 2009 and that included remote treatment facilities to reduce conveyance and conventional treatment costs.

The second phase of the community outreach program included a significant number of neighborhood meetings to present the concept of remote treatment facilities at the Union Street and River Road Park sites. Two levels of meetings were held. Initial meetings were held to describe concepts with follow-up meetings held to present more details. The follow-up meeting with neighbors around River Road Park included notification by using door hangers in the Highlands Neighborhood Association. Broad community support for the remote treatment facilities was found with support for joint development of facilities at River Road Park by the Community Services and Public Works Departments. The Park Board approved the concept for joint development of facilities in River Road Park at its April 11, 2002 meeting.

The third phase of the community outreach program covers activities through the City's plan adoption process and are underway. The third phase includes additional community meetings and workshops.

Community Outreach Program Elements

The primary elements of the community outreach program include the following:

- a. Stakeholder interviews;
- b. Community workshops;
- c. Various informational newsletters and articles in local publications;
- d. Presentations to neighborhood association meetings throughout Salem, Keizer, and Marion County;
- e. Meetings with Salem Water and Wastewater Task Force;
- f. Presentation to the Keizer City Council;
- g. Meeting with Salem Chamber of Commerce;
- h. Meetings with Salem Parks Board;
- i. Presentation of Facilities Plan draft to City Council;
- j. Inclusion of informational flyer in Salem, Keizer, and Turner water/sewer bills explaining the Facility Plan concept to date.

Table 7 is a chronological listing of the community outreach activities conducted as part of this planning work.

Table - 7 Community Outreach Activities		
Date	Activity Type	Action
Week of April 23 & 30, 2001	Informal Stakeholder Interviews	Pat Dodge (City of Salem) interviewed nine participants asking them a series of questions. Summary prepared by Pat Dodge and Alex Cousins (Jeanne Lawson Associates).
May 17, 2001	Water/Wastewater Task Force Meeting	Presentation of Progress Report on Facilities Plan by Randy Krueger (B&V) and Paul Eckley.
May 27 & 29, 2001	Statesman Journal	Advertisement for Community Workshop #1.
Week of May 21, 2001	Newsletter	Newsletter about Workshop #1 sent to Council, Task Force, Neighborhoods, others.
May 31, 2001	Article in Statesman Journal	Article about Workshop #1 by Laurence Cruz.
May 31, 2001	Community Workshop #1 (City Library)	Presentation of Facilities Plan and received input from 13 participants.
July 2001	Salem Current Issues	Article on Facilities Plan.
July 26, 2001	Salem Geology Society 219 19 th St, SE Salem, OR Peg Cookin, Program Chair	Presentation on the Facilities Plan to 25 members, using the flip-charts developed for the Neighborhood Associations.
August 2001	Salem Current Issues	A second article on Facilities Plan.

Table - 7 Community Outreach Activities

Date	Activity Type	Action
August & September, 2001	Presentation to Salem/Keizer/Marion County Neighborhood Associations (20)	Planned presentation of Facilities Plan update. Approximately 275 people attended the 20 meetings.
August 16, 2001	Water/Wastewater Task Force Meeting	20 minute update on Facilities Plan, including option for satellite treatment.
Ongoing	City Web Page	Informational piece on work effort.
September, 2001	Second Newsletter	Newsletter about Community Workshop #2.
September 13, 2001	Community Workshop #2 (City Library)	Due to September 11 th Trade Tower Attack, no one attended Workshop.
October 1, 2001	Keizer City Council Presentation	Presentation of Facilities Plan update, used Neighborhood Association flip chart.
December 13, 2001	Salem Parks Board Presentation	Presentation of Facilities Plan and consideration of use of North River Road Park.
January 2002	Salem at Your Service Publication	Article on Facilities Plan.
January 17, 2002	Water/Wastewater Task Force Presentation	Update presentation to Task Force.
January 24, 2002	Community Workshop #3 (City Library)	Update of planning work and solicitation of comments.
March 8, 2002	Door Hangers	Placed information door hangers at residences and businesses in area of North River Road Park inviting them to Highland Neighborhood Association Meeting (3-14-02).
March 2002	Presentations to Grant, CANDO, and Highland Neighborhood Associations	Presentation of proposed solutions.
March 12, 2002	Salem Chamber of Commerce	Presentation of problem, work effort, and proposed solutions.
March 2002	Mailer to Neighborhood Associations	Two-page informational piece describing work effort and possible solutions.
May 2002	Bill Insert	Two-page informational piece describing work effort and possible solutions.
April 11, 2002	Salem Parks Board Presentations	Presentation to Parks Board regarding potential for joint park improvements and PEFTF with approval of the Facilities Plan concept.

Table - 7 Community Outreach Activities		
Date	Activity Type	Action
April & June 2002	Presentation to Water/Wastewater Task Force	Presentations of Facilities Plan draft and proposed solutions.
May 2002	Informational Flyer	Explanation of Facility Plan work.
August 2002	Presentation to Salem City Council	Presentation of Facilities Plan draft and proposed solutions. Begin formal adoption phase.

Appendix J of the **Facilities Plan** contains a summary of the initial stakeholder interviews and copies of the various informational pieces and publications prepared as part of the community outreach program. In addition, various exhibits and PowerPoint slides were used at the various presentations to describe the work progress, options evaluated, and solutions proposed.

Community Comments

Comments received during the course of the community outreach program were generally positive with regard to the plans presented. The comments can generally be summarized as follows:

- a. Establish a good partnership with City of Keizer in developing plan solutions and its implementation.
- b. Engage the public.
- c. Take care of the problem now -- don't pass onto future generations.
- d. Select a solution that protects the environment and improves Willamette River water quality.
- e. Minimize business and traffic disruptions.
- f. Concern over initial cost, long-term operations costs, and impact to future sewer rates.
- g. Look at "alternative" treatment solutions.
- h. Would like to see use of wetland or "green" type treatment solution, if feasible.
- i. Continue to replace and repair existing sewers.
- j. The CANDO Neighborhood association supports the Church Street alignment for the Downtown Interceptor project element.
- k. The idea of remote "satellite" treatment was supported.
- l. The idea of a joint project at North River Road Park combining PEFTF with park improvements was supported.
- m. Continue a strong Community Outreach (involvement) Program throughout design and construction phases.

RECOMMENDED PLAN

The seven scenarios developed were evaluated based on cost and non-cost factors and a recommended scenario was identified. The recommended scenario was then refined to develop an implementation schedule, allowing City staff to prepare a financial plan for the work. A description of the scenarios and an evaluation of each scenario follows.

Scenario 1A - All flow to WLTP, conventional secondary treatment.

Scenario 1A involves conveying all wet weather flow to the WLTP up to the 5-year, 24-hour storm event. At the WLTP, the flows are treated through conventional secondary treatment. Scenario 1A is the closest scenario to the full secondary treatment alternatives proposed under the 1996 Master Plan. Because all flow is conveyed to the WLTP, this scenario, and scenario 1B, have the highest conveyance costs. Treating peak wet weather flow using conventional secondary treatment requires a significant number of primary and secondary clarifiers. A total of eight (two existing and six new) primary clarifiers and 15 (four existing and 11 new) secondary clarifiers are needed and the existing chlorine contact basin would need to be doubled in size for disinfection. Scenario 1A has the highest capital cost and is considered to have the highest O&M requirement due to the number of process components required.

Scenario 1B - All flow to WLTP, conventional and high-rate treatment.

Like Scenario 1A, Scenario 1B involves conveying all wet weather flow to the WLTP up to the 5-year, 24-hour storm. At the WLTP, flow is split between conventional secondary treatment and a high-rate sedimentation process for peak flows. Conventional secondary treatment is provided for flows up to 120 mgd, with flows above that being treated by a combination of conventional and high-rate processes. A total of four primary clarifiers (two existing and two new) and six (four existing and two new) secondary clarifiers are needed under this alternative. As under Scenario 1A, the chlorine contact basin would need to be doubled in size to disinfect the peak wet weather flows. Scenario 1B has a lower cost than Scenario 1A and is the preferred plan if all flow must be conveyed to the WLTP. Scenario 1B is used as the basis for comparing scenarios with remote treatment for excess wet weather flows.

Scenario 2A - 155 mgd at WLTP, 160 mgd at Union Street.

Scenario 2A involves treating flows up to the capacity of the existing sewer system at the WLTP, which is 155 mgd. Flows in excess of 155 mgd, up to 160 mgd peak hour flows related to wet weather events, are treated at a remote facility located at a Union Street site. Conveyance improvements needed to implement this scenario include the Downtown Interceptor, an interceptor from River Road Park to the Union Street site having a capacity of 80 mgd and the West Salem

Pump Station and force main upgrades. Conveyance improvements from River Road Park to the WLTP are not needed.

The Union Street treatment site would be located adjacent to the existing Union Street overflow point to reduce costs of conveying effluent from the treatment facility to the river. The proposed site is adjacent to the existing Union Street Pump Station and requires about 2.8 acres for the facility.

Scenario 2A locates a treatment facility on a site that has existing businesses. The proposed site lies within the North Downtown Development area described in the 1997 North Downtown Plan prepared for the City of Salem Community Development. Developments desired in this area are designated as River-Oriented Mixed Use to provide areas for access to the riverfront. The North Downtown Plan encourages redevelopment of this area with industrial uses yielding to more mixed uses oriented to the riverfront. These would be predominately medium to high density residential with supporting retail and office uses. Accordingly, locating a treatment facility at this site would likely require a variance to the North Downtown Development Plan. In addition to siting difficulties, Scenario 2A is one of the highest remote treatment cost alternatives. Due to siting and cost issues, Scenario 2A was not recommended for implementation.

Scenario 2B - 155 mgd at WLTP, 160 mgd at River Road Park.

Like Scenario 2A, Scenario 2B involves treating flows up to the capacity of the existing sewer system at the WLTP, which is 155 mgd. Flows in excess of 155 mgd, up to 160 mgd peak hour flows related to wet weather events, are treated at a remote facility located at River Road Park rather than the Union Street site under Scenario 2A. Conveyance improvements needed to implement this scenario include the Downtown Interceptor, an interceptor from the Union Street site to River Road Park having a capacity of 80 mgd, and the West Salem Pump Station and force main upgrades. Conveyance improvements from River Road Park to the WLTP are not needed.

The River Road Park location is the site of Salem's original wastewater treatment plant. The park currently contains a diversion structure, wet weather pump station, and permitted outfall. Under the proposed scenario, the diversion structure would be modified, the pump station replaced by the treatment facility, and the existing outfall reused. Concepts similar to those shown on Figures 22 and 23 have the support of the community and the Parks Board. Scenario 2B has a cost similar to Scenario 2A but does not have the siting issues that Scenario 2A has. Therefore, Scenario 2B is proposed over Scenario 2A and is the recommended scenario for implementation.

Scenario 2C - 155 mgd at WLTP, 80 mgd at Union Street and 80 mgd at River Road Park.

Like Scenarios 2A and 2B, Scenario 2C involves treating up to 155 mgd at the WLTP. Flows in excess of 155 mgd, up to 160 mgd peak hour flows related to wet weather events, are treated at two 80 mgd remote facilities: one at Union Street and one at River Road Park. Conveyance

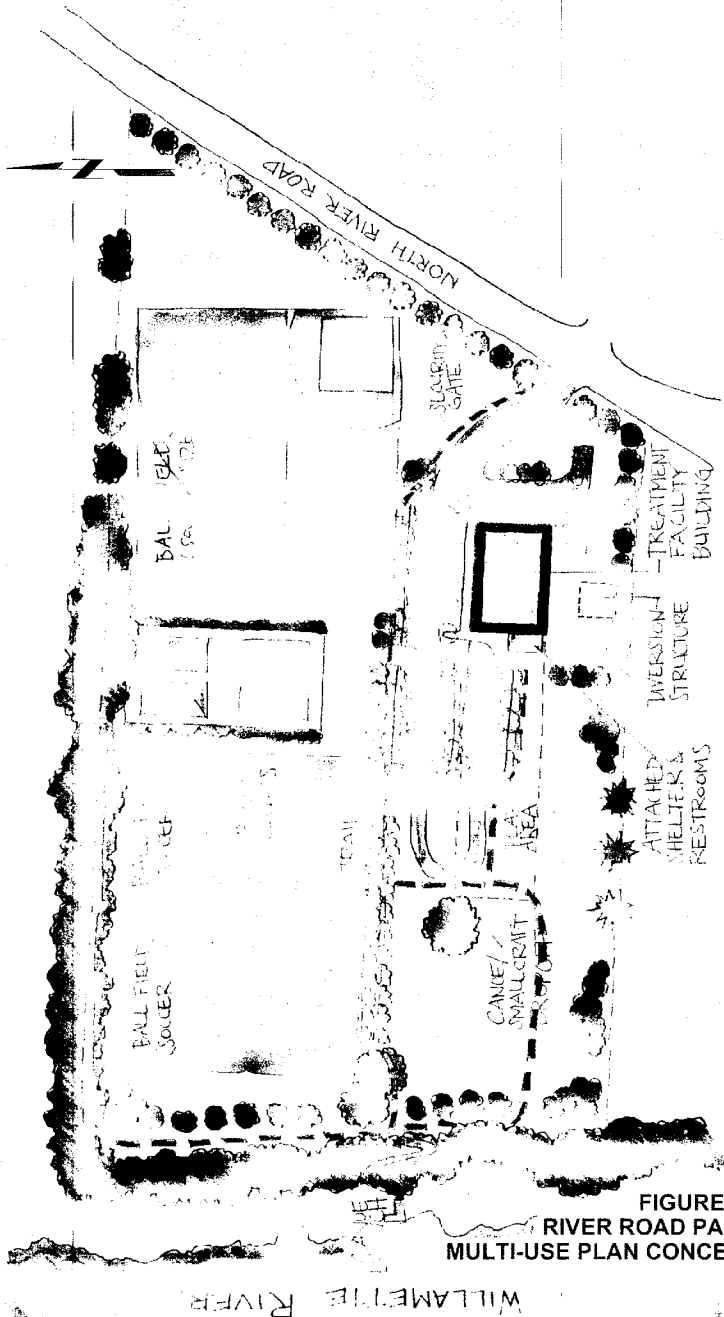
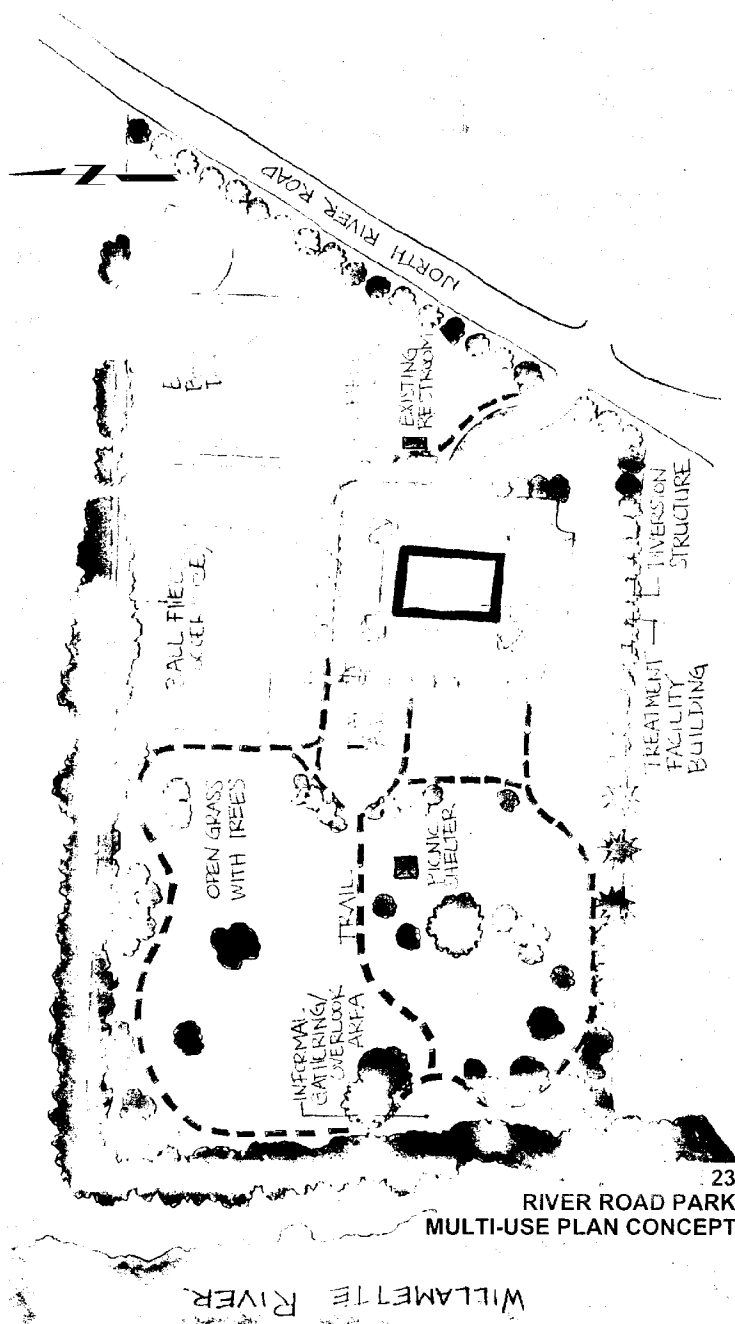


FIGURE 22
RIVER ROAD PARK
MULTI-USE PLAN CONCEPT



23
RIVER ROAD PARK
MULTI-USE PLAN CONCEPT

improvements under Scenario 2C are the least extensive with only the Downtown Interceptor and the West Salem Pump Station and force main upgrades required. As a result of the reduced conveyance requirements, Scenario 2C has the lowest capital cost of all scenarios.

Siting of the treatment facilities is as described under Scenarios 2A and 2B with the exception that the footprints would be smaller and therefore the land area required would be less. However, Scenario 2C requires the City to operate and maintain two remote facilities with the likelihood that both would operate at the same time. The benefit of the lower capital cost of Scenario 2C over Scenarios 2A or 2B was not considered significant when higher O&M issues were considered, and the difficulty of locating a facility at the Union Street site in the North Downtown Development area was considered. Accordingly, Scenario 2C was not favored over Scenario 2B.

Scenario 2D - 235 mgd at WLTP, 80 mgd at Union Street.

Scenario 2D involves treating flows up to 235 mgd at the WLTP. Flows in excess of 235 mgd, up to 80 mgd related to wet weather events, are treated at a remote facility located at a Union Street site. Conveyance improvements needed to implement this scenario include the Downtown Interceptor, an interceptor from River Road Park to the WLTP having a capacity of 80 mgd and the West Salem Pump Station and force main upgrades. Conveyance improvements from River Road Park to the Union Street are not needed.

Siting issues under Scenario 2D in the Union Street area are similar to those for Scenario 2A with the exception that the footprint is smaller resulting in less land area requirements. The scenario assumes that it is more cost effective to construct high-rate treatment at the WLTP than at a remote site and thus has lower cost than Scenario 2B. The cost for Scenario 2D is in the middle of scenarios having remote treatment facilities. The slight cost benefit of Scenario 2D over Scenario 2B was not seen as significant especially when the difficulty of locating a facility at the Union Street site in the North Downtown Development area was considered. Accordingly, Scenario 2D was not favored over Scenario 2B.

Scenario 2E - 235 mgd at WLTP, 80 mgd at River Road Park.

Scenario 2E involves treating flows up to 235 mgd at the WLTP. Flows in excess of 235 mgd, up to 80 mgd related to wet weather events, are treated at a remote facility located in River Road Park. Conveyance improvements needed to implement this scenario include the Downtown Interceptor, an interceptor from Union Street to River Road Park having a capacity of 80 mgd, an interceptor

from River Road Park to the WLTP having a capacity of 80 mgd, and the West Salem Pump Station and force main upgrades.

Scenario 2E has conveyance costs similar to Scenarios 1A and 1B, with all flow treated at the WLTP, and the disadvantage of a remote treatment facility to operate. Scenario 2E has the highest

cost of all scenarios having remote treatment facilities. Scenario 2E offers no advantages over Scenario 2B, which has 160 mgd of remote treatment facilities at River Road Park and lower project costs. Therefore, Scenario 2E was not favored over Scenario 2B.

Implementation Plan

Scenario 2B is proposed as the scenario for implementation. Projects under Scenario 2B have been spread over time to reduce rate impacts, while complying with the requirements of the MAO and continually discharging effluent in compliance with the NPDES permit.

Schedule. The schedule for implementation of facilities under Scenario 2B are shown by cost grouping and design and construction on Tables 1 and 2 found at the beginning of this summary.

Opinion of Project Cost. The opinion of project cost by phases for Scenario 2B is shown in Table 1 found at the beginning of this summary. The total cost of Scenario 2B, implemented in three major phases is \$391.9 million.

Financial Plan

A preliminary cash flow analysis for Scenario 2B was prepared using the project phasing shown in Table 1. The analysis is based on a project S-curve for cash expenditures throughout the duration of each project phase. The preliminary cash flow shown on Figure 24 allows the impacts to rates to be smooth, not abrupt, and lessens the slope of rate increases. Further refinements to the phasing plan and the S-curve are expected during preliminary design as the City continues to perform financial planning for the projects.

The City of Salem's existing long range sewer fund financial plan is based on the adopted 1996 Salem Wastewater Management Master Plan. This plan included the selling of three major sewer fund revenue bonds in fiscal years 03/04, 05/06, and 07/08, totaling about \$300 million dollars. The financial plan requires raising sewer rates an average of 8.9 percent each year, beginning in fiscal year 01/02 and continuing through fiscal year 09/10. City Council recently approved the second year (FY 02/03) of these rate increases. This is shown in Table 8 along with the cash flow requirements and bonding requirements for Alternative 2B.

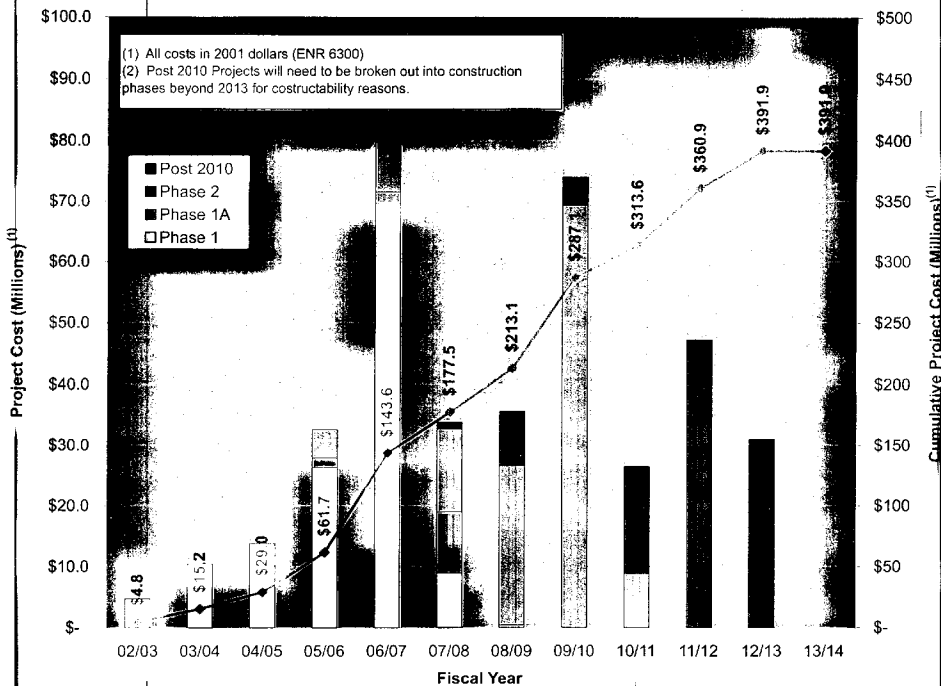


FIGURE 24
PRELIMINARY CASH FLOW ESTIMATES FOR SCENARIO 2B, OPTION 1

Table 8 - Financial Plan Comparison

Fiscal Year	Existing Financial Plan (1996 Master Plan)			Recommended Alternative 2B		
	Capital Cost	Bond Name	Annual Sewer Rate % Increase	Cash Flow (future dollars)	Bond Amounts (future dollars)	Annual Sewer Rate % Increase
02-03			8.90%	\$4,944,000		8.90%
03-04	\$91,635,000	K	8.90%	\$11,139,450		8.90%
04-05			8.90%	\$15,079,633		8.90%
05-06	\$129,867,000	L	8.90%	\$36,691,587		8.90%
06-07			8.90%	\$95,060,474	\$120,800,000	8.00%
07-08	\$66,356,000	M	8.90%	\$40,358,968		8.00%
08-09			8.90%	\$43,783,510	\$127,900,000	8.00%
09-10			8.90%	\$93,740,986		8.00%
MAO Subtotal	\$287,858,000				\$248,700,000	
Beyond 2010					\$123,023,900	

The recommended Alternative 2B of the Facility Plan allows postponing the first major revenue bond until fiscal year 06/07. The work proposed to be accomplished from now until then, as shown by the cash flow projections on Figure 24, will be funded from pay-as-you-go (cash). Alternative 2B also allows postponing most of the non- MAO work at Willow Lake beyond the 2010 regulatory compliance date.

Even though the total program costs of Alternative 2B are greater than those in the 1996 Master Plan, the financial plan required for Alternative 2B fits within the existing financial plan and, in fact, may allow the City to reduce some future sewer rate increases. As shown in Table 8, preliminary financial analysis shows that the 8.9 percent annual increase is required until fiscal year 05/06, when it may be able to be slightly lowered to an annual increase of 8.0 percent.

The reasons that the total program costs of Alternative 2B are greater than those in the 1996 Master Plan include; 1) projected winter time sewer flow rates are now estimated to be twenty percent greater than those estimated in 1994 for the 1996 Master Plan, based on more accurate flow monitoring records; 2) the construction of an inexpensive natural treatment system to provide treatment of winter time wastewater flows is no longer feasible. The demonstration natural reclamation system being built at Willow Lake is designed for polishing of summer time plant effluent; 3) the 1996 Master Plan only provided for additional treatment capacity for winter time sewer flows and for community growth. Alternative 2B provides for this but also provides for the

REFERENCES:

1. Mutual Agreement and Order (No. WQ/M-1WR-97-147) between the Oregon DEQ and the City of Salem, January 1996.
2. Draft Guidance - NPES Requirements for Municipal Wastewater Treatment During Wet Weather Flows, U.S. Environmental Protection Agency, December 2001.
3. Evaluation of Salem Area Population and Employment Forecasts (Task 1.3.1), ECO Northwest, October 2000.
4. Draft Outfall Dilution Study, CH₂MHill, December 2000.
5. Oregon's Final 1998 Water Quality Limited Streams - 303 (d) List, Oregon Department of Environmental Quality, November 1998.
6. Oregon Administrative Rules Willamette Basin, Division 41, Section 340-041-0442, April 15, 2002.

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August 5, 2002

AGENDA ITEM 6a

THAI LOTUS LIQUOR LICENSE APPLICATION

CITY COUNCIL MEETING: August 5, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

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

FROM: TRACY L. DAVIS, CMC
CITY RECORDER 

**SUBJECT: THAI LOTUS LIQUOR LICENSE APPLICATION
LIMITED ON PREMISES SALES LICENSE**

BACKGROUND:

On July 10, 2002 Kanok Thangsuphong, Prayoon Phanngam, and Chanchai Dulyakomet submitted an application for a Limited On-Premises Sales liquor license for the Thai Lotus Restaurant located at 3834 River Road North, Keizer, Oregon. This is the former site of Figaro's Pizza.

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 15, 2002 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 the Thai Lotus Restaurant under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall then be forwarded to the Oregon Liquor Control Commission.



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KEIZER POLICE

City Council Meeting of _____

Agenda Item No. _____

To: Mayor and City Council

Thru: Chris Eppley, City Manager

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

Subject: Liquor License Application for Thai Lotus Restaurant,
3834 River Rd. N. Keizer, Oregon 97303

Issue

Shall the City Council approve the liquor license application of Thai Lotus Restaurant, 3834 River Rd. N. Keizer, Oregon?

Background

The Keizer Police Department responded to 11 calls for service from July 1, 2001 through June 30, 2002 at the above address formerly known as Figaro's Pizza. None were in conflict with the ordinance.

The applicants, Kanok Thangsuphong, Prayoon Phanngam and Chanchai Dulyakomet have no criminal history.

Thus, the background review did not reveal any history or events that would be in direct conflict with the City of Keizer City Ordinance 95-318.

Recommendation

The Keizer Police Department recommends approval of the liquor license for Thai Lotus Restaurant, 3834 River Rd. N. Keizer, Oregon.

Red 7-10-02
#1411



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:		FOR CITY AND COUNTY USE ONLY The city council or county commission:	
LICENSE TYPES	ACTIONS	(name of city or county)	
☐ Full On-Premises Sales (\$402.60/yr)	☐ Change Ownership	recommends that this license be:	
☐ Commercial Establishment	☒ New Outlet	Granted ☐ Denied ☐	
☐ Caterer	☐ Greater Privilege	By: _____ (signature) _____ (date)	
☐ Passenger Carrier	☐ Additional Privilege	Name: _____	
☐ Other Public Location	☐ Other _____	Title: _____	
☐ Private Club			
☒ Limited On-Premises Sales (\$202.60/yr)		OLCC USE ONLY	
☐ Off-Premises Sales (\$100/yr)		Application Rec'd by: <u>S. McCall</u>	
☐ Brewery Public House (\$252.60)		Date: <u>7/8/02</u>	
☐ Winery (\$250/yr)		90-day to the City of Yes ☐ No ☒	
☐ Other: _____		RECEIVED OREGON LIQUOR CONTROL COMMISSION	
Applying as:			
☐ Individuals	☐ Limited Partnership		
☒ Corporation	☐ Limited Liability Company		

Please Print or Type

1. Applicant(s): [See SECTION 1 of the Guide]

① SIAM HOUSE CORPORATION

② _____

③ _____

④ _____

JUN 28 2002

SALEM REGIONAL OFFICE

2. Trade Name (dba): THAI LOTUS

→ 3. Business Location: 3834 RIVER RD KEIZER MARION OR 97303
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 3834 RIVER RD KEIZER OR 97303
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: (503) 463-1435 (503) 463-1595
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

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

8. Former Business Name: _____

9. Will you have a manager? ☒ Yes ☐ No Name: CHANCHAI DULYAKRIT

(manager must fill out an individual history form)

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

11. Contact person for this application: KENOR THINGSUPHAP (503) 767-3424
(name) (phone number(s))
333 y 2nd AVE SALEM OR 97303 (503) 767-2434
(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 [Signature] Date 5/28/02 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

9079 SE McLoughlin Blvd. Portland, OR 97222-7355 PO Box 22297 Milwaukie, OR 97269-2297
(503) 872-5070 www.olcc.state.or.us

(rev. 11/01)

OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION



Please Print or Type

Applicant Name: SIAM HOUSE CORPORATION Phone: (503) 463-1985

Trade Name (dba): Thai Lotus Restaurant

Business Location Address: 3834 River Rd

City: Keizer OR ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	<u>12 PM</u>	to	<u>9 PM</u>
Monday	<u>11 AM</u>	to	<u>10 PM</u>
Tuesday	<u>11 AM</u>	to	<u>10 PM</u>
Wednesday	<u>11 AM</u>	to	<u>10 PM</u>
Thursday	<u>11 AM</u>	to	<u>10 PM</u>
Friday	<u>11 AM</u>	to	<u>11 PM</u>
Saturday	<u>12 PM</u>	to	<u>11 PM</u>

Outdoor Area Hours:

Sunday	<u>12 PM</u>	to	<u>9 PM</u>
Monday	<u>11 AM</u>	to	<u>10 PM</u>
Tuesday	<u>11 AM</u>	to	<u>10 PM</u>
Wednesday	<u>11 AM</u>	to	<u>10 PM</u>
Thursday	<u>11 AM</u>	to	<u>10 PM</u>
Friday	<u>11 AM</u>	to	<u>11 PM</u>
Saturday	<u>12 PM</u>	to	<u>10 PM</u>

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

SEATING COUNT

Restaurant: <u>50</u>	Outdoor: _____
Lounge: _____	Other (explain): _____
Banquet: _____	Total Seating: <u>50</u>

OLCC USE ONLY

Investigator Verified Seating: _____(Y) _____(N)

Investigator Initials: _____

Date: _____

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

Applicant Signature: [Signature] Date: 04/02/02

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: THAI LOTUS

Business Location Address: 3334 River Rd. City: Keizer ZIP Code: 97303

PART A - PERSONAL INFORMATION

1. Name: THANGSOPHONG KANOK
(last) (first) (middle)

2. Other Names Used: N/A
(maiden) (other)

3. Residence Address: 583 W. Water St. STAYTON OR 97353
(number and street) (city) (state) (ZIP code)

4. Home Phone: (503) 767-3872 Business Phone: (503) 767-3824
(number and street) (city) (state) (ZIP code)

5. *SSN: 611-80-2183 Place of Birth: THAILAND Date of Birth: 01/09/1970
(state/country) (mm) (dd) (yyyy)

6. Sex: M Height: 5'04" Weight: 130 Hair Color: BLACK Eye Color: BLACK

7. Driver License #: 9479345 State: OR Spouse's name: _____

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

8. Do you currently hold or have you ever held a liquor license in this state? ☒ Yes ☐ No (If yes, when and where? 4-2-01 Siam House Rest, 335 N. 2nd Ave
STAYTON, OR 97353)

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

Date by Month/Year	Employer or Business	Occupation	City & State
From: <u>01/04/01</u> To: <u>Current</u>	<u>Siam House Rest</u>	<u>waiter</u>	<u>Stayton OR 97353</u>
From: <u>12/1999</u> To: <u>5/2000</u>	<u>A Taste of Thai</u>	<u>waiter</u>	<u>Hailey ID 83333</u>
From: <u>6/1997</u> To: <u>10/1999</u>	<u>Siam Restaurant</u>	<u>Waiter</u>	<u>Beaverton OR 97005</u>

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

From: <u>10/1995</u> To: <u>5/1997</u>	<u>Star of Siam</u>	<u>Driver</u>	<u>Venice City, CA 90xxx</u>
From: <u>10/1994</u> To: <u>10/1995</u>	<u>Siam Best</u>	<u>Driver</u>	<u>Venice City CA</u>
From: <u>5/1994</u> To: <u>9/1994</u>	<u>Thai Top</u>	<u>Asst. Chef</u>	<u>Hollywood CA</u>

PART C - ARREST AND CONVICTION INFORMATION

If you answer YES to any of the following questions, you must complete PART D on reverse of this form.

- Have you **EVER** been convicted of **ANY** violation, misdemeanor or felony?
Include **traffic violations** if the fine was more than \$50.00 ☐ Yes ☒ No
- Do you have **any** arrests or citations pending? ☐ Yes ☒ No
- Have you **ever** entered into a diversion agreement? ☐ Yes ☒ No
- Have you **ever** been treated, or been in a treatment program for alcohol or other drug use or abuse? ☐ Yes ☒ No
- 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 - ARREST AND CONVICTION HISTORY

If you answered yes to any of questions 11-15, you must complete this section of the application.
Attach additional sheets if necessary.

Have you ever been convicted of any offense?

Convicted of: _____ Conviction Date: _____ City/State/County: _____

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/County: _____

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

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

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: _____ Date: 04/02/02

*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: _____ Date: 04/02/02

(rev. 12/01)

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: THAI LOTUS

Business Location Address: 3834 River Rd. City: Keizer ZIP Code: 97303

PART A - PERSONAL INFORMATION

1. Name: Phannyam Trayoon
(last) (first) (middle)

2. Other Names Used: N/A

3. Residence Address: 588 W. Water St. Stayton OR 97383
(number and street) (city) (state) (ZIP code)

4. Home Phone: (503) 767 3872 Business Phone: (503) 767-8424

5. *SSN: 625-58-6397 Place of Birth: THAILAND Date of Birth: 02 / 09 / 1947
(state/country) (mm) (dd) (yyyy)

6. Sex: M Height: 5'05" Weight: 135 Hair Color: Black Eye Color: Black

7. Driver License #: 7695903 State: OR Spouse's name: Chalerm Sri Seehabhut

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

8. Do you currently hold or have you ever held a liquor license in this state? ☒ Yes ☐ No (If yes, when and where? 04-02-01 Siam House Rest.
333 N 2nd Ave, Stayton OR 97383)

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

Date by Month/Year	To:	Employer or Business	Occupation	City & State
From: <u>01/04/01</u>	To: <u>Current</u>	<u>Siam House Rest.</u>	<u>Chef</u>	<u>Stayton OR 97383</u>
From: <u>3/2000</u>	To: <u>11/2000</u>	<u>Thai Orchid Rest</u>	<u>Chef</u>	<u>Portland OR</u>
From: <u>6/1998</u>	To: <u>3/2000</u>	<u>Thai Beer Rest</u>	<u>Chef</u>	<u>Venice City CA</u>

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

From:	To:	City	State
<u>2/1996</u>	<u>5/1998</u>	<u>Star of Siam Rest</u>	<u>Santa Monica CA</u>
<u>7/1991</u>	<u>2/1996</u>	<u>Thai Talay Rest.</u>	<u>Marina Del Rey, CA</u>
<u>8/1988</u>	<u>10/1990</u>	<u>Sa-U-Di Arabia</u>	

PART C - ARREST AND CONVICTION INFORMATION

If you answer YES to any of the following questions, you must complete PART D on reverse of this form.

- Have you **EVER** been convicted of **ANY** violation, misdemeanor or felony?
Include **traffic violations** if the fine was more than \$50.00
- Do you have **any** arrests or citations pending?
- Have you **ever** entered into a diversion agreement?
- Have you **ever** been treated, or been in a treatment program for alcohol or other drug use or abuse?
- 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
☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No

INDIVIDUAL HISTORY - CONTINUED

PART D - ARREST AND CONVICTION HISTORY

If you answered yes to any of questions 11-15, you must complete this section of the application. Attach additional sheets if necessary.

Have you ever been convicted of any offense?

Convicted of: _____ Conviction Date: _____ City/State/Country: _____

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: _____ 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: X 1/1-2/7 W45272 Date: 04/02/02

*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: X 1/1-2/7 W45272 Date: 04/02/02

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: THAI LOTUS
Business Location Address: 3834 River Rd. City: Keizer ZIP Code: 97303

PART A - PERSONAL INFORMATION

1. Name: DULYAKOMET CHANCHAI
(last) (first) (middle)
2. Other Names Used: N/A
(maiden) (other)
3. Residence Address: 588 W. water st. station OR 97383
(number and street) (city) (state) (ZIP code)
4. Home Phone: (503) 767-3572 Business Phone: (503) 767-8424
5. *SSN: 187-74-1703 Place of Birth: Bangkok, Thailand Date of Birth: 05/06/1969
(state/country) (mm) (dd) (yyyy)
6. Sex: M Height: 5'4" Weight: 135 Hair Color: Black Eye Color: Brown
7. Driver License #: 20087543 State: TX Spouse's name: N/A

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

8. Do you currently hold or have you ever held a liquor license in this state? ☐ Yes ☒ No (If yes, when and where?)

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

Date by Month/Year	Employer or Business	Occupation	City & State
From: <u>01/2001</u> To: <u>03/2002</u>	<u>Pelorus Media</u>	<u>Web Manager</u>	<u>Arlington, TX</u>
From: <u>10/1996</u> To: <u>12/2000</u>	<u>Intellimed Inc.</u>	<u>Art Director</u>	<u>West Chester, PA</u>
From: <u>9/1995</u> To: <u>10/1996</u>	<u>Art Communication</u>	<u>Animator</u>	<u>Philadelphia, PA</u>

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

From:	To:	City	State
From: <u>2/1993</u> To: <u>9/1995</u>	<u>Philadelphia</u>	<u>PA</u>	
From: <u>was born</u> To: <u>8/1993</u>	<u>Bangkok, Thailand</u>		

PART C - ARREST AND CONVICTION INFORMATION

If you answer YES to any of the following questions, you must complete PART D on reverse of this form.

- Have you EVER been convicted of ANY violation, misdemeanor or felony?
Include traffic violations if the fine was more than \$50.00 ☐ Yes ☒ No
- Do you have any arrests or citations pending? ☐ Yes ☒ No
- Have you ever entered into a diversion agreement? ☐ Yes ☒ No
- Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse? ☐ Yes ☒ No
- 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



August 5, 2002

AGENDA ITEM 6b

KEIZER MART LIQUOR LICENSE APPLICATION

CITY COUNCIL MEETING: August 5, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS C. EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, CMC 
CITY RECORDER

SUBJECT: KEIZER MART LIQUOR LICENSE APPLICATION
OFF PREMISES SALES LICENSE

BACKGROUND:

On July 11, 2002 Kyung Soo Kim and Ja Yoon Kim submitted an application for a Off Premises Sales liquor license for the Keizer Mart located at 4920 River Road North, Keizer, Oregon. Mr. and Mrs. Kim are the previous owners of K & J Tobacco. They are closing this location, remodeling a new site and opening a mini-market.

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 15, 2002 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 Off-Premises liquor license for the Keizer Mart under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall then be forwarded to the Oregon Liquor Control Commission.



1982

KEIZER POLICE

City Council Meeting of _____

Agenda Item No. _____

To: Mayor and City Council

Thru: Chris Eppley, City Manager

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

Subject: Liquor License Application for Keizer Mart located at 4940 River Rd. N.
(formerly known as K & J Tobacco located at 4920 River Rd. N.,
Keizer, Oregon.)

Issue

Shall the City Council approve the liquor license application of
Keizer Mart, 4940 River Rd. N., Keizer, Oregon?

Background

During the period of July 1, 2001 through June 30, 2002, there were no calls for service
at 4940 River Rd.

The Keizer Police Department responded to an armed robbery at 4920 River Rd. on May
15, 2002. There were no other calls for service at this address.

The applicant, Kyung Soo Kim has one conviction for Harassment occurring in 1999.
The applicant Ja Yoon Kim has no criminal history.

Thus, the background review did not reveal any significant history or events that would
be in direct conflict with the City of Keizer City Ordinance 95-318.

Recommendation

The Keizer Police Department recommends approval of the liquor license for
Keizer Mart, 4940 River Rd. N. Keizer, Oregon.



Application is being made for:

☐ Full On-Premises Sales (\$402.60/yr)

- ☐ Commercial Establishment
- ☐ Caterer
- ☐ Passenger Carrier
- ☐ Other Public Location
- ☐ Private Club

☒ Change Ownership
☒ New Outlet
☐ Greater Privilege
☐ Additional Privilege
☐ Other

☐ Limited On-Premises Sales (\$202.60/yr)
☒ Off-Premises Sales (\$100/yr)
☐ Brewery Public House (\$252.60)
☐ Winery (\$250/yr)
☐ Other:

☐ Individuals ☐ Limited Partnership ☒ Corporation ☐ Limited Liability Company

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: E. Mitchell

Date: 7/11/02

90-day authority: ☐ Yes ☒ No

1. Applicant(s): [See SECTION 1 of the Guide]

① KJ & AL, INC. ③

② _____ ④ _____

2. Trade Name (dba): KEIZER MART

3. Business Location: 4940 RIVER RD N. KEIZER OR 97303
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: SAME AS ABOVE
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: (503) 393-0164
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☒ Yes ☐ No 4920 RIVER RD N KEIZER OR

7. If yes to whom: KYUNG SOO KIM Type of License: P/S

8. Former Business Name: K&J TOBACCO CIGARETTES

9. Will you have a manager? ☒ Yes ☒ No Name: Ja-yeon-Kim
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? KILGER

11. Contact person for this application: KYUNG SOO KIM (name of city or county) (523) 393-0164
4440 RIVER RD N. (name) KEIZER OR 97133 (phone number(s))
 (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 1-11-02 Date 1-11-02 ③

② XXXXXXXXXX Date 7-1-20 Date

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: KEIZER MART

Business Location Address: 4940 RIVER RD N City: KEIZER ZIP Code: 97303

PART A - PERSONAL INFORMATION

1. Name: KIM KYUNG SOO
(last) (first) (middle)

2. Other Names Used: NONE

3. Residence Address: 899 PARKMEADOWS DR NE KEIZER OR 97303
(number and street) (city) (state) (ZIP code)

4. Home Phone: (503) 390-0714 Business Phone: (503) 393-0164

5. *SSN: 076-68-5043 Place of Birth: S. KOREA Date of Birth: 09/04/1961
(state/country) (mm) (dd) (yyyy)

6. Sex: M Height: 5'6" Weight: 155 lbs Hair Color: BLACK Eye Color: BROWN

7. Driver License #: 5637761 State: OR Spouse's name: JA YOON KIM

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

8. Do you currently hold or have you ever held a liquor license in this state? ☒ Yes ☐ No (if yes, when and where? R2J TOBACCO CIGARETTES 2-1993 ~ 7-2002 OWNER
4920 RIVER RD N. KEIZER OR 97303

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

Date by Month/Year	Employer or Business	Occupation	City & State
From: <u>2-1993</u> To: <u>7-2002</u>	<u>R2J TOBACCO CIGARETTES</u>	<u>OWNER</u>	<u>KEIZER OR</u>
From: <u>12-1992</u> To: <u>2-1993</u>	<u>UNEMPLOYED</u>		
From: <u>6-1991</u> To: <u>12-1992</u>	<u>FRUIT MARKET</u>	<u>CASHIER</u>	<u>NEW YORK NY</u>

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

From	To	City	State
From: <u>2-2000</u>	To: <u>PRESENT</u>	<u>CURRENT ADDRESS</u>	
From: <u>12-1992</u>	To: <u>2-2000</u>	<u>4900 5TH PLACE KEIZER</u>	<u>OREGON</u>
From: <u>6-1991</u>	To: <u>12-1992</u>	<u>NEW YORK</u>	<u>NEW YORK</u>

PART C - ARREST AND CONVICTION INFORMATION

If you answer YES to any of the following questions, you must complete PART D on reverse of this form.

- Have you EVER been convicted of ANY violation, misdemeanor or felony?
Include traffic violations if the fine was more than \$50.00
- Do you have any arrests or citations pending?
- Have you ever entered into a diversion agreement?
- Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse?
- 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
☒ Yes ☐ No
☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No

INDIVIDUAL HISTORY - CONTINUED

PART D - ARREST AND CONVICTION HISTORY

If you answered yes to any of questions 11-15, you must complete this section of the application. Attach additional sheets if necessary.

Have you ever been convicted of any offense?

Convicted of: DUI Conviction Date: 7-93 City/State/County: SALEM/OR
Convicted of: SPEED Conviction Date: 7-99 City/State/County: SALEM/OR
Convicted of: 99-C-51086 Conviction Date: 4-00 City/State/County: SALEM/MARION/OR
PROBATION

Do you have any arrests or citations that have not been resolved? NO

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? NO

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

Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse? NO

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

Have you ever had a warning, violation, suspension, fine or cancellation as a licensee or service permittee? NO

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: [Signature] Date: 7-11-02

*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: 7-11-02

(rev. 12/01)

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: KEIZER MART

Business Location Address: 4940 RIVER RD N City: KEIZER ZIP Code: 971303

PART A - PERSONAL INFORMATION

1. Name: KIM JA YOUN
(last) (first) (middle)

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

3. Residence Address: 999 PARKMEADOWS DR NE KEIZER OR 971303
(number and street) (city) (state) (ZIP code)

4. Home Phone: (503) 390-0714 Business Phone: (503) 393-0164

5. *SSN: 111-78-1822 Place of Birth: S. KOREA Date of Birth: 10/10/1964
(state/country) (mm) (dd) (yyyy)

6. Sex: F Height: 5'5" Weight: 140 lbs Hair Color: BLACK Eye Color: BROWN

7. Driver License #: 5851988 State: OR Spouse's name: KYLING SOO KIM

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

8. Do you currently hold or have you ever held a liquor license in this state? ☒ Yes No (If yes, when and where? R&J TOBACCO CIGARETTES 2-1993 ~ 7-2002 OWNER
4920 RIVER RD N KEIZER, OR 971303)

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

Date by Month/Year	PRESENT	Employer or Business	Occupation	City & State
From: <u>2-1993</u> To: <u>7-2002</u>		<u>R&J TOBACCO CIGARETTES</u>	<u>OWNER</u>	<u>KEIZER OR</u>
From: <u>6-1991</u> To: <u>2-1993</u>		<u>HOUSE WIFE</u>		
From: _____ To: _____				

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

From:	To:	City	State
<u>2-2000</u>	<u>PRESENT</u>	<u>CURRENT ADDRESS</u>	
<u>12-1992</u>	<u>2-2000</u>	<u>4900 5TH PLACE</u>	<u>KEIZER OREGON</u>
<u>6-1991</u>	<u>12-1992</u>	<u>NEW YORK</u>	<u>NEW YORK</u>

PART C - ARREST AND CONVICTION INFORMATION

If you answer YES to any of the following questions, you must complete PART D on reverse of this form.

- Have you EVER been convicted of ANY violation, misdemeanor or felony?
Include traffic violations if the fine was more than \$50.00
- Do you have any arrests or citations pending?
- Have you ever entered into a diversion agreement?
- Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse?
- 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
☐ Yes	☒ No
☐ Yes	☒ No
☐ Yes	☒ No
☐ Yes	☒ No

INDIVIDUAL HISTORY - CONTINUED

PART D - ARREST AND CONVICTION HISTORY

If you answered yes to any of questions 11-15, you must complete this section of the application. Attach additional sheets if necessary.

Have you ever been convicted of any offense?

Convicted of: TRAFFIC VIOLATION Conviction Date: 96 or 97 City/State/County: KEIZER / OR

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? NO

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? NO

When: _____ Where: _____

When: _____ Where: _____

Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse? NO

When: _____ Where: _____

When: _____ Where: _____

Have you ever had a warning, violation, suspension, fine or cancellation as a licensee or service permittee? NO

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: [Signature] Date: 7-11/02

*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: 7-11/02

(rev. 12/01)

OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION



Please Print or Type

Applicant Name: KJ & AL, INC Phone: (503) 393-0164

Trade Name (dba): KEIZER MART

Business Location Address: 4940 RIVER RD N

City: KEIZER ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	<u>8:00 AM</u>	to	<u>10:00 PM</u>
Monday	<u>7:00 AM</u>	to	
Tuesday		to	
Wednesday		to	
Thursday		to	
Friday		to	
Saturday	<u>8:00 AM</u>	to	

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

SEATING COUNT

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

OLCC USE ONLY

Investigator Verified Seating: _____(Y) _____(N)

Investigator Initials: _____

Date: _____

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

Applicant Signature: [Signature] Date: 7-11-02



August 5, 2002

AGENDA ITEM 6C

**RESOLUTION – AUTHORIZING CITY MANAGER TO ENTER INTO
TRANSACTION FOR SALE OF CITY OWNED PROPERTY AT 6846
JAKEWOOD COURT NE, KEIZER**

CITY COUNCIL MEETING: August 5, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *SALE OF CITY PROPERTY (COUNTRY GLEN ESTATES)*

When the City purchased Lot 64 from Tran Co. (Larry Epping) earlier this year, it was with the knowledge that a portion of the lot would be sold to the neighboring property owner because only a portion of Lot 64 was needed for park use and flood mitigation along Labish Ditch.

Staff has been in contact with the neighboring property owners (Ali Hassoun and Kara Stafford) regarding the sale of a portion of Lot 64 and the negotiated terms of the transaction are outlined in the attached sale agreement.

State law requires a public hearing prior to the sell of publicly owned property. Evidence of market value must be presented. The market value in this particular case was established by using the sale price of the Epping transaction on a per square foot basis. Such valuation is \$8,846.17. Due to the relatively small size of the transaction, it was not cost effective to pay for a formal appraisal.

RECOMMENDATION:

Open and conduct a public hearing. After taking all public testimony, close the public hearing and adopt the attached resolution authorizing the City Manager to enter into the transaction of the sale of the property for \$8,846.17.

If you have any questions in this regard, please contact me. Thank you.

ESJ/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2002-_____

3 AUTHORIZING THE CITY MANAGER TO ENTER INTO A
4 TRANSACTION FOR THE SALE OF CITY OWNED PROPERTY
5 LOCATED AT THE NORTHERLY 3496.51 SQUARE FEET OF LOT
6 64, COUNTRY GLEN ESTATES, KEIZER, MARION COUNTY,
7 OREGON TO ALI H. HASSOUN AND KARA A STAFFORD

8 WHEREAS, Ali H. Hassoun and Kara A. Stafford have requested the City to sell
9 to them property located at the northerly 3496.51 square feet of Lot 64, Country Glen
10 Estates, Keizer, Marion County, Oregon for use as additional residential yard area.

11 WHEREAS, a notice of hearing as provided in ORS 221.725 was completed and
12 a public hearing was held on August 5, 2002;

13 WHEREAS, the City Council of the City of Keizer enters the findings set forth
14 below;

15 NOW, THEREFORE,

16 BE IT RESOLVED as follows:

17 Section 1. PUBLIC HEARING. A public hearing was held before the City
18 Council on August 5, 2002. Notice of such hearing was published concerning the above
19 referenced sale.

20 Section 2. FINDINGS. The notice requirements of ORS 221.725 have been
21 complied with. The nature of the proposed sale and the general terms thereof, including
22 an appraisal or other evidence of the market value of the property have been fully
23 disclosed by the City Council at the public hearing. Any resident of the city has been

1 given an opportunity to present written or oral testimony at the hearing.

2 The property is not necessary for public use. The subject property is of use to the
3 proposed buyers in that it provides them additional residential yard area.

4 It is necessary and convenient to sell the real property at this time as it would be
5 of little or no use to anyone other than the proposed buyer herein and the proposed buyer
6 now wishes to buy the property.

7 Section 3. DECISION TO SELL. Following the public hearing, the City Council
8 voted to sell the subject property to the buyers, on the terms set forth in the attached
9 Agreement.

10 Section 4. AUTHORIZATION TO CITY MANAGER. The City Council hereby
11 authorizes the City Manager to enter into the attached Sale Agreement and Receipt for
12 Earnest Money and to take all acts necessary to consummate the transaction as
13 contemplated therein.

14 PASSED this _____ day of _____, 2002.

15 SIGNED this _____ day of _____, 2002.

16

17

Mayor

18

19

City Recorder

**SALE AGREEMENT AND
RECEIPT FOR EARNEST MONEY**

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

BUYER: ALI H. HASSOUN, as an unmarried
person and KARA A. STAFFORD,
as an unmarried person
6846 Jakewood Court N.E.
Keizer, OR 97303

RECITAL:

Seller desires to sell to Buyer and Buyer desires to purchase from Seller certain real property located in Marion County, Keizer, Oregon (the "Property"):

The approximate northerly 3496.51 square feet of Lot 64, Country Glen Estates, Keizer, Marion County, Oregon as indicated on the attached map(exact legal to follow).

AGREEMENT:

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

1. **Sale and Purchase.** Buyer agrees to purchase the Property from Seller and Seller agrees to sell the Property to Buyer for the sum of \$8,846.17 (the "Purchase Price").

2. **Earnest Money.** Seller hereby acknowledges receipt of the sum of \$500.00 paid by Buyer as earnest money. The earnest money shall be applied to the Purchase Price on the Closing Date, as that term is defined below.

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

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

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

4. **Closing.** Closing shall take place September 30, 2002 (the "Closing Date"), at the offices of Fidelity National Title.

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

6. **Condition.** The sale is conditioned on the following:

6.1 **Final approval of a lot line adjustment of the Property.**

The foregoing condition is for the benefit of both Buyer and Seller and may be waived, in whole or in part, by both Buyer and Seller together. Any waiver must be in writing. Unless waived, if the condition is not satisfied by the date specified, this Agreement may be terminated, by written notice from either party, in which event the earnest money shall be refunded to Buyer and this Agreement shall be null and void.

7. **Seller's Covenants.** Seller covenants that, not later than August 7, 2002, Seller will initiate the process for a lot line adjustment of the Property. Seller shall pay for the fees required to begin the lot line adjustment process.

Buyer understands and agrees that Seller, as a governmental body, cannot and should not commit in advance to the granting of a lot line adjustment, as there is a separate process to make such decisions, and it is inappropriate for Seller herein to agree in advance to such granting of the lot line adjustment. Seller agrees

to move forward with review of the lot line adjustment in good faith without any commitment to the granting of such lot line adjustment.

8. **Survey.** Buyer agrees that, not later than September 16, 2002, Buyer will obtain the necessary surveys required for the lot line adjustment process including acquiring the legal description for the Property. Buyer shall pay the costs involved in obtaining the surveys.

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

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

11. **Costs and Expenses.** Seller shall pay for all premiums for the title insurance policy, one-half of the escrow fees and costs, all of the fees required to begin the lot line adjustment process, and Seller's share of prorations. Buyer shall pay one-half of the escrow fees and costs, all of the costs associated with obtaining the surveys, all document recording charges, and Buyer's share of prorations. Seller and Buyer shall each pay their own legal and professional fees respectfully. All other costs and expenses shall be allocated between Seller and Buyer in accordance with the customary practice in Marion County, Oregon.

12. **Taxes; Prorates.** Real property taxes, if any, for the current tax year and other usual items shall be prorated as of the Closing Date.

13. **Possession.** Buyer shall be entitled to possession immediately upon closing.

14. **Property Included.** The Property is bare land only. No fixtures are part of the Property.

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

16. **Property Sold "AS IS".** Buyer has had and has exercised a full and complete opportunity to inspect and investigate the property. No representations or warranties have been made by the

Seller or anyone on Seller's behalf to the Buyer as to the environmental or other condition of the premises or the improvements, and it is understood and agreed that the premises are sold "as is" at the time this Agreement is closed.

Buyer hereby waives, releases, acquits and forever discharges Seller, its employees or agents or any other person acting on behalf of Seller, of and from any and all claims, actions, causes of action, demands, rights, damages, costs, expenses, or compensation whatsoever, direct or indirect, known or unknown, foreseen or unforeseen, which Buyer now has or which may arise in the future on account of or in any way growing out of or in connection with any physical characteristics or existing condition including, without limit, subsurface conditions and solid and hazardous wastes, and hazardous substances, on, under, or related to the real property, or any law or regulation applicable thereto.

17. Exempt From Disclosure/Disclaimer Statutes. Seller hereby indicates to Buyer that the Property is bare land only and therefore not subject to disclosure/disclaimer statutes (ORS 105.465-105.490).

18. Seller Held Harmless as Municipal Government. Buyer agrees and understands that Seller's responsibility and obligations under this Agreement do not and cannot bind Seller as to its duties as municipal government which are necessarily separate and apart from its obligations hereunder. To that end, with regard to any actions that may affect Buyer's operation of the Premises in any manner whatsoever, Buyer agrees to hold Seller harmless from any acts Seller may take to enforce in good faith any lawful ordinances or regulations, or any other acts Seller may take with regard to the adoption of appropriate and necessary laws and ordinances, or any other acts Seller may take in its role as municipal government. This provision shall survive closing and shall not merge with the deed.

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

20. Remedies. Time is of the essence of this Agreement. If this Agreement does not close, through no fault of Seller, prior to the close of business on the closing date specified above, Buyer shall forfeit the earnest money to Seller as liquidated damages, and such forfeiture shall be Seller's sole remedy. If Seller cannot furnish marketable title at closing or otherwise fails to consummate this transaction, the earnest money shall be refunded to

Buyer, and Buyer shall be entitled to its actual out-of-pocket expenses. The refund of the earnest money and reimbursement of the expenses shall be Buyer's sole remedy.

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

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

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

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

25. Acceptance. This Agreement shall be null and void unless accepted by Seller, by Seller's execution of it, on or before August 7, 2002. Buyer may not revoke this offer prior to such date.

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

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

BUYER HAS READ AND UNDERSTANDS ALL THE CONTENTS OF THIS SALE AGREEMENT. THIS IS A BINDING CONTRACT ONCE SIGNED BY SELLER. BUYER IS URGED TO SEEK LEGAL COUNSEL OF THEIR OWN CHOOSING.

SELLER:

Dated: _____

THE CITY OF KEIZER, an Oregon
municipal corporation

By: _____
Christopher C. Eppley,
City Manager

BUYER:

Dated: 7/18/2002

Ali H. Hassoun
Ali H. Hassoun

Dated: 7-18-02

Kara A. Hassoun
Kara A. Stafford
Married name is Hassoun

COUNTRY
GLEN PARK

PARKSIDE CT. NE

EXISTING LOT 1
7407.95 SQ. FT.

PROPOSED NEW LOT
3496.51 SQ. FT.

REMAINING AREA LOT 2
5492.21 SQ. FT.

JAKEWOOD CT.



1" = 40'



August 5, 2002

AGENDA ITEM 6d

**ORDINANCE – DECLARING A LIEN AGAINST PROPERTY LOCATED
AT 4915 RICKMAN ROAD NE, KEIZER FOR RECOVERY OF COSTS
FOR DESTRUCTION OF DANGEROUS BUILDING**

Memo To: Mayor Christopher and City Councilors

From: Maria Meier, Planning Director
Rob Kissler, Director of Public Works
Tracy Davis, City Recorder

Through: Chris Eppley, City Manager

Date: August 1, 2002

Re: Recovery of Costs for Destruction of Dangerous Building at 4915 Rickman Road NE, Keizer.

Background

The City of Keizer received a complaint of a potentially dangerous building on property located at 4915 Rickman Road NE, Keizer. The property owners of the subject property are James and Risa Cowley. The subject property is located immediately south of Chalmers-Jones Skate Park. The dilapidated accessory structure had at least two walls fallen apart, one wall partly fallen into the structure, and less than half of a roof existing over the structure (Exhibits A & B).

Upon receipt of the complaint, the Community Development Department requested assistance from the Keizer Fire District to determine if the building was a fire, life, and safety hazard. The Keizer Fire District did deem the building a fire, life, and safety hazard (Exhibit C).

Notice was sent to the property owner via certified mail, regular mail, and posted the property requiring the property owner to remove the structure from the property. The property owner refused to claim the certified letters, however the notices sent via regular mail were not returned by the post office and notice was placed on the front door of the primary residence on the subject property.

Upon no action by the property owner to remove the dangerous building from the subject property, notice was sent to the property owner via certified mail, regular mail,

and posted the property indicating the City's intention to remove the structure from the property in accordance with the Dangerous Building Ordinance No. 90-184 (Exhibit D). The property owner refused to claim the certified letters, however the notices sent via regular mail were not returned by the post office and notice was placed on the front door of the primary residence on the subject property.

Issue

The property did not elect to remove the structure voluntarily. The property owner also chose to not communicate with the City regarding the City's planned action to remove the structure from the property. Six months after the City's initial notice provided to the property owner, the City tore down and disposed of the dangerous building.

The work order from the Department of Public Works, invoice from Valley Recycling, and statement of costs for staff resources expended by the Code Enforcement Officer generated a total expense of \$959.76 for the removal of the structure. Attached is a copy of the Statement of Costs for abatement of the dangerous building.

City of Keizer Ordinance No. 90-184 Abatement of Dangerous Buildings, Chapter 9, Recovery of Cost of Repair or Demolition of a Dangerous Building requires the Public Works Director to itemize expenses by the City to demolish any building under this ordinance (See attached). A public hearing is then required to provide an opportunity for any protest or objection.

Notice of this public hearing was sent to the property owner via certified mail and regular mail (Exhibit F), the property was posted, and notice was printed in the newspaper. The property owner refused to claim the certified letter, however the notices sent via regular mail were not returned by the post office and notice was placed on the front door of the primary residence on the subject property.

Section 905 of this ordinance allows the City Council to charge the property owner as either a personal obligation or assess the charges to the property. Section 905(b) and (c) state the following:

"(b) Personal Obligation. If the City Council orders that the charge shall be a personal obligation of the property owner, it shall direct the City Attorney to collect the same on behalf of the City of Keizer by use of all appropriate legal remedies.

(c) Special Assessment. If the City Council orders that the charge shall be assessed against the property it shall confirm the assessment, cause the same to be recorded on the city lien docket and thereafter said assessment shall constitute a special assessment against and a lien upon the property."

The subject property has a previous lien assessed to the property for a previous violation.

Recommendation

Staff recommends the City Council adopt the attached ordinance declaring a lien against the subject for the recovery of cost for the removal of the dangerous building.

Attachments

- Exhibit A Photographs of dangerous building before destruction
- Exhibit B Photographs of dangerous building before and during destruction
- Exhibit C Determination from Keizer Fire District
- Exhibit D Ordinance No. 90-184, Abatement of Dangerous Buildings
- Exhibit E Statement of Costs for Abatement of Dangerous Building
- Exhibit F Notice to Abate Dangerous Building
- Exhibit G Notice of Public Hearing for Recovery of Costs

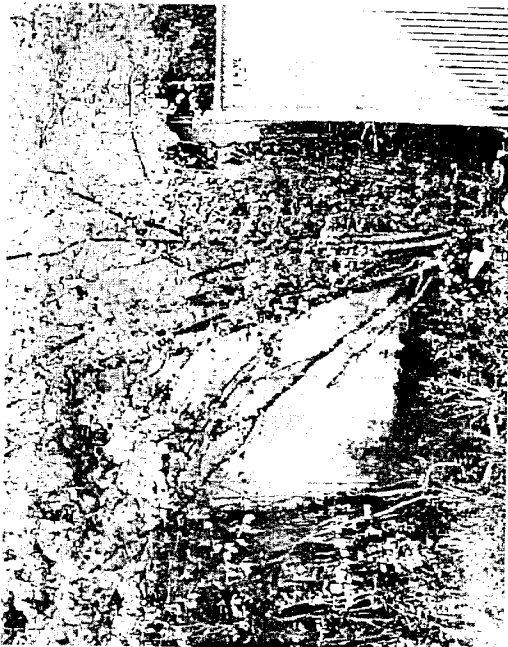
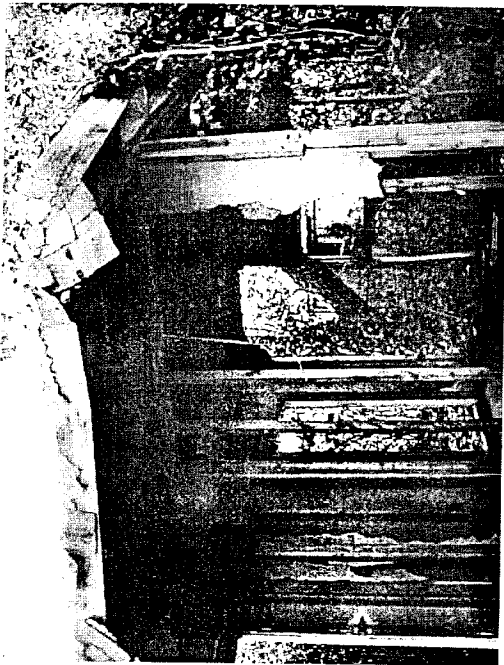
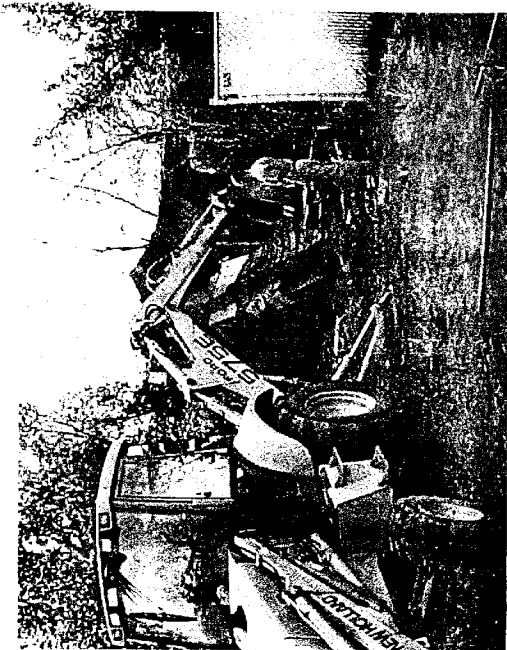
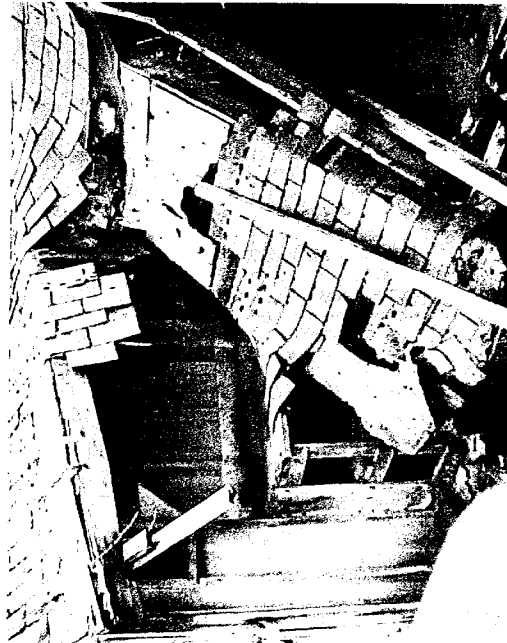


EXHIBIT A



City of Keizer removal of
dangerous building.
4/22/02



Portion of west wall before
demolition.
4/22/02



KEIZER FIRE DISTRICT

August 14, 2001

Maria Meier, City Planner
City of Keizer
930 Chemawa Rd NE
Keizer, OR 97303

Dear Maria,

On August 10th, 2001, I inspected the property located at the southern edge of the Skate Park located in approximately the 4900 block of Rickman Rd NE.

It is the Fire District's opinion; the dilapidated accessory structure located to the rear of the lot, next to the Skate Park constitutes a fire and life hazard and should be removed as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Rod Conway".

Rod Conway, Deputy Fire Marshal

EXHIBIT C

AN ORDINANCE

ADOPTING A UNIFORM CODE FOR
ABATEMENT OF DANGEROUS BUILDINGS AND
DECLARING AN EMERGENCY

(NOTE: Portions of this code are reproduced from the 1988 edition of the Uniform Code for the Abatement of Dangerous Buildings, copyright © 1988, with the written permission of the publishers, the International Conference of Building Officials.)

The City of Keizer ordains as follows:

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CHAPTER 1 TITLE AND SCOPE

TITLE

Sec. 101. These regulations shall be known as the "Uniform Code for the Abatement of Dangerous Buildings," and may be cited as such, and will be referred to herein as "this code."

PURPOSE AND SCOPE

Sec. 102. (a) **Purpose.** It is the purpose of this code to provide a just, equitable and practicable method, to be cumulative with and in addition to, any other remedy provided by the Building Code, or otherwise available at law, whereby buildings or structures which from any cause endanger the life, limb, health, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

The purpose of this code is not to create or otherwise establish or designate any particular class or group of person who will or should be especially protected or benefited by the terms of this code.

(b) **Scope.** The provisions of this code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in the City of Keizer.

ALTERATIONS, ADDITIONS AND REPAIRS

Sec. 103. All buildings or structures which are required to be repaired under the provisions of this code shall also be subject to the provisions of the Building Code.

CHAPTER 2 ENFORCEMENT

GENERAL

Sec. 201 (a) Administration. The City Manager is hereby authorized to enforce the provisions of this code.

The City Manager shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as he may deem necessary in order to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

(b) Inspections. The health officer, the fire chief and the City Manager are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

(c) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the City Manager or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the City Manager or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the City Manager by this code, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If such entry is refused, the City Manager or his authorized representative shall have recourse to every remedy provided by law to secure entry.

"Authorized representative" shall include the officers named in Section 201 (b) and their authorized inspection personnel.

ABATEMENT OF DANGEROUS BUILDINGS

Sec. 202. All buildings or portions thereof which are determined after inspection by the City Manager to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or

removal in accordance with the procedure specified in Section 401 of this code.

VIOLATIONS

Sec. 203. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

INSPECTION OF WORK

Sec. 204. All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the City Manager in accordance with and in the manner provided by this code and the Building Code.

CHAPTER 3 DEFINITIONS

GENERAL

Sec. 301. For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

BUILDING CODE is the State of Oregon 1990 edition of the Structural Specialty Code, as adopted by the City of Keizer.

CITY MANAGER shall mean the City of Keizer City Manager or his designee.

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

DANGEROUS BUILDING

Sec. 302. For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

1. Whenever any door, aisle, passageway, stairway or other

means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has wrecked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural

members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants or criminals; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the Building Code, or of any law or ordinance of this state or city relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws, and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause is determined by the fire chief to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

18. Whenever any portion of a building or structure remains

on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

CHAPTER 4 NOTICES AND ORDERS OF CITY MANAGER

GENERAL

Sec. 401. (a) Commencement of Proceedings. Whenever the City Manager has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, he shall commence proceedings to cause the repair, vacation or demolition of the building.

(b) Notice and Order. The City Manager shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.

2. A statement that the City Manager has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.

3. A statement of the action required to be taken as determined by the City Manager:

- (i) If the City Manager has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the City Manager shall determine is reasonable under all of the circumstances.
- (ii) If the City Manager has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the City Manager to be reasonable.
- (iii) If the City Manager has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the City Manager shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from

the date of the order, and that the demolition be completed within such time as the City Manager shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the City Manager (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the cost thereof against the property or its owner.

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the City Manager to the Planning Commission, provided the appeal is made in writing as provided in this code and filed with the City Manager within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

(c) **Service of Notice and Order.** The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the City Manager or disclosed from official public records: The holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the City Manager to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this section.

(d) **Method of Service.** Service of the notice and order shall be made upon all persons entitled thereto either (i) personally or (ii) by mailing a copy of such notice and order both first class and by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last equalized assessment roll of the county or as known to the City Manager. If no address of any such person so appears or is known to the City Manager, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by first class and certified mail in the manner herein provided shall be effective on the date of mailing.

(e) **Proof of Service.** Proof of service of the notice and order shall be certified to at the time of service by a written

declaration under penalty of perjury executed by the persons effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the City Manager.

RECORDATION OF NOTICE AND ORDER

Sec. 402. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the City Manager shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the City Manager shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

REPAIR, VACATION AND DEMOLITION

Sec. 403. The following standards shall be followed by the City Manager (and by the Planning Commission and/or City Council if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure;

1. Any building declared a dangerous building under this code shall be made to comply with one of the following:

- (i) The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or
- (ii) The building shall be demolished at the option of the building owner; or
- (iii) If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

NOTICE TO VACATE

Sec. 404 (a) Posting. Every notice to vacate shall, in addition to being served as provided in Section 401 (c), be posted at or upon each exit of the building and shall be in substantially the following form:

**DO NOT ENTER
UNSAFE TO OCCUPY
It is a violation of City of Keizer
Ordinance No. 90-184 to occupy this building,
or to remove or deface this notice.**

(b) Compliance. Whenever such notice is posted, the City Manager shall include a notification thereof in the notice and order issued by him under Subsection (b) of Section 401, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been posted until the required repairs, demolition or removal have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code.

CHAPTER 5 APPEAL

GENERAL

Sec. 501 (a) Form of Appeal. Any person entitled to service under Section 401 (c) may appeal from any notice and order or any action of the City Manager under this code by filing at the office of the City Manager a written appeal containing:

1. A heading in the words: "Before the Planning Commission of the City of Keizer".
2. A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

6. The signatures of all parties named as appellants and their official mailing addresses.

7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the City Manager; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public, or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the City Manager.

(b) **Processing of Appeal.** Upon receipt of any appeal filed pursuant to this section, the City Manager shall present it at the next regular or special meeting of the Planning Commission.

(c) **Scheduling and Noticing Appeal for Hearing.** As soon as practicable after receiving the written appeal, the Planning Commission shall fix a date, time and place for the hearing of the appeal. Such date shall be not less than 10 days nor more than 60 days from the date the appeal was filed with the City Manager. Written notice of the time and place of the hearing to each appellant by the secretary of the Planning Commission either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

EFFECT OF FAILURE TO APPEAL

Sec. 502. Failure of any person to file an appeal in accordance with the provisions of this code shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order or any portion thereof.

SCOPE OF HEARING ON APPEAL

Sec. 503. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

STAYING OF ORDER UNDER APPEAL

Sec. 504. Except for vacation orders made pursuant to Section 403 (2), enforcement of any notice and order of the City Manager issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

CHAPTER 6
PROCEDURE FOR CONDUCT
OF HEARING APPEALS

GENERAL

Sec. 601. (a) Hearing Examiners. The Planning Commission may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted by him to the Planning Commission for decision.

(b) Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the Planning Commission.

(c) Reporting. The proceedings at the hearing shall also be reported by a stenographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the Planning Commission, but shall in no event be greater than the cost involved.

(d) Continuances. The Planning Commission may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by him for good cause shown so long as the matter remains before him.

(e) Oaths-Certification. In any proceedings under this chapter, the Planning Commission, any Planning Commission member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

(f) Reasonable Dispatch. The Planning Commission and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

FORM OF NOTICE OF HEARING

Sec. 602. The notice to appellant shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before (the Planning Commission or name of hearing examiner) at _____ on the _____ day of _____, 19____, at the hour _____ upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be

given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with (Planning Commission or name of hearing examiner)."

SUBPOENAS

Sec. 603 (a) Filing of Affidavit. The Planning Commission or examiner may obtain the issuance and service of a subpoena for the attendance of witnesses or the production or other evidence at a hearing upon the request of a member of the Planning Commission or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact thing sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in his possession or under his control. A subpoena need not be issued when the affidavit is defective in any particular.

(b) Cases Referred to Examiner. In cases where a hearing is referred to an examiner, all subpoenas shall be obtained through the examiner.

(c) Penalties. Any person who refuses without lawful excuse to attend any hearing or to produce material evidence in his possession or under his control as required by any subpoena served upon such person as provided for herein shall be guilty of an infraction.

CONDUCT OF HEARING

Sec. 604 (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(c) Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

(d) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

(e) **Exclusion of Evidence.** Irrelevant and unduly repetitious evidence shall be excluded.

(f) **Rights of Parties.** Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut the evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(g) **Official Notice. 1. What may be noticed.** In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the Planning Commission or departments and ordinances of the city or rules and regulations of the Planning Commission.

2. **Parties to be notified.** Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

3. **Opportunity to refute.** Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation or authority, the manner of such refutation to be determined by the Planning Commission or hearing examiner.

4. **Inspection of the premises.** The Planning Commission or the hearing examiner may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the Planning Commission or the hearing examiner shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Planning Commission or hearing examiner.

METHOD AND FORM OF DECISION

Sec. 605 (a) Hearing Before Planning Commission Itself. Where a contested case is heard before the Planning Commission itself, no member thereof who did not hear the evidence or has not read the entire record of the proceeding shall vote on or take part in the decision.

(b) Hearing Before Examiner. If a contested case is heard by a hearing examiner alone, he shall within a reasonable time (not to exceed 30 days from the date the hearing is closed) submit a written report to the Planning Commission. Such report shall contain a brief summary of the evidence considered and state the examiner's findings, conclusions and recommendations. The report also shall contain a proposed decision in such form that it may be adopted by the Planning Commission as its decision in the case. All examiner's reports filed with the Planning Commission shall be matters of public record. A copy of each such report and proposed decision shall be mailed to each party on the date they are filed with the Planning Commission.

(c) Consideration of Report by Planning Commission - Notice. The Planning Commission shall fix the time, date and place to consider the examiner's report and proposed decision. Notice thereof shall be mailed to each interested party not less than five days prior to the date fixed, unless it is otherwise stipulated by all of the parties.

(d) Exception to Report. Not later than two days before the date set to consider the report, any party may file written exceptions to any part or all of the examiner's report and may attach thereto a proposed decision together with written argument in support of such decision. By leave of the Planning Commission, any party may present oral argument to the Planning Commission.

(e) Disposition by the Planning Commission. The Planning Commission may adopt or reject the proposed decision in its entirety, or may modify the proposed decision.

(f) Proposed Decision Not Adopted. If the proposed decision is not adopted as provided in Subsection (e), the Planning Commission may decide the case upon the entire record before it, with or without taking additional evidence, or may refer the case to the same or another hearing examiner to take additional evidence. If the case is reassigned to a hearing examiner, he shall prepare a report and proposed decision as provided in Subsection (b) hereof after any additional evidence is submitted. Consideration of such proposed decision by the Planning Commission shall comply with the provisions of this section.

(g) Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues

presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.

(h) Effective Date of Decision. If not appealed to the City Council, the decision shall be final and effective ten days after the date of mailing the decision.

(i) City Council Appeal. The City Council shall, upon written notice of any party received by the City Manager within 10 days of date of mailing the decision, or upon the City Council's own motion, hear an appeal from the Planning Commission decision.

(1) Upon receipt of such written notice, the City Manager immediately shall set the time and place of the hearing before the City Council and notify the parties in the manner set forth in Section 501(c). Such hearing shall be set for a date which is no later than 30 days following receipt of the written notice.

(2) The appeal to the City Council shall be conducted as a de novo hearing and, within the limits of Section 503, any party may introduce any new or additional evidence.

(3) All provisions of this code, including, but not limited to Chapters 5 and 6, shall apply to the City Council hearing and decision.

(4) The City Council shall decide the appeal by Order within 30 days of the close of the hearing. The effective date shall be as stated in the City Council motion. The City Council's Order shall be the final decision on the matter.

CHAPTER 7

ENFORCEMENT OF THE ORDER OF THE CITY MANAGER OR THE PLANNING COMMISSION

COMPLIANCE

Sec. 701 (a) General. After any order of the City Manager or the Planning Commission or City Council made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of an infraction.

(b) Failure to Obey Order. If, after any order of the City Manager or Planning Commission made pursuant to this code has

become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the City Manager may (i) cause such person to be prosecuted under Subsection (a) of this section or (ii) institute any appropriate action to abate such building as a public nuisance.

(c) **Failure to Commence Work.** Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

1. The City Manager shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

**DANGEROUS BUILDING
DO NOT OCCUPY
It is a violation of City of Keizer
Ordinance No. 90-184 to occupy this building
or to remove or deface this notice**

2. No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the City Manager have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code.

3. The City Manager may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order, or, if the notice and order required demolition, to cause the building to be sold and demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto as their interest may appear of record.

EXTENSION OF TIME TO PERFORM WORK

Sec. 702. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he will comply with the order if allowed additional time, the City Manager may, in his discretion, grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the City Manager determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property.

The City Manager's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal his notice and order.

INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED

Sec. 703. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City of Keizer or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of the City of Keizer, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

CHAPTER 8 PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

GENERAL

Sec. 801. (a) Procedure. When any work of repair or demolition is to be done pursuant to Section 701 (c) 3 of this code, the City Manager shall issue his order therefor to the Director of Public Works and the work shall be accomplished by personnel of the City of Keizer or by private contract under the direction of said director. Plans and specifications therefor may be prepared by said director, or he may employ such architectural and engineering assistance on a contract basis as he may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

(b) Costs. The cost of such work shall be paid from the general fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the City Council of the City of Keizer shall determine appropriate.

**CHAPTER 9
RECOVERY COST OF
REPAIR OR DEMOLITION**

ACCOUNT OF EXPENSE, FILING OF REPORT: CONTENTS

Sec. 901. The Director of Public Works shall keep an itemized account of the expense incurred by the City of Keizer in the repair or demolition of any building done pursuant to the provisions of Section 701 (c) 3 of this code. Upon the completion of the work of repair or demolition, said Director shall prepare and file with the City Recorder a report specifying the work done, the itemized total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Subsection (c) of Section 401.

REPORT TRANSMITTED TO COUNCIL - SET FOR HEARING

Sec. 902. Upon receipt of said report, the City Recorder shall present it to the City Council for consideration. The City Council shall fix a time, date and place for hearing said report and any protests or objections thereto. The City Recorder shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in the City of Keizer, and served by both first class and certified mail, postage prepaid, addressed to the owner of the property as his name and address appear on the last equalized assessment roll of the county, if such so appear, or as known to the city recorder. Such notice shall be given at least 10 days prior to the date set for hearing and shall specify the day, hour and place when the City Council will hear and pass upon the director's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

PROTESTS AND OBJECTIONS-HOW MADE

Sec. 903. Any person interested in or affected by the proposed charge may file written protests or objections with the City Recorder at any time prior to the time set for the hearing on the report of the Director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Recorder shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council of the City of Keizer at the time set for the hearing, and no other protests or objections shall be considered.

HEARING OF PROTESTS

Sec. 904. Upon the day and hour fixed for the hearing the City Council shall hear and pass upon the report of the Director together with any such objections or protests. The City Council may make such revision, correction or modification in the report or the charge as it may deem just; and when the City Council is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the City Council on the report and the charge, and on all protests or objections, shall be final and conclusive.

PERSONAL OBLIGATION OR SPECIAL ASSESSMENT

Sec. 905 (a) General. The City Council may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

(b) Personal Obligation. If the City Council orders that the charge shall be a personal obligation of the property owner, it shall direct the City Attorney to collect the same on behalf of the City of Keizer by use of all appropriate legal remedies.

(c) Special Assessment. If the City Council orders that the charge shall be assessed against the property it shall confirm the assessment, cause the same to be recorded on the city lien docket and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

CONTEST

Sec. 906. The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 30 days after the assessment is placed upon the assessment roll as provided herein.

AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST

Sec. 907. The City Council in its discretion, may determine that assessments in amounts of \$500.00 or more shall be payable in not to exceed five equal annual installments. The City Council's determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by a resolution adopted prior to the confirmation of the assessment.

LIEN OF ASSESSMENT

Sec. 908 (a) Priority. Immediately upon its being placed on the city lien docket the assessment shall be deemed to be

complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid. The lien may be foreclosed in the manner provided by law for the foreclosure of liens for street improvements.

(b) Interest. All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 7 percent per annum from and after said date.

EFFECTIVE DATE

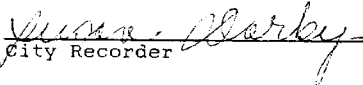
Sec. 909. This ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage.

PASSED this 20th day of August, 1990.

SIGNED this 22nd day of August, 1990.



Mayor



City Recorder

2988COK.001

City of Keizer
REPORT OF WORK DONE AND STATEMENT OF COSTS
FOR ABATEMENT OF A DANGEROUS, VACANT AND DERELICT BUILDING
At 4915 Rickman Rd NE, Keizer, Oregon

Date of this Statement: May 15, 2002

1. Report of Work Performed:

On April 22, 2002 the City of Keizer demolished the dangerous, vacant and derelict building at 4915 Rickman Rd NE. (The accessory structure located on the rear of the property) The building was demolished and disposed of. The area where the building was located was cleaned of all debris associated with the structure. Two public works staff and the code enforcement officer performed the work. One backhoe was used for the project and a dumpster was ordered through our franchised garbage hauler to use for disposal of all materials that were removed from the premises.

2. Itemization of Abatement Costs:

<u>Item</u>	<u>Amount</u>
Public works staff time (2 employees for 6 hours)	\$ 240.00
Backhoe time	150.00
Code Enforcement Officer Time (7 hours)	130.41
Drop Box Charge (Dumpster)	439.35
TOTAL COSTS	\$ 959.76

3. Description of Real Property:

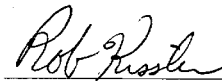
The real property on which the building ~~existed~~ is located at 4915 Rickman Rd NE. The structure declared a dangerous building that was removed, was the accessory structure located in the rear of the property.

4. Names and addressed of persons entitled to notice:

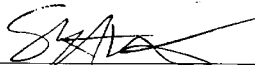
James Cowley
4915 Rickman Rd NE
Keizer, OR 97303

Risa Cowley
4915 Rickman Rd NE
Keizer, OR 97303

5. Statement of costs prepared and calculated by the undersigned:



Rob Kissler
City of Keizer
Public Works Director



Shane Witham
City of Keizer
Code Enforcement/Zoning Technician

EXHIBIT E

932230

VALLEY RECYCLING AND DISPOSAL PHONE: 585-4300
P.O. BOX 5700 • SALEM, OR 97304-0700

VALLEY RECYCLING AND DISPOSAL PHONE: 585-4300
P.O. BOX 5700 • SALEM, OR 97304-0700

KEIZER HAS PROPOSED A FRANCISE
FEE INCREASE OF 2% IF APPROVED
RATES WILL BE RAISED JULY 1ST
ACCORDINGLY.

CLOSING DATE	ACCOUNT NO.	PREVIOUS BALANCE
04/30/02	904759	262.75

KEIZER PARKS

04-17 PAYMT THANK YOU 262.75-

04-30 APR SERVICE 246.80

CLAGETT/CHEMAWA CANS

04-30 APR SERVICE 15.95

KEIZER HAS PROPOSED A FRANCISE
FEE INCREASE OF 2% IF APPROVED
RATES WILL BE RAISED JULY 1ST
ACCORDINGLY.

CLOSING DATE	ACCOUNT NO.	PREVIOUS BALANCE
04/30/02	994693	

SKATE PARK-DROP BOX

04-23 DROP BOX SERV 439.35

RECEIVED

MAY 02 2002

CITY OF KEIZER
OREGON 97303

.00	.00	262.75
AMOUNT ON WHICH FINANCE CHARGE COMPUTED	FINANCE CHARGE	AMOUNT DUE

RECEIVED

MAY 02 2002
CITY OF KEIZER
OREGON 97303

.00	.00	439.35
AMOUNT ON WHICH FINANCE CHARGE COMPUTED	FINANCE CHARGE	AMOUNT DUE

|||||

|||||

0.*

262.75+
439.35+
702.10*

Parks Planning *Pub 5-7-02*
CITY OF KEIZER
ACCT 010-106-225850 \$ 262.75
ACCT 010-108-225950 \$ 439.35
APPR *4.11.02* 5-8-02 DATE

(Signature)

T0H7T1:] u/\i#OM

Work Order

Name	David, Al
Date	4-22-02

Streets Department	
Water Department	

[illegible]

City of Keizer
User: engelhar

Payroll
Employee Master

Printed: 05/15/2002 09:46

Employee: 9802 SHANE WITHAM

Title: Code Enforcement

Dept: Com Dev

Address: 7675 O'NEIL ROAD NE

Salary Level:

SSN: 541-19-7662

Home Phone: (503) 390-7216

Bus Phone: () -

KEIZER,

OR 97303-

Sex: Male

Status: Active

WC Code: 9410

Task: -

Birth Date: 06/12/1976

Hire Date: 07/01/1998

Anniversary Date: 07/01/1998

Termination Date:

Federal Status: M

Dependents: 0

Extra: 0.00

State Status: M

Dependents: 0

Extra: 0.00

Other Allow: 0

Status: F

Dependents: 0

Extra: 0.00

Other Allow: 0

Hrs/Yr: 2080

Prds/Yr: 026

Salary: \$1,184.31

Hrly Rate: 14.80388

Pay Code: R

Net Amount: \$922.33

YTD Gross: \$1,184.31

Code	Description	Percentage	Amount	Max Amount	YTD Amount	Status	Co. Paid
WC	WC ER Paid		\$0.03600	.54	\$2.63	Active	yes
STATE	State Income Tax			\$0.00	\$71.73	Active	no
MEDIR	Medicare Employer Portion	1.45000%		\$0.00	\$17.17	Active	yes
09	LIFE INSURANCE		\$6.00000	\$0.00	\$0.00	Suspended	yes
16	DENTAL INSURANCE		\$75.64000	.32 per hr	\$0.00	Suspended	yes
18	HEALTH INSURANCE		\$333.75000	1.12 per hr	\$0.00	Suspended	yes
23	125 BENEFIT PREMIUM		\$65.55000	\$0.00	\$65.55	Active	no
BB6	WASHINGTON MUTUAL	100.00000%		\$0.00	\$922.33	Active	no
D3	CITY 457 RETIRE-ICMA<6			\$0.00	\$0.00	Suspended	yes
D4.5	City Paid/ICMA 401	11.00000%		1.63	\$130.27	Active	yes
FED	Federal Income Tax			\$0.00	\$107.53	Active	no
MEDI	Medicare Employee Portion	1.45000%		.22	\$17.17	Active	no

With Employer Pd benefits = 18.63

14.80 +
0.54 +
0.32 +
1.12 +
1.63 +
0.22 +
18.63 *

0.00 *

AFFIDAVIT OF MAILING AND POSTING

STATE OF OREGON)
) ss.
County of Marion)

I, Shane Witham, being first duly sworn, do depose and say the following:

1. I am the Code Enforcement Officer for the City of Keizer, Oregon.
2. On FEBRUARY 14, 2002, I placed in the U.S. mails at Keizer, Marion County, Oregon for delivery originals of the attached true copy of the Amended Notice to Abate a Dangerous, Vacant and Derelict Building. Such notice was mailed to the following persons:

<u>Name</u>	<u>Address</u>
James Cowley	4915 Rickman Road N.E. Keizer, OR 97303
Risa Cowley	4915 Rickman Road N.E. Keizer, OR 97303

3. Such Amended Notice to Abate a Dangerous, Vacant and Derelict Building was sent both certified mail, return receipt requested, and first class mail.
4. On FEBRUARY 14, 2002, the subject property, 4915 Rickman Road N.E., Keizer, Oregon, was posted with such Amended Notice to Abate a Dangerous, Vacant and Derelict Building.

Shane Witham
Shane Witham, Code Enforcement Officer

SUBSCRIBED AND SWORN to before me this 14th day of February, 2002.



Tracy L. Davis
NOTARY PUBLIC FOR OREGON
My Commission Expires: 11/28/2003

AMENDED NOTICE TO ABATE A DANGEROUS,
VACANT AND DERELICT BUILDING

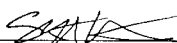
Date of this Notice: FEBRUARY 14, 2002

To: James and Risa Cowley (owners)

This is a formal amended notice to abate a dangerous, vacant and derelict building pursuant to the Keizer Uniform Code for Abatement of Dangerous Buildings Procedure (Ordinance No. 90-184). This amended notice is being provided to clarify the description of the conditions rendering the building dangerous and to specify what action is required, the time period in which the action needs to be taken and other important information. The description of the property in question, a description of the nuisance, and other important information are noted below:

1. **Description of real property and structure.** The real property on which the dangerous building exists is located at 4915 Rickman Road N.E., Keizer, Oregon. The structure declared a dangerous building is the accessory structure located in the rear of the property.
2. **Description of conditions rendering building dangerous.** The City Manager or his designee has found the identified structure to be dangerous for the following reasons: 1) code violations in that the accessory structure's structural strength or stability is materially less than the minimum requirements of the Building Code; 2) the accessory structure is likely to fail or to collapse and injure persons; or 3) the fire chief has declared such accessory structure to be a fire and life hazard (see Deputy Fire Marshal letter dated August 14, 2001, attached)
3. **Action required.** Within sixty (60) days from the above date, you are directed to abate the dangerous, vacant and derelict building by demolishing the accessory structure to comply with the following ordinance: Dangerous Building Code (No. 90-184)
4. **City may abate and charge costs.** Unless the dangerous building is abated as set forth herein, the City may order the building vacated and posted to prevent further occupancy, and may demolish the dangerous building, and the costs of such abatement will be charged to the Responsible Person, and such costs may become a lien against the property.
5. **Appeal.** Any person having any record title or legal interest in the accessory structure may appeal this action to the Planning Commission, provided the appeal is made in writing as provided in Ordinance No. 90-184 and filed with the City Manager at the address shown below. Such appeal must be received by the City Manager within thirty (30) days from the date of service of this amended notice. The date of mailing is the date of service. Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

If you have any questions regarding this Amended Notice, you should contact the undersigned immediately.


SHANE WITHAM, CODE ENFORCEMENT OFFICER

ADDRESSES:

MAILING ADDRESS:

City Manager
City of Keizer
PO Box 21000
Keizer, OR 97307

STREET ADDRESS:

(Do not use for Mailing)
Keizer City Hall
City of Keizer
930 Chemawa Rd. N.E.
Keizer, Oregon



KEIZER FIRE DISTRICT

August 14, 2001

Maria Meier, City Planner
City of Keizer
930 Chemawa Rd NE
Keizer, OR 97303

Dear Maria,

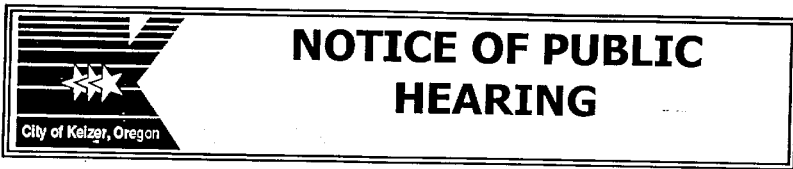
On August 10th, 2001, I inspected the property located at the southern edge of the Skate Park located in approximately the 4900 block of Rickman Rd NE.

It is the Fire District's opinion; the dilapidated accessory structure located to the rear of the lot, next to the Skate Park constitutes a fire and life hazard and should be removed as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Rod Conway".

Rod Conway, Deputy Fire Marshal



RECOVERY OF COSTS – DEMOLITION OF BUILDING 4915 RICKMAN ROAD NE, KEIZER, OREGON

NOTICE is hereby given that the City Council of the City of Keizer will hold a public hearing to determine the correctness of the statement of costs and to declare a lien against subject property – 4915 Rickman Road NE, Keizer, Oregon. Total costs are \$959.76. The party responsible is James A. and Risa E. Cowley.

The hearing shall be held on Monday, August 5, 2002 at 7:00 p.m. at the Robert L. Simon Council Chambers, Keizer City Hall, 930 Chemawa Road NE, Keizer, Oregon.

Anyone wishing to make comment on this matter may provide testimony at the hearing or submit written response to the City Recorder no later than 5:00 p.m. on August 5, 2002. Responses may be delivered to Keizer City Hall or mailed to Tracy L. Davis, City Recorder, P.O. Box 21000, Keizer, Oregon 97307.

The location of the hearing is accessible to the disabled. Please contact the City Recorder at 390-3700, extension 108 at least 48 hours prior to the hearing if you will need any special accommodations to attend or participate in the hearing.

If you have any questions, please contact Shane Witham, Code Enforcement/Zoning Technician at 390-3700, extension 226.

Dated this 24th day of July, 2002.

Tracy L. Davis, CMC
City Recorder

1 **BILL NO. _____**

A BILL

ORDINANCE NO.

2002 - _____

2
3 **FOR**

4
5 **AN ORDINANCE**

6
7 **DECLARING A LIEN AGAINST PROPERTY LOCATED AT 4915 RICKMAN ROAD**
8 **NORTHEAST, KEIZER AND DIRECTING THE CITY RECORDER TO ENTER SUCH**
9 **LIEN IN THE MINOR LIEN DOCKET PURSUANT TO ORDINANCE NO. 90-184**
10 **(ABATEMENT OF DANGEROUS BUILDINGS) DECLARING AN EMERGENCY**
11

12
13 **WHEREAS, the Ordinance of the City of Keizer for Abatement of Dangerous**
14 **Buildings (90-184) provides that buildings or structures which from any cause**
15 **endanger the life, limb, health, property, safety or welfare of the general public or their**
16 **occupant may be required to be repaired, vacated or demolished; and**

17 **WHEREAS, upon receipt of a complaint of a potential dangerous building**
18 **located at 4915 Rickman Road NE, Keizer, the Community Development Department**
19 **requested assistance from the Keizer Fire District to determine if the building was a**
20 **fire, life, and safety hazard. Upon confirmation of the hazards by the Keizer Fire**
21 **District, the Community Development Department requested the property owner**
22 **remove the dangerous building; and**

23 **WHEREAS, the property owner at 4915 Rickman Road NE, Keizer failed to**
24 **comply with the notice to remove the building and the City Manager and/or his**
25 **designee was required to go upon such property to demolish the structure under the**
26 **power given to the City under the Abatement of Dangerous Building Ordinance; and**

27 **WHEREAS, after such work was performed, the City Manager and/or his**
28 **designee notified the property owner by certified mail of the sum of money due to the**
29 **City of Keizer for such worked performed and such person was duly notified of the**
30 **public hearing to consider and assess such cost as a lien against the property; and**

1 WHEREAS, pursuant to the Abatement of Dangerous Building Ordinance, the
2 matter was heard by the City Council at a public hearing on August 5, 2002, after
3 reasonable opportunity for objections; NOW, THEREFORE,
4 The City of Keizer ordains as follows:

5 Section 1. CORRECTNESS OF STATEMENT. The City Council declares the
6 correctness of the statement of costs as set forth in Exhibit "A" attached hereto, and
7 by this reference incorporated herein.

8 Section 2. DECLARATION OF LIEN. The amount set forth on the statement
9 of costs regarding the property located at 4915 Rickman Road NE, Keizer, Oregon is
10 declared to be a lien upon such property, as more particularly described in Exhibit "B"
11 attached, and by this reference incorporated herein.

12 Section 3. ENTRY IN LIEN DOCKET. The City Recorder is directed to enter
13 the amount set forth in Exhibit "A" into the minor lien docket and such amount shall be
14 a lien against the property described in Exhibit "B" from the date of such entry. Such
15 lien shall accrue interest at the rate of seven percent (7%) per annum from the date of
16 the entry in the lien docket until paid.

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

20 PASSED this ____ day of _____, 2002.

21 SIGNED this ____ day of _____, 2002.

22
23
24
25
26
27
28
29

MAYOR

CITY RECORDER

City of Keizer
REPORT OF WORK DONE AND STATEMENT OF COSTS
FOR ABATEMENT OF A DANGEROUS, VACANT AND DERELICT BUILDING
At 4915 Rickman Rd NE, Keizer, Oregon

Date of this Statement: May 15, 2002

1. Report of Work Performed:

On April 22, 2002 the City of Keizer demolished the dangerous, vacant and derelict building at 4915 Rickman Rd NE. (The accessory structure located on the rear of the property) The building was demolished and disposed of. The area where the building was located was cleaned of all debris associated with the structure. Two public works staff and the code enforcement officer performed the work. One backhoe was used for the project and a dumpster was ordered through our franchised garbage hauler to use for disposal of all materials that were removed from the premises.

2. Itemization of Abatement Costs:

<u>Item</u>	<u>Amount</u>
Public works staff time (2 employees for 6 hours)	\$ 240.00
Backhoe time	150.00
Code Enforcement Officer Time (7 hours)	130.41
Drop Box Charge (Dumpster)	439.35
TOTAL COSTS	\$ 959.76

3. Description of Real Property:

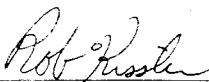
The real property on which the building existed is located at 4915 Rickman Rd NE. The structure declared a dangerous building that was removed, was the accessory structure located in the rear of the property.

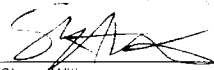
4. Names and addressed of persons entitled to notice:

James Cowley
4915 Rickman Rd NE
Keizer, OR 97303

Risa Cowley
4915 Rickman Rd NE
Keizer, OR 97303

5. Statement of costs prepared and calculated by the undersigned:


Rob Kissler
City of Keizer
Public Works Director


Shane Witham
City of Keizer
Code Enforcement/Zoning Technician



August 5, 2002

AGENDA ITEM 7a

PARKS FUNDING PROPOSAL/CHARTER AMENDMENT

CITY COUNCIL MEETING: August 5, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

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

SUBJECT: *PARKS FUNDING PROPOSAL*

This staff report provides some background and guidance for discussing the implementation of the parks funding proposal being considered by the Council. The premise of the parks funding proposal is that those people who benefit from the availability and use of municipal parks should more directly bear the cost of that benefit. Under this analysis, the charge is best characterized as a fee because it is a charge imposed that is directly related to the benefit received and not tied to property valuation. By contrast, a "tax" is typically described as revenue raised for general support of government functions where the charge is not directly related to a particular service provided by the government. The City Council as the governing body has the authority to impose both a fee and a tax. Of course, there are some legal limitations on that authority. The amount of the fee must be related to the cost of the service provided. The property tax limitation measures adopted in recent years are the most obvious limitations on the power to impose property taxes. Due to those limitation measures, tax on property is subject to specific adoption procedures and limitations. It is the goal of this proposal to structure the charge imposed as a fee.

Council determined that the issue of a parks fee should be approved by the voters. Implementation of this proposal is best made in two steps. The first step is referral of a Charter amendment to the voters for approval in the November general election of 2002. Since the City Council has legal authority to impose the fee without the Charter amendment, passage of the Charter amendment is not required. However, it does indicate public approval of the imposition of a fee to support municipal parks and its wording does limit use of the revenue raised. Actual implementation of the fee would be achieved by adoption of an ordinance establishing the fee, who pays it and the collection procedures.

CHARTER AMENDMENT REFERENDUM

Accomplishing the first step requires Council action to refer the proposed Charter amendment to the voters. The proposed Charter amendment is simple and direct. If the City Council decides to impose a parks fee, the Charter amendment requires the Council to adopt an ordinance to set and collect the fee. That ordinance is subject to referendum. The Charter amendment does limit use of the funds raised by the fee to maintenance, operation and acquisition of municipal parks.

The "Whereas" clauses of the resolution referring the Charter amendment establish the context for the referral. Each measure placed on the ballot must have a ballot title filed with it. The City Council is entitled to write that ballot title. A proposed ballot title is attached to the resolution as Exhibit "B". The form of the ballot title is prescribed by statute. The caption is limited to ten words which reasonably identify the subject of the measure. The question cannot be more than 20 words which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure. The summary is a concise and impartial statement of not more than 175 words summarizing the measure and its major effect. The ballot title as the name indicates, appears on the actual ballot used by the voters. The explanatory statement is used in the voter's pamphlet. The explanatory statement is an impartial, simple and understandable statement explaining the measure and its effect.

After considering the draft resolution and exhibits and making any changes desired, the Council can adopt the finalized Charter amendment, ballot title and explanatory statement by passing the resolution directing the documents to be filed with the city election's officer. The city election's official publishes notice of receipt of the ballot title in the next available addition of a newspaper of general circulation in the city. No later than the seventh business day after the ballot title is filed with the city election's official, a registered voter who is dissatisfied with the ballot title may petition the Circuit Court to review it. The review of the ballot title by the Circuit Court shall be the first and final review. The Circuit Court will expedite the hearing on the ballot title in order to meet election deadlines.

IMPLEMENTING ORDINANCE

The implementing ordinance will be drafted after the Council decides upon the substantive provisions. The Charter amendment imposes no deadline for adoption of the ordinance. Consequently, the ordinance could be discussed and adopted after approval of the Charter amendment by the voters. However, discussion and adoption of the implementing ordinance could be completed before the election with an effective date for the ordinance set after the election.

Whenever adopted, I would envision the ordinance including, but not necessarily limited to, the following provisions:

1. The “Whereas/Findings of Fact” paragraphs. These would explain the circumstances and the reasons the ordinance was adopted. They may include specific findings you want to make to support the method for establishing the fee or who is required to pay the fee. These paragraphs provide the context and rationale for the ordinance provisions.
2. A description of the methodology you will use to set the parks fee. The methodology could be as detailed as a formula, as general as a simple direction to establish the fee by ordinance or something in between such as a list of factors for the Council to consider in establishing the fee.
3. The amount of the fee imposed. I would also recommend including authority to change the fee from time-to-time by ordinance without having to amend or repeal the original ordinance.
4. Who is obligated to pay the fee. Since you want to impose a fee, it is important to remember that whoever pays the fee should benefit from the service. I believe you do have some discretion in how broadly you define “benefit”. You should keep in mind that the more remote the benefit, the more the charge imposed resembles a tax. Also, you should keep in mind that the more directly the charge is imposed on property, the more likely it may be governed by the property tax limitation rules.
5. Time limits for imposing the fee. If you set no time limit, then the fee imposed would be in effect until repealed. You can set a start date for collecting the fee in the future presuming the ballot measure passes. You can also set an ending date for collection of the fee if you choose. Without those limitations, the fee would go into effect 30 days after adoption and remain in effect until changed or repealed.
6. The Charter amendment limits the use of the revenue. Fee revenues must be used for maintenance, operation and acquisition of municipal parks. Consequently, the ordinance should establish a dedicated fund to use for accounting for the revenue generated by the fee.
7. Billing mechanism for the fee. A practical recommendation is to include it as a line item on the utility bill. However, the parks fee bill could be sent separately.

8. Enforcing collection of the fee. The traditional remedies of lawsuit or collection agency are available to enforce the fee. The most practical method would be to permit withholding water service for failure to pay the fee similar to our enforcement mechanism for failure to pay for utility services. The ordinance would also establish a procedure for allocating payments received from customers so that partial payment of the total utility billing could still result in withholding of water service to enforce collection.
9. Miscellaneous. There might be other issues that arise during your discussion that should be addressed in the ordinance. There will also be some of the traditional “boiler plate” provisions that should be included.

RECOMMENDATION:

Vote on the attached Resolution and give staff direction regarding an implementation ordinance.

If you have any questions in this regard, please contact me. Thank you.

JAL/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2002-_____

3 CHARTER AMENDMENT ELECTION

4 WHEREAS, the City of Keizer has limited revenue available to fund the City's
5 operation; and

6 WHEREAS, the City of Keizer budget committee has thoroughly studied the
7 City's financial condition and determined that the City's general tax fund will not be
8 able to adequately support the City parks in the future; and

9 WHEREAS, the City Parks and Recreation Advisory Board, after careful
10 consideration, proposed that the City collect a separate fee to provide funds for
11 maintaining and operating City parks and acquiring additional parks if determined to be
12 necessary by the Park's Master Plan and with public input; and

13 WHEREAS, the City Council has determined that it is appropriate for Keizer
14 voters to decide if the City Charter should be amended to specifically approve the City
15 Council establishing and collecting a fee that would be used to maintain, operate and
16 acquire municipal parks;

17 NOW, THEREFORE,

18 BE IT RESOLVED by the City Council of the City of Keizer that the Keizer City
19 Charter amendment as set forth in Exhibit "A", attached hereto and by this reference
20 incorporated herein, be filed with the City Elections Officer to be referred to a vote of

1 the people by placing the Keizer City Charter amendment on the ballot at the next
2 available election date in accordance with Oregon law.

3 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
4 Ballot Title set forth in Exhibit "B", attached hereto and by this reference incorporated
5 herein, be filed with the City Elections Officer.

6 BE IT FURTHER RESOLVED by the City Council of the City of Keizer that the
7 explanatory statement set forth in Exhibit "C", attached hereto and by this reference
8 incorporated herein be filed with the city elections officer for use in the Voter's
9 Pamphlet.

10 PASSED this _____ day of _____, 2002.

11 SIGNED this _____ day of _____, 2002.

12 _____
13 Mayor

14 _____
15 City Recorder

BALLOT TITLE

Caption

CHARTER AMENDMENT APPROVING COLLECTION OF PARKS FEE.

Question

Shall Charter be amended to approve Keizer City Council establishing and collecting fee to maintain, operate and acquire municipal parks?

Summary

This measure is a Charter amendment. The Keizer City Council referred this Charter amendment to the voters. This measure, if approved, would add Section 45 to the Keizer City Charter in Chapter X - Miscellaneous Provisions as follows:

Section 45. PARKS FEE. The City Council by Ordinance may establish and collect a fee to maintain, operate and acquire municipal parks.

This Charter amendment approves of the Keizer City Council establishing and collecting a fee. The Keizer City Council sets the fee by adopting an Ordinance. The revenue raised by the fee must be used by the City of Keizer to maintain, operate and acquire municipal parks.

EXPLANATORY STATEMENT

This measure is a Charter amendment referred to the voters by the Keizer City Council. If approved, this measure would add Section 45 to the Keizer City Charter in Chapter X - Miscellaneous Provisions as follows:

Section 45. PARKS FEE. The City Council by Ordinance may establish and collect a fee to maintain, operate and acquire municipal parks.

A vote "yes" on this measure approves of the Keizer City Council establishing and collecting a parks fee. Pursuant to this Charter amendment, the revenue raised by this fee must be used by the City of Keizer to maintain, operate and acquire municipal parks. If this measure is approved, the Keizer City Council will set the parks fee by adopting an ordinance at a city council meeting. An ordinance adopted pursuant to this Charter amendment will specify the amount of the fee, who the fee is collected from and how it is collected.

CITY COUNCIL MEETING: _____

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

SUBJECT: PROPOSED PARKS OPERATING BUDGET

DATE: AUGUST 1, 2002

BACKGROUND:

Attached to this staff report are two scenarios' on proposed Parks funding using dwelling units as the collection mechanisms. Staff presented both scenarios to the Parks Advisory Board at the July 23, 2002 work session. The Board chose scenerio two as the preferred option, which includes an additional FTE at entry level, seasonal employee and a Parks staff lead worker (Attachment A).

During the development of the budget scenario's CIP line item, staff worked with the Parks Advisory Board on reviewing the 1992 Parks Master to determine level of improvements (Attachment B). The improvements column of attachment B represents a combination of deleting completed projects and scaled back future projects. The SDC Funds column represents the portion of funds available for park development as outlined in Table 4.1 of the Parks Methodology Report describing the percentages allowed for growth and non-growth improvements (Attachment C). The General Funds column represents the balance of funds needed to complete the proposed 10year CIP in both Parks Operating Budget scenario's. Included and spread out over the 10 year CIP are purchases of replacement equipment and new equipment to maintain additional developed Park Acres. Enclosed is a sample of possible Park improvements over the first 5 years (Attachment D).

Based on scenario two, the preferred option by the Parks Board, staff took the liberty to develop a five-year forecast on the Parks Operating Budget with and without Commercial properties (Attachment E).

If the voters approve the proposed charter amendment this fall and Council sets the Parks Operating Budget as submitted, level of service in the Parks Division will increase. A few examples of additional levels of service are as follows,

- Seasonal staff without inclement weather scheduling problems will accomplish mowing. Mowing staff can service the entire park, (garbage pickup, equipment inspection, sprinkler failures) which will provide more efficient operations.
- Make equipment repairs in timelier manner instead of removing from service.
- Establish recreation partnerships (KYBA, Boys & Girls Club, 24J, Punt Pass Kick, etc.).
- Address leaf removal more then once a year
- Start tree and vegetation assessments and develop maintenance implementation.
- Pursue Regional Park Opportunities.
- Implement an Adopt a Park program to promote Citizen ownership.
- Actively pursue grants to help offset improvements and operations.
- Develop hazard tree assessment program with mitigation measures on all Park properties including Natural Areas.
- Establish the appropriate level of herbicide and fertilization annually to promote healthy turf not when funding is available.

FISCAL IMPACT:

Attached Proposed Operating Budgets

RECOMMENDATION:

Staff recommends Council consider this information during the discussion of the Charter Amendment proposal.

Parks Operating Budget

FY 02-03				
		Adopted Budget	Scenario #1	Scenario #2
1	RESOURCES			
2				
3	Working Capital Carryforward (60 day)	\$ -	\$ 47,480	\$ 41,859
4	Parks Fees	1,320	1,320	1,320
5	Fee	-	284,985	251,091
6	General Fund Support	127,918	-	-
7	TOTAL RESOURCES	\$ 129,238	\$ 333,785	\$ 294,270
8				
9	EXPENDITURES			
10				
11	PERSONAL SERVICES			
12				
13	Public Works Superintendent	\$ 2,978	\$ 3,159	\$ 3,159
14	Parks Lead Worker	-	38,798	38,798
15	Municipal Utility Worker I	-	26,587	26,587
16	Municipal Utility Worker I	36,240	26,587	-
17	Administrative Staff*	-	7,800	7,800
18	Support Staff	5,278	5,599	5,599
19	Seasonal Help	13,000	13,390	20,085
20	Medicare	884	1,793	1,372
21	Retirement	8,839	20,838	15,241
22	Insurance Benefits	7,885	22,862	15,497
23	Unemployment	1,300	1,339	2,009
24	Workers Compensation	1,534	3,927	2,808
25	TOTAL PERSONAL SERVICES	\$ 77,938	\$ 172,680	\$ 138,955
26				
27	MATERIALS & SERVICES			
28				
29	Office Materials & Supplies	\$ 400	\$ 600	\$ 600
30	General Overhead**	-	3,000	3,000
31	Parks Materials & Supplies	11,000	16,000	16,000
32	Travel & Training	850	1,000	1,000
33	Legal Services	1,600	1,600	1,600
34	Contractual Services	35,000	20,000	20,000
35	Vehicle Maintenance	600	2,500	2,500
36	Equipment Maintenance	600	2,500	2,500
37	Youth Recreation	1,250	5,000	5,000
38	TOTAL MATERIALS & SERVICES	\$ 51,300	\$ 52,200	\$ 52,200
39				
40	CAPITAL OUTLAY			
41				
42	Park Improvements/Equipment	\$ -	\$ 60,000	\$ 60,000
43				
44	TOTAL CAPITAL OUTLAY	\$ -	\$ 60,000	\$ 60,000
45				
46	TOTAL EXPENDITURES	\$ 129,238	\$ 284,880	\$ 251,155
47				
48	Undesignated Ending Fund Balance	-	48,904	43,115
49				
50	TOTAL EXPENDITURES	129,238	333,785	294,270
51				
52	12,817 Dwellings/cost/month	\$	1.85 \$	1.63

* 1% salary and benefits for City Mgr, HR, City Recorder, Finance, accounting & maintenance staff

**Audit, telephones, computers, dues & subscriptions, general legal council, postage & printing, utilities etc.

ATTACHMENT B

Park Development Costs from Adopted 1992 Comprehensive Parks Master Plan

Park	Improvements	S.D.C Funds	General Funds
Claggett Creek	\$113,451.50	\$113,451.50	none, Community park
Chalmers Jones	\$54,275.50	\$54,275.50	none, Community park
Sunset	\$24,082.00	\$8,428.70	\$15,653.30
Country Glen- Hidden Creek	\$42,000.00	\$21,000.00	\$21,000.00
Pleasantview	\$128,500.00	\$44,975.00	\$83,525.00
Northview	\$75,540.00	\$22,662.00	\$52,878.00
Meadows	\$44,575.00	\$33,431.25	\$11,143.75
Willamette Manor	\$18,500.00	\$9,250.00	\$9,250.00
Willark	\$41,575.00	\$16,629.60	\$24,945.40
Mike Whittam	\$148,775.00	\$52,071.25	\$96,703.75
Northridge	\$9,625.00	\$9,625.00	none, natural area
Rivers Edge	\$101,689.50	\$50,844.75	\$50,844.75
Clear Lake	\$275,000.00	\$220,000.00	\$55,000.00

Parks not included in 1992 Comprehensive Park Master Plan or individual Master Plan

Palma Cea	\$55,000.00	\$27,500.00	\$27,500.00
Bair	\$55,000.00	\$44,000.00	\$11,000.00
Proposed Park West Side (10 ac.)	\$250,000.00	\$250,000.00	none, Community park

Totals: \$ 1,437,588.50 \$ 978,144.55 \$ 459,443.95

Note: Land acquisition costs not included.
 Note: Funds designated in 1992 Comprehensive Parks Master Plan for improvements to Little League Park (\$134,423.00) not included.
 Note: S.D.C. funds vs. General funds from table 4.1 of adopted July 2000 S.D.C. Update Methodology Report

TABLE 4.1
NEIGHBORHOOD PARK PERCENTAGES
OF GROWTH-REQUIRED AND NON-GROWTH NEEDS

<u>Neighborhood Park</u>	<u>Growth-Required</u>	<u>Non-Growth</u>
Bair Park	80%	20%
Clear Lake Park	80%	20%
Country Glen Park	50%	50%
Fernwood Park	0%	100%
Hidden Creek Park	50%	50%
The Meadows Park	75%	25%
Mike Whitman Park	35%	65%
Northview Park	30%	70%
Pleasantview Park	35%	65%
Wilark Park	40%	60%
Willamette Manor Park	50%	50%

Draft Capital Improvement Project Budget For Proposed Funding Alternative

Year One

Purchase New Mower and Trailer - \$25,000 to \$30,000
Begin Development of Bair Park - \$15,000
Office Equipment and Facilities for additional employees - \$5,000
Future Funding for Permanent Restrooms at Claggett Creek Park - \$10,000

Year Two

Future Funding for Permanent Restrooms at Claggett Creek Park - \$30,000
Begin Development of Mike Witham park - \$15,000
Storage Building for Parks Equipment - \$15,000

Year Three

Purchase New Vehicle (Place "91 Ranger Reserve) - \$25,000
Construct Permanent Restrooms at Claggett Creek Park - \$35,000 (Total \$75,000)

Year Four

Complete Bair Park - \$10,000
Complete Country Glen Park - \$10,000
Improvements at Rivers Edge Park - \$25,000
Complete Hidden Creek Park - \$10,000

Year Five

Construct Paths at Claggett Creek, Meadows, and Willamette Manor Parks - \$20,000
Improvements at Hidden Creek Park - \$15,000
Improvements at Rivers Edge Park - \$15,000
Complete Pleasantview Park - \$10,000

Parks Operating Budget

FY 02-03					
	Adopted Budget		Scenario #2a		Scenario #2b
RESOURCES					
Working Capital Carryforward (60 day)	\$	-	\$	41,859	\$ 41,859
Parks Fees		1,320		1,320	1,320
Fee		-		251,091	251,091
General Fund Support		127,918		-	-
TOTAL RESOURCES	\$	129,238	\$	294,270	\$ 294,270
EXPENDITURES					
PERSONAL SERVICES					
Public Works Superintendent	\$	2,978	\$	3,159	\$ 3,159
Parks Lead Worker		-		38,798	38,798
Municipal Utility Worker I		-		26,587	26,587
Municipal Utility Worker I		36,240		-	-
Administrative Staff*		-		7,800	7,800
Support Staff		5,278		5,599	5,599
Seasonal Help		13,000		20,085	20,085
Medicare		884		1,372	1,372
Retirement		8,839		15,241	15,241
Insurance Benefits		7,885		15,497	15,497
Unemployment		1,300		2,009	2,009
Workers Compensation		1,534		2,808	2,808
TOTAL PERSONAL SERVICES	\$	77,938	\$	138,955	\$ 138,955
MATERIALS & SERVICES					
Office Materials & Supplies	\$	400	\$	600	\$ 600
General Overhead**		-		3,000	3,000
Parks Materials & Supplies		11,000		16,000	16,000
Travel & Training		850		1,000	1,000
Legal Services		1,600		1,600	1,600
Contractual Services		35,000		20,000	20,000
Vehicle Maintenance		600		2,500	2,500
Equipment Maintenance		600		2,500	2,500
Youth Recreation		1,250		5,000	5,000
TOTAL MATERIALS & SERVICES	\$	51,300	\$	52,200	\$ 52,200
CAPITAL OUTLAY					
Park Improvements/Equipment	\$	-	\$	60,000	\$ 60,000
TOTAL CAPITAL OUTLAY	\$	-	\$	60,000	\$ 60,000
TOTAL EXPENDITURES	\$	129,238	\$	251,155	\$ 251,155
Undesignated Ending Fund Balance		-		43,115	43,115
TOTAL EXPENDITURES		129,238		294,270	294,270
Dwellings/cost/month			\$	1.63	\$ 1.61
Dwellings				12,817	13,035
			w/o commercial		w/commercial

* 1% salary and benefits for City Mgr, HR, City Recorder, Finance, accounting & maintenance staff

**Audit, telephones, computers, dues & subscriptions, general legal council, postage & printing, utilities etc.

Parks Operating Budget Scenario #2a Five-Year Forecast

	FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08
RESOURCES					
Working Capital Carryforward (60 day)	\$ 41,859	\$ 43,115	\$ 44,252	\$ 45,445	\$ 46,447
Parks Fees	1,320	1,333	1,347	1,360	1,374
Fee	251,091	257,585	264,577	270,205	276,291
TOTAL RESOURCES	\$ 322,888	\$ 302,033	\$ 310,176	\$ 317,010	\$ 324,112
EXPENDITURES					
PERSONAL SERVICES					
Public Works Superintendent	\$ 3,159	\$ 3,351	\$ 3,555	\$ 3,662	\$ 3,772
Parks Lead Worker	38,798	41,161	43,667	44,978	46,327
Municipal Utility Worker I	26,587	28,206	29,924	31,746	33,680
Municipal Utility Worker I	-	-	-	-	-
Administrative Staff*	7,800	8,112	8,436	8,774	9,125
Support Staff	5,599	5,767	5,940	6,118	6,302
Seasonal Help	20,085	20,688	21,308	21,947	22,606
Medicare	1,372	1,413	1,456	1,499	1,544
Retirement	15,241	15,698	16,169	16,654	17,154
Insurance Benefits	15,497	15,962	16,441	16,934	17,442
Unemployment	2,009	2,069	2,131	2,195	2,261
Workers Compensation	2,808	2,892	2,979	3,068	3,160
TOTAL PERSONAL SERVICES	\$ 138,955	\$ 145,320	\$ 152,007	\$ 157,577	\$ 163,373
MATERIALS & SERVICES					
Office Materials & Supplies	\$ 600	\$ 603	\$ 606	\$ 609	\$ 612
General Overhead**	3,000	3,015	3,030	3,045	3,060
Parks Materials & Supplies	16,000	16,080	16,160	16,241	16,322
Travel & Training	1,000	1,005	1,010	1,015	1,020
Legal Services	1,600	1,608	1,616	1,624	1,632
Contractual Services	20,000	20,100	20,201	20,302	20,403
Vehicle Maintenance	2,500	2,513	2,525	2,538	2,550
Equipment Maintenance	2,500	2,513	2,525	2,538	2,550
Youth Recreation	5,000	5,025	5,050	5,075	5,101
TOTAL MATERIALS & SERVICES	\$ 52,200	\$ 52,461	\$ 52,723	\$ 52,987	\$ 53,252
CAPITAL OUTLAY					
Park Improvements/Equipment	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000
TOTAL CAPITAL OUTLAY	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000
TOTAL EXPENDITURES	\$ 251,155	\$ 257,781	\$ 264,731	\$ 270,564	\$ 276,624
Undesignated Ending Fund Balance	43,115	44,252	45,445	46,447	47,487
TOTAL EXPENDITURES	294,270	302,033	310,176	317,010	324,112
12,817 Dwellings/cost/month	\$ 1.63	\$ 1.66	\$ 1.69	\$ 1.72	\$ 1.74
Growth at 0.75% per year	12,817	12,913	13,010	13,108	13,206
Percent Rate Increase		102%	102%	101%	101%

* 1% salary and benefits for City Mgr, HR, City Recorder, Finance, accounting & maintenance staff

**Audit, telephones, computers, dues & subscriptions, general legal council, postage & printing, utilities etc.

as preferred by Parks Board

Parks Operating Budget Scenario #2b Five-Year Forecast

		FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08
RESOURCES						
Working Capital Carryforward (60 day)	\$	41,859	\$ 43,115	\$ 44,252	\$ 45,445	\$ 46,447
Parks Fees		1,320	1,333	1,347	1,360	1,374
Fee		251,091	257,585	264,577	270,205	276,291
TOTAL RESOURCES	\$	322,888	\$ 302,033	\$ 310,176	\$ 317,010	\$ 324,112
EXPENDITURES						
PERSONAL SERVICES						
Public Works Superintendent	\$	3,159	\$ 3,351	\$ 3,555	\$ 3,662	\$ 3,772
Parks Lead Worker		38,798	41,161	43,667	44,978	46,327
Municipal Utility Worker I		26,587	28,206	29,924	31,746	33,680
Municipal Utility Worker I		-	-	-	-	-
Administrative Staff*		7,800	8,112	8,436	8,774	9,125
Support Staff		5,599	5,767	5,940	6,118	6,302
Seasonal Help		20,085	20,688	21,308	21,947	22,606
Medicare		1,372	1,413	1,456	1,499	1,544
Retirement		15,241	15,698	16,169	16,654	17,154
Insurance Benefits		15,497	15,962	16,441	16,934	17,442
Unemployment		2,009	2,069	2,131	2,195	2,261
Workers Compensation		2,808	2,892	2,979	3,068	3,160
TOTAL PERSONAL SERVICES	\$	138,955	\$ 145,320	\$ 152,007	\$ 157,577	\$ 163,373
MATERIALS & SERVICES						
Office Materials & Supplies	\$	600	\$ 603	\$ 606	\$ 609	\$ 612
General Overhead**		3,000	3,015	3,030	3,045	3,060
Parks Materials & Supplies		16,000	16,080	16,160	16,241	16,322
Travel & Training		1,000	1,005	1,010	1,015	1,020
Legal Services		1,600	1,608	1,616	1,624	1,632
Contractual Services		20,000	20,100	20,201	20,302	20,403
Vehicle Maintenance		2,500	2,513	2,525	2,538	2,550
Equipment Maintenance		2,500	2,513	2,525	2,538	2,550
Youth Recreation		5,000	5,025	5,050	5,075	5,101
TOTAL MATERIALS & SERVICES	\$	52,200	\$ 52,461	\$ 52,723	\$ 52,987	\$ 53,252
CAPITAL OUTLAY						
Park Improvements/Equipment	\$	60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000
TOTAL CAPITAL OUTLAY	\$	60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000
TOTAL EXPENDITURES	\$	251,155	\$ 257,781	\$ 264,731	\$ 270,564	\$ 276,624
Undesignated Ending Fund Balance		43,115	44,252	45,445	46,447	47,487
TOTAL EXPENDITURES		294,270	302,033	310,176	317,010	324,112
12,817 Dwellings/cost /month	\$	1.61	\$ 1.63	\$ 1.67	\$ 1.69	\$ 1.71
Growth at 0.75% per year		13,035	13,133	13,231	13,330	13,430
Percent Rate Increase			102%	102%	101%	101%
218 business units						

* 1% salary and benefits for City Mgr, HR, City Recorder, Finance, accounting & maintenance staff

**Audit, telephones, computers, dues & subscriptions, general legal council, postage & printing, utilities etc.

as performed by Parks Board

A SENIOR COMMUNITY

WILDWOOD MOBILE VILLA, INC.

5510 WINDSOR ISLAND ROAD, N.
KEIZER, OREGON 97303
PHONE: (503) 393-4192



Date: 7-15-2002

To: City of Keizer
980 Chemawa Rd.
Keizer, Oregon 97303

Attn: City Counsel
Re: City Park Funds

From: 5510 Windsor Island North
Address: Keizer, Or. 97303 Sp. 14
Phone: (optional) _____

We are residents of Wildwood Mobile Villa, Inc. We are a 55+ Senior Community. We do not support the financial increase from \$134,000 to \$318,000 for park funds. As retired residents, we seldom or never use park facilities. A \$27.00 a year water increase for each resident's space will not be accepted by our community owners. We will be voting against this proposal when it comes on the ballot in November.

Signature Elizabeth K. Brenner

PS: This measure to change the city charter is not supported by the owners of Wildwood Mobile Villa, Inc. Harry and Evelyn Kerber, 29747 Eagle Point Dr. Canyon Lake, CA 92587, (909)244-1634, fax (909)244-5707.

A SENIOR COMMUNITY

WILDWOOD MOBILE VILLA, INC.

5510 WINDSOR ISLAND ROAD, N.
KEIZER, OREGON 97303
PHONE: (503) 393-4192



Date: 7-16-02

To: **City of Keizer**
980 Chemawa Rd.
Keizer, Oregon 97303

Attn: **City Counsel**
Re: **City Park Funds**

From: *Donna Kerber*
Address: *5510 Windsor Isl Rd #10*
Keizer, OR 97303
Phone: (optional)

We are residents of Wildwood Mobile Villa, Inc. We are a 55+ Senior Community. We do not support the financial increase from \$134,000 to \$318,000 for park funds. As retired residents, we seldom or never use park facilities. A \$27.00 a year water increase for each resident's space will not be accepted by our community owners. We will be voting against this proposal when it comes on the ballot in November.

Signature *Donna Kerber*

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A SENIOR COMMUNITY

WILDWOOD MOBILE VILLA, INC.

5510 WINDSOR ISLAND ROAD, N.
KEIZER, OREGON 97303
PHONE: (503) 393-4192



Date: July 16, 2002

To: **City of Keizer**
980 Chemawa Rd.
Keizer, Oregon 97303

Attn: **City Counsel**
Re: **City Park Funds**

From: Norma Howe
Address: 1055 Lockhaven Dr N #50
Keizer, OR 97303
Phone: (optional) 503-393-6858

We are residents of Wildwood Mobile Villa, Inc. We are a 55+ Senior Community. We do not support the financial increase from \$134,000 to \$318,000 for park funds. As retired residents, we seldom or never use park facilities. A \$27.00 a year water increase for each resident's space will not be accepted by our community owners. We will be voting against this proposal when it comes on the ballot in November.

Signature Norma F. Howe

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A SENIOR COMMUNITY

WILDWOOD MOBILE VILLA, INC.

5510 WINDSOR ISLAND ROAD, N.
KEIZER, OREGON 97303
PHONE: (503) 393-4192



Date: 7-26-02

To: City of Keizer
980 Chemawa Rd.
Keizer, Oregon 97303

Attn: City Counsel
Re: City Park Funds

From: Wince & Bernice Ernst
Address: 1055 Lockhaven Dr. N. #86
Keizer, Or. 97303
Phone: (optional) _____

We are residents of Wildwood Mobile Villa, Inc. We are a 55+ Senior Community. We do not support the financial increase from \$134,000 to \$318,000 for park funds. As retired residents, we seldom or never use park facilities. A \$27.00 a year water increase for each resident's space will not be accepted by our community owners. We will be voting against this proposal when it comes on the ballot in November.

Signature

Wince & Bernice Ernst

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A SENIOR COMMUNITY

WILDWOOD MOBILE VILLA, INC.

5510 WINDSOR ISLAND ROAD, N.
KEIZER, OREGON 97303
PHONE: (503) 393-4192



Date: 7-27-02

To: **City of Keizer**
980 Chemawa Rd.
Keizer, Oregon 97303

Attn: **City Counsel**
Re: **City Park Funds**

From: Harry & Evelyn Kerber
Address: 1055 LOCKHAVEN DR N #104

Phone: (optional) 856-9223

We are residents of Wildwood Mobile Villa, Inc. We are a 55+ Senior Community. We do not support the financial increase from \$134,000 to \$318,000 for park funds. As retired residents, we seldom or never use park facilities. A \$27.00 a year water increase for each resident's space will not be accepted by our community owners. We will be voting against this proposal when it comes on the ballot in November.

Signature Harry Kerber Charles Kerber

PS: This measure to change the city charter is not supported by the owners of Wildwood Mobile Villa, Inc. Harry and Evelyn Kerber, 29747 Eagle Point Dr. Canyon Lake, CA 92587, (909)244-1634, fax (909)244-5707.

A SENIOR COMMUNITY

WILDWOOD MOBILE VILLA, INC.

5510 WINDSOR ISLAND ROAD, N.
KEIZER, OREGON 97303
PHONE: (503) 393-4192



Date: 7/22-02

To: City of Keizer
980 Chemawa Rd.
Keizer, Oregon 97303

Attn: City Counsel
Re: City Park Funds

From: Lucretia H. Walker
Address: 5510 WINDSOR ISL RD
SP 31 Keizer, OR
Phone: (optional) _____

We are residents of Wildwood Mobile Villa, Inc. We are a 55+ Senior Community. We do not support the financial increase from \$134,000 to \$318,000 for park funds. As retired residents, we seldom or never use park facilities. A \$27.00 a year water increase for each resident's space will not be accepted by our community owners. We will be voting against this proposal when it comes on the ballot in November.

Signature Lucretia H. Walker

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A SENIOR COMMUNITY

WILDWOOD MOBILE VILLA, INC.

5510 WINDSOR ISLAND ROAD, N.
KEIZER, OREGON 97303
PHONE: (503) 393-4192



Date:

7/23/02

To: City of Keizer
980 Chemawa Rd.
Keizer, Oregon 97303

Attn: City Counsel
Re: City Park Funds

From:

Charles H. Frady
Address: 1055 Lookhaven Dr. N, #67
Keizer, OR 97303

Phone: (optional)

503-393-8580

We are residents of Wildwood Mobile Villa, Inc. We are a 55+ Senior Community. We do not support the financial increase from \$134,000 to \$318,000 for park funds. As retired residents, we seldom or never use park facilities. A \$27.00 a year water increase for each resident's space will not be accepted by our community owners. We will be voting against this proposal when it comes on the ballot in November.

Signature

Charles H. Frady

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A SENIOR COMMUNITY

WILDWOOD MOBILE VILLA, INC.

5510 WINDSOR ISLAND ROAD, N.
KEIZER, OREGON 97303
PHONE: (503) 393-4192



Date: 7-25-02

To: City of Keizer
980 Chemawa Rd.
Keizer, Oregon 97303

Attn: City Counsel
Re: City Park Funds

From: Pat Reinhard
Address: 1055 Lockhaven Dr N #3 Wildwood Mobile Villa
Phone: (optional) _____

We are residents of Wildwood Mobile Villa, Inc. We are a 55+ Senior Community. We do not support the financial increase from \$134,000 to \$318,000 for park funds. As retired residents, we seldom or never use park facilities. A \$27.00 a year water increase for each resident's space will not be accepted by our community owners. We will be voting against this proposal when it comes on the ballot in November.

Signature Pat Reinhard

PS: This measure to change the city charter is not supported by the owners of Wildwood Mobile Villa, Inc. Harry and Evelyn Kerber, 29747 Eagle Point Dr. Canyon Lake, CA 92587, (909)244-1634, fax (909)244-5707.

A SENIOR COMMUNITY

WILDWOOD MOBILE VILLA, INC.

5510 WINDSOR ISLAND ROAD, N.
KEIZER, OREGON 97303
PHONE: (503) 393-4192



Date: 7-22-02

To: City of Keizer
980 Chemawa Rd.
Keizer, Oregon 97303

Attn: City Counsel
Re: City Park Funds

From: Helen Bulkley
Address: 1955 Lockhaven Dr. N. #68
Keizer, Ore
Phone: (optional) 503-393-8773

We are residents of Wildwood Mobile Villa, Inc. We are a 55+ Senior Community. We do not support the financial increase from \$134,000 to \$318,000 for park funds. As retired residents, we seldom or never use park facilities. A \$27.00 a year water increase for each resident's space will not be accepted by our community owners. We will be voting against this proposal when it comes on the ballot in November.

Signature: Helen Bulkley

PS: This measure to change the city charter is not supported by the owners of Wildwood Mobile Villa, Inc. Harry and Evelyn Kerber, 29747 Eagle Point Dr. Canyon Lake, CA 92587, (909)244-1634, fax (909)244-5707.

A SENIOR COMMUNITY

WILDWOOD MOBILE VILLA, INC.

5510 WINDSOR ISLAND ROAD, N.
KEIZER, OREGON 97303
PHONE: (503) 393-4192



Date: 7-22-02

To: City of Keizer
980 Chemawa Rd.
Keizer, Oregon 97303

Attn: City Counsel
Re: City Park Funds

From: ROY R Smith
Address: 1055 LOCKHAVEN DR N. #68
KEIZER OREGON 97303
Phone: (optional) 503-393-8773

We are residents of Wildwood Mobile Villa, Inc. We are a 55+ Senior Community. We do not support the financial increase from \$134,000 to \$318,000 for park funds. As retired residents, we seldom or never use park facilities. A \$27.00 a year water increase for each resident's space will not be accepted by our community owners. We will be voting against this proposal when it comes on the ballot in November.

Signature Roy R Smith

PS: This measure to change the city charter is not supported by the owners of Wildwood Mobile Villa, Inc. Harry and Evelyn Kerber, 29747 Eagle Point Dr. Canyon Lake, CA 92587, (909)244-1634, fax (909)244-5707.

A SENIOR COMMUNITY

WILDWOOD MOBILE VILLA, INC.

5510 WINDSOR ISLAND ROAD, N.
KEIZER, OREGON 97303
PHONE: (503) 393-4192



Date: 7-20-02

To: City of Keizer
980 Chemawa Rd.
Keizer, Oregon 97303

Attn: City Counsel
Re: City Park Funds

From: EM Helmer
Address: 1055 Lockhaven Dr N. #37
Keizer
Phone: (optional) _____

We are residents of Wildwood Mobile Villa, Inc. We are a 55+ Senior Community. We do not support the financial increase from \$134,000 to \$318,000 for park funds. As retired residents, we seldom or never use park facilities. A \$27.00 a year water increase for each resident's space will not be accepted by our community owners. We will be voting against this proposal when it comes on the ballot in November.

Signature

Elaine M. Helmer

PS: This measure to change the city charter is not supported by the owners of Wildwood Mobile Villa, Inc. Harry and Evelyn Kerber, 29747 Eagle Point Dr. Canyon Lake, CA 92587, (909)244-1634, fax (909)244-5707.

A SENIOR COMMUNITY

WILDWOOD MOBILE VILLA, INC.

5510 WINDSOR ISLAND ROAD, N.
KEIZER, OREGON 97303
PHONE: (503) 393-4192



Date:

July 17, 02

To:

City of Keizer
980 Chemawa Rd.
Keizer, Oregon 97303

Attn: City Counsel

Re: City Park Funds

From:

Elsie G. Alt

Address:

1055 Lockhaven Dr N #96
Keizer OR 97303

Phone: (optional)

503-304-1108

We are residents of Wildwood Mobile Villa, Inc. We are a 55+ Senior Community. We do not support the financial increase from \$134,000 to \$318,000 for park funds. As retired residents, we seldom or never use park facilities. A \$27.00 a year water increase for each resident's space will not be accepted by our community owners. We will be voting against this proposal when it comes on the ballot in November.

Signature

Elsie G. Alt

PS: This measure to change the city charter is not supported by the owners of Wildwood Mobile Villa, Inc. Harry and Evelyn Kerber, 29747 Eagle Point Dr. Canyon Lake, CA 92587, (909)244-1634, fax (909)244-5707.

Please be merciful to our senior
who just get by on our Social Security.
It's all we can do to keep afloat now.
That's just one more burden put on us
for something we never use.
Thank you for listening.
Elsie Alt



August 5, 2002

AGENDA ITEM 7b

ORDER – APPLICATION OF JOHN LOTTIS FOR PARTITION OF 3.30
ACRE PARCEL LOCATED AT 872 CUMMINGS LANE N, KEIZER –
CASE NO. 02-19

CITY COUNCIL MEETING: August 5, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: *PARTITION CASE NO. 2002-19 (JOHN LOTTIS)*

The City Council directed that we prepare an appropriate Order approving the requested partition. The principal issue in this case was the existence and location of a turnaround facility on Cummings Lane. After further discussion with the applicant and his representatives, it was determined that there is room within the existing right-of-way at the end of Cummings Lane for a "hammerhead" turnaround. The hammerhead is depicted in Exhibit "E-1" of the attached Order.

In addition, the condition regarding the well was revised to provide that the well located on Parcel 3 may be used for irrigation only.

RECOMMENDATION:

Adopt the attached Order.

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

ESJ/tmh
attachment

July 31, 2002

Rob Kissler
Director of Public Works
City of Keizer
P.O. Box 21000
Keizer, OR 97307-1030

Re: Cummings Lane - Turn Around

Dear Rob:

This letter is intended to document our intent to construct the "Hammer Head" style turn around at the west end of Cummings Lane.

The turn around shall be constructed substantially as shown on the attached sketch.

This work will be completed in conjunction with the other street improvements that we agreed to construct along our Cummings Lane Frontage.

Thanks for working with us on a good resolution to this issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Lottis", with a stylized flourish at the end.

John Lottis
802 Riverglen Drive N.
Keizer, OR 97303

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 ORDER

3 IN THE MATTER OF THE APPLICATION OF JOHN
4 LOTTIS FOR PARTITION OF A 3.30 ACRE PARCEL
5 LOCATED AT 872 CUMMINGS LANE N., KEIZER,
6 OREGON (PARTITION CASE NO. 2002-19)

7 The City of Keizer orders as follows:

8 Section 1. THE APPLICATION. This matter came before the Keizer City
9 Council on the appeal of John Lottis from the Hearings Officer's decision dated June
10 27, 2002. The Hearings Officer granted approval of the Applicant's request to partition
11 a 3.30 acre property into three parcels of 13,301 square feet, 2.19 acres, and 11,654
12 square feet with certain conditions and requirements. The Applicant appealed the
13 decision and objects to the conditions regarding abandoning a well on the property and
14 a requirement for dedication of right-of-way for a turnaround area and certain
15 improvement requirements. The subject property is located at 872 Cummings Lane N.,
16 Keizer, Oregon (Township 7 South, Range 3 West, Section 03DB, Tax Lot 6500).

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

21 Section 3. PUBLIC HEARING. In addition to the public hearing held before the
22 Hearings Officer, a public hearing was held before the Keizer City Council on July 15,

1 2002. The following persons either appeared at the City Council hearing or provided
2 written testimony on the application before the Council:

- 3 1) Maria Meier, Planning Director
- 4 2) Duane Doyle, Neighbor
- 5 3) Mark Grenz, Project Engineer
- 6 4) Bill Peterson, City Engineer
- 7 4) R. Cook Cloninger, Neighbor
- 8 5) John Lottis, Applicant
- 9 6) Rob Kissler, Public Works Director
- 10 7) Rod Conway, Keizer Fire District

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

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

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

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

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

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

3 Section 10. FINAL DETERMINATION. This Order is the final determination
4 in this matter.

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

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

10 PASSED this _____ day of _____, 2002.

11 SIGNED this _____ day of _____, 2002.

12 _____
13 Mayor

14 _____
15 City Recorder

EXHIBIT "A"

Evidence

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

Mayor Christopher opened the public hearing on July 15, 2002.

Planning Director Maria Meier reported that the Zoning Administrator with conditions of approval approved Partition Case No. 02-19. The Applicant appealed the decision to the Hearings Officer, whereas on June 27, 2002, after conducting a public hearing the Hearings Officer rendered a decision to deny the appeal request.

Mrs. Meier indicated that Council must render a decision by no later than August 16, 2002.

Staff recommended that the public hearing be conducted with the Council approving the case with the conditions as outlined by the Zoning Administrator.

City Attorney Shannon Johnson read the applicable criteria and procedures for the hearing. The Council raised no issues regarding conflicts of interest, exparte contacts or bias.

Testimony:

Duane Doyle, 821 Cummings Lane, Keizer. Spoke in favor of the Applicant's appeal. He did not agree with the recommended turn-around which he felt would ruin the view from his home. Mr. Doyle noted the ability for emergency vehicles to maneuver without the recommended turnaround.

Mark Grenz, Multi Tech Engineering, 1155 13th Street NE, Salem-speaking as the project engineer. Mr. Grenz indicated that the impact from the project would be one additional home and he believed this impact was disproportionate to what was being required of the Applicant.

Mr. Grenz went on to address the Applicant's alternative proposal, which he believed would address staff's concerns. He answered questions regarding the staff's recommended turnaround versus the hammerhead type of turnaround that the Applicant considered less intrusive to the area.

City Attorney Johnson addressed the Council's inquiries regarding altering a decision that was based upon the legal preface of the Development Code.

Planning Director Maria Meier urged the Council to move cautiously when addressing serial partitioning and binding future applications for improvements.

Mr. Grenz commented on questions from Council noting the Applicant's constraints on the property that would be addressed in later testimony.

Responding to questions about the hammerhead design, City Engineer Bill Peterson indicated that the design was consistent with the Development Code Infill designs. He went on to indicate due to the length of the street that a turnaround was desirable.

Council President Moir addressed Exhibit A noting a partial turnaround towards the end of the lane.

Mr. Peterson indicated that a turnaround at the far west end towards the park would not be feasible, as it would not be able to meet the required standards. He answered additional questions from the Council.

R. Cook Cloninger, 4465 Shoreline Drive, Keizer. Spoke in support of the Applicant's proposal to enable the area to be cleaned up.

John Lottis, 802 Riverglen Drive North, Keizer-speaking as the Applicant. He noted an agreement between he and Mr. Cummings, the individual whom Mr. Lottis was buying the property from. Mr. Lottis summarized Mr. Cummings attempt to bind the Applicant's ability to convey any property to a city or state agency. This eliminated the possibility of the Applicant conveying the property required for the suggested turnaround. He noted the proposal offered an easement, which would allow him to retain ownership.

Mr. Lottis addressed questions pertaining to the possible future development of the property. He felt the possibility of six homes being built on the property would not take place because of the location and configuration of the lots. Mr. Lottis expressed his belief that staff's requirement would severely impact the aesthetic value of the home that was to be built in that area.

City Attorney Johnson answered questions regarding easements, conveyances and dedications. The issue of the sidewalk was also discussed with Mrs. Meier indicating that the requirement for the sidewalk would be for the parcels in the subject property only.

Public Works Director Rob Kissler indicated if the hammerhead was chosen that street improvements would be needed in front of Parcel two and a portion of Parcel three. If the turnaround were approved, sidewalks would be required around the turnaround and the frontage to the east on Parcel two.

Responding to Mr. Lottis's questions, the City Engineer indicated that the sidewalk could be built inside of the existing right-of-way without a dedication. Mr. Lottis noted that if this were the case he would develop the sidewalk as discussed.

Rod Conway, Keizer Fire District, Deputy Fire Marshall-responding to Council's questions. Deputy Fire Marshall Conway indicated the preference of the Fire District to remain with the required turnaround. He expressed concern with using driveways as a turnaround and parking and maintenance issues with the hammerhead.

Mr. Grenz clarified that the location of the proposed hammerhead would benefit police and fire and act as the driveway for parcels one and two.

Mayor Christopher Closed the public hearing.

EXHIBIT "C"

Facts

FACTS: GENERAL

1. The applicant is John Lottis.
2. The agent for the applicant is Mark Grenz.
3. The subject property is located at 872 Cummings Ln N. The Marion County Tax Assessor's Office identifies this property as Township 7 South, Range 3 West, Section 03DB, Tax Lot 6500.
4. The subject property contains approximately 3.30 acre.
5. The subject property contains two single-family dwellings. One of the dwellings is currently serviced by public sewer. The proposed parcels can be served by both public sewer and water. Parcels 2 and 3 will have access from a public street and Parcel 1 will be served by a private access easement.
6. The subject property is zoned Residential Single Family (RS) and is designated Low Density Residential (LDR) on the Comprehensive Plan Map.
7. Properties surrounding this parcel are zoned Residential Single Family (RS) and single family homes are the dominant use.
8. The proposal is to divide the existing 3.30 acre parcel to create three separate parcels containing 13,301 sq ft (Parcel 1), 2.19 acres (Parcel 2) and 11,654 sq ft (Parcel 3). The proposal indicates Parcels 2 and 3 will have direct accessed via a public street. Parcel 1 will have access via an access easement.
9. The approval or denial of a partitioning is based on compliance with decision criteria found in Section 2.316 and 3.107 of the Keizer Development Code. Section 2.316 requires all land divisions that meet the definition of Infill Development to comply with the provisions found in that Section. Section 3.107.07 requires all land divisions to comply with the provisions in Sections 2.301 through and including 2.307, 2.310 and the dimensional standards of the applicable zoning district.

FACTS: INFILL PARTITIONING CRITERIA AND RELATED FINDINGS:

10. An infill development parcel is any residential parcel not more than two (2) acres in size that is a lot of record, and which meets any two of the following criteria: 1) A parcel with less than 250 feet of frontage along a public street; 2) A parcel with an existing structure; 3) A parcel that is irregular in shape, such that it cannot be partitioned or subdivided to meet the maximum density of the underlying zone without a variance; 4) A parcel that is bounded on two or more sides by existing development or natural constraints (i.e. waterways, steep slopes, resource protections areas).

FINDINGS: The subject parcel is over 2 acres in area and is therefore not subject to the requirements outline in the Infill Development Standards.

FACTS: PARTITIONING CRITERIA AND RELATED FINDINGS:

11. Each parcel shall meet the access requirements of Section 2.310.03(D): All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum width required by the underlying zone.

FINDINGS: The subject parcel is located in an RS zone. The minimum frontage width required in an RS zone is forty (40) feet. The proposed parcels meet the frontage standard.

12. Each parcel shall satisfy the dimensional standards of the applicable zoning district, unless a variance from these standards is approved.

FINDINGS: The subject property is located in an RS zone. The minimum average depth requirement of a lot in an RS zone is 70 feet. The minimum average width requirement of a lot is forty (40) feet. Each parcel meets the minimum lot and depth requirements.

Two single-family residences currently occupy the subject property. Parcel 1 and 3 will each contain one of the single-family residences. The creation of this partition will alter the setback for the residential structures. The plans submitted indicate the residences will meet the minimum setback requirements for a residential structure in an RS zone.

13. Each parcel shall comply with the requirements of Section 2.310

a: Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.

FINDINGS: The subject parcel is zoned RS (Single Family Residential). The minimum lot area for a single-family dwelling unit in a RS zone is 5,000 square feet for detached dwellings and 4,000 sq ft for zero lot line dwellings. The partition proposal divides the existing lot into three parcels containing approximately 13,301 sq ft (Parcel 1), 2.19 acres (Parcel 2), and 11,654 sq ft (Parcel 3). Each parcel meets the minimum lot size requirements.

b: Any adjustment of a lot line between two adjacent parcels shall require approval of a Lot Line Adjustment.

FINDINGS: This section does not apply because the request is for a land division, not a boundary adjustment.

c: Lot width and depth. The depth of a lot or parcel shall not be more than 3 times the width of the parcel.

FINDINGS: Each proposed parcel does not contain a depth greater than three times the average width.

d. All lots and parcels shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone, with the following exceptions: 1) Residential lots with access via an access easement; 2) Flag lots; and 3) Cul-de-sac lots shall have a minimum frontage of 25 feet.

FINDINGS: The subject property is located within an RS zone. The minimum lot frontage on a public street in an RS zone is forty (40) feet. Parcel 2 and 3 and will have access from an existing street and meet this requirement. Parcel 1 will have access from an access easement and therefore is exempt from this requirement.

e. Flag Lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot may be accessed and complies with Section 2.302.03.B.

FINDINGS: This section does not apply because no flag lots are proposed with this partition.

f: Through lots shall be avoided except where essential to overcome specific disadvantages of topography and orientation.

FINDINGS: This section does not apply because the proposed partition does not contain a through lot.

g: The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the adjacent street. The rear lot line shall be no less than the dimension of the front lot line.

FINDINGS: The property boundaries run, as far as practicable, at right angles to the right-of-way lines of the adjacent streets. The front and rear lot lines are not less than the dimension of the front lot line.

h: Utility easements shall be provided on lot area where necessary to accommodate public facilities. Such easements shall have a minimum total width as specified in Section 2.302.04 of the Keizer Development Code.

FINDINGS: Appropriate easements will be required for any public water or public sewer mains located within the subject property, if located outside platted right-of-ways.

i. Adequate public facilities shall be available to serve the existing and newly created parcels.

FINDINGS: Public water and sewer are available to the subject property. The applicant will be required to extend services as necessary. Storm drainage plans for any development on the subject property shall be designed to be consistent with Section 2.306 of the Keizer Development Code.

j. Street Frontage Improvements. If the street frontage of the subject property is less than or equal to 250 feet the applicant shall sign a non-remonstrance agreement with the City of Keizer. If the street frontage of the subject property exceeds 250 feet, or extends an existing dedicated right-of-way, the applicant shall make improvements as outlined in Section 2.310.05.b.2 or the Keizer Development Code.

FINDINGS: The subject property has over 250 feet of frontage. Street improvements shall be required in accordance with Public Works standards and as outlined in Exhibit "E".

14. Improvements or dedications that are required as a condition of development approval, if not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development.

FINDINGS: Due to the fact that the cul-de-sac requirement originally proposed has been deleted, there are no requirements for dedication of right-of-way. Applicant does not object to the required improvements.

15. Each parcel shall comply with the requirements of Section 2.301 through and including 2.307:

a. Private access easements shall only be allowed where the applicable criteria of Section 2.310.03.D are satisfied. Provision for the maintenance of the private access easement shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City.

FINDINGS: The minimum width of a private access easement is twenty (20) feet with no parking within the minimum required width. The minimum paved width of an access easement shall be 12 feet for 1 dwelling unit and 16 feet for two or more dwelling units and built to Public Works standards. The paved area of the easement must be centered within the boundaries of the private access easement width.

Provisions for the maintenance of the access easement shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City per 2.302.08.B. of the Keizer Development Code.

b. Section 2.302.08.C Private Access Easements require a turnaround for any access easement which is the sole access and which is in excess of 150 feet long. Turnarounds shall be either a circular turn-around with a minimum paved radius of 38 feet, or a "tee" or a "hammerhead" turn-around with a minimum paved dimension across the "tee" of 60 feet.

FINDINGS: If the access easement for Parcel 1 is in excess of 150 feet, a turnaround shall be required and recorded on the final plat.

c. Section 2.302.08.D.2. Private Access Easements requires that all private access easements serving more than 2 dwelling units provide one additional parking space per dwelling unit, in addition to those required by 2.303. The parking space shall be provided adjacent to the easement or on each individual property. If the parking is parallel to and adjacent to the easement, its area shall be included within the maintenance agreement for the easement.

FINDINGS: This section does not apply because the proposed private access easement does not serve more than two (2) dwelling units.

d. To provide for the drainage of surface water from all residential, commercial and industrial development and to minimize erosion, reduce degradation of water quality due to sediment and pollutants in storm water runoff, and to reduce downstream flooding all partitions must comply with section 2.306 Storm Drainage of the Keizer Development Code.

FINDINGS: Adequate storm drain improvements must be made. See Exhibit "E".

EXHIBIT "D"

Justification

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

In this case, the applicant is requesting a partition of a 3.30 acre property into three parcels. The main items of dispute in the appeal were the conditions involving abandonment of a well and the requirement of the dedication and construction of a turnaround area (cul-de-sac).

One of the more routine conditions in most land use approvals is the appropriate abandonment of water wells. In urban areas, there is always a concern of contamination of the well and the health risks that such contamination could entail. However, there is substantial yard and garden areas on the subject property that need irrigation. If appropriate safety measures are taken, the well can be used for irrigation purposes only.

The development will lead to an increase in the use of Cummings Lane which is a dead end street. It is appropriate that a turnaround area be required so that emergency vehicles and trucks may safely and quickly turn around in the neighborhood. The Zoning Administrator's decision required a cul-de-sac be constructed east of the existing larger home.

The Applicant objected to the additional dedication of right-of-way and the requirement to build a full cul-de-sac. After full review by staff and discussions with the Applicant's representatives, it was determined that a hammerhead turnaround could be developed within existing right-of-way at the end of Cummings Lane. The Applicant will be responsible to complete such turnaround improvements, as well as other public improvements necessary and appropriate in this case.

With the appropriate conditions, the partition should be granted.

EXHIBIT "E"

Action

The City of Keizer ORDERS as follows:

The requested partition is hereby GRANTED subject to the following conditions and requirements:

The following requirements for the Partition must be met before approval of the final plat can be obtained or must be continually met as a condition of the particular land use:

1. Utility easements shall be provided for Parcel 1 where necessary to accommodate public facilities and shall be recorded on the final plat.
2. The private access easement shall be a minimum of twenty (20) feet in width. The minimum paved width of the access easement shall be 12 feet for one dwelling unit and 16 feet for two or more dwelling units and built to Public Works standards. The paved area of the easement must be centered within the boundaries of the access easement width.
3. Provisions for the maintenance of the access easement shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City.
4. If the access easement for Parcel 1 is in excess of 150 feet, a turnaround built to the standards outlined in Section 2.302.08.C of the Keizer Development Code. The turnaround shall be recorded on the final plat.
5. Any existing or proposed structures shall comply with all dimensional standards and setback provisions identified in Section 2.102 of the Keizer Development Code.
6. The applicant shall submit a final partitioning plat prepared by a registered professional surveyor that conforms to the requirements in ORS Chapter 92. The final plat shall substantially conform to the proposed partition plan and shall include the five (5) foot maintenance area and the turn-around as outlined in Conditions 3 and 4 above. Title transfer instruments accomplishing the property adjustments shall be recorded with the Marion County Clerk by May 18, 2003. Following plat approval the applicant shall record it with the Marion County Clerk.

7. After the title transfer instruments accomplishing the property adjustments are recorded no alteration of property lines shall be permitted without first obtaining approval from the Zoning Administrator.

The following conditions for the Partition must be met before a building permit can be obtained and must be continually met as a condition of the particular land use:

8. Addressing to properties shall be prominently located at the street fronting the access to rear properties in compliance with the City of Keizer Addressing Ordinance.

9. Applicant shall meet all requirements for adequate water supplies, emergency apparatus access, and turnarounds.

SANITARY SEWERS:

NOTE: It is the developer's responsibility to connect the proposed development to the appropriate sewer lines designed to serve the area.

10. City of Salem approval for local sewer permits will need to be issued prior to construction.

11. Connecting to existing sewers that serve the general area will be the responsibility of the developer of the property.

12. Appropriate easements will be required for any public sewer mains located within the subject property if located outside platted right-of-ways.

13. As-built plans for the subject property indicate sewer service is currently available from a sewer line in Cummings Lane. Sewer services will be required for all parcels. A street opening permit will be required prior to construction of the new sewer services.

WATER SYSTEM:

14. Except for the well on Parcel 3, any existing wells on the subject property are to be abandoned in accordance with the rules of the Oregon State Water Resources Department. The well on Parcel 3 may be used for irrigation purposes only. Setback distances must be maintained from any sanitary sewer lines pursuant to Oregon State Water Resources Department rules. In addition, back flow protection must be provided for the well.

15. All parcels are to serviced by individual water services. Location of all new water services and meters to be approved by the Keizer Water Department. Any system development charges shall be the charge in place at the time of development.

STREET AND DRAINAGE IMPROVEMENTS:

16. Street improvements shall be required in accordance with Public Works Standards. Street improvement plans (including curb, gutter and sidewalk) shall be prepared to provide for a three-quarter (3/4) width street along the Cummings Lane street frontage from the easterly property line to the Keizer Riverwall. A "hammerhead turnaround" shall be constructed by Applicant in a manner that substantially complies with the drawing attached as Exhibit "E-1". Such turnaround area shall be designated "No Parking" and appropriate signage shall be installed.

17. Storm drainage easements shall be provided on proposed Parcel 2 to connect to the existing public drainage improvements. Storm drainage improvements shall be completed pursuant to Public Works Standards and the comments incorporated into the Zoning Administrator's decision.

18. Plans for all required public improvements shall be submitted prior to recording of the partition plat.

19. An improvement agreement shall be signed by the developer prior to the recording of the partition plat.

20. A site-grading plan shall be submitted to the Department of Public Works indicating where fill or excavations will be made and showing that no storm water runoff in the area will be impacted by the proposed development. The site-grading plan shall be approved by the Department of Public Works prior to any grading operations on the subject property.

21. The access easement indicated on proposed Parcel 2 for proposed Parcel 1 shall meet City of Keizer standards. Removal of existing fencing and shrubbery may be required to provide for adequate sight distance due to the approximation of the existing driveway easterly of the proposed access easement. The applicant's engineer shall submit data indicating the existing obstructions along the easterly property line of proposed Parcel 2 in the vicinity of Cummings Lane to allow the Department of Public Works to determine the amount of obstructions to be removed.

OTHER:

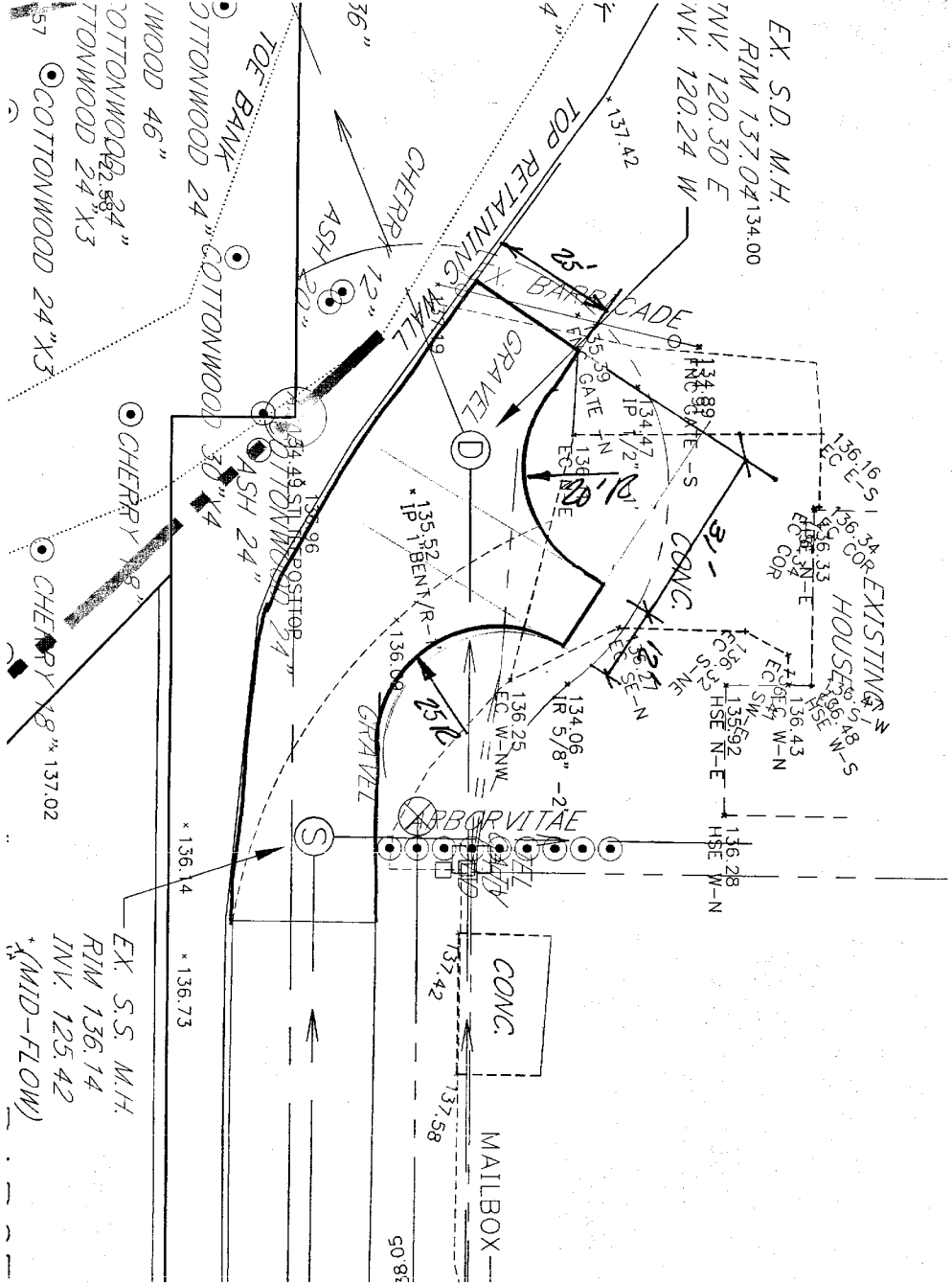
22. Construction permits are required by the Department of Public Works prior to any public facility construction. Contact Scott Peterson at the City Engineer's office at 390-7402 for the necessary permit information that is required.
23. A Pre-design meeting with the City of Keizer Department of Public Works will be required prior to the Developer's Engineer submitting plans to either the City of Keizer or the City of Salem for review.
24. Street opening permits are required for any work within the City Right-of-Way that is not covered by a Construction Permit.
25. A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the City.
26. No development or alteration of the existing ground within the flood plain of the Willamette River shall be allowed prior to applicant's obtaining a flood plain development permit. Any removal of vegetative material in the Willamette Greenway without proper permits shall result in a requirement that restoration be done under the rules of the State of Oregon.
27. Applicant shall meet all Fire Code and Keizer Development Code requirements pertaining to:
 - a. Adequate Emergency Apparatus Access
 - b. Approved Turn-Around
 - c. Water Supplies [Fire Hydrant]
 - d. Appropriate Address Signage
28. Marion County Surveyor's Office submitted the following conditions of approval. Questions regarding the following four (4) conditions below may be address to Phil Jones, Marion County Surveyor's Office, 5155 Silvertown Rd NE, Salem, OR 97305:
 - a. Parcels ten acres and less must be surveyed.
 - b. Per ORS 92.050, plat must be submitted for review to Marion County Surveyor's Office.

- c. Checking fee, second Mylar fee, and recording fee are required by the Marion County Surveyor's Office.
- d. Plant service report and/or title report must be submitted to the Marion County Surveyor's Office at the time of review.

OTHER PERMITS AND RESTRICTIONS:

29. This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits from other Local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon.

This decision does not include approval of a building permit.





August 5, 2002

AGENDA ITEM 7C

**ORDER – COMPREHENSIVE PLAN MAP INTERPRETATION FOR
PROPERTY LOCATED AT 1355 ALDER DRIVE NE, KEIZER**

CITY COUNCIL MEETING: August 5, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *COMPREHENSIVE PLAN MAP BOUNDARY INTERPRETATION
(JAMIE JENNICHES)***

Following the public hearing on the above referenced matter, the Council directed our office to prepare an appropriate Order. The Council determined that the correct comprehensive plan map designation for the subject property is Low Density Residential (LDR).

RECOMMENDATION:

Adopt the attached Order.

Please contact me if you have any questions. Thank you.

ESJ/tmh
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 ORDER

3 IN THE MATTER OF THE REQUEST FOR
4 COMPREHENSIVE PLAN MAP INTERPRETATION BY
5 JAMIE JENNICHES FOR PROPERTY LOCATED AT
6 1355 ALDER DRIVE NORTHEAST, KEIZER, OREGON

7 The City of Keizer orders as follows:

8 Section 1. THE APPLICATION. This matter came before the Keizer Zoning
9 Administrator for a request for interpretation of the boundary for property located at
10 1355 Alder Drive Northeast, Keizer, Oregon. The Applicant was Jamie Jenniches. Mr.
11 Jenniches requested an interpretation of the Comprehensive Plan Map for the subject
12 property indicating that he believed the Comprehensive Plan Map indicates his property
13 is designated Medium High Density Residential (MHDR) rather than Low Density
14 Residential (LDR). The Zoning Administrator informally determined the correct
15 designation is Low Density Residential and referred the request for interpretation to the
16 City Council under Keizer Development Code Section 1.102.04.

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

21 Section 3. PUBLIC HEARING. A public hearing was held before the Keizer
22 City Council on July 15, 2002. The following persons either appeared at the City

1 Council hearing or provided written testimony on the application before the Council:

2 1) Maria Meier, Planning Director

3 2) Jamie Jenniches, Applicant

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

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

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

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

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

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

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

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

EXHIBIT "A"

Evidence

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

Mayor Christopher opened the public hearing on July 15, 2002.

Planning Director Maria Meier reported that the property owner, Jamie Jenniches, had requested a Comprehensive Plan Map interpretation of his property after disagreeing that his property was designated LDR (Low Density Residential). Mrs. Meier indicated that the Applicant believed his property was designated (MHDR) Medium High Density Residential similar to the property west of the subject property.

Mrs. Meier noted staff's interpretation of the Comprehensive Plan Map and recommended that the Council evaluate and make a formal interpretation of the Comprehensive Plan Map designation for the subject property. Staff also recommended that staff be directed to prepare an order for adoption pertaining to the Council's decision.

City Attorney Shannon Johnson explained the applicable criteria and procedures for the hearing. With no objections to the general provisions of the Development Code. He also asked the Council for any exparte contacts, conflicts of interest or bias to be disclosed.

Councilor Walsh asked to abstain from the discussion and the vote on this issue, noting that Mr. Jenniches was a previous client pertaining to other issues.

Jamie Jenniches, 1355 Alder Drive, Keizer. Indicated that he had been led to believe upon purchase of the property that this land did fall within the Comprehensive Plan Rezone Area, which the Planning Department did not agree with.

Mrs. Meier explained the method used to make her determination, indicating that the Comprehensive Plan Map should not be used to reach a conclusion as it was not prepared to a specific scale. Mrs. Meier addressed the exhibits that included the Comprehensive Plan Map, a Marion County Tax Assessor's Map, a GIS Comprehensive Plan Map and the Adopted/Old Zoning Map and how this information allowed her to reach her conclusion.

Responding to questions Mrs. Meier noted on the infill map that the property in question was designated as Low Density Residential.

EXHIBIT "C"

Facts

1. The Applicant is Jamie Jenniches.
2. The property involved is located at 1355 Alder Drive Northeast, Keizer, Oregon.
3. The Applicant's request is for an interpretation of the Comprehensive Plan Map. The Applicant believes that the subject property is designated in Medium High Density Residential (MHDR). The Zoning Administrator determined that the correct designation is Low Density Residential (LDR).
4. Keizer Development Code Section 1.103.03 provides that the Zoning Administrator resolves disputes over the location of the zoning district boundary. Such section goes on to give guidelines in determining the boundary location.
5. At the public hearing, Mr. Jenniches indicated that he determined that the correct designation should be MHDR by using a scale for Brooks Avenue. However, the Council finds that this is not an appropriate way to determine the scale on the Comprehensive Plan Map.
6. It appears that there is no specific scale identified on the adopted Comprehensive Plan Map. Therefore, other methods of analysis must be used to determine the correct Comprehensive Plan Map designation.
7. The Zoning Administrator used four methods of analysis to arrive at the conclusion that the correct Comprehensive Plan Map designation is Low Density Residential. (See July 5, 2002 staff report from Planning Director Maria Meier.)
8. The City Council finds that the Zoning Administrator's interpretation is well supported by the analysis set forth in the staff report. Such analysis and interpretation is hereby incorporated herein as if fully set forth.

EXHIBIT "D"

Justification

The Applicant, Jamie Jenniches, requested an interpretation of the Comprehensive Plan Map to determine the correct comprehensive plan designation for the subject property. Mr. Jenniches believes that the correct designation was Medium High Density Residential (MHDR). The Zoning Administrator (Planning Director) informally determined that the correct Comprehensive Plan Map designation is Low Density Residential (LDR).

The Zoning Administrator used four different methods of analysis to determine the correct Comprehensive Plan Map designation. The analysis included review of the Comprehensive Plan Map, Tax Assessor's map, GIS map, and the old Keizer Zoning Ordinance map. Review of these maps indicates that the GIS map shows the best scale and clearly indicates that the subject property is designated Low Density Residential.

Mr. Jenniches has the opportunity to request a Comprehensive Plan Map amendment should he wish to develop the property to higher density. However, without such a decision, the property remains designated Low Density Residential.



August 5, 2002

AGENDA ITEM 7d

DELIBERATION - CHEMAWA ACTIVITY CENTER/KEIZER STATION
PLAN – TEXT AMENDMENT/COMPREHENSIVE PLAN CHANGE/ZONE
CHANGE CASE NO. 01-50

Memo To: Mayor Christopher and City Council
From: Maria Meier, Planning Director
Through: Chris Eppley, City Manager
Date: August 5, 2002
Re: Legislative Amendment Case No. 01-50; Proposed Keizer Station Plan – Deliberations

Please find attached maps indicating zoning for the existing Chemawa Activity Center, proposed Keizer Station Plan as proposed by Northwest National, and the Staff recommend Alternative Plan. These maps are the same as you have received in both Exhibits A and B. These maps, same as posted on the Council walls, may be used as tools to discuss the differences in the plans during your deliberations. Below is a chart to assist the Council with deliberations for each sub-area within the Keizer Station Plan – Chemawa Activity Center:

Zoning Designations Per Plan

Sub-Areas	1997 Chemawa Activity Center Plan	Proposed Keizer Station Plan <i>*See Staff Report Page 6.</i>	P.C. Recommended Alternative Plan <i>*See Staff Report; Exhibit B, Page 5.</i>
Area "A"	Primarily IBP 11 Acres CM (Stadium Not Within Activity Center Boundary)	IBP, IG, CM, CR (Stadium Within Plan Boundary)	IBP, IG, EG (Stadium Within Plan Boundary) <i>*See P.C. Recommendation; SKAPAC Record Exhibit 1, Attachment A (EG Zone).</i>
Area "B"	CO	CR/CM	CM – With Use Restrictions <i>*See P.C. Recommendation; SKAPAC Record Exhibit 1, Attachment E, Page 5.</i>
Area "C"	MU	CR/MU	CR/MU – With Minimum 75% MU High Density Residential Requirement
Area "D"	CMP	IBP	IBP

Zoning Designations

CO	Commercial Office	CM	Commercial Mixed	CR	Commercial Retail
EG	Employment General	IBP	Industrial Business Park	IG	Industrial General
MU	Mixed Use				

Here is a preliminary list of issues the Council may choose to work with to begin discussions on the proposal:

❖ **Balance of Zoning**

Staff Memorandum dated August 5, 2002 identifies each area. Discuss differences and determine if zoning is appropriate.

When considering each zone, evaluate the uses that may be permitted within each zone.

❖ **Vitality of River Road Commerce**

❖ Transportation

In addition to previous material submitted to the Council, staff memorandum dated July 31, 2002, Exhibit "A-108", provides recent staff recommended language relating to transportation development opportunities.

❖ Design Standards

Building Size Limitations

Enhanced Development Standards

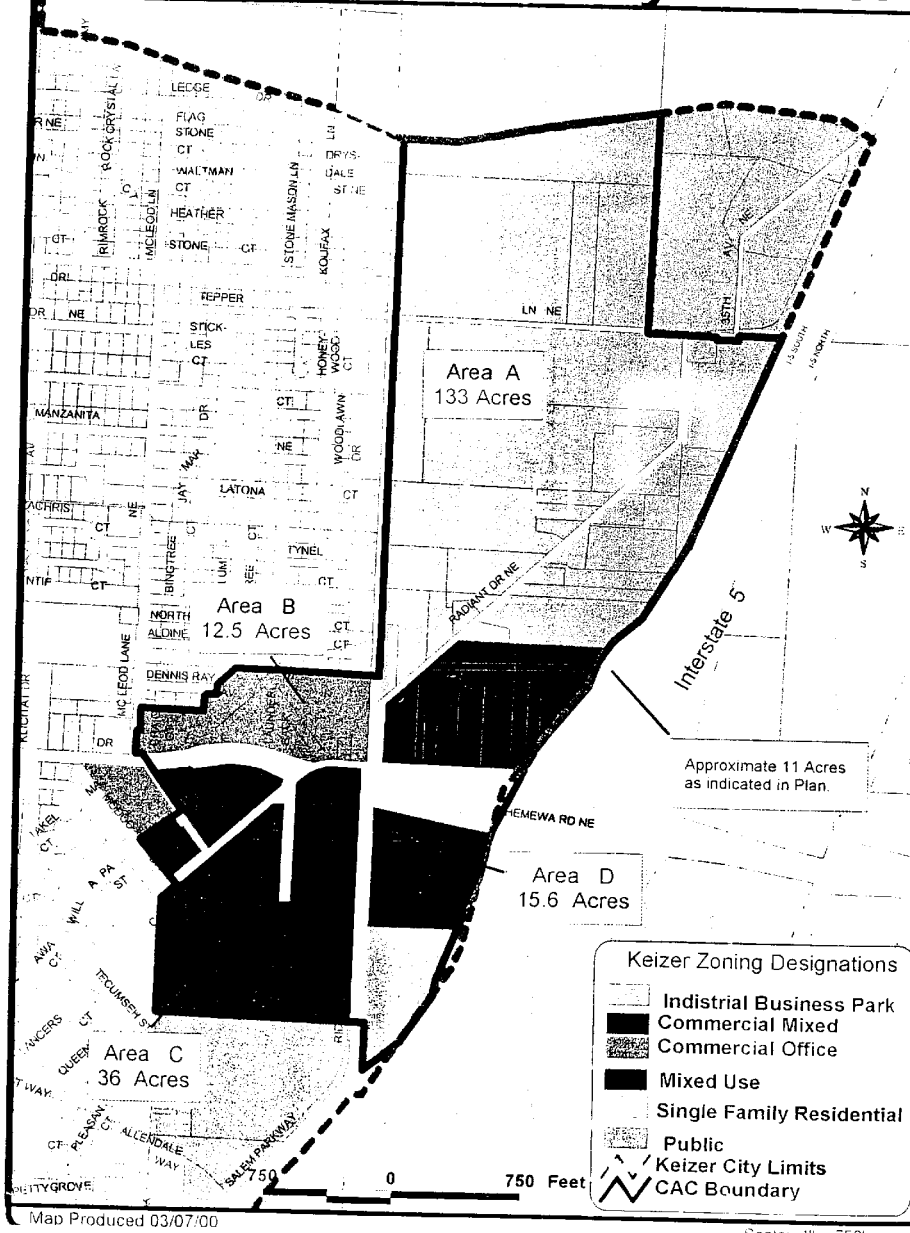
- See Staff memorandum to Council dated June 26, 2002
- Discuss potential concepts seen on field trip visit

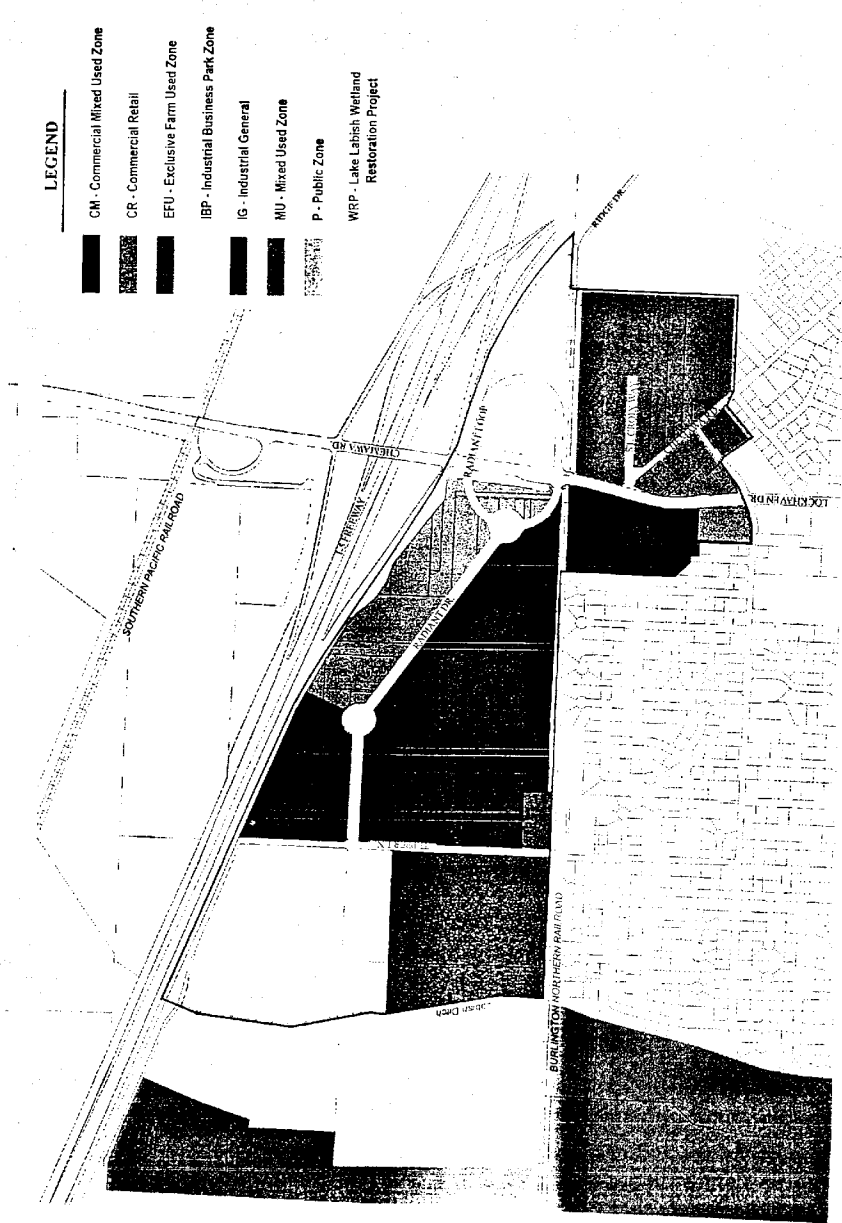
❖ Landscaping Standards

Other issues identified by Council:

- [illegible]

Chemawa Activity Center





LEGEND

CM - Commercial Mixed Used Zone

CR - Commercial Retail

EFU - Exclusive Farm Used Zone

IBP - Industrial Business Park Zone

IG - Industrial General

MU - Mixed Used Zone

P - Public Zone

WRP - Lake Labish Wetland
Restoration Project

FIGURE TWO

KEIZER STATION PLAN -

ZONING MAP

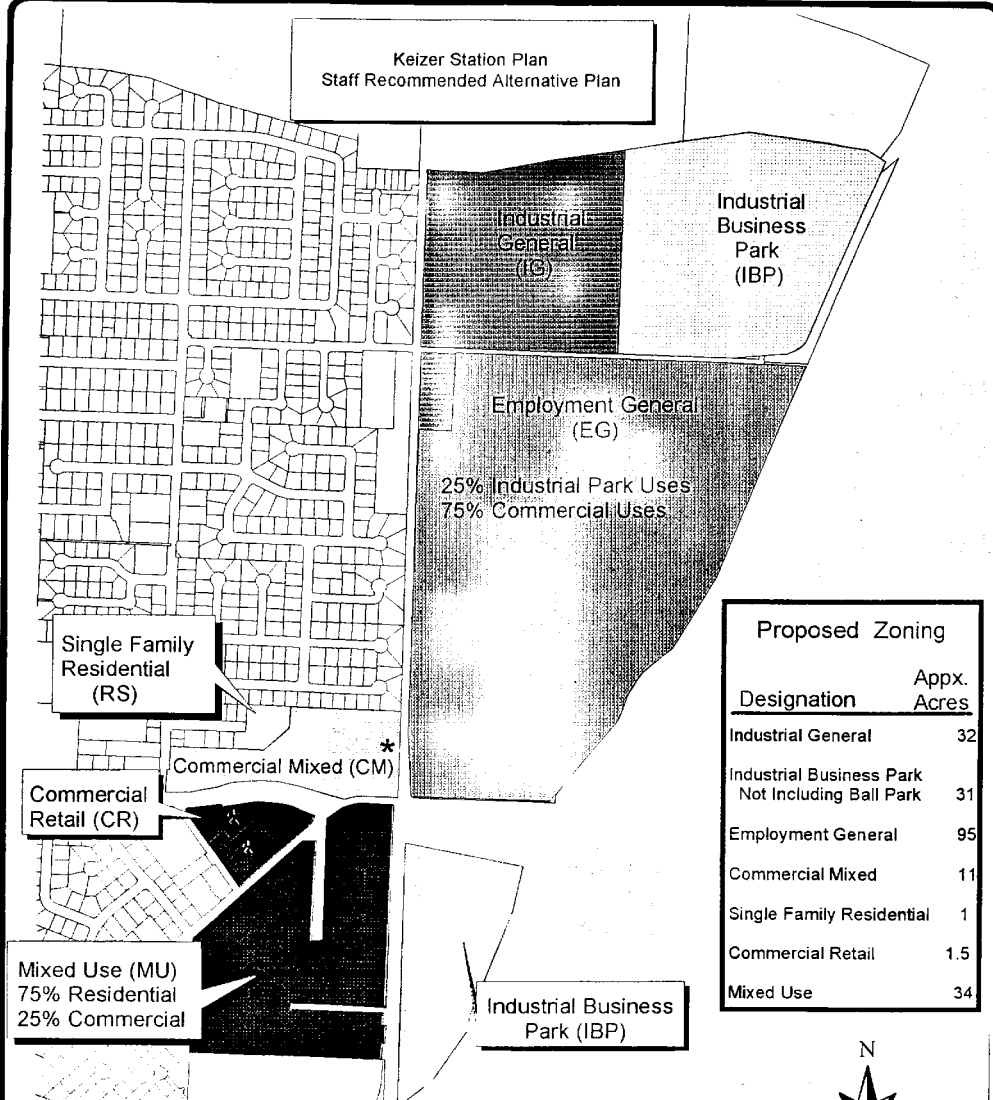
SEPTEMBER 2001



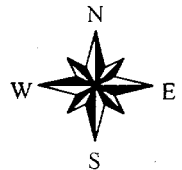
ANKROM MOISAN
ASSOCIATED ARCHITECTS



Keizer Station Plan
Staff Recommended Alternative Plan



* Traffic Impact & Circulation Analysis required for any use proposed in this location.



KEIZER CITY ATTORNEY
MEMORANDUM

TO: MARIA MEIER
PLANNING DIRECTOR

FROM: E. SHANNON JOHNSON
CITY ATTORNEY

SUBJECT: CHEMAWA ACTIVITY CENTER PLAN - 45-DAY
NOTICE QUESTION

DATE: APRIL 16, 2002

You have requested that I determine whether additional 45-day notice is necessary for the above referenced proposed legislative amendment.

The proposed amendments to the Chemawa Activity Center Plan were initiated in September 2001. The proposed amendments were tentatively titled the "Keizer Station Plan" as proposed by Northwest National LLC. Northwest National LLC proposed such Keizer Station Plan in accordance with the predevelopment agreement entered into with the City of Keizer and the Urban Renewal Agency. The amendments to the Chemawa Activity Center Plan were initiated as legislative amendments. Timely 45-day notice was sent to DLCD and other parties.

Staff evaluated the proposed amendments against the applicable criteria and developed a recommendation that included a "staff alternative" to the Keizer Station Plan. This recommendation was presented to the Planning Commission. This alternative suggested using an Employment General Zone, suggested changes in the allocation between Industrial/Commercial zones in the Activity Center, and suggested other changes. A copy of the staff analysis and recommended alternative was also sent to DLCD.

Following the introduction of the Keizer Station Plan and the staff alternative at the Planning Commission hearing, you had a phone conversation with Mark Radabaugh, who is the Willamette Valley Urban Representative from DLCD. Mr. Radabaugh raised the question as to whether introduction of the staff alternative would require a new 45-day notice to DLCD. At your request, Mr. Radabaugh put his concern or suggestion in a letter dated January 14, 2002. Such letter has been made part of the record and is attached to this memorandum for your convenience. Mr. Radabaugh stated that:

"If the planning commission provides a recommendation, other than project denial, that differs from the proposed [Keizer Station Plan], then the city should consider providing a new notice pursuant to ORS 197.610. By "differs", we mean a new proposal that contains new text and/or land use map changes which differ from the proposal submitted under ORS 197.610 to such a degree that the notice under ORS 197.610 did not reasonably describe the nature of the city's final action. (See ORS 197.620)."

You asked if I could review this matter to determine if a new 45-day notice is necessary. I do not believe that the land use statutes or administrative rules require a new notice in this instance.

ORS 197.610(1) states that a proposal to amend an acknowledged comprehensive plan or land use regulation shall be forwarded to DLCD at least 45 days before the first evidentiary hearing. Mr. Radabaugh refers to ORS 197.620. Subsection 2 of such statute indicates that even if DLCD has not appeared before the local government orally or in writing that the department may appeal a post acknowledgment amendment if it differs from the original proposal to a degree that notice under ORS 197.610 did not reasonably describe the nature of the local government final action.

First, I must indicate that the staff alternative, though it has some differences from the KSP, is not so different to the degree that it does not reasonably describe the nature of the City's final action. This is presuming that the City Council adopts the staff recommended alternative or something similar to it.

However, even if the above was not true, DLCD has the right to appeal anyway. ORS 197.620 only gives an additional right to appeal if the department did not appear orally or in writing. However, in this case, DLCD has appeared and consequently has that right. In other words, ORS 197.620 does not relate to a requirement to give additional notice; rather, it allows DLCD to appeal when ordinarily they would not have such right.

LUBA case law supports this position. In *Northwest Aggregates Co. v. City of Scappoose*, 38 Or LUBA 291 (2000), the petitioner argued that an additional 45-day notice to DLCD was required of the City. In that case, following LUBA remand the city moved forward with continued review of the legislative amendment. Following a second city decision, an affected party appealed and one of the arguments made was that there was not a new 45-day notice after remand.

LUBA indicated that they agreed with the city that its proceedings on remand were a continuance of the original proceeding. Nothing required additional notice. Though the case is not identical to the fact situation we have, it is important to note that LUBA indicates that if the proposed amendment or regulation has been substantially amended the local governments needs to specify changes made in the notice. Then ORS

Maria Meier
Page 3
April 16, 2002

197.620(2) allows DLCD or any other person to appeal the local governments decision even if they had not appeared before the local government. It does not give the party the right to say the city has to begin the process anew. LUBA stated: "It is clear from the foregoing context that, once notice of the proposed amendment is provided under ORS 197.610, no further notice is required under that statute even if the local government eventually adopts a substantially modified version of the proposed amendment."

Note that ORS 197.615 requires the local government to specify changes that have been made in the proposal if it has been substantially amended. Therefore, please make note of the fact that if the Council adopts a new or amended Chemawa Activity Center Plan or KSP, staff will be required to give notice to DLCD not later than five (5) working days after final adoption by the Council.

I hope this addresses your questions in this regard. If you have further questions in or concerns, please do not hesitate to contact me. Thank you.

ESJ/tmh
enclosure

To: Mayor Christopher and City Council

From: Maria Meier, Planning Director

Through: Chris Eppley, City Manager

Date: July 11, 2002

Re: Text Amendment/Comprehensive Plan Amendment/Zone Change
Case No. 01-50; Amendment to Chemawa Activity Center Plan –
Proposed Keizer Station Plan

On July 15, 2002, the City Council closed the public hearing for oral testimony and kept the record open for written testimony until July 31, 2002. Please find attached copies of testimony submitted to the record by July 31, 2002 (Exhibits A-100 to A-110). Exhibit A-111 is the mapped 26" x 38" board submitted by Northwest National LLC showing the Portland vicinity and the location of shopping centers in the region and is available for viewing in the Community Development Department. The SKAPAC record is officially submitted to the legislative review record as Exhibit A-110. The City Council to date has copies of the SKAPAC record, with exception of the copies provided in this packet attached as "Exhibit A-110, SKAPAC Record Continued". The additional information submitted within the SKAPAC record submitted with this packet is primarily related to the approval of the minutes for the SKAPAC meetings. Keizer staff also submitted additional information to the record.

Staff recommends the City Council begin deliberations on Text Amendment/ Comprehensive Plan Amendment/Zone Change Case No. 01-50, Amendment to Chemawa Activity Center Plan (Proposed Keizer Station Plan).

Meier, Maria

From: Davis, Tracy
Sent: Tuesday, July 16, 2002 12:46 PM
To: Charles E. Lee (E-mail); Eppley, Christopher; Jacque Moir (E-mail); Jerry McGee (E-mail); Judy K. Smith (E-mail); Lore Christopher (E-mail 2); Lore Christopher (E-mail); Michel Gaynor (E-mail); Richard Walsh (E-mail)
Cc: Shannon Johnson (E-mail 2); Eppley, Christopher; Meier, Maria
Subject: FW: Keizer Station Plan

Forwarding...

Tracy L. Davis, CMC
Keizer City Recorder

—Original Message—

From: Dave Quillin [mailto:dquillinrbf@yahoo.com]
Sent: Tuesday, July 16, 2002 10:25 AM
To: citycouncil@keizer.org
Subject: Keizer Station Plan

Keizer City Council Members:

Why don't you tell Swaim and the city of Salem to take a hike, and go ahead and approve your Keizer Station project.

Are you really required to obtain Swaim/Salem's permission for a Keizer development before you can OK it?

This area is in dire need of more choices when it comes to shopping and it sounds like Keizer Station will go a long way to filling the shopping void that currently exists.

Has Swaim never heard of competition and free enterprise?

Forget about him and go for it! **Good luck.**

Dave Quillin
4870 Happy Drive NE
Salem, OR 97305
551-0510

Do You Yahoo!?
Yahoo! Autos - Get free new car price quotes <http://autos.yahoo.com>

**KEIZER CITY ATTORNEY
MEMORANDUM**

TO: MARIA MEIER
PLANNING DIRECTOR

FROM: E. SHANNON JOHNSON
CITY ATTORNEY

SUBJECT: JULY 17, 2002 LETTER FROM DLCD

DATE: JULY 18, 2002

I am in receipt a copy of the July 17, 2002 letter from Mark Radabaugh, DLCD Willamette Valley Urban Representative. Mr. Radabaugh indicates that he heard "through unofficial sources" that significant additional information has been submitted in the Chemawa Activity Center Record. He indicated that the additional documents concern matters regarding goal compliance on issues the Department previously raised. He also indicates that they want to request an opportunity to review the submittals in a manner consistent "with the timeframes outlined by ORS 197.610."

Though Mr. Radabaugh does not identify what submittals he is referring to, I would note that a large volume of material was submitted regarding opportunity analysis under Goal 9. I find it interesting that Mr. Radabaugh believes that additional time is necessary to review this when he previously requested that this be done.

As far as the statutory reference made by Mr. Radabaugh, that statute does not provide any additional time just because written testimony is submitted to the record. The implication by Mr. Radabaugh is somewhat similar to his January 14, 2002 letter in which he apparently believed that a new 45-day notice was necessary if the City was considering a plan amendment that was modified from the one originally submitted to the Department. As I indicated in my April 16, 2002 memorandum to you (see enclosed copy), there is no necessity for an additional 45-day notice in that instance. In the same manner, there is no requirement for extending timelines in this case.

I would suggest that you make available any portions of the Record that Mr. Radabaugh would like to review and be sure he is aware of the July 31, 2002 date for the close of the Record. If Mr. Radabaugh or others have some specific statutory or administrative rule requirement that I am unaware of, I would be pleased to review it. Thank you.



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

FAX (503) 378-5518

Web Address: <http://www.lcd.state.or.us>

July 17, 2002

EXHIBIT "A-102"

Maria Meier
Keizer Community Development Director
930 Chemawa Road, NE
P. O. Box 21000
Keizer, Oregon 97307-1000

Subject: Keizer Station proposal
State File No. 008-01
Local File No. 01-50

Dear Maria:

We have heard through unofficial sources that the Keizer Station applicants have very recently submitted significant additional information during the city council's hearing on this matter. Among these additional items that may have been submitted are documents that involve meeting requirements of Goals 9, 10 and 12, all which are matters that concern comments contained in our previous letters to the city on this proposed post acknowledgement plan amendment.

If there have been subsequent submittals that are intended to be part of the amendment to the city's comprehensive plan and land use ordinance, we would request opportunity to review them in a manner that is consistent with the timeframes outlined by ORS 197.610.

Thank you for your efforts and continued excellent cooperation over this matter.

Sincerely,

Mark Radabaugh
Willamette Valley Urban Representative

c: file

Council Work Session on Keizer Station

July 8th, 2002
8:30 a.m. to 3:30 p.m.

<u>Site</u>	<u>General Location</u>	<u>Site Description</u>
Tualatin Commons	Center of Tualatin at old Hervin pet food factory.	Mixed use retail, office, high-density residential and hospitality sector.
LO Business Park	West side of I-5 at LO exit between Bed, Bath & Beyond on the South and Home Depot on the North.	Mixed retail, light industrial and office park.
Orencia Station	Hillsboro off of HWY 26, South on Cornelius Pass Road at Butler Street.	Neo-traditional community "Smart Growth" development with mixed retail, single family housing and high-density housing.
Waterfront Place	Downtown Portland at approximately South Waterfront Street and North Macadam Street.	Mixed retail, and high-density residential.
NW Portland	Downtown Portland approximately at Glisan Street and between 21 st and 23 rd Streets.	"Main street" style retail center with mixed retail and some residential.
Jansen Beach Shopping Center	West of I-5 at the Oregon/Washington Border on the Oregon side, near the Expo Center.	Traditional "Power Center" shopping center with mixed retail and entertainment.
Airport Way East	I-205 and Airport Way East	Mixed use light industrial, office and retail with service and hospitality components.
Mall 205	I-205 and SE Washington Street.	Renovated "Community Shopping center" with dense mixed retail.
Woodburn Outlet Mall	West side of I-5 at Woodburn exit.	Strip shopping center.

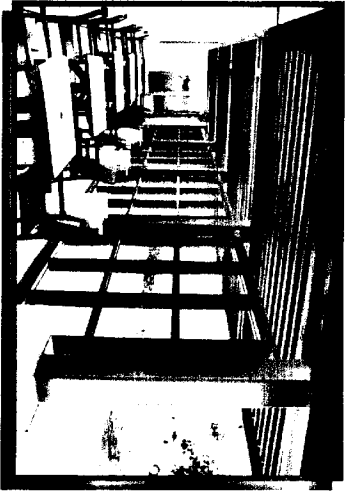
Orenco Station 1
Public Open Space



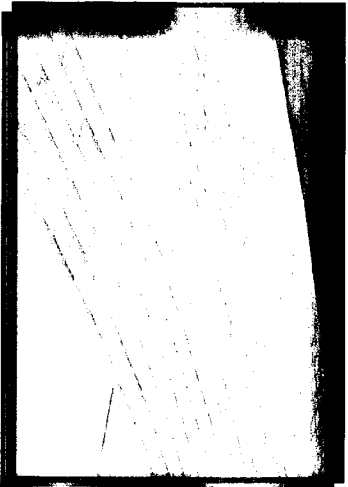
Orenco Station 2
False Façade at Public Open Space



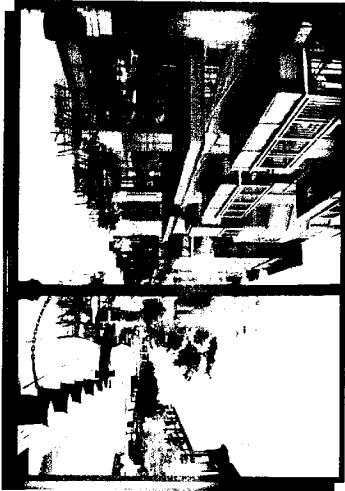
Orenco Station 3
Behind False Façade



Orenco Station 4
Building Materials at Pedestrian Crossing



Orenco Station 5
Streetscape & On-Street Parking



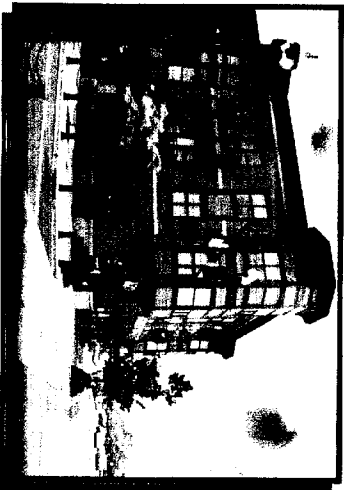
Orenco Station 7
Choke Point at Pedestrian Crossing



Orenco Station 6
Streetscape & Angled On-Street Parking



Orenco Station 8
Residential & Office Over Retail



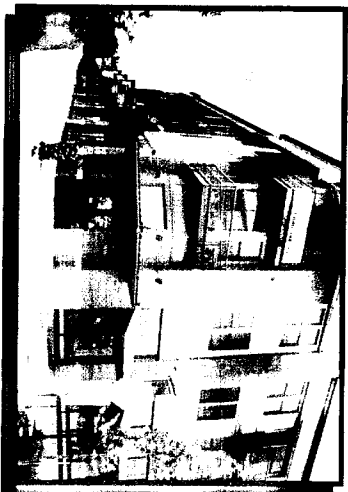
Orenco Station 9

Sidewalks & Landscaped Separation From Arterial



Orenco Station 11

Building Scale



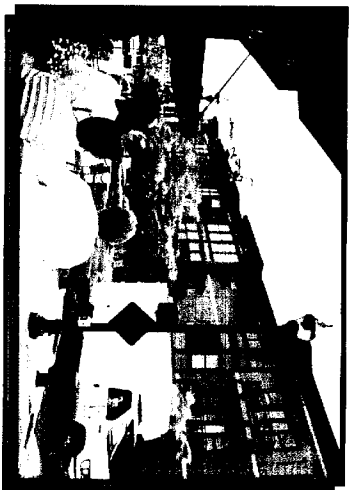
Orenco Station 10

Sidewalk & Parking at Side Street



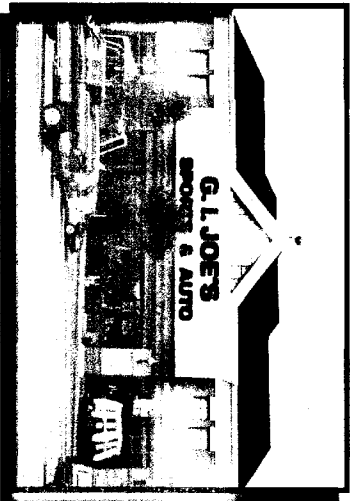
Orenco Station 12

Building Scale



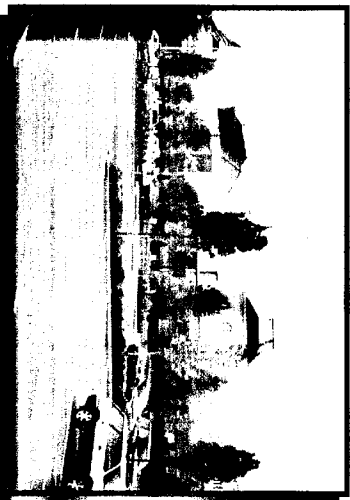
Orencia Station 13

Large Scale Retail & Building Articulation



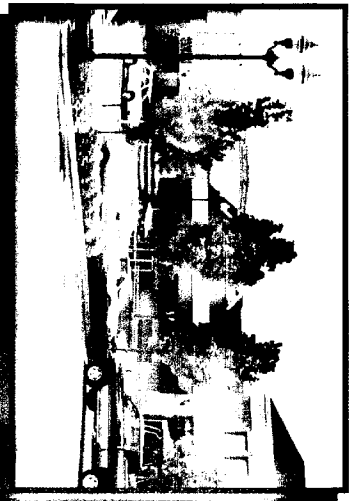
Orencia Station 14

Large Scale Retail & Building Articulation



Orencia Station 15

Large Scale Retail Parking Lot Landscaping



Orencia Station 16

Large Scale Retail Parking Lot Landscaping



Lake Oswego Business Park 1

Large Scale Retail & Landscaping



Lake Oswego Business Park 2

Large Scale Retail & Landscaping



Lake Oswego Business Park 3

Internal Private Street & Parking Lot Separation



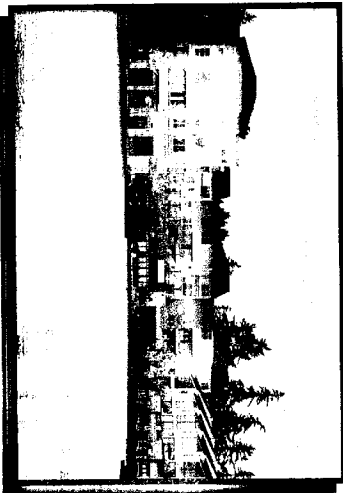
Lake Oswego Business Park 4

Parking Lot Landscaping



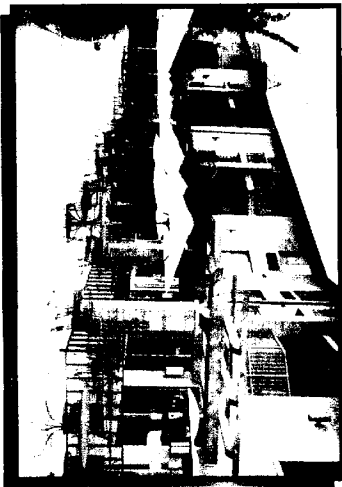
Tualatin Commons 1

Mixed Use Development (Residential & Retail)



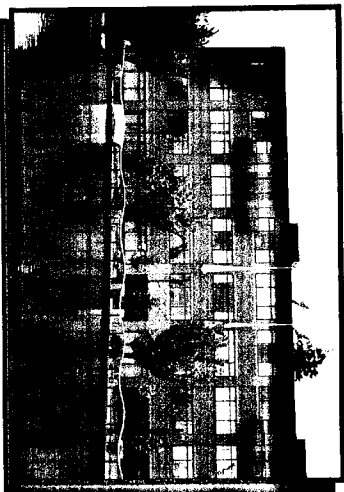
Tualatin Commons 2

Public Open Space & Residential Over Retail



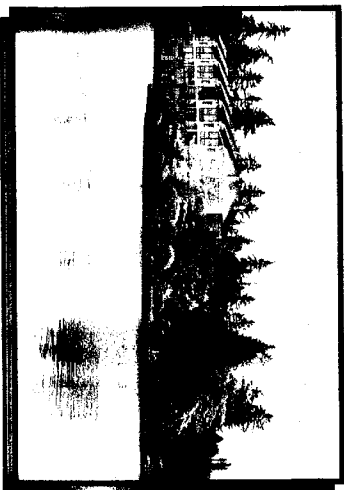
Tualatin Commons 3

Office Space & Landscaping



Tualatin Commons 4

High Density Residential & Landscaping



July 31, 2002

TO: Mayor Christopher, Members of the City Council, and City Manager
FROM: Jane & Mike Kirby
6657 14th Avenue NE *Jane Kirby*
Keizer, OR 97303

RE: Keizer Station Proposal
Citizen Comment

I am writing, on behalf of my husband and myself, in support of further exploration of the Keizer Station concept for the city's Chemawa Activity Center.

As Keizer residents for over a decade, we have followed potential plans for this site with great interest and believe that the Keizer Station concept may provide the right mix of retail, office, and residential space for this key area.

We urge you give this concept further consideration with special attention to the following factors:

- ❖ Watershed management, especially in regards to Labish Ditch
- ❖ Principles of New Urbanism
- ❖ Impact on adjacent, established neighborhoods, such as our Gubser Neighborhood
- ❖ Traffic management
- ❖ Possible inclusion of a library, community center, and aquatic center

Keizer has a unique opportunity to combine the best practices in retail, housing, and community amenities as it develops the Chemawa Activity Center. Whether with the Keizer Station concept, or another forward-thinking plan, it is time to move ahead. Thank you for the time you have devoted to this project. We look forward to the next chapter in its development.

☆ RECEIVED ☆

JUL 31 2002

City of Keizer

RECEIVED
BY: CITY OF KEIZER
2002 JUL 31 AM 9 19

July 31, 2002

Maria Meier, Planning Director
City of Keizer
P.O. Box 21000
Keizer, OR 97307

EXHIBIT "A-105"

Subject: Proposed Amendments to the Chemawa Activity Center Plan

Dear Maria:

Following are written comments on the City's proposal amend the Chemawa Center Plan and to rezone the area. Please include these comments in the Council's record of this proceeding.

Bill Wilkinson, Executive Director of the Center for Biking and Walking, recently observed that today's parents may be the first generation to bury their children. Because of the national trend toward the development of communities that not only lack accommodation for pedestrians and bicyclists but, in fact, create barriers to these forms of transportation, the United States is facing an epidemic of obesity, diabetes, heart disease, and asthma. In the last 25 years, the incidence of obesity among adults has increased from 47 percent to 56 percent, and has almost doubled among children. Today, even for trips of less than a mile, Americans use the automobile 75 percent of the time. Health professionals are increasingly alarmed about the effects of our inactivity on the incidence of chronic diseases.

Mr. Wilkinson suggests that communities consider each decision involving land use and transportation in light of the impact the decision will have on walking and bicycling. Sidewalks and bike lanes, however, are not enough. The Center for Biking and Walking notes that "even where these facilities exist, features that support driving, such as wide roads and intersections, large parking lots and drive-through businesses, create an environment that is uncomfortable and unsafe for non-motorists." There could hardly be a more accurate characterization of the problems that confront pedestrians and bicyclists in Keizer. The construction of a large shopping center on the very edge of the urban growth boundary, and the likely displacement of the semblance of a city center that we currently have, can only exacerbate the situation. Efforts to accommodate pedestrians and bicyclists within the proposed development will not adequately mitigate for the impacts to the transportation system of locating the development on the urban fringe.

It is ironic that, at a time that other communities are struggling to undo the unfortunate decisions that they have made in the past to undercut their commercial centers, to allow urban sprawl, and to pursue a pattern of development that makes automobiles a necessity and effectively disenfranchises those members of the community who are unable to drive, Keizer officials appear to be committed to making those same mistakes. There is no question that Keizer and Keizer businesses have suffered because of the disastrous planning and zoning decisions that were made by Salem in the past. However, the solution must not be to turn Keizer into an incorporated version of Four Corners.

During oral testimony before the Council, opponents of the rezoning proposal have raised several important issues that have not been adequately addressed by the proponents. Among these issues are:

- The impact of the development on Lockhaven Drive. The evidence on the record is clear and uncontroverted. The increased traffic from build-out in the Chemawa Activity Center will require either widening of Lockhaven all the way to River Road or other significant transportation improvements.
- The impact of the development on River Road businesses. The developers have attempted to dismiss the conclusions of the Shils report as biased and unscientific. However, the case studies presented by the developers' consultant are even more subject to bias and, in fact, confirm that big box development on the fringes of communities have significant, negative effects on retailers in the city center.
- The proposed development has been marketed to the community based on the amenities that supposedly will be provided to citizens through the additional tax revenues that would be available to the city. However, the proposal makes no commitments to Keizer citizens to actually develop any of these amenities and it is very unlikely that the expected revenues will materialize.

Lockhaven Drive

During the January 9, 2002 Planning Commission meeting, Chris Stanley, the developer's transportation consultant, testified that build-out at the Chemawa Activity Center would require widening Lockhaven Drive or other major transportation improvements. While Mr. Stanley later told the City Council that widening of Lockhaven is not contemplated in the Keizer Transportation Systems Plan (TSP), he has not recanted the observations that he made during the discussion with members of the Planning Commission. The TSP does not include widening in the Capital Improvement Project Summary, however, the statements Mr. Stanley made to the Planning Commission are entirely consistent with other information in the TSP that states, "Full development of this area [Chemawa Activity Center] may be limited; or alteration of land use designations, densities, or design requirements may be made to reduce demand for automobile travel and meet travel needs through other modes." (p. 8) In addition, the TSP designates Lockhaven Drive as a Major Arterial and characterizes major arterials as having 5 lanes. (p. 25)

According to the TSP, Lockhaven Drive had a service level "B" as of 1995. This corresponds to a VOC ratio of 0.61 to 0.70. Although the TSP indicates that the service level for Lockhaven Drive will be a "C" in 2020, the Keizer Station Plan contemplates allowing the VOC ratio to deteriorate to 0.87. This suggests that we are to be confronted with a 20 percent increase in congestion on Lockhaven, and that the proposed development cannot be completed without major investments in transportation infrastructure. The increased congestion and delay will further push traffic onto Gubser neighborhood streets, regardless of any traffic calming strategies that are implemented. It is hard to understand why some members of the City Council and staff

appear to be downplaying the traffic impacts of development on Lockhaven and on the adjoining neighborhoods.

The developers' consultants have argued that the impacts on traffic are essentially the same assuming build-out under the existing Chemawa Center Plan and under the big box stores proposal. However, the consultant's analysis assumes more than 1.5 million square feet of offices and no light industrial development under the existing plan. Theoretically, such a development pattern may be possible in the Chemawa Activity Center, but the idea that it would occur is absurd. On the other hand, the developers have repeatedly assured the city that it will reap the benefits of almost one million square feet of retail development and have calculated the new tax revenues to the city accordingly.

The developers' vision of Lockhaven Drive is clear. When the Council was reviewing the pre-development agreement, the developers described how, over time, commercial development along Lockhaven Drive would tie the proposed Keizer Station together with River Road. Don Jensen has expressed his view of the impacts of build-out on Lockhaven Drive. He told the KeizerTimes that Lockhaven "was supposed to be a five-lane road when it was widened a few years ago, but they didn't do their homework. Because of costs, they didn't do it, but we can still widen it now, while there's time." He also told the reporter that, "There's a lot of houses with driveways on the street that shouldn't be there anyway. They will have to come out." Mr. Jensen is inappropriately harsh of the community's decision. It is entirely reasonable that the community could choose not to pursue a pattern of development that will turn Lockhaven into yet another commercial strip. Continuing to clog Lockhaven with heavier and heavier traffic will make living along Lockhaven untenable.

A long-term solution to the problems of heavy traffic and congestion on Lockhaven must be addressed before the Chemawa Activity Center lands are rezoned, not afterwards. The Council must clarify what transportation improvements will be needed to accommodate build-out under the proposed new zoning. In addition, the Council should develop a funding mechanism designed to ensure that the costs of all of the necessary transportation improvements be equitably distributed among the businesses locating in the area. Otherwise, we risk allowing early development to fund relatively inexpensive improvements such as signalization and expecting later development to fund impossibly expensive projects.

River Road Businesses

The Keizer Station Plan represents a radical departure from Keizer's existing vision for the future. The existing plan was developed through a cooperative process and limits retail development in the Chemawa Activity Center to 26 acres. The proposed Keizer Station Plan is inconsistent with the direction established in development of the city comprehensive plan and the existing Chemawa Activity Center Plan to focus the community's commercial development on River Road and, in doing so, to establish a cohesive commercial center.

The Council has received a copy of the Shils Report that provides an assessment of the impact of big box stores on small enterprise. The report clearly describes a serious detrimental impact on small retailers of the type found on River Road. The consultants' rebuttal of the report characterizes it as biased and unscientific. However, the interview technique used in the consultants' "case studies" is even more fraught with problems. We have no idea how many individuals were interviewed, or how the questions were phrased and rephrased in order to obtain the desired responses. The summaries of the interviews undoubtedly and inevitably are filtered by the perspective of the interviewer. Finally, there are no quantitative data to support any of the assertions in the document.

Notwithstanding the fact that the "case studies" are unreliable and unusable in refuting the Shils Report, they do describe significant impacts of big box stores on local retailers. For example, in the Medford case, Donald Burt is quoted as indicating that, "Increased competition from regional shopping centers caused most general merchandise stores to close downtown long before Wal-Mart, and the other large retailers entering the market in the 1990s." Many of the interviewees offered the perspective that the big box stores had prompted significant increases in vacancy rates followed by some replacement of the previous businesses with small specialty shops. It is also significant to note that several of the cities used for the case studies, and the ones that describe the least impacts from big box development, are tourist attractions. It probably is unreasonable to expect large numbers of tourists to stroll down River Road in the near future looking for that special eclectic souvenir.

The developers have argued the development of a major retail center on the very fringes of the urban area will actually help River Road retailers. The Council will be gambling with local business owners' livelihoods if it pursues the Keizer Station development with such an expectation. And all of the available evidence indicates that the Council would be making an extraordinarily bad bet.

Not long ago, *Oregonian* columnist Jonathan Nicholas wrote:

"Milwaukie, as old as Portland, has suffered of late. Cut off from its riverfront by McLoughlin Boulevard, the 'City of Dogwoods' had its retail blood sucked dry by the Clackamas Town Center. And so it settled into a sort of civic somnambulism, waiting on a wake-up call."

Rezoning the Chemawa Activity Center to allow 114 acres of big box stores and strip malls on the very edge of the Urban Growth Boundary can only work counter to the community's interest in development of a commercial center along River Road. The proposed Keizer Station will have exactly the same effect on River Road businesses as Clackamas Town Center had on downtown Milwaukie.

The economic study submitted in conjunction with the proposed Keizer Station Plan asserts that more than 100 acres of commercial land containing more than 1 million square feet of commercial space are needed to serve Keizer's population. Apparently, paid consultants can and

will manipulate numbers to produce the result desired by their client. However, a simple drive down River Road and Cherry Avenue demonstrates that there is no shortage of commercial space, much less a need for a dramatic increase in the amount of land zoned for commercial uses. There are many vacant commercial buildings. There is vacant commercial land. Finally, there is grossly underdeveloped and underused land that undoubtedly could be made available for redevelopment. These vacancies belie the consultant's assertion that there is an inadequate amount of land zoned for commercial development in Keizer.

My January 2002 testimony to the Planning Commission provides addresses and photographs of many of the vacant and underdeveloped properties. As of the end of July, few of these properties are occupied, and there were additional vacant buildings. The recent study of vacancy rates in the Salem-Keizer indicates demonstrates that River Road businesses are struggling. Some Council members have derided the information presented regarding vacancy rates because it is not specific to the City of Keizer. Without providing any data, Steve Ferrarini asserts that the inclusion of the Portland Road on the surveyed area skews the vacancy rate upward. Mr. Ferrarini is apparently unfamiliar with River Road and Portland Road business activity. A drive along these two streets will quick demonstrate that the vacancy rate in Keizer is every bit as high as it is in the remainder of the surveyed area. In fact, it is likely that the vacancy rate in Keizer skews the numbers upwards.

If there were a market on River Road for retail space, the owners of the vacant buildings would undoubtedly be willing to improve the space rather than leaving it vacant. Mr. Ferrarini's assertions that the poor condition of some the buildings accounts for the vacancy rate is not convincing, and suggests that the solution to the problems confronting River Road businesses is to abandon them, and the center of the community, in favor of the Keizer Station.

Amenities

During the past two years, the developers have focused their marketing strategy not on what will be built in the Chemawa Activity Center, but rather on the amenities that will be bestowed on Keizer citizens because of the new tax revenues that supposedly would be produced. They have suggested that the funds can be used to build an aquatics center, a sport complex and a library, to fund operation of a railroad to Wilsonville, to pay the costs of road improvements that are needed in the area, and most recently to perform the needed rehabilitation of River Road after the life is sucked out of it by their big boxes and strip malls. They've forgotten, or failed to account for, the transportation improvements that will be needed in other areas of the city to accommodate the increased traffic, or the additional police services and fire protection, or the many other increases in costs with which Keizer will be confronted. In fact, most communities' experience with growth is that the costs and the revenues barely or don't net out, much less produce "profits" for the community. There will be no windfall to the city for the Council to spend on new projects and programs. In addition, notwithstanding the clear information that build-out can only occur after major new expenditures in the transportation system, the developers have assumed that the area would be completely developed when estimating the new revenues to the city.

Now is the time to determine if the assurances made the community were serious commitments that will honored or hot air that will dissipate the moment a master plan is approved. To this end, I ask that, if the Council decides to proceed with the proposed development, the following language be added at the appropriate location in the revised Chemawa Activity Center and Comprehensive Land Use Plan:

A. The master plan shall include a detailed description and firm commitment for the construction and operation of:

1. An aquatics center;
2. A sports complex; and
3. A library.

B. The master plan shall include a proposed ordinance to enact a special assessment on new businesses locating in the Chemawa Activity Center sufficient to finance the construction and annual operating deficit for a commuter railroad between Wilsonville and Keizer. (Mr. Sides suggested this as a possible funding mechanism when he spoke to the Gubser Neighborhood Association.)

C. The master plan shall include a detailed estimate of the costs of transportation improvements needed to ensure that the VOC ratio on Lockhaven Drive between River Road and the I-5 interchange does not exceed 0.87. In addition, the plan shall provide an equitable method of assessing these costs as development occurs so that all new development in the area shares equally in the total cost of the required improvements.

In addition, I suggest that the Council members ask themselves, "What other assumptions and expectations do we have about the development proposal?" These must be included in the revised plan for the area. The consideration of the master plan ultimately presented to the city will be even more legalistic than the rezoning discussion. The focus will not be on what is good for Keizer or on what one or another member of the community thought the development would look like or contain. It will instead be on whether the proposal is consistent with the standards and criteria in the city's land use plan and zoning ordinances. If the Council expects development to phased in a particular way so as to ensure that we are not left with three big box stores and nothing else, then that phasing must be specified in the plan. If the Council expects a specific amount of industrial development to occur, then that amount of development must be included as a condition of issuing building permits for any retail development in the area. Otherwise, there will be no assurances that the development will occur as expected.

Summary

The existing Chemawa Activity Center plan provides a way to develop the area and to meet the city's obligations to the Volcanoes to improve Radiant Drive. The plan provides an opportunity to develop family wage jobs in Keizer. That idea that the existing plan has "failed" has become common knowledge among many of the participants in the debate. However, city staff have been unable to produce any information describing the city's efforts to implement the existing plan by taking "an aggressive economic development posture, taking leadership and partnership with the private sector in marketing and developing the properties within the Activity Center." In the absence of any meaningful efforts by the city to implement the plan, it cannot have failed.

We certainly need leadership in finding a way to get the landowners in the area out of the purgatory in which they have been. However, rather than moving us in a direction that establishes Keizer as a city and a community, the proposed develop will have the effect of adding to the sprawl and lack of definition of the community's commercial center. In so doing, it will make Keizer even more automobile-centric than it is now and it will not deliver the benefits to the community that the developers have described. We need to remember that, while the proposed development would resolve the problems with which some of the landowners in the area are confronted, the rest of us will continue to live here, and with the results.

I urge the City Council to reject this abysmal proposal and then to provide the leadership and vision that has been so lacking in implementing the existing Chemawa Activity Center plan.

Sincerely,



Douglas M. Parrow
6782 Amy Lane NE
Keizer, OR 97303



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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JUL 31 2002

July 31, 2002

City of Keizer

EXHIBIT "A-106"

Maria Meier

Keizer Community Development Director

930 Chemawa Road, NE

P. O. Box 21000

Keizer, Oregon 97307-1000

**Subject: Keizer Station proposal / Response to written materials submitted by applicant
State File No. 008-01
Local File No. 01-50**

Dear Maria:

Thank you for forwarding various documents submitted by the applicants for the Keizer Station Plan (KSP) proposal. The department received a number of documents on July 22, 2002 with the understanding that your council has closed the public hearing, but the written record is to remain open until the July 31 close of business.

The department has received various applicant-generated documents under Exhibits A-89 through A-99 which are intended to address issues raised by various parties during your public hearing process on the KSP proposal. The department is providing the following general and specific comments on these documents for addition to the record.¹

General Comments

The department has submitted previous comments on the KSP and we continue to advise the city about concerns related to compliance with Statewide planning Goals 2, 9, 10 and 12. Also, as a result of the applicant's latest submittals, we are adding to our concerns compliance with Statewide planning Goal 1 (citizen involvement), which we discuss further.

Goal 2: Included in the applicant submittals are documents that address issues we have raised regarding compliance with Goals 9 and 10 that would have to become part of the legislative changes to the city's comprehensive plan if the city council were to decide to approve the KSP. (See Exhibits A-89, A-91, A-92, A-93 and A-96). This is the first time some of these potential plan amendment documents have been publicly reviewed, so there has been no opportunity for participating public agencies to adequately coordinate with the city regarding information and data used in the various Exhibits.

Goal 1 and PAPA notice: Exhibit A-96 is proposed as the city's Economic Opportunities Analysis (EOA) that would partially fulfill requirements of the Goal 9 rule. As such, it would potentially be a major amendment to the city's comprehensive plan and would therefore be subject to Goal 1 and proper post acknowledgement plan amendment (PAPA) notice pursuant to ORS 197.610. In previous comment letters, the department has outlined how the proposed KSP must be justified by the city's adopted EOA which is in compliance with Goal 9 and its rule. In doing so, the city is still obligated to follow Goal 1 and ORS 197.610 noticing requirements. Significant new plan amendment proposals must be presented in a manner that allows for meaningful public involvement, as required by law, even if the amendments are in response to comments on a previously issued PAPA for a related plan amendment. A significant revision to the city's EOA is a significant plan amendment that must be adequately noticed and provided opportunities for review under Goals 1 and 2. As such, significant revisions to the city's EOA become the factual basis for significant changes to the city's industrial and commercial development policies and in designating Goal 9 lands (OAR 660-009-0020 and 660-009-0025), should the city council decide to support the KSP proposal. Such notice need to include both amended and deleted portions of the proposed Goal 9 amendments. Such noticing also applies where other significant plan amendments are generated in response to state planning requirements during review of the KSP proposal.

Flawed EOA and Goal 10 analysis: Although the scope our review of the applicant submittals has been limited by the review timeframe provided, we are concerned that some of the EOA's inventory data is difficult to follow and may not provide all the detail called for in the Goal 9 rule. The EOA appears to readily mix requirements of Goal 9 with that applicant's own market studies. Its is difficult to follow how the EOA presented the city's economic comparative advantages in a way that is impartial to city decision makers, as a whole, versus the KSP proposal. (See comments on Exhibit A-96).

The department is very concerned how the applicant materials have used the state's housing model to justify its conclusions regarding needed housing. (See comments on Exhibit A-92).

Specific Comments

1. Exhibit A-89 – Impact of KSP on River Road Business:

Before claiming one report is invalid and another is valid, the city must coordinate the conclusion with the affected agency or agencies (Goal 2). Any decision to support one report over another must be based on factual evidence entered into the record.

Under item No. 4, we note that Oregon does not have a sale tax, even though the Exhibit appears to factor a sales tax into its response.

Under item No. 6, second bullet: The issue of "driving further" is a curious one, given that the Chemawa interchange area is at the very northern perimeter of the Salem-Keizer metropolitan area and this location automatically leads to an increase in trip lengths if the scale of the commercial activities attracts more than the immediate residents in the northern Keizer area.

2. Exhibit A-91 – Revised Economic Analysis for the Staff Recommended Alternative KSP:

We note that throughout the report, wages resulting from the KSP are not adequate to support purchase of typical owner-occupied single family housing, which is 64.7% of Keizer's existing housing stock. (2000 Census). The typical households identified in the report who are likely employees at project buildout are typically also renters. With nearly 3,000 FTE jobs expected at buildout, with an average 2001 retail wage of \$21,879 (page 1), we are very concerned that the city has not adequately address Goal 10 housing issues that are induced by, or related to this project. (See specific comments on Exhibit A-92).

3. Exhibit A-92 – Housing Impact Analysis for a Comprehensive Plan and Text Amendment and Zone Change in Keizer, Oregon:

As already stated, we have serious concerns about this Exhibit and how it proposes to demonstrate compliance with Goal 10.

Also, in addressing the city's land inventories for needed housing, the Exhibit assumes that the maximum density for each zoning district will be achieved to meet the city's housing needs and obligations. This is an invalid assumption, in that average actual development is always less than the zone district maximum.

On page 2, under item No. 4 (housing demand model and assumptions), the Exhibit states that retail is already a large part of the city's employment base, and is therefore a good proxy for evaluating housing impacts resulting from the proposed KSP. However, we have to point out that the 2000 Census found that only 11.3% of Keizer residents were employed in retail trade jobs. Census data shows that in 2000, three other employment sectors are more important to Keizer residents than retail trade.

After claiming that average job income derived from the city's current retail employment is a "good proxy" for KSP employment, the Exhibit then dismisses inputting age and income assumptions into the State's Housing Needs Model based on the KSP employment structure. However, such input of age and income assumptions for KSP employment are necessary to run the model and provide a meaningful result about how the KSP is likely to affect the city's housing needs. As a result, the Exhibit's findings are arbitrary and do not adequately address the city's housing needs upon buildout of the KSP. Furthermore, the Exhibit's analysis does not factor into its housing analysis the role of citywide housing needs that result from other activities outside of the KSP area during the buildout period.

We suggest that you consult with the department before attempting to make any findings regarding compliance with Goal 10. We and staff of the Oregon Housing and Community Services Department will be happy to work with you to develop a meaningful housing analysis for this project.

4. Exhibit A-94 - Response to City of Salem May 6, 2002 Supplemental Comments Regarding the Keizer Station Plan:

[Because of the short review period, the department did not have time to review this Exhibit.]

5. Exhibit A-96 – Economic Opportunities Analysis (EOA) for Keizer, Oregon:

The department has made general comments about the need to notice this EOA as a PAPA if the city intends to use it in conjunction with an approval of the KSP. Such notice would provide a more reasonable time for review and coordination among affected agencies.

The EOA does not provide a meaningful venue or discussion to judge the city's comparative advantages and disadvantages, given its position and location in the northern Willamette Valley and other economic development attributes. (OAR 660-009-0015(4)). Instead, the applicant submitted EOA appears to rely on extrapolation of national trend lines for industrial and commercial development and land needs. Is it to be the policy of the city to simply follow national trend lines and not actively promote and recruit a higher paying job base for its citizens?

Part of the city's Goal 9 obligation is to examine how its advantages/disadvantages should be utilized to promote an economic development policy that deals with issues identified in the comprehensive plan; such as the bedroom nature and characteristics of the community, how to best promote development and redevelopment in the city's core areas around River Road, how to best promote economic development initiatives and strategies that are rendered in the comprehensive plan's support of the existing Chemawa Activity Center, and how to best use urban renewal to promote the long term interest of all of Keizer.

We note that the EOA does not contain all the contents one would expect following a reading of the Goal 9 rule. For example, it is unclear how various manufacturing sectors that are found in the Salem-Keizer metropolitan area are represented in the review of site requirements. It is not clear if the city has enough serviceable sites for a range of manufacturing activities that might be located in Keizer in the future. The EOA is unclear about the different industrial site characteristics that result from amending the Chemawa Activity Center (CAC) with the KSP.

We note that Table 4 shows that there were only 1,010 business employees in Keizer in 2002, of which 28.8% were in the manufacturing sector. The EOA does not provide any analysis of employment patterns of existing city residents. According to the 2000 Census, there were 15,425 employed persons in the city, of which 71% (10,952) were private wage and salary workers. (2000 Census, Keizer, Table DP-3). While 28.9% of the city's residents were employed in industrial sector jobs, only 11.3% were employed in retail trade jobs. The largest employment sector for city residents was in education, health and social services (18.3%), a sector that is not accounted for in the EOA. The important point is that the EOA does not capture and analyze the pattern of employment for existing residents and relate that information to the city's advantages and disadvantages. This is a serious shortcoming in the EOA, and failure to consider the employment pattern of existing residents means that the EOA has not completed its evaluation under OAR 660-009-0015(4). It is noted that in drafting the Chemawa Activity Center plan, the pattern of employment of city residents was a major factor in contributing to the outcome of that plan. This is not the case in the KSP, as demonstrated by the record to date.

We have serious reservations about the EOA's assumption on page 11 (definitions) which discounts built IBP zoned land in the proposed KSP area as being 100% underutilized. This would make the BPA facilities and the Volcanoes Stadium facilities "underutilized" land in the EOA inventory. One should be concerned about the accuracy of such "accounting" and its impact on the EOA's conclusions.

On page 13, the EOA needs to better explain the reasons for not including IA zoned land in the industrial inventory. While we probably agree with discounting this land from the inventory, its status should be clearly spelled out.

Because of concerns over the assumptions behind the definition of underutilized industrial land, we are concerned that the total vacant and underutilized industrial land summed in Table 6 could be misleading. It is also unclear in the EOA what changes as the discussion moves from the current CAC plan to the KSP.

Table 9 (sic, referred to as Table 7 in text) should translate each acreage class to numbers of acres to provide a more meaningful tool for the EOA's economic development analysis.

On page 16, there is text confusion over the which appendices are to be referenced. This needs to be clarified so the reader understands the continuity of the EOA's presentation.

Under an Appendix B (Retail Residual Lands Analysis), page 9, the "alternative vacant sites" discussion concludes that there are no other "vacant parcels of retail commercial land within the City that could accommodate the proposed development." This conclusion appears to make clear the implication that the EOA is being turned on its head to say that if the EOA doesn't match or support the KSP proposal, then it needs to be changed to accommodate the KSP planning layout and scheme. This implication is not consistent with the Goal 9's approach to economic development planning or Goal 14 which calls for a city to "maximize the efficiency of land uses within...the existing urban area."

Review of the EOA's own information shows that most, if not all retail categories can be located on various vacant or underdeveloped commercial properties in the city. (See Table 8). For example, a 5.0 acre parcel can easily fit a +65,000 square foot retail store at a standard 0.30 floor area ratio (FAR), or a building materials/hardware outlet that is less than the so-called "big box" in size.

In reviewing the KSP and the Retail Residual Lands Analysis found in the EOA, we note that a low FAR 0.25 is utilized for retail uses. Clearly, at FAR 0.25, the retail commercial design is going to be auto-oriented and not attentive to Goal 14's charge to maximize land use efficiency. Therefore, the supportable square foot calculations need to be re-analyzed and transferred to needed acres based on more efficient FARs, citywide.

There are a number of other concerns that we have regarding the applicant submitted EOA, but time did not allow us to fully comment. We must defer to our Goal 1 and noticing concerns if the city should decide to use the EOA in support of an approval of the KSP.

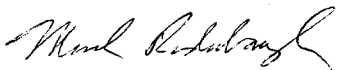
6. Exhibit A-97 – Demand Analysis City of Keizer:

[Because of the short review period, the department did not have time to review this Exhibit.]

Again, thank you for the opportunity to comment on this proposal. Please enter this letter into the record of proceedings on this matter. Again, please provide the department with notice of any continuance and/or proposed response(s) to our comments. Also, please provide the department with a copy of the City Council staff report and recommendation(s), as well as any supplemental staff report(s) that relate to this matter. Again, because of the significance of this project to the city, metropolitan region and state, we request in advance that the record remain open for state and local agencies to provide timely response to the city's response(s) to comments or changes to the original project proposal.

The department will look forward to working with the city on its next steps. If you have any questions, please do not hesitate to call me at 503/373.0050 ext. 224.

Sincerely,



Mark Radabaugh
Willamette Valley Urban Representative

c: Christopher C. Eppley, Keizer City Manager
Vickie Hardin Woods, Salem Community Development
Klaus Schilde, Salem Community Development
Cecilia DeSantis Urbani, Salem Community Development
Sterling Anderson, Marion County Planning
Les Sasaki, Marion County Planning
Gene Clemens, Polk County Planning
Justin Martin, Confederated Tribes of the Grand Ronde
Brenda Bremner, Siletz Tribal Council
John Whittington, Salem Area Mass Transit District
Richard Schmid, Mid-Willamette Valley Council of Governments
Jeff Scheick, ODOT Region 2 manager
Dave Bishop, ODOT Region 2
Dan Fricke, ODOT Region 2
Tom Fox, OECDD
Bob Repine, Director, OHCS
Richard Bjelland, OHCS
Jack Duncan, OHCS
Ed Gallagher, Governor's CSO
Department of Justice
DLCD (Adams, Curcio, Cortright, Hinman, Oulman, Russo)

1. The following applicant-generated documents were received by the department on July 22, 2002:

Exhibit A-89 – Impact of KSP on River Road Businesses

Exhibit A-90 – Interpretation of PGP Retail Vacancy Rate

Exhibit A-91 – Revised Economic Analysis for the Staff Recommended Alternative KSP

Exhibit A-92 –Housing Impact Analysis for a Comprehensive Plan and Text Amendments and Zone Changes
in Keizer, Oregon

Exhibit A-93 –Justification of Commercial and Industrial Land Supply Methodology

Exhibit A-94 – Response to the City of Salem May 6, 2002 Supplemental Comments Regarding the Keizer Station Plan

Exhibit A-95 – Response to 1000 Friends of Oregon Regarding the Commercial Land Inventory in Keizer

Exhibit A-96 – Economic Opportunities Analysis (EOA) for Keizer, Oregon

Exhibit A-97 – Demand Analysis City of Keizer*

Exhibit A-99 – Peak Hour

*(Note: The department did not receive any document entitled Exhibit A-98)



City of Keizer

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JUL 31 2002

City of Keizer

To: Mayor Christopher and City Council

From: Maria Meier, Planning Director

Date: July 31, 2002

Re: Additional Information for the Record: Text Amendment/
Comprehensive Plan Amendment/Zone Change Case No. 01-50;
Amendment to Chemawa Activity Center Plan – Proposed Keizer
Station Plan

Comprehensive Plan Map Designation

On May 6, 2002, staff provided the City Council with the following information:

"As additional information, both the Staff recommended Alternative and the Planning Commission recommendation include a recommendation for a new zone described as an "Employment General (EG) Zone". Staff developed potential language for the EG zone, as attached in the recommendation. Both the staff and Planning Commission recommendation include a map with a newly proposed "Special Planning District" Comprehensive Plan map designation. The current Comprehensive Plan does not have text for a designation to encourage both commercial and industrial development, only "commercial" and "industrial". The policy direction for a new map designation would be needed to describe the mixture of commercial and industrial development in one area. Therefore, should the City Council determine the Alternative Plan should be adopted, staff recommends the City Council direct staff to draft language for the new Comprehensive Plan map designation."

Staff has prepared language for the proposed Special Planning District (SPD) Comprehensive Plan designation for property contained within the EG zone. Staff recommends the following Comprehensive Plan land use text changes for Council's consideration (Added language underlined):

III. Findings & Policies

D. Plan Diagram and Special Land Use Policies (Beginning on page 49)

(2) Goals and Policies

(h) Activity Centers

**(Sections 1-8 not listed)*

(9) Special Planning District Designation

For properties located within the Keizer Station Plan which are identified for a mix of commercial and industrial development, the Comprehensive Plan map designation shall be Special Planning District (SPD). The SPD is designed to:

- (a) Provide for a mix of commercial and industrial development.
- (b) Identify Special Planning District in northeast sector of Keizer.
- (c) Provide opportunity for employment area service center to develop within the district.
- (d) Allowed uses are to be comparable to industrial business park uses and commercial uses to service employment area service center and the traveling public as described in III.D.2.d.(2) of this Plan.
- (e) Encourage commercial and industrial economic opportunities within Specific Policy Areas as depicted in III.C.3.a.(7).(b) and III.C.4.d.(2) of this Plan.

Corresponding to the above recommended Comprehensive Plan designation, the Keizer Development Code (KDC) text should reflect the added Special Planning District designation. The following sections in the KDC are recommended to be amended as follows:

"1.103.01 Districts

For the purposes of this Ordinance, the City of Keizer is divided into the following zoning districts:

<u>Classification</u>	<u>Abbreviation</u>
Single Family Residential	RS
Limited Density Residential	RL
Medium Density Residential	RM
High Density Residential	RH
Residential Commercial	RC
Mixed Use	MU
Commercial Office	CO
Commercial Mixed Use	CM
Commercial Retail	CR
Commercial General	CG
<u>Employment General</u>	<u>EG</u>
Industrial Business Park	IBP
General Industrial	IG
Agricultural Industrial	IA
Public	P
Exclusive Farm Use	EFU
Urban Transition	UT

For the purposes of this Ordinance, the following overlay zones are placed in certain areas of the City of Keizer:

Floodplain Overlay Zone	FPO
Greenway Management Overlay Zone	GMO
Limited Use Overlay Zone	LUO
Activity Center Overlay Zone	ACO
Resource Conservation Area Overlay Zone	RCO
Historical Landmark Overlay Zone	HLO

1.103.02 Comprehensive Plan Designation and Zoning Districts

Zone classifications implement the Comprehensive Plan map designations. The following are the zones allowed in each Comprehensive Plan designation:

<u>Comprehensive Plan Designation</u>	<u>Zone Classification</u>
Low Density Residential (LDR)	RS, RC, UT
Medium Density Residential (MDR)	RL, RM, RC, MU
Medium and High Density Residential (MHDR)	RL, RM, RH, RC, MU
Mixed Use (MU)	MU
Commercial (C)	CM, CR, CG, CO
<u>Special Planning District (SPD)</u>	<u>EG</u>
General Industrial (GI)	IG, IBP
Campus Light Industrial (CLI)	IBP
Special Policy Area (SPA)	IA, EFU
Civic (CI)	P
Schools (ES, MS, HS)	P
Park (P)	P

1.103.03 Boundaries

A. & B. not listed. The following language is recommended to be deleted because the recommended zoning has clear boundaries to be identified on the map, whereas the previous zoning description had floating boundaries.

C. Procedure for location of Plan Designations and Zones in Area A of the Chemawa Activity Center. The Design Plan for the Chemawa Activity Center, which was adopted in 1997, provides that there shall be 11 acres of commercial property at the southern portion of Area A though the exact location of such property is not determined in the Design Plan. Such land is designated Commercial (C) in the Comprehensive Plan Map and is zoned Commercial Mixed (CM). The remainder of the land in Area A is designated Campus Light Industrial (CLI), and zoned Industrial Business Park (IBP). Notwithstanding any other provisions of this ordinance, the exact location of CLI/IBP and C/CM land in Area A of the Chemawa Activity Center shall be determined by adoption of a master plan in compliance with the adopted Chemawa Activity Center Design Plan. The

adoption of the master plan shall be conducted pursuant to the conditional use process and the provisions set forth in the Activity Center Overlay zone, and the provisions in this Chapter regarding zone changes and comprehensive plan changes shall not apply."

Other sections within the Keizer Comprehensive Plan referring to the "Chemawa Activity Center" shall be amended to title the "Keizer Station Plan". The following text should be amended as follows (strikethrough is deleted, underlined is added language):

Pg. 44, III.D.2.d.(2).(c). "An employment area service center will be located near the Chemawa Interchange in the Chemawa Activity Center Keizer Station."

Pg. 49, III.D.2.h.(1).(b). "~~Chemawa Activity Center~~ Keizer Station"

Pg. 51, III.D.2.h.(8). "Establish the following objectives for the Chemawa Activity Center Keizer Station."

Pg. 53, III.E.2.b.(7). "Establish as a medium priority the extension of public facilities to the Chemawa Activity Center Keizer Station."

Pg. 59, III.E.4.d.(2).(c). "Increase transit service to the Chemawa Center Keizer Station."

Keizer Periodic Review

The City of Salem raised issues relating to the City of Keizer's last periodic review order from the Department of Land Conservation and Development (DLCD). SKAPAC Record Exhibit 46 includes the City of Keizer's response to specific inaccurate statements by the City of Salem, including references to other exhibits within the record which clearly demonstrate the City of Keizer's successful completion of the requirements directed by DLCD for its periodic review.

City of Salem and Salem Futures

The City of Salem has stated that the City of Keizer should delay review of any amendments to the Chemawa Activity Center until the "Salem Futures" process is concluded. Salem claims Salem Futures is the needed method to coordinate between the City of Keizer and City of Salem regarding "general land use needs for both Salem and Keizer." (Exhibit A-3). The City of Keizer does not have any intergovernmental agreement with the City of Salem that binds the City of Keizer to the results of Salem Futures. SKAPAC Exhibit 46, pages 3 and 4, provide the City of Keizer's response to coordination requirements and explanation of the Salem-Keizer Area Planning Advisory Committee (SKAPAC) process established through the adopted intergovernmental agreement between the City of Keizer and the City of Salem.



City of Keizer

☆ RECEIVED

EXHIBIT "A-108"

JUL 31 2002

City of Keizer

Phone: (503) 390-3700 • Fax: (503) 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

DATE: JULY 31, 2002

TO: MARIA MEIER, PLANNING DIRECTOR

SUBJECT: PUBLIC WORKS DEPARTMENT COMMENTS FOR
COMPREHENSIVE PLAN AMMENDMENT / ZONE CHANGE
CASE 2001-50 KEIZER STATION PLAN
STAFF RECOMMENDED ALTERNATIVE

The Keizer Public Works Department has reviewed the submitted documents for the above referenced planning documents. Additionally, we have met with Oregon Department of Transportation (ODOT) staff and other groups regarding concerns that they have with over planning for the area. As a result the above, we submit a modification to Exhibit B of the Staff Recommended Alternative for the Keizer Station Plan. Additionally, we understand that the City Council could adopt the Staff Recommended Alternative, the original Keizer Station Plan, or either of the above with amendments. Regardless of the plan adopted, we recommend the following:

Under the heading of Transportation Review Procedures the second paragraph on page II-11 states "The transportation requirements of the Keizer Station Plan include an underpass of Chemawa Road. The underpass is an important element of the overall transportation system needed to provide safe access to and from the developing areas of the Keizer Station Plan. Provisions for construction of the underpass shall be in place so as to not allow the intersection of Radiant Drive with Chemawa Road to fall below a volume to capacity (v/c) ratio of 0.87 as calculated by the critical movement analysis methodology as development occurs."

We recommend that the above paragraph be changed to the following:

"The transportation requirements of the Keizer Station Plan may include an underpass of Chemawa Road. The underpass is one of several optional elements of the overall transportation system needed to provide safe access to and from the developing areas of the Keizer Station Plan. Provisions for construction of the underpass and/or other improvements shall be in place so as to not allow the intersection of Radiant Drive with Chemawa Road to fall below a volume to capacity (v/c) ratio of 0.87 as calculated by the critical movement analysis methodology as development occurs."

Rob Kissler, Director of Public Works *Rob K.*
William I. Peterson, City Engineer
Richard Woelk, City Traffic Engineer



NOTICE OF TRANSMITTAL

DATE: July 31, 2002

FOR: Ms. Maria Meier
City of Keizer
930 Chemawa Rd. NE
Keizer, OR 97307

FROM: Steve Ferrarini

NAME OF PROJECT: Keizer Station Plan

PROJECT NUMBER: 7200.00

TRANSMITTED VIA: Messenger

REMARKS: Included is a revised copy of the Economic Opportunities Analysis..

☆ RECEIVED ☆

JUL 31 2002

City of Keizer

Date: July 31, 2002

To: Mr. Bob Thompson
NORTHWEST NATIONAL, LLC

From: HOBSON FERRARINI ASSOCIATES

Subject: Economic Opportunities Analysis (EOA) for Keizer, Oregon

INTRODUCTION

The purpose of this memorandum is to complete an Economic Opportunities Analysis (EOA) for the City of Keizer. Pursuant to OAR chapter 660, division 9 (Goal 9), an EOA contains four sections:

1. Review of National, State and Local Trends;
2. Identification of Site Requirements;
3. Inventory of Industrial and Commercial Lands; and
4. Assessment of Community Economic Development Potential.

Oregon Planning Goal 9 requires jurisdictions to have a twenty year supply of buildable lands for a variety of commercial and industrial activities. The purpose of this analysis is to determine:

1. If the existing inventory of commercial and industrial land in the City of Keizer meets the needs of the community over the next 20 years; and if not
2. Will the inventory of commercial and industrial land within the City be improved by the Staff Recommended Alternative Keizer Station Plan ("KSP").

Methodology

Fundamentally, an EOA is a prescribed series of steps intended to estimate how much industrial and commercial development is likely to occur in the area being studied. To help understand how to predict demand for any real estate product, it is first important to understand that real estate development exists only to provide space for consumers. A growing base of consumers, or users of the space, is the primary reason why new real estate development occurs. The two basic types of real estate being analyzed in an EOA are commercial and industrial development. The unique consumer groups that support these types of development follow:

Commercial

Commercial real estate is comprised of both retail and office users:

1. **Retail:** Households, not businesses, purchase the vast majority of retail goods and services. Therefore, the most appropriate method of forecasting demand for retail commercial land is expected population and household growth.
2. **Office:** Consumers of office space are firms. The amount of space these firms use is a function of the number of employees and the kinds of space and equipment needed to operate the business. Hence, the most appropriate method of forecasting demand for office land is based on expected employment growth. The employment sectors that are the main users of office space include:
 - Finance, Insurance and Real Estate (F.I.R.E.);
 - Services; and
 - Government;

Industrial:

Similar to office space, consumers of industrial land are firms. Thus, the most appropriate method of forecasting demand for industrial space is based on expected employment growth within these firms. The employment sectors that are the main users of industrial land include:

- Manufacturing;
- Transportation, Communications and Public Utilities (T.C.P.U.);
- Wholesale Trade;
- Construction ; and
- Mining;

I. REVIEW OF NATIONAL, STATE AND LOCAL TRENDS

The purpose of this section is to review national, state and local trends that affect the demand for commercial and industrial land. To make sense of the employment trends specific to each land use type, we have placed employment sectors into two categories:

- **Commercial Industries**

Traditionally, commercial businesses include businesses that are less capital-intensive and rely predominantly on service-oriented labor. Major commercial industries include:

- Retail trade; it is important to note that although retail demand is primarily population growth driven, for the purposes of analyzing employment trends, in this section of the text, it is included with the other – primarily office using employment sectors;
- Finance, Insurance and Real Estate (F.I.R.E.);
- Services; and
- Government.

- **Industrial Industries**

Traditionally, industrial businesses include businesses which are capital intensive and use relatively less labor. Major industrial employment sectors include:

- Mining;
- Construction;
- Manufacturing;
- Wholesale trade; and
- Transportation and Public Utilities.

National Trends

The U.S. economic base has shifted from industrial based employment to commercially based employment over the past four decades.

- Industrial sectors, which accounted for nearly half of U.S. employment in 1960, represented only 30% of all jobs in 2000. This decline is largely due to the manufacturing sector, the largest user of industrial space, which has been stagnant while other sectors of the economy have expanded.
- By contrast, the commercial sectors, which also represented nearly 50% of all jobs in 1960, today accounts for nearly 70% of total U.S. employment. The service sector is the primary driver: it has grown by over 5% per annum since 1960, and now represents over 40% of all commercial employment.

According to the U.S. Bureau of Labor, these trends show no signs of abatement in the U.S.

- Industrial employment contributed only 13% of the new job growth between 1990 and 2000, while commercial job growth accounted for approximately 87% of the net new jobs.

- Industrial employment is projected to continue to grow by 3,378,000 jobs over the next decade, while commercial employment growth is expected to add 18,429,000 jobs, more than five times the amount contributed by the industrial sectors.

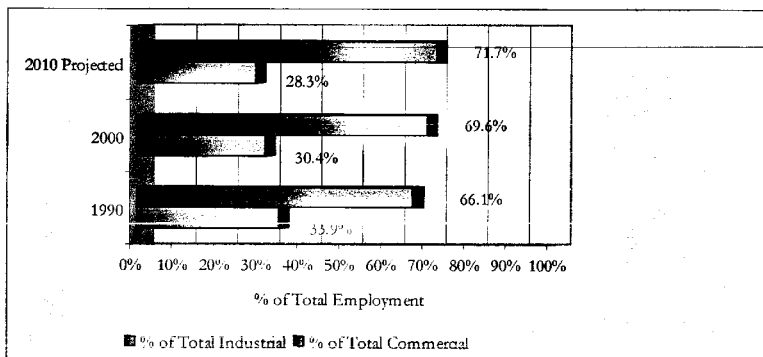
Table 1
U.S. Employment by Industry 1960, 1990, 2000, and 2010 (Projected)
Numbers in thousands (000)

	1960	1990	'60-'90 Net Growth	2000	'90-'00 Net Growth	2010	'00-'10 Net Growth
INDUSTRIAL							
Mining	712	709	(3)	543	(166)	488	(55)
Construction	2,925	5,120	2,195	6,698	1,578	7,522	824
Manufacturing	16,799	19,077	2,278	18,469	(608)	19,047	578
Trans. & Utilities	5,776	5,776	0	7,019	1,243	8,274	1,255
Wholesale Trade	3,151	6,173	3,022	7,024	851	7,800	776
Total	29,363	36,855	7,492	39,753	2,898	43,131	3,378
% of Total	52.5%	33.9%	14.2%	30.4%	13.2%	28.3%	15.5%
COMMERCIAL							
Retail Trade	8,240	19,601	11,361	23,307	3,706	26,400	3,093
F.I.R.E.*	2,628	6,709	4,081	7,560	851	8,247	687
Services	7,377	27,291	19,914	39,340	12,049	52,233	12,893
Government	8,329	18,304	9,975	20,680	2,376	22,436	1,756
Total	26,574	71,905	45,331	90,887	18,982	109,316	18,429
% of Total	47.5%	66.1%	85.8%	69.6%	86.8%	71.7%	84.5%

*Finance, Insurance and Real Estate

Source: Bureau of Labor Statistics

Figure 1
Net Growth in Industrial and Commercial Employment
United States



This shift in the economic base is the result of supply- and demand-side phenomena.

- On the supply side, the increasing skill and education of the U.S. workforce creates a competitive advantage for service-oriented businesses, while the relative abundance of less educated labor in developing countries makes manufacturing more economical overseas.
- On the demand side, the personal savings rate has fallen from the 7% - 9% range to under 3%. This results in less investment capital available for industrial sectors, and increased demand for retail goods.

State Trends

Though less pronounced, economic trends in Oregon largely mirror national trends.

- From 1980 to 1990, Oregon witnessed a decline in industrial employment similar to the rest of the country, with industrial jobs decreasing from 44% of total employment to 38%.
- Counter to national trends, industrial employment held steady from 1990 to 2000, accounting for 30% of total employment. The more steady employment level was due to the growth in hi-tech manufacturing, which has been almost entirely concentrated in the Portland metropolitan area.
- Over the next decade, manufacturing growth will continue to flatten while service and retail employment will continue to grow at rates well in excess of the industrial sector. As illustrated, 64% of all new jobs created over the next 10 years will be in the commercial sector.

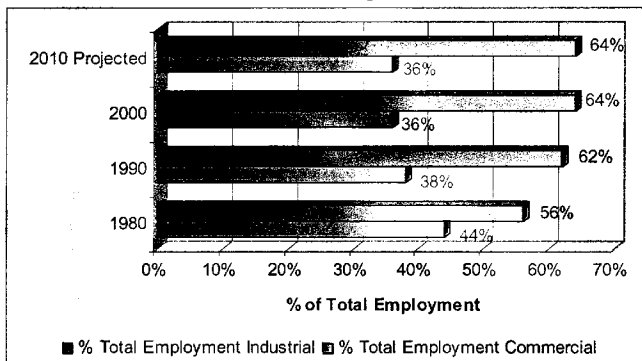
Table 2
Oregon Employment by Industry 1980, 1990, 2000, and 2010 (Projected)

	1980	1990	'80-'90 Net Growth	2000	'90-'00 Net Growth	2010	'00-'10 Net Growth
INDUSTRIAL							
Mining	2,265	1,450	(815)	1,899	449	1,899	0
Construction	46,492	52,029	5,537	84,247	32,218	92,747	8,500
Manufacturing	215,203	220,208	5,005	242,935	22,727	248,135	5,200
Trans.& Utilities	53,041	60,446	7,405	77,307	16,861	85,807	8,500
Wholesale Trade	67,271	78,927	11,656	94,051	15,124	105,051	11,000
Total	384,272	413,060	28,788	500,439	87,379	533,639	33,200
% of Total	44%	38%	15%	36%	28%	36%	19%
COMMERCIAL							
Retail Trade	187,985	235,006	47,021	300,794	65,788	342,894	42,100
F.I.R.E.*	57,384	63,417	6,033	83,078	19,661	100,878	17,800
Services	174,265	282,798	108,533	429,857	147,059	513,757	83,900
Government	79,429	84,466	5,037	74,789	(9,677)	Unavail.	Unavail.
Total	499,063	665,687	166,624	888,518	222,831	957,929	143,800
% of Total	56%	62%	85%	64%	72%	64%	81%

*Finance, Insurance and Real Estate

Source: Oregon Employment Department, 2002, *Employment Projections by Industry*.

Figure 2
Industrial and Commercial Employment
State of Oregon



Local Trends

Over 83% of the Salem MSA's forecasted employment growth over the next decade will be in the commercial sectors, reflecting the following:

- The same economic forces that are reducing the relative importance of industrial employment nationwide and statewide are also at work in the Salem MSA; and
- The Salem MSA's economic base is less reliant on industrial employment than the national or state economy; while the City of Keizer is roughly equivalent. The regional economy has been, and will continue to be, dominated by government employment.
 - US Economy - 30% industrial employment
 - Oregon Economy - 36% industrial employment
 - Salem MSA - 24% industrial employment
 - Keizer - 25% industrial employment

By 2010, the industrial employment base will be small and represent only 24% of all employment. The following table shows historic and projected employment for the Salem-Keizer MSA.

Table 3
Salem PMSA: Non Farm Payroll Employment, 1990, 2000 and 2010 (Projected)

	1990	2000	'90-'00 Net Growth	2010	'00-'10 Net Growth
INDUSTRIAL					
Manufacturing	15,600	17,700	2,100	18,100	400
Construction & Mining	4,800	8,200	3,400	8,800	600
Trans. & Public Utilities	3,000	4,500	1,500	5,500	1,000
Wholesale Trade	4,100	4,300	200	4,888	588
Total	27,500	34,700	7,200	37,288	2,588
% of Total	25.4%	25.0%	23.8%	24.2%	17.0%
COMMERCIAL					
Retail Trade	19,800	24,900	5,100	28,312	3,412
F.I.R.E.*	6,000	6,700	700	7,600	900
Services	23,300	33,200	9,900	38,300	5,100
Government	31,800	39,200	7,400	42,400	3,200
Total	80,900	104,000	23,100	116,612	12,612
% of Total	74.6%	75.0%	76.2%	75.8%	83.0%

*Finance, Insurance and Real Estate

Source: State of Oregon Employment Department

It is important to note, that the demand analysis discussed in Part IV is based on employment projections for the City of Keizer.

II. SITE REQUIREMENTS

The character and magnitude of real estate demand can be inferred from regional and local employment trends. In short, the vast majority of demand will be for commercial rather than industrial development.

To characterize the site requirements needed to attract commercial (retail and office) and industrial development, information was analyzed from the following sources:

- Dunn and Bradstreet's database of businesses by size – this data source is used to identify the size of businesses that currently exist in Keizer. Business size directly correlates to land need.
- Real estate broker and developer interviews – this data source is used to corroborate the above and to help determine the locational attributes needed to support retail, office and industrial development.

Firm and Parcel Sizes

The following table categorizes businesses in Keizer by sector and by the number of employees. The data used in the table is based on the Dunn and Bradstreet (D&B) business inventory:

Table 4
Businesses by Number of Employees
City of Keizer

Industrial Sector	Number of Employees per Business				Totals
	0-14	15-49	50+	N/A	
Construction	166	4	0	0	170
Manufacturing	42	2	0	2	46
Transportation & Utilities	23	4	1	5	33
Wholesale Trade	37	1	1	0	39
Totals	268	11	2	7	288
Percentage of Total Industrial	93%	4%	1%	2%	100%
Commercial Sector					
Retail Trade	158	9	3	19	189
Finance, Insurance, & Real Estate	89	4	2	0	95
Services	400	11	9	11	431
Public Administration	1	1	0	5	7
Totals	648	25	14	35	722
Percentage of Total Commercial	90%	3%	2%	5%	100%

Source: Dunn & Bradstreet 2002 and Hobson Ferrarini Associates

As illustrated, 93% of the existing industrial and 90% of commercial firms in Keizer employ less than 15 employees. Applying employment density statistics (employees per acre) used by the Mid-

Willamette Valley Council of Governments to this level of employment suggests that the vast majority of firms in Keizer require sites of less than 1 acre.

However, as a practical matter, small businesses do not have the capital or experience to develop and operate their own facility. The financial realities of many small business owner necessitate renting space rather than owning; hence, many firms choose to occupy smaller spaces in a business park, office building or shopping center. Moreover, locating small businesses in concentrated areas creates a pronounced market presence and increases cross shopping that is positive for small businesses. Larger complexes also have bigger marketing budgets that benefit the small business owner.

Jurisdictions, like Keizer, that have a preponderance of small businesses need to have parcel sizes that not only accommodate small businesses, but also business park, office and shopping centers. The following briefly summarizes the size requirements important to these types of development.

Parcel Size Requirement by Land Use Type

- **Retail**
Most retail shopping centers require from 5 to 10 acres, excluding demand from small users like convenience marts and fast food restaurants. ULI indicates the vast majority of retail centers occupy from 5 to 10 acres. However, there is a growing demand for larger retail sites as the size of retail businesses have increased. Large retail centers currently account for about 40% of customer demand, while centers under 100,000 square feet account for the remaining 60%.
- **Office**
The minimum parcel size needed to build a speculative office building in a suburban market like Keizer is between 2-10 acres¹. Parcels in this size range allow for sufficiently large buildings and associated parking and landscaping.
- **Industrial**
The minimum lot size needed to support the typical industrial park development ranges from 5 to 10 acres. This size range can accommodate multiple tenants, parking and landscaping. Industrial users are attracted to sites that offer adequate flexibility in site circulation and building layout¹.

Locational Attributes

Interviews with developers and brokers in the Keizer area corroborated the findings discussed above with respect to typical lot sizes for commercial and industrial users. They also described key site characteristics needed to support retail, office and industrial development. These findings are discussed below and listed according to importance:

- **Retail**
 - High consumer visibility;

¹ Based on interviews with office developers who build in locations like the City of Keizer.

- Location near jobs and consumer activity;
- Location near residential areas;
- Proximity to major roadways; and
- Mostly flat topography.
- **Office**
 - Central location relative to employees, customers and other office based firms;
 - Adequate visibility;
 - Adequate proximity to major roadways;
 - Ample parking; and
 - Flexibility to expand.
- **Industrial**
 - Low land costs;
 - Buffer from incompatible uses;
 - Flat sites;
 - Parcels that provide adequate parking and vehicular circulation; and
 - Proximity to surface transportation.

As indicated above, retail development needs the greatest amount of visibility and accessibility, followed by office development. Industrial developers are less concerned with the location of land and more concerned with land costs.

III. INVENTORY OF INDUSTRIAL AND COMMERCIAL LAND

Introduction

The purpose of this section is to present the current inventory of buildable commercial and industrial land in Keizer. Per OAR 660-009-015, the analysis should include:

- The acreage of vacant commercial and industrial land by tax lot;
- The acreage of significantly underutilized commercial and industrial land by tax lot; and
- Commercial and industrial land with site constraints that would physically limit development.

Data and Methodology

Data

Data necessary to complete the analysis was obtained from the:

- City of Keizer's Geographic Information System (GIS); and
- The Marion County Tax Assessor's Office.

Definitions

Buildable land includes both **vacant** and **underutilized land**, defined as follows:

- Vacant Land – all undeveloped parcels with no existing use or occupied structure.
- Underutilized Land – parcels with a land to improvement value ratio of .50 or less². Additionally, all commercial and industrial zoned land located in the Keizer Station Plan that is not vacant was deemed underutilized, to be consistent with previous inventories of buildable industrial and commercial land completed by the City of Keizer for the project. The approach is very conservative, as several tax lots within the KSP have high valued improvements and therefore are not likely to redevelop.

Methodology

In order to estimate the amount of buildable commercial and industrial land in Keizer, the following steps were completed:

- **Vacant Land**
 1. Identified all commercially and industrially zoned sites in the City of Keizer that had land improvement values equal to \$0³.
 2. Verified the accuracy of the GIS inventory and any constrained sites with the City of Keizer's planning department⁴.

² A land to improvement value ratio of .5 was used per technical advice from Mike Jaffee, Senior Planner at the Mid-Willamette Valley Council of Governments (MWVCOG).

³ This step was completed using the GIS system which included data provided by the Marion County Tax Assessor on land and improvement values.

3. Removed or reduced sites with constraints.
 4. Reduced the amount of buildable commercial land in sites zoned mixed-use (MU)⁵.
 5. Calculated the remaining vacant acreage for commercial and industrial land.
- **Underutilized Land**
 1. Identified all commercially and industrially zoned sites in the City of Keizer that had land to improvement ratios of less than 0.50.
 2. Verified the accuracy of the GIS inventory and any constrained sites with the City of Keizer's planning department.
 3. Reduced the amount of buildable commercial land sites zoned mixed-use (MU).
 4. Reduced the gross acreage by 50% because redevelopment is expected to accommodate only half as many employees as vacant land⁶.
 5. Removed sites under one acre that were not located near other developable sites⁷.
 6. Calculated the total remaining acreage of commercial and industrial land.

As indicated in the footnotes, the methodology used in this analysis is consistent with the methods used by the Mid-Willamette Valley Council of Governments and consultants hired by the City of Salem for Salem Futures⁸.

Site Constraints

Keizer, in general, has flat topography. There were no identified slopes of 25% or greater located on any of the buildable commercial or industrially zoned land and all identified buildable lands have adequate access. In addition, commercial and industrial sites located in the floodway, as identified by the Federal Emergency Management Agency Flood Insurance Rate Maps, are not included in this analysis because the City does not allow development in these areas.

The Lower Claggett Creek Watershed is located in Keizer. Sites located in the watershed were identified and discounted because of development limitations. The following table identifies the tax lots that are located in this watershed. The acreage was deducted from the buildable inventory.

⁴ Constrained or unbuildable lands include parcels with steep slopes (25% or greater), floodways, identified wetlands and land that has no access.

⁵ Sites zoned mixed-use (MU) were assumed to develop 25% commercial and 75% residential and were therefore reduced.

⁶ The 50% reduction for underutilized commercial land is the same methodology used in the Final Technical Memorandum on Methods for 2050 Forecasts completed by ECONorthwest for Salem Futures.

⁷ See Fregonese Calthorpe Associates August 11, 2000 memo for Salem Futures regarding their Constrained Lands Analysis for the City of Salem.

⁸ Salem Futures is not relevant to this analysis as it is fundamentally a Salem planning process. However, the analytical basis for Salem's planning process is the same as used here which is noted to eliminate any discussion regarding methodology.

Table 5
Constrained or Unbuildable Commercial or Industrial Land

Map & Tax Lot	Zoning	Total Acres	Reduction For MU Zoning ^{1/}	Steep Slopes (>25%)	LWI* & Claggett Creek Floodway ^{2/}	No Access	=	Total Acreage	Developable Acres ^{3/}
Vacant									
063W35BA02400	MU	0.61	0.15	0	50%	0	=	0.08	0
063W35BD02500	MU	2.55	0.64	0	25%	0	=	0.16	0.16
063W35CB02201	MU	0.50	0.13	0	50%	0	=	0.06	0
063W35CB02202	MU	0.38	0.10	0	50%	0	=	0.05	0
063W35CB02300	MU	1.46	0.37	0	20%	0	=	0.07	0
063W35BC07500	MU	1.98	0.50	0	75%	0	=	0.37	0.37
Total		7.48	1.89						0.53
Underutilized									
063W35 00300	MU	8.17	2.04	0	50%	0	=	1.02	0.51**

1/ Sites zoned mixed-use (MU) were assumed to develop 25% commercial and 75% residential and were therefore reduced.

2/ Sites are physically constrained and therefore reduced by the percentage of land that is constrained.

3/ Sites with 0 acres are sites that once reduced have no development potential because of the minimal size of the site.

*LWI= Local Wetland Inventory

**Site was reduced by 50% because underutilized land redevelops at 1/2 the rate of vacant land.

Source: Hobson Ferrarini Associate

Inventory of Buildable Land

The inventory of buildable commercial and industrial land in Keizer is summarized in Table 6. As shown, there are an estimated 99.49 acres of buildable industrial land and 72.53 acres of buildable commercial land.

It is important to note that the industrial land inventory does not include 151.5 acres of vacant Industrial Agriculture (IA) zoned land available within the Keizer city limits⁹. If the 151.5 acres are added to the inventory of available Industrial land, the inventory would increase to 250.99 acres.

At this point in the analysis there appears to be an imbalance in Keizer's land supply, relative to demand.

- Industrial – industrial development is projected to represent approximately 24% of all new demand, compared to 58% of Keizer's total non-residential land inventory (see Table 3).
- Commercial – commercial development will represent approximately 76% of all new demand, compared to 42% of Keizer's total non-residential land inventory.

⁹ The Industrial Agriculture (IA) zone is available for industrial and manufacturing uses through a conditional use process.

Table 6
Vacant and Underutilized Land Inventory

Vacant Industrial Land	Acres	Vacant Commercial Land	Acres
IBP	65.94	CM	25.26
IG	1.79	CO	12.46
		CR	0.00
		CG	3.71
		MU ^{1/} (55.29 acres x 25%)	13.82
<i>Less: Constrained/Unbuildable Land</i>	<i>0</i>	<i>Less: Constrained/Unbuildable Land</i>	<i>1.36</i>
= Vacant Industrial Land	67.73	= Vacant Commercial Land	53.89
Underutilized Industrial Land	Acres	Underutilized Commercial Land	Acres
IBP	60.96	CM	27.50
IG	2.56	CO	0.73
		CR	0.00
		CG	1.08
		MU ^{1/} (33.96 acres x 25%)	8.49
<i>Less: Constrained/Unbuildable Land</i>	<i>0</i>	<i>Less: Constrained/Unbuildable Land</i>	<i>0.51</i>
= Buildable Underutilized Industrial	63.52	= Buildable Underutilized Commercial	37.29
<i>Less: 50% for Redevelopment Potential</i>	<i>(31.76)</i>	<i>Less: 50% for Redevelopment Potential</i>	<i>(18.65)</i>
Equals: Total Underutilized Industrial	31.76	Total Underutilized Commercial	18.64
Total Vacant & Underutilized Industrial	99.49	Total Vacant & Underutilized Commercial	72.53

^{1/} Mixed-Use (MU) assumed to develop 75% residential and 25% commercial.

Source: City of Ketter and Hobson Ferrarini Associates

Table 7 below shows vacant and underutilized commercial and industrial land by plan designation and tax lot size in Keizer. The results show that a majority of vacant and underutilized tax lots are less than ten acres in size. This is consistent with the size of the majority of firms in Keizer having less than 15 employees, and the needs of developers who would build speculative space to lease to small businesses.

Table 7
Buildable Commercial and Industrial Land by plan designation and lot size,
Keizer 2002

Plan Designation	<2	2-10	11-20	21+	Total
Industrial					
#of tax lots	39	12	4	0	55
% of Acres	20%	36%	43%		
Commercial					
#of tax lots	104	11	0	0	115
% of Acres	53%	47%	0%	0%	

Source: City of Keizer and Hobson Ferrarini Associates

However, in Keizer, it is important to recognize that the vast majority of the land is located within the Chemawa Activity Center/Keizer Station Plan area.

IV. ASSESSMENT OF COMMUNITY ECONOMIC DEVELOPMENT POTENTIAL

The purpose of this section is to review local factors affecting economic development **exclusively in the City of Keizer** and the advantages, opportunities, disadvantages, and constraints these factors present. This analysis goes beyond the OAR provisions and includes specific forecasts of land need again **exclusively for the City of Keizer**. These analyses are attached as appendices to this report:

- Appendix B summarizes the commercial retail needs analysis;
- Appendix C summarizes the commercial office needs analysis; and
- Appendix D summarizes the industrial needs analysis.

Retail and office demand are combined to make up total commercial land need.

Analysis Results

Keizer's competitive advantage is its small town character, desirability as a place to live, coupled with its proximity to the metropolitan Portland and Salem areas. Additionally, Keizer benefits from its excellent access to Interstate-5. Employment and population growth in these metropolitan centers will create an opportunity for Keizer to attract firms and households.

Based on the analysis and information generated in this document, we can estimate the types and amounts of industrial and commercial development likely to occur in Keizer.

Commercial Land

The results of the analysis indicate there will be a demand over the next 20 years for 132 acres of commercial land compared to an existing supply of 72.5 buildable acres. Keizer's inventory is therefore currently inadequate.

Table 8
Commercial Land Demand and Supply Reconciliation
Pre-Rezoning of the Staff Recommended Alternative for the KSP

	2006	2011	2016	2021
Net Demand Retail Acres	98.0	104.4	106.7	108.8
Net Demand Office Acres	5.0	10.6	16.9	23.8
Total Net Demand Commercial*	103.0	115.0	123.6	132.6
Annual Net Increase	N/A	12.0	8.6	9.0
Buildable Commercial Land	72.5	72.5	72.5	72.5
Cumulative Surplus/(Deficit) of Commercial Land	(30.5)	(42.5)	(51.1)	(60.1)

* Represents cumulative growth from 2006-2021

Source: Hobson Ferrarini Associates

Except for the shortage of land, Keizer would be expected to continue growth in the commercial sector as the population grows.

Retail land demand will be in the highest demand over the next 20 years. The types of retail likely to develop will primarily fall into two categories. The first type of retail will be smaller, boutique and specialty retail stores which have established a consumer niche. Typically these retailers locate in smaller spaces and often favor a main street or downtown location. The second type of retail is provided by generally regional and national chains. These retailers prefer location on larger sites with proximity to other retailers to provide opportunities for cross shopping. Key considerations for retail commercial firms that may move to Keizer will be the growing number of consumers and households, as well as the available site's access to consumers.

Office demand in Keizer will be relatively limited over the next twenty years. According to broker interviews, the majority of current office users in Keizer are "neighborhood office" facilities, characterized by small, one-story offices occupied by small businesses serving a local clientele.

Industrial Demand Analysis

Table 9 summarizes the industrial land demand forecast for Keizer. The results of the analysis indicate 38.5 acres of industrial land are needed to accommodate projected employment growth over the next twenty years. The City currently has 99.5 acres of buildable industrial land, an excessive supply that would not be absorbed for more than fifty years.

**Table 9
Industrial Land Demand and Supply Reconciliation
Keizer, OR**

	2006	2011	2016	2021
Cummulative Demand in Acres	8.4	17.6	27.6	38.5
Annual Net Increase	N/A	9.2	10.0	10.9
Buildable Industrial Land	99.5	99.5	99.5	99.5
Cumulative Surplus/(Deficit) of Industrial Land	91.1	81.9	71.9	61.0

There is currently very little demand for industrial development in Keizer. According to local brokers, there has been little to no industrial land absorption during the past decade. If demand existed we would expect Keizer to be oriented toward light industrial uses, rather than heavy industrial. Light industrial firms generally seek smaller, industrial flex-space.

As mentioned earlier, these office/flex spaces would generally be located in industrial business parks ranging in size from 2 to 10 acres. A limited amount of firms will require larger parcels for distribution and manufacturing facilities that require lot sizes larger than 10 acres.

Should Keizer need a very large vacant site to attract a large manufacturer or corporate office that desires a campus type setting, there is ample space on the 151 acre site currently zoned Industrial Agricultural and over 100 acres of contiguously zoned buildable Industrial property in the KSP area. While there is no market for this type of development, a suitable site does exist if long term projections change.

Summary

OAR 660-009-0025 (2) requires cities to designate sufficient land in each category to accommodate, at a minimum, the projected land needs for the 20-year planning period. The analyses completed indicate that the current inventory of commercial and industrial buildable land in the City of Keizer does not meet this requirement. The City of Keizer does not have enough commercial land to meet the forecasted need over the next twenty years. In addition, the analysis also shows that Keizer has an excessive supply of industrial land that would take more than 50 years to fully absorb. Table 10 summarizes these findings.

Table 10
Existing Land Supply
20-Year Land Forecast
Keizer, Oregon

	Plan Designation	
	Commercial	Industrial
Buildable Acres	72.5	99.5
20-Year Land Demand		
Commercial-Office	23.8	
Commercial - Retail	108.8	
Industrial		38.5
Surplus/(Deficit)	(60.1)	61.0

Keizer Station Plan

The proposed Staff Recommended Alternative Keizer Station Plan, and subsequent plan amendment and zone changes, would address the City of Keizer's land allocation imbalance by designating:

- -45.3 acres of industrial land; and
- +52.3 acres of commercial land.

The above change would provide the City of Keizer with approximately a twenty year supply of commercial land, and would also reduce the oversupply of vacant industrial land.

Table 11
Proposed Land Supply
with Proposed
Keizer Station Plan
20-Year Land Forecast
Keizer, Oregon

	Plan Designation	
	Commercial	Industrial
Buildable Acres	124.8	54.2
20-Year Land Demand		
Commercial-Office	23.8	
Commercial - Retail	108.8	
Industrial		38.5
Surplus/(Deficit)	(7.8)	15.7

Furthermore, the land in the KSP is more suitable for commercial development, as noted by the Leland Consulting group in its letter to the City of Keizer dated January 15, 2002 (APPENDIX F).

"Land use economics would logically support commercial development as the highest and best use at a freeway intersection. Industrial uses generally have no need to be located at such an interchange and housing uses would most likely be subjected to inordinate amounts of noise."

Perhaps the greatest advantage of the KSP is the flexibility provided by having a large parcel under single or few owners. The KSP would have the unlimited flexibility to respond to the market by providing the specific parcel size and locations desired by potential businesses irrespective of current tax lot boundaries¹⁰. There is not another location in Keizer that would be able to provide this type of market flexibility. The KSP is a unique opportunity to bring together a mix of activities and land uses in a central activity center that will provide commercial and employment opportunities for the residents of the City of Keizer.

Fundamentally, the proposed Keizer Station Plan with subsequent plan amendment and zone changes meets Goal 9 objectives because it would enhance economic opportunities in Salem/Keizer, the fundamental intent of Goal 9.

¹⁰ Existing tax lots could be combined or subdivided to meet the needs of the market.

Appendix A Glossary

Locational Factors – Features which affect where a particular type of commercial or industrial operation will locate. Locational factors include but are not limited to: proximity to raw materials, supplies, and services; proximity to markets or educational institutions; access to transportation facilities; labor market factors (e.g., skill level, education, age distribution).

Serviceable Site – A site is serviceable if: (a) public facilities, as defined by OAR Chapter 660, Division 11 currently have adequate capacity to serve development planned for the service area where the site is located or can be upgraded to have adequate capacity; and (b) Public facilities either are currently extended to the site, or can be provided to the site within one year of a user's application for a building permit or request for service extension.

Site Requirement – The physical attributes of a site without which a particular type or types of industrial or commercial use cannot reasonably operate. Site requirements may include: minimum acreage or site configuration, specific types or levels of public facilities and services, or direct access to a particular type of transportation facility.

Standard Industrial Classification (SIC) – The Standard Industrial Classification (SIC) manual is published by the federal Office of Management and Budget. The manual provides a systematic classification of those economic activities (industries) that, together, define and describe the basic composition of our nation's economy.

Suitable Site – A site is suitable for industrial or commercial use if the site either provides for the site requirements of the proposed use or category of use or can be expected to provide for the site requirements of the proposed use within the planning period.

Unbuildable – land determined to have site constraints or factors restricting further development on the property, such as floodplain, topography, and existing development on the site.

Underutilized land – land with a land to improvement value ratio of .50 or less.

Vacant land – an undeveloped parcel, with no existing use or occupied structure.

RETAIL COMMERCIAL DEMAND

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EXHIBIT 3	Current and Projected Population and Household Growth, Keizer OR: 1990-2021
EXHIBIT 4	Retail Expenditures by N.A.I.C.S.: Salem-Keizer, OR PMSA
EXHIBIT 5	Retail Expenditure Projections: Keizer, OR
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**EXHIBIT 1
RESIDUAL DEMAND ANALYSIS MODEL**

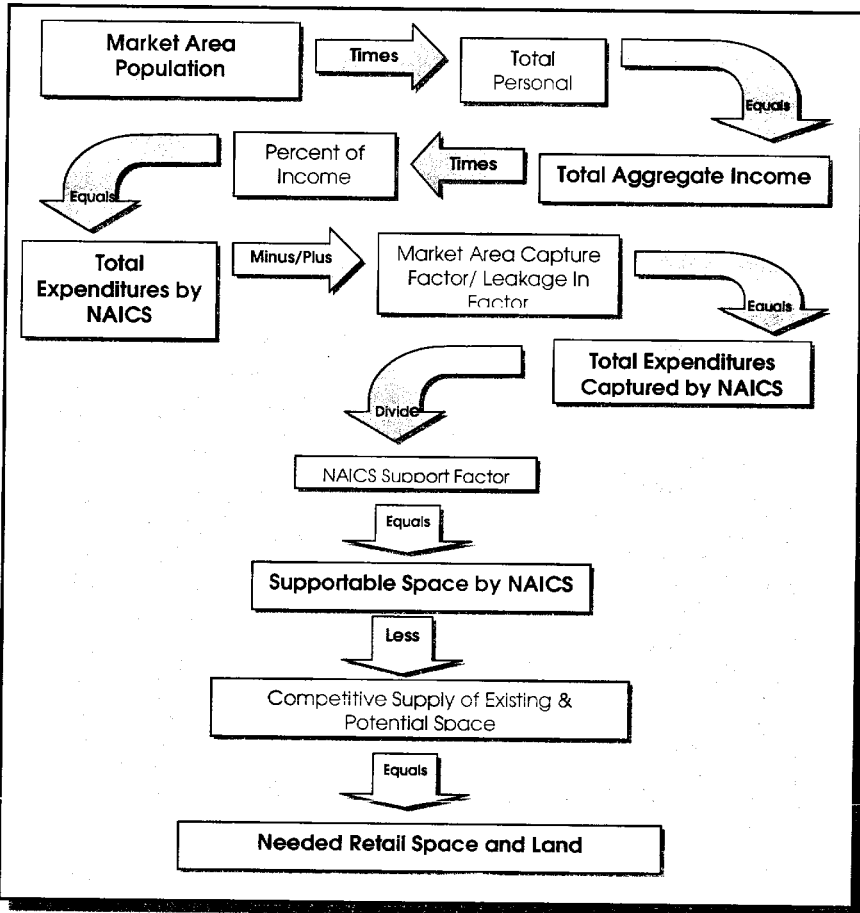


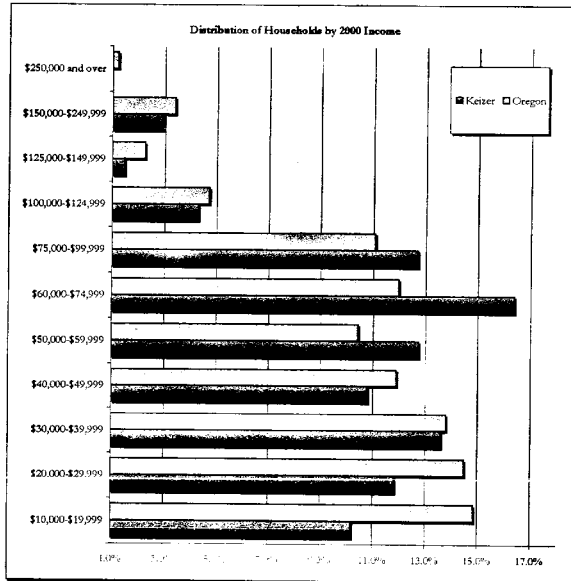
EXHIBIT 2
GENERAL DEMOGRAPHIC PROFILE
KEIZER, OREGON ^{1/}

Population and Households

	1980	1990	Annual Growth Rate	2000	Annual Growth Rate	2006	Annual Growth Rate
	Census	Census	80-90	Census	90-00	(Proj.)	00-06
Population	20,023	21,884	0.9%	32,203	3.9%	33,927	0.9%
Households	7,356	8,332	1.3%	12,386	4.0%	13,049	1.0%
Household Size	2.70	2.59	-0.4%	2.60	0.0%	2.60	0.0%

Income ^{2/}

	1979	1989	Growth Rate	2000	Growth Rate	2005	Growth Rate
	(Census)	(Census)	79-89	(Estimate)	89-00	(Proj.)	00-05
Per Capita (\$)	\$7,191	\$13,190	6.3%	\$21,923	4.7%	\$26,976	4.2%
Average HH (\$)	\$19,510	\$34,327	5.8%	\$57,784	4.8%	\$71,101	4.2%
Median HH (\$)	\$17,748	\$31,065	5.8%	\$49,877	4.4%	\$58,173	3.1%
Average HH Wealth (\$)				\$183,243		\$216,223	3.4%
Median HH Wealth (\$)				\$81,309		\$97,582	3.7%



^{1/} Consists of the city limits of Keizer, Oregon.

^{2/} Data on income are expressed in "current" dollars.

SOURCE: Mid Willamette Council of Governments, Clarus and Hobson Pecorelli Associates

**CURRENT AND PROJECTED POPULATION AND HOUSEHOLD GROWTH
KEIZER, OREGON**

1990 - 2021

Estimated Annual Population and Household Growth (SKAPAC)									
1990 Census	2000 Census	2001	2006		2011		2016		2021
		Total AAGR 1/	Total AAGR 1/	Total AAGR 1/	Total AAGR 1/	Total AAGR 1/	Total AAGR 1/	Total AAGR 1/	Total AAGR 1/

Primary Market
Area*Primary Market
Area

1/ Average Annual Growth Rate

*Primary Market Area is equivalent to the City of Keizer

SOURCE: Mid Willamette Council of Governments and Hobson Ferrarini Associates

EXHIBIT 4

RETAIL EXPENDITURES BY N.A.I.C.S. SALEM-KEIZER, OR PMSA

NAICS Category		1997
SALEM-KEIZER PMSA		
Population		325,253
Total Personal Income		\$6,806,569,531
Category Expenditures ^{1/}		
NAICS		
4413 Automotive Parts, Accessories and Tire Stores		\$72,233,000
Auto Parts % Per Capita Income		1.1%
442 Furniture and Home Furnishings Stores		\$70,983,000
Home Furnishings % Per Capita Income		1.0%
443 Electronics and Appliances Stores		\$61,423,000
Electronics and Appliances % Per Capita Income		0.9%
444 Building Material and Garden Equipment and Supplies Dealers		\$383,395,000
Building Material % Per Capita Income		5.6%
445 Food and Beverage Stores		\$481,137,000
Food Stores % Per Capita Income		7.1%
446 Health and Personal Care Stores		\$79,209,000
Health and Personal Care % Per Capita Income		1.2%
448 Clothing and Clothing Accessories Stores		\$95,002,000
Clothing % Per Capita Income		1.4%
451 Sporting Goods, Hobby, Book, and Music Stores		\$57,026,000
Sports and Hobby % Per Capita Income		0.8%
452 General Merchandise Stores		\$544,526,000
General Merchandise % Per Capita Income		8.0%
453 Miscellaneous Store Retailers		\$149,745,000
Miscellaneous % Total Personal Income		2.2%
722 Foodservices and Drinking Places		\$313,102,000
Foodservices % Per Capita Income		4.6%

1/ Expenditure levels are based on sales information and assume sales within the MSA approximately equal to expenditures.

SOURCE: US Department of Commerce, US Census, Oregon Employment Department and Hobson Ferrarini Ass

EXHIBIT 5

RETAIL EXPENDITURE PROJECTIONS

KEIZER, OREGON

2001-2021

(In Constant Dollars)

		2001	2006	2011	2016	2021
Mean Household Income ^{1/}		\$59,630	\$59,630	\$59,630	\$59,630	\$59,630
NAICS	Category	Percent of Income ^{2/}				
4413	Auto Parts % Per Capita Income	1.1%	1.1%	1.1%	1.1%	1.1%
442	Home Furnishings % Per Capita Income	1.0%	1.0%	1.0%	1.0%	1.0%
443	Electronics and Appliances % Per Capita Income	0.9%	0.9%	0.9%	0.9%	0.9%
444	Building Material % Per Capita Income	5.6%	5.6%	5.6%	5.6%	5.6%
445	Food Stores % Per Capita Income	7.1%	7.1%	7.1%	7.1%	7.1%
446	Health and Personal Care % Per Capita Income	1.2%	1.2%	1.2%	1.2%	1.2%
447	Gasoline Stations % Per Capita Income	3.6%	3.6%	3.6%	3.6%	3.6%
448	Clothing % Per Capita Income	1.4%	1.4%	1.4%	1.4%	1.4%
451	Sports and Hobby % Per Capita Income	0.8%	0.8%	0.8%	0.8%	0.8%
452	General Merchandise % Per Capita Income	8.0%	8.0%	8.0%	8.0%	8.0%
453	Miscellaneous % Total Personal Income	2.2%	2.2%	2.2%	2.2%	2.2%
722	Foodservices % Per Capita Income	4.6%	4.6%	4.6%	4.6%	4.6%
Total Expenditures (%)		37.5%	37.5%	37.5%	37.5%	37.5%
=Per Household Expenditures		\$22,345	\$22,345	\$22,345	\$22,345	\$22,345
x Market Households ^{3/}		11,870	x 13,049	x 13,646	x 13,861	x 14,059
=Total Trade Area Expenditures		\$265,228,884	\$291,579,516	\$304,919,464	\$309,723,632	\$314,147,936

1/ From Exhibit 2 and adjusted by the CPI to 2001 dollars.

2/ From Exhibit 4

3/ From Exhibit 3

SOURCE: Hobson Ferranti Associates

EXHIBIT 6

PROJECTED EXPENDITURES BY N.A.I.C.S. CATEGORY

2001 through 2021

Primary Market Area Demographics	Aggregate Income				
	2001	2006	2011	2016	2021
Trade Area Households ^{1/}					
Primary Trade Area	11,870	13,049	13,646	13,861	14,059
Mean Household Income ^{1/}	\$59,630	\$59,630	\$59,630	\$59,630	\$59,630
Aggregate Household Income (\$'000s)					
Primary Market Area	\$707,792	\$778,112	\$813,711	\$826,531	\$838,338

NAICS	Category	2001		
		Aggregate Income	Percent Distribution ^{2/}	Total Aggregate Expenditures
4413	Automotive Parts, Accessories and Tire Stores	\$707,792	x 1.1%	= \$7,511
442	Furniture and Home Furnishings Stores	\$707,792	x 1.0%	= \$7,381
443	Electronics and Appliances Stores	\$707,792	x 0.9%	= \$6,387
444	Building Material and Garden Equipment	\$707,792	x 5.6%	= \$39,868
445	Food and Beverage Stores	\$707,792	x 7.1%	= \$50,032
446	Health and Personal Care Stores	\$707,792	x 1.2%	= \$8,237
448	Clothing and Clothing Accessories Stores	\$707,792	x 1.4%	= \$9,879
451	Sporting Goods, Hobby, Book, and Music Stores	\$707,792	x 0.8%	= \$5,930
452	General Merchandise Stores	\$707,792	x 8.0%	= \$56,623
453	Miscellaneous Store Retailers	\$707,792	x 2.2%	= \$15,571
722	Foodservices and Drinking Places	\$707,792	x 4.6%	= \$32,558
	Total			\$239,978

NAICS	Category	2006		
		Aggregate Income	Percent Distribution ^{2/}	Total Aggregate Expenditures
4413	Automotive Parts, Accessories and Tire Stores	\$778,112	x 1.1%	= \$8,258
442	Furniture and Home Furnishings Stores	\$778,112	x 1.0%	= \$8,115
443	Electronics and Appliances Stores	\$778,112	x 0.9%	= \$7,022
444	Building Material and Garden Equipment	\$778,112	x 5.6%	= \$43,829
445	Food and Beverage Stores	\$778,112	x 7.1%	= \$55,003
446	Health and Personal Care Stores	\$778,112	x 1.2%	= \$9,055
448	Clothing and Clothing Accessories Stores	\$778,112	x 1.4%	= \$10,860
451	Sporting Goods, Hobby, Book, and Music Stores	\$778,112	x 0.8%	= \$6,519
452	General Merchandise Stores	\$778,112	x 8.0%	= \$62,249
453	Miscellaneous Store Retailers	\$778,112	x 2.2%	= \$17,118
722	Foodservices and Drinking Places	\$778,112	x 4.6%	= \$35,793
	Total			\$263,820

EXHIBIT 6

PROJECTED EXPENDITURES BY N.A.I.C.S. CATEGORY

2001 through 2021

NAICS	Category	2011		
		Aggregate Income	Percent Distribution ^{2/}	Total Aggregate Expenditures
4413	Automotive Parts, Accessories and Tire Stores	\$813,711	x 1.1%	= \$8,635
442	Furniture and Home Furnishings Stores	\$813,711	x 1.0%	= \$8,486
443	Electronics and Appliances Stores	\$813,711	x 0.9%	= \$7,343
444	Building Material and Garden Equipment	\$813,711	x 5.6%	= \$45,834
445	Food and Beverage Stores	\$813,711	x 7.1%	= \$57,519
446	Health and Personal Care Stores	\$813,711	x 1.2%	= \$9,469
448	Clothing and Clothing Accessories Stores	\$813,711	x 1.4%	= \$11,357
451	Sporting Goods, Hobby, Book, and Music Stores	\$813,711	x 0.8%	= \$6,817
452	General Merchandise Stores	\$813,711	x 8.0%	= \$65,097
453	Miscellaneous Store Retailers	\$813,711	x 2.2%	= \$17,902
722	Foodservices and Drinking Places	\$813,711	x 4.6%	= \$37,431
	Total			\$275,890

NAICS	Category	2016		
		Aggregate Income	Percent Distribution ^{2/}	Total Aggregate Expenditures
4413	Automotive Parts, Accessories and Tire Stores	\$826,531	x 1.1%	= \$8,771
442	Furniture and Home Furnishings Stores	\$826,531	x 1.0%	= \$8,620
443	Electronics and Appliances Stores	\$826,531	x 0.9%	= \$7,459
444	Building Material and Garden Equipment	\$826,531	x 5.6%	= \$46,556
445	Food and Beverage Stores	\$826,531	x 7.1%	= \$58,425
446	Health and Personal Care Stores	\$826,531	x 1.2%	= \$9,618
448	Clothing and Clothing Accessories Stores	\$826,531	x 1.4%	= \$11,536
451	Sporting Goods, Hobby, Book, and Music Stores	\$826,531	x 0.8%	= \$6,925
452	General Merchandise Stores	\$826,531	x 8.0%	= \$66,123
453	Miscellaneous Store Retailers	\$826,531	x 2.2%	= \$18,184
722	Foodservices and Drinking Places	\$826,531	x 4.6%	= \$38,020
	Total			\$280,237

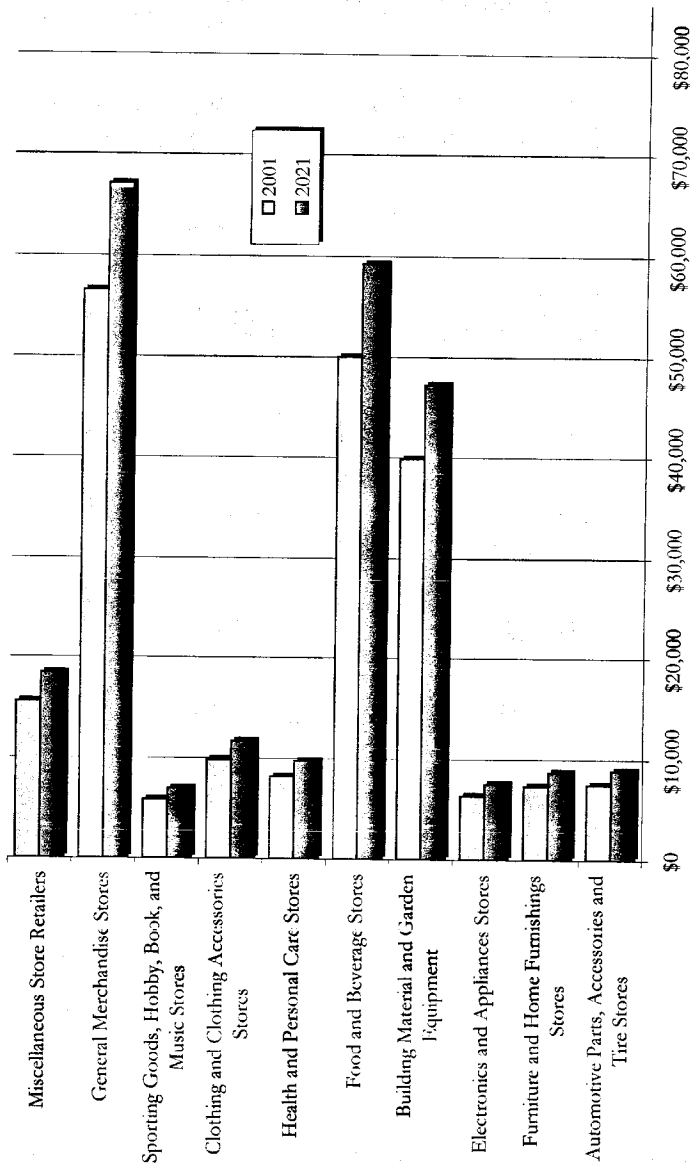
NAICS	Category	2021		
		Aggregate Income	Percent Distribution ^{2/}	Total Aggregate Expenditures
4413	Automotive Parts, Accessories and Tire Stores	\$838,338	x 1.1%	= \$8,897
442	Furniture and Home Furnishings Stores	\$838,338	x 1.0%	= \$8,743
443	Electronics and Appliances Stores	\$838,338	x 0.9%	= \$7,565
444	Building Material and Garden Equipment	\$838,338	x 5.6%	= \$47,221
445	Food and Beverage Stores	\$838,338	x 7.1%	= \$59,260
446	Health and Personal Care Stores	\$838,338	x 1.2%	= \$9,756
448	Clothing and Clothing Accessories Stores	\$838,338	x 1.4%	= \$11,701
451	Sporting Goods, Hobby, Book, and Music Stores	\$838,338	x 0.8%	= \$7,024
452	General Merchandise Stores	\$838,338	x 8.0%	= \$67,067
453	Miscellaneous Store Retailers	\$838,338	x 2.2%	= \$18,442
722	Foodservices and Drinking Places	\$838,338	x 4.6%	= \$38,564
	Total			\$284,240

1/ From Exhibit 2 and adjusted by the CPI to 2001 dollars.

2/ From Exhibit 4

SOURCE: U.S. Department Of Commerce and Hobson Ferendini Associates

EXHIBIT 7
TOTAL AGGREGATE EXPENDITURES BY RETAIL CATEGORY:
PRIMARY TRADE AREA



SOURCE: Hobson Ferrarini Associates

EXHIBIT 8
SUPPORTABLE SQUARE FOOTAGE
PRIMARY MARKET AREA
2001-2021

(In Constant Dollars)

NAICS	Category	2001				
		Total Aggregate Expenditures ^{1/}	Capture Factor ^{2/}	Local Potential Expenditures	Sales Support Factor ^{3/}	Supportable Square Feet
4413	Automotive Parts, Accessories and Tire Stores	\$7,511,267	x 90.0%	\$6,760,141	/ \$139	= 48,787
442	Furniture and Home Furnishings Stores	\$7,381,284	x 80.0%	\$5,905,027	/ \$173	= 34,064
443	Electronics and Appliances Stores	\$6,387,172	x 80.0%	\$5,109,737	/ \$200	= 25,489
444	Building Material and Garden Equipment	\$39,867,959	x 85.0%	\$33,887,765	/ \$128	= 264,463
445	Food and Beverage Stores	\$50,031,822	x 90.0%	\$45,028,640	/ \$312	= 144,480
446	Health and Personal Care Stores	\$8,236,678	x 90.0%	\$7,413,010	/ \$230	= 32,271
448	Clothing and Clothing Accessories Stores	\$9,878,939	x 75.0%	\$7,409,204	/ \$217	= 34,222
451	Sporting Goods, Hobby, Book, and Music Store	\$5,029,942	x 85.0%	\$5,040,451	/ \$195	= 25,884
452	General Merchandise Stores	\$56,623,386	x 85.0%	\$48,129,878	/ \$139	= 346,518
453	Miscellaneous Store Retailers	\$15,571,431	x 85.0%	\$13,235,716	/ \$192	= 68,773
722	Foodservices and Drinking Places	\$32,558,447	x 90.0%	\$29,302,602	/ \$236	= 124,102
	Total	\$239,978,327		\$207,222,172		1,149,053

NAICS	Category	2006				
		Total Aggregate Expenditures ^{1/}	Capture Factor ^{2/}	Local Potential Expenditures	Sales Support Factor ^{3/}	Supportable Square Feet
4413	Automotive Parts, Accessories and Tire Stores	\$8,257,516	x 90.0%	\$7,431,764	/ \$139	= 53,634
442	Furniture and Home Furnishings Stores	\$8,114,618	x 80.0%	\$6,491,095	/ \$173	= 37,449
443	Electronics and Appliances Stores	\$7,021,741	x 80.0%	\$5,617,392	/ \$200	= 28,021
444	Building Material and Garden Equipment	\$43,828,863	x 85.0%	\$37,254,533	/ \$128	= 290,737
445	Food and Beverage Stores	\$55,002,510	x 90.0%	\$49,502,259	/ \$312	= 158,834
446	Health and Personal Care Stores	\$9,054,996	x 90.0%	\$8,149,497	/ \$230	= 35,477
448	Clothing and Clothing Accessories Stores	\$10,860,417	x 75.0%	\$8,145,313	/ \$217	= 37,622
451	Sporting Goods, Hobby, Book, and Music Store	\$6,519,085	x 85.0%	\$5,541,223	/ \$195	= 28,455
452	General Merchandise Stores	\$62,248,950	x 85.0%	\$52,911,607	/ \$139	= 380,945
453	Miscellaneous Store Retailers	\$17,118,461	x 85.0%	\$14,550,692	/ \$192	= 75,605
722	Foodservices and Drinking Places	\$35,793,146	x 90.0%	\$32,213,831	/ \$236	= 136,432
	Total	\$263,820,303		\$227,809,806		1,263,212

NAICS	Category	2011				
		Total Aggregate Expenditures ^{1/}	Capture Factor ^{2/}	Local Potential Expenditures	Sales Support Factor ^{3/}	Supportable Square Feet
4413	Automotive Parts, Accessories and Tire Stores	\$8,635,302	x 90.0%	\$7,771,772	/ \$139	= 56,088
442	Furniture and Home Furnishings Stores	\$8,485,867	x 80.0%	\$6,788,694	/ \$173	= 39,162
443	Electronics and Appliances Stores	\$7,342,990	x 80.0%	\$5,874,392	/ \$200	= 29,303
444	Building Material and Garden Equipment	\$45,834,061	x 85.0%	\$38,958,952	/ \$128	= 304,039
445	Food and Beverage Stores	\$57,518,910	x 90.0%	\$51,767,019	/ \$312	= 166,101
446	Health and Personal Care Stores	\$9,469,268	x 90.0%	\$8,522,341	/ \$230	= 37,100
448	Clothing and Clothing Accessories Stores	\$11,357,288	x 75.0%	\$8,517,966	/ \$217	= 39,344
451	Sporting Goods, Hobby, Book, and Music Store	\$6,817,338	x 85.0%	\$5,794,737	/ \$195	= 29,757
452	General Merchandise Stores	\$65,006,878	x 85.0%	\$55,332,247	/ \$139	= 398,374
453	Miscellaneous Store Retailers	\$17,001,094	x 85.0%	\$14,416,499	/ \$192	= 79,064
722	Foodservices and Drinking Places	\$37,430,705	x 90.0%	\$33,687,635	/ \$236	= 142,674
	Total	\$275,890,249		\$238,232,249		1,321,005

EXHIBIT 8
SUPPORTABLE SQUARE FOOTAGE
PRIMARY MARKET AREA
2001-2021
(In Constant Dollars)

NAICS	Category	2016					
		Total Aggregate Expenditures ^{1/}		Capture Factor ^{2/}	Local Potential Expenditures	Sales Support Factor ^{3/}	Supportable Square Feet
4413	Automotive Parts, Accessories and Tire Stores	\$8,771,356	x	90.0%	\$7,894,220	/ \$139 =	56,972
442	Furniture and Home Furnishings Stores	\$8,619,567	x	80.0%	\$6,895,653	/ \$173 =	39,779
443	Electronics and Appliances Stores	\$7,458,682	x	80.0%	\$5,966,946	/ \$200 =	29,765
444	Building Material and Garden Equipment	\$46,556,201	x	85.0%	\$39,572,771	/ \$128 =	308,829
445	Food and Beverage Stores	\$58,425,151	x	90.0%	\$52,582,636	/ \$312 =	168,718
446	Health and Personal Care Stores	\$9,618,462	x	90.0%	\$8,656,615	/ \$230 =	37,684
448	Clothing and Clothing Accessories Stores	\$11,536,228	x	75.0%	\$8,652,171	/ \$217 =	39,963
451	Sporting Goods, Hobby, Book, and Music Store	\$6,924,748	x	85.0%	\$5,886,036	/ \$195 =	30,226
452	General Merchandise Stores	\$66,122,514	x	85.0%	\$56,204,137	/ \$139 =	404,650
453	Miscellaneous Store Retailers	\$18,183,691	x	85.0%	\$15,456,138	/ \$192 =	80,310
722	Foodservices and Drinking Places	\$38,020,446	x	90.0%	\$34,218,401	/ \$236 =	144,921
	Total	\$280,237,047			\$241,985,725		1,341,818

		2021					
NAICS	Category	Total Aggregate Expenditures ^{1/}	Capture Factor ^{2/}	Local Potential Expenditures	Sales Support Factor ^{3/}	Supportable Square Feet	
4413	Automotive Parts, Accessories and Tire Stores	\$8,896,652	x	90.0%	\$8,006,987	/ \$139 = 57,786	
442	Furniture and Home Furnishings Stores	\$8,742,695	x	80.0%	\$6,994,156	/ \$173 = 40,347	
443	Electronics and Appliances Stores	\$7,565,227	x	80.0%	\$6,052,182	/ \$200 = 30,190	
444	Building Material and Garden Equipment	\$47,221,241	x	85.0%	\$40,138,055	/ \$128 = 313,241	
445	Food and Beverage Stores	\$59,259,736	x	90.0%	\$53,333,762	/ \$312 = 171,128	
446	Health and Personal Care Stores	\$9,755,858	x	90.0%	\$8,780,273	/ \$230 = 38,223	
448	Clothing and Clothing Accessories Stores	\$11,701,020	x	75.0%	\$8,775,765	/ \$217 = 40,534	
451	Sporting Goods, Hobby, Book, and Music Store	\$7,023,666	x	85.0%	\$5,970,116	/ \$195 = 30,658	
452	General Merchandise Stores	\$67,067,054	x	85.0%	\$57,006,996	/ \$139 = 410,431	
453	Miscellaneous Store Retailers	\$18,443,440	x	85.0%	\$15,676,924	/ \$192 = 81,457	
722	Foodservices and Drinking Places	\$38,563,556	x	90.0%	\$34,707,200	/ \$236 = 146,992	
	Total	\$284,240,144			\$245,442,415	1,360,985	

1/ From Exhibit 5

2/ The capture factor represents the percentage of expenditures originating within the trade area that can be reasonably captured from the local economy.

3/ Based on national averages derived from "Dollars & Cents of Shopping Centers," Urban Land Institute, 2000.

SOURCE: Urban Land Institute and Hobson Fernsini Associates

EXHIBIT 9

**RESIDUAL DEMAND SUMMARY
BY YEAR AND RETAIL CATEGORY
PRIMARY MARKET AREA
(In Constant Dollars)**

2001

NAICS	Retail Category	Total Supportable Square Feet ^{1/}		Existing Competitive Square Feet ^{2/}		Residual (Net) Demand in Square Feet
<i>Retail Uses</i>						
4413	Automotive Parts, Accessories and Tire Stores	48,787	-	12,490	=	36,297
442	Furniture and Home Furnishings Stores	34,064	-	5,488	=	28,577
443	Electronics and Appliances Stores	25,489	-	8,681	=	16,809
444	Building Material and Garden Equipment	264,463	-	22,442	=	242,021
445	Food and Beverage Stores	144,480	-	138,789	=	5,691
446	Health and Personal Care Stores	32,271	-	2,378	=	29,893
448	Clothing and Clothing Accessories Stores	34,222	-	7,003	=	27,219
451	Sporting Goods, Hobby, Book, and Music Stor	25,884	-	26,061	=	-177
452	General Merchandise Stores	346,518	-	60,681	=	285,837
453	Miscellaneous Store Retailers	68,773	-	16,628	=	52,145
722	Foodservices and Drinking Places	124,102	-	73,881	=	50,221
<i>Retail Sub-Total</i>		1,149,053	-	374,520	=	774,532
<i>Misc. Non-Retail Uses 4/</i>		176,954	-	49,041	=	127,914
Grand Total		1,326,007	-	423,561	=	902,446

2006

NAICS	Retail Category	Total Supportable Square Feet ^{1/}		Existing Competitive Square Feet ^{2/}		Residual (Net) Demand in Square Feet
<i>Retail Uses</i>						
4413	Automotive Parts, Accessories and Tire Stores	53,634	-	12,490	=	41,144
442	Furniture and Home Furnishings Stores	37,449	-	5,488	=	31,961
443	Electronics and Appliances Stores	28,021	-	8,681	=	19,341
444	Building Material and Garden Equipment	290,737	-	22,442	=	268,296
445	Food and Beverage Stores	158,834	-	138,789	=	20,045
446	Health and Personal Care Stores	35,477	-	2,378	=	33,099
448	Clothing and Clothing Accessories Stores	37,622	-	7,003	=	30,619
451	Sporting Goods, Hobby, Book, and Music Stor	28,455	-	26,061	=	2,394
452	General Merchandise Stores	380,945	-	60,681	=	320,264
453	Miscellaneous Store Retailers	75,605	-	16,628	=	58,978
722	Foodservices and Drinking Places	136,432	-	73,881	=	62,551
<i>Retail Sub-Total</i>		1,263,212	-	374,520	=	888,691
<i>Misc. Non-Retail Uses 4/</i>		194,535	-	49,041	=	145,494
Grand Total		1,457,747	-	423,561	=	1,034,186

EXHIBIT 9

**RESIDUAL DEMAND SUMMARY
BY YEAR AND RETAIL CATEGORY**

PRIMARY MARKET AREA

(In Constant Dollars)

2011					
NAICS	Retail Category	Total Supportable	Existing	Residual (Net)	
		Square Feet ^{1/}	Competitive	Demand in	
			Square Feet ^{3/}	Square Feet	
<i>Retail Uses</i>					
4413	Automotive Parts, Accessories and Tire Stores	56,088	-	12,490	= 43,598
442	Furniture and Home Furnishings Stores	39,162	-	5,488	= 33,674
443	Electronics and Appliances Stores	29,303	-	8,681	= 20,623
444	Building Material and Garden Equipment	304,039	-	22,442	= 281,597
445	Food and Beverage Stores	166,101	-	138,789	= 27,312
446	Health and Personal Care Stores	37,100	-	2,378	= 34,722
448	Clothing and Clothing Accessories Stores	39,344	-	7,003	= 32,340
451	Sporting Goods, Hobby, Book, and Music Stores	29,757	-	26,061	= 3,696
452	General Merchandise Stores	398,374	-	60,681	= 337,692
453	Miscellaneous Store Retailers	79,064	-	16,628	= 62,437
722	Foodservices and Drinking Places	142,674	-	73,881	= 68,792
	<i>Retail Sub-Total</i>	1,321,005	-	374,520	= 946,484
	Misc. Non-Retail Uses 4/	203,435	-	49,041	= 154,394
	Grand Total	1,524,439	-	423,561	= 1,100,878

2016					
NAICS	Retail Category	Total Supportable	Existing	Residual (Net)	
		Square Feet ^{1/}	Competitive	Demand in	
			Square Feet ^{3/}	Square Feet	
<i>Retail Uses</i>					
4413	Automotive Parts, Accessories and Tire Stores	56,972	-	12,490	= 44,482
442	Furniture and Home Furnishings Stores	39,779	-	5,488	= 34,291
443	Electronics and Appliances Stores	29,765	-	8,681	= 21,085
444	Building Material and Garden Equipment	308,829	-	22,442	= 286,388
445	Food and Beverage Stores	168,718	-	138,789	= 29,929
446	Health and Personal Care Stores	37,684	-	2,378	= 35,307
448	Clothing and Clothing Accessories Stores	39,963	-	7,003	= 32,960
451	Sporting Goods, Hobby, Book, and Music Stores	30,226	-	26,061	= 4,165
452	General Merchandise Stores	404,650	-	60,681	= 343,969
453	Miscellaneous Store Retailers	80,310	-	16,628	= 63,683
722	Foodservices and Drinking Places	144,921	-	73,881	= 71,040
	<i>Retail Sub-Total</i>	1,341,818	-	374,520	= 967,297
	Misc. Non-Retail Uses 4/	206,640	-	49,041	= 157,599
	Grand Total	1,548,458	-	423,561	= 1,124,897

EXHIBIT 9

RESIDUAL DEMAND SUMMARY BY YEAR AND RETAIL CATEGORY PRIMARY MARKET AREA (In Constant Dollars)

2021					
		Total Supportable		Existing	Residual (Net)
		Square Feet ^{1/}		Competitive	Demand in
NAICS	Retail Category			Square Feet ^{3/}	Square Feet
<i>Retail Uses</i>					
4413	Automotive Parts, Accessories and Tire Stores	57,786	-	12,490	= 45,296
442	Furniture and Home Furnishings Stores	40,347	-	5,488	= 34,859
443	Electronics and Appliances Stores	30,190	-	8,681	= 21,510
444	Building Material and Garden Equipment	313,241	-	22,442	= 290,799
445	Food and Beverage Stores	171,128	-	138,789	= 32,339
446	Health and Personal Care Stores	38,223	-	2,378	= 35,845
448	Clothing and Clothing Accessories Stores	40,534	-	7,003	= 33,531
451	Sporting Goods, Hobby, Book, and Music Stor	30,658	-	26,061	= 4,597
452	General Merchandise Stores	410,431	-	60,681	= 349,749
453	Miscellaneous Store Retailers	81,457	-	16,628	= 64,830
722	Foodservices and Drinking Places	146,992	-	73,881	= 73,110
<i>Retail Sub-Total</i>		1,360,985	-	374,520	= 986,465
<i>Misc. Non-Retail Uses 4/</i>		209,592	-	49,041	= 160,551
Grand Total		1,570,577	-	423,561	= 1,147,016

1/ From Exhibit 8

2/ Factor by which surveyed space is increased to account for the estimated percent of space not surveyed.

3/ From Appendix A

4/ Based on the survey of the primary trade area, 15.4% of total occupied retail space was occupied by non retail users (barbers, beauty, etc.).
SOURCE: Hobson Fennell Associates.

EXHIBIT 10
RECONCILIATION OF SUPPLY AND DEMAND
FOR LAND SUITABLE FOR RETAIL DEVELOPMENT

	2001	2006	2011	2016	2021
RESIDUAL DEMAND FOR LAND					
Market Area Demand (Square Feet of Building Area) ^{1/}	1,326,007	1,457,747	1,524,439	1,548,458	1,570,577
- Competitive Square Footage ^{2/}	<u>423,561</u>	<u>423,561</u>	<u>423,561</u>	<u>423,561</u>	<u>423,561</u>
= Residual Demand (Square Feet of Building Area)	902,446	1,034,186	1,100,878	1,124,897	1,147,016
Divided by Average Coverage Ratio ^{3/}	25.0%	25.0%	25.0%	25.0%	25.0%
= Residual Demand (Square Feet of Land Area)	3,609,784	4,136,742	4,403,513	4,499,587	4,588,064
Divided By Square Feet/Acre	<u>43,560</u>	<u>43,560</u>	<u>43,560</u>	<u>43,560</u>	<u>43,560</u>
= Residual Demand (Acres of Land)	82.9	95.0	101.1	103.3	105.3
+ Demand for Gas Stations (Acres of Land) ^{4/}	<u>2.4</u>	<u>3.0</u>	<u>3.3</u>	<u>3.4</u>	<u>3.5</u>
= Total Residual Demand (Acres of Land)	85.3	98.0	104.4	106.7	108.8

RECONCILIATION-SUPPLY/DEMAND

Total Vacant Commercial Land ^{5/}	53.9	53.9	53.9	53.9	53.9
- Unmet Demand (Acres of Land)	<u>85.3</u>	<u>98.0</u>	<u>104.4</u>	<u>106.7</u>	<u>108.8</u>
= Over/ (Under) Supply of Acres (Pre Rezoning)	(31.4)	(44.1)	(50.5)	(52.8)	(54.9)
Total Available Acreage (Post Rezoning) ^{6/}	106.2	106.2	106.2	106.2	106.2
- Unmet Demand (Acres of Land)	<u>85.3</u>	<u>98.0</u>	<u>104.4</u>	<u>106.7</u>	<u>108.8</u>
= Over/ (Under) Supply of Acres (Post Rezoning)	20.9	8.2	1.8	(0.5)	(2.6)

1/ From Exhibit 9.

2/ From Appendix A. Includes all occupied space in competitive N.A.I.C.S. categories.

3/ Based on national averages derived from "Dollars & Cents of Shopping Centers," Urban Land Institute, 2000.

4/ See Appendix B

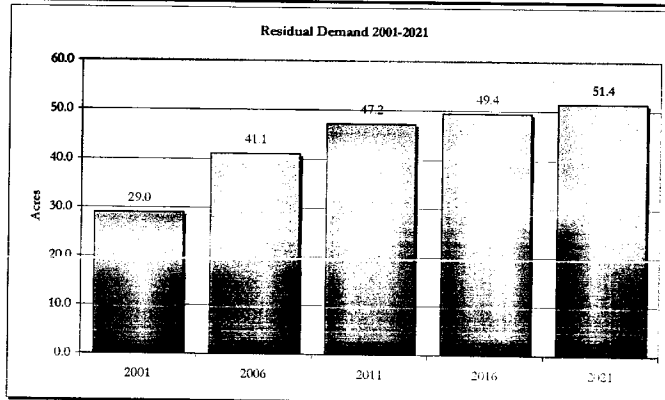
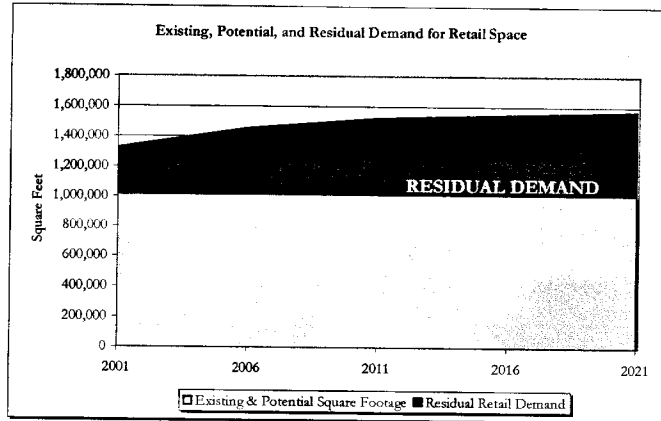
5/ Total commercial vacant land inventory per the Economic Opportunities Analysis - Goal 9 Memorandum.

6/ Includes vacant commercial land plus the 52.3 acres of commercially zoned land that occur in the KSP.

SOURCE: Hobson Ferrarini Associates

EXHIBIT 11
CURRENT SUPPLY AND PROJECTED DEMAND
FOR SELECTED RETAIL CATEGORIES
PRIMARY MARKET AREA

Year	Total Supportable Square Footage	Existing Retail Square Footage	Potential Future Retail Square Footage ^{1/}	Residual Retail Demand (S.F.) [*]	Residual Retail Demand (Acres) ^{2/}
2001	1,326,007	423,561	586,862	315,584	29.0
2006	1,457,747	423,561	586,862	447,323	41.1
2011	1,524,439	423,561	586,862	514,016	47.2
2016	1,548,458	423,561	586,862	538,035	49.4
2021	1,570,577	423,561	586,862	560,154	51.4



^{1/} Based on available commercial land in the primary trade area as identified by Metro.

SOURCE: City of Keesler and Hobson Ferrarini Associates

^{2/} Residual retail figures differ from those in Exhibit 10, as the Exhibit 11 demand does not include gas station demand.

APPENDIX A
SUMMARY OF SURVEYED COMPETITIVE RETAIL SPACE BY N.A.I.C.S.
KEIZER, OR
(JUNE 2001)

NAICS	BUSINESS NAME	ADDRESS	MALL	TOTAL S.F.	Partition Factor	Competitive S.F.
<u>RETAIL</u>						
441	Schucls Auto Supply	4297 River	Freestanding	6,800	0.8	5,440
441	Knechts	4101 River	Freestanding	6,000	0.65	3,900
441	Begg's Tire Factory	3450 River	Freestanding	2,520	0.5	1,260
441	Napa Auto Parts	3370 River	Freestanding	4,725	0.4	1,890
Total Automotive and Tire Stores				20,045		12,490
442	Choice Rent to Own	4460 River	Keizer Town Squa	1,500	0.8	1,200
442	Greg's Furniture	4150 River	Freestanding	2,516	0.8	2,013
442	Furniture Place	3804 River	Freestanding	3,500	0.65	2,275
Total Home Furnishings				7,516		5,488
443	Keller Photo	5950 River	Keizer Creekside	780	1	780
443	Game Crazy	5950 River	Keizer Creekside	1,386	1	1,386
443	Radio Shack	5950 River	Keizer Creekside	2,520	1	2,520
443	Access Computer	4920 River	4920 River	510	0.95	485
443	Computer Sales and Service	4951 River	4951 River	1,000	0.95	950
443	Shutterbug	4382 River	4382 River	575	0.8	460
443	Moles Maytag	3962 River	Freestanding	3,000	0.7	2,100
Total Electronic and Appliance Stores				9,771		8,681
444	True Value	5000 River	Whittenberg Plaza	13,950	0.95	13,253
444	Keizer Outdoor Power Equipment	120 Chemewa	Freestanding	3,328	1	3,328
444	Keizer Nursery	4570 River	Freestanding	1,350	0.85	1,148
444	BSL Tools	3881 River	3881 River	800	0.7	560
444	Keels Carpets	3827 River	Freestanding	6,390	0.65	4,154
Total Building Material and Garden Stores				25,818		22,442
445	Albertson's	5950 River	Keizer Creekside	41,475	0.95	39,401
445	7-11	5550 River	Freestanding	2,760	1	2,760
445	B and S Market	6375 River	Freestanding	2,814	1	2,814
445	Safeway	700 Chemewa	Freestanding	47,188	0.95	44,829
445	Roth's	5005 River	Schoolhouse Squar	37,000	0.95	35,150
445	Neighborhood Market	700 Chemewa	Freestanding	3,200	1	3,200
445	Petes Smokehouse and Fish Market	4930 River	4930 River	2,332	0.9	2,099
445	K and j Tobacco	4920 River	Freestanding	1,500	0.95	1,425
445	7-11	4300 River	4300 River	2,250	0.8	1,800
445	Pat's Cigarettes and Gifts	137 menlo	Freestanding	1,575	0.8	1,260
445	Space Age Food Mart	4475 River	Freestanding	1,225	0.85	1,041
445	Cherry Avenue Market	3740 Cherry	3740 Cherry	2,400	0.5	1,200
445	Texaco Food mart	3401 River	Freestanding	2,700	0.5	1,350
445	Liquor Store	3530 River	Freestanding	1,150	0.4	460
Total Food and Beverage Stores				149,569		138,789

APPENDIX A
SUMMARY OF SURVEYED COMPETITIVE RETAIL SPACE BY N.A.I.C.S.
KEIZER, OR
(JUNE 2001)

NAICS	BUSINESS NAME	ADDRESS	MALL	TOTAL S.F.	Partition Factor	Competitive S.F.
446	GNC	5005 River	Schoolhouse Squar	1,650	0.95	1,568
446	Natures Nook	4820 River	4820 River	900	0.9	810
Total Health and Personal Care Stores				2,550		2,378
448	Boucher's Jeweler	4965 River	Freestanding	2,000	0.95	1,900
448	Kids Stuff Clothing	4951 River	4951 River	1,350	0.95	1,283
448	Outgrown Baby Boutique	4951 River	4951 River	1,750	0.95	1,663
448	T Shirt World	4150 River	4150 River	1,998	0.8	1,598
448	Triples Boot and Shoe	3881 River	3881 River	800	0.7	560
Total Clothing and Accessories				7,898		7,003
451	Uptown Music	5005 River	Schoolhouse Squar	4,875	0.95	4,631
451	Book Smart	4920 River	4920 River	2,250	0.95	2,138
451	Stretch and Sew Fabric	4930 River	4930 River	2,862	0.9	2,576
451	Luarca's World of Wheels	170 Chemewa	Freestanding	2,400	0.95	2,280
451	Sports Cards	4150 River	4150 River	1,036	0.8	829
451	HydroSports	3810 River	Freestanding	4,000	0.65	2,600
451	Craft World	3840 River	Keizer Village	15,725	0.7	11,008
Total Sporting, Hobby, Book and Music Stores				33,148		26,061
452	Rite Aide	5950 River	Keizer Creekside	27,020	1	27,020
452	Walgreens	5000 River	Whittenberg Plaza	10,275	0.95	9,761
452	Bimart	3862 River	Freestanding	29,000	0.7	20,300
452	Dawns Pawn Shop	3380 River	Freestanding	7,200	0.5	3,600
Total General Merchandise Stores				73,495		60,681
453	Keizer Florist	5000 River	Whittenberg Plaza	2,508	0.95	2,383
453	Lazerquick	5005 River	Schoolhouse Squar	4,200	0.95	3,990
453	Randa's Cards and Gifts	5005 River	Schoolhouse Squar	3,450	0.95	3,278
453	Americas Coins and Gold	4920 River	4920 River	480	0.95	456
453	Cranberry Creek	4951 River	4951 River	850	0.95	808
453	Keizer Feed	4415 River	Freestanding	5,400	0.75	4,050
453	Bob Burger Stamps	4150 River	4150 River	555	0.8	444
453	California Fashion and Gifts	3881 River	3881 River	600	0.7	420
453	Cara's Miniatures and Gifts	4145 River	Freestanding	1,000	0.8	800
Total Misc. Retail				19,043		16,628

APPENDIX A
SUMMARY OF SURVEYED COMPETITIVE RETAIL SPACE BY N.A.I.C.S.
KEIZER, OR
(JUNE 2001)

NAICS	BUSINESS NAME	ADDRESS	MALL	TOTAL S.F.	Partition Factor	Competitive S.F.
722	Coopers Deli	5950 River	Keizer Creekside	1,512	1	1,512
722	Figaros Pizza	5950 River	Keizer Creekside	1,350	1	1,350
722	Subway	5950 River	Keizer Creekside	1,120	1	1,120
722	Dairy Queen	700 Lockhaver	Freestanding	3,000	1	3,000
722	Carls Jr.	5130 River	Freestanding	3,000	1	3,000
722	Hideaway Lounge	5000 River	Whittenberg Plaza	4,508	0.95	4,283
722	Sharis	700 Chemewa	Freestanding	2,850	0.7	1,995
722	Starbucks	5005 River	Schoolhouse Squar	1,472	0.95	1,398
722	La Estrellita	5005 River	Schoolhouse Squar	6,360	0.95	6,042
722	Primetime Pizza	5005 River	Schoolhouse Squar	4,330	0.95	4,104
722	Big Town Hero	5005 River	Schoolhouse Squar	1,080	0.95	1,026
722	Papa Murphys	5005 River	Schoolhouse Squar	1,080	0.95	1,026
722	Ming Yang	5005 River	Schoolhouse Squar	1,950	0.95	1,853
722	Golden Dragon	4820 River	4820 River	1,400	0.9	1,260
722	Porter's Pub	4820 River	4820 River	3,400	0.9	3,060
722	McDonalds	4880 River	Freestanding	4,000	0.9	3,600
722	Papa Johns	4900 River	4900 River	1,849	0.95	1,757
722	Café Diva	4915 River	Freestanding	920	0.95	874
722	Carusos Italian Café	4915 River	Freestanding	2,000	0.95	1,900
722	Taco Bell	4690 River	Freestanding	2,220	0.85	1,887
722	Arby's	4519 River	Freestanding	3,325	0.85	2,826
722	Kwang Chau	4560 River	Freestanding	1,225	0.85	1,041
722	Pizza Hut	4460 River	Keizer Town Squa	1,720	0.8	1,376
722	Sub Shop	4460 River	Keizer Town Squa	600	0.8	480
722	Dominos	4382 River	4382 River	575	0.8	460
722	Baskin Robbins	4010 River	Freestanding	972	0.8	778
722	Thai Cuisine	4140 River	Freestanding	1,575	0.8	1,260
722	Ringos Tavern	4100 River	Freestanding	3,825	0.8	3,060
722	JC Pizza	4200 River	Freestanding	5,250	0.8	4,200
722	Schlotskies Deli	3780 River	Freestanding	1,800	0.5	900
722	Blooming Cuisine	3843 River	Freestanding	2,520	0.7	1,764
722	Burger King	3615 River	Freestanding	3,480	0.5	1,740
722	Subway	3650 River	3650 River	1,675	0.5	838
722	Kika Juice	3650 River	3650 River	1,541	0.5	771
722	Figaros Pizza	3840 River	Keizer Village	1,540	0.7	1,078
722	Bento to Go	3740 Cherry	3740 Cherry	800	0.5	400
722	Jade Garden	3400 River	Freestanding	5,600	0.4	2,240
722	Abby's Pizza	3451 River	Freestanding	4,160	0.4	1,664
722	Los Dos Hermanos	3590 River	Freestanding	2,400	0.4	960
Total Foodservices and Drinking Places				93,974		73,881

TOTAL RETAIL COMPETITIVE SQUARE FEET

442,827

374,520

APPENDIX A
SUMMARY OF SURVEYED COMPETITIVE RETAIL SPACE BY N.A.I.C.S.
KEIZER, OR
(JUNE 2001)

NAICS	BUSINESS NAME	ADDRESS	MALL	TOTAL S.F.	Partition Factor	Competitive S.F.
<u>NON-RETAIL</u>						
812	Creekside Veterinary	5950 River	Keizer Creekside	1,560	1	1,560
812	Charlie and Friends	3733 Cherry	Freestanding	1,050	0.5	525
812	Petra's Touch	3493 River	Freestanding	1,800	0.5	900
812	Sharon's House of Hair	7316 Pineview	Freestanding	1,920	1	1,920
812	The Total Look	116 McNary	Freestanding	1,050	1	1,050
812	Pro Nails	5950 River	Keizer Creekside	1,040	1	1,040
812	Images hair Salon	5950 River	Keizer Creekside	1,197	1	1,197
812	Creekside Dry Cleaning and Laundry	5950 River	Keizer Creekside	2,394	1	2,394
812	Foreman's Cleaners	5000 River	Whittenberg Plaza	1,450	0.95	1,378
812	Tom's Barber	5000 River	Whittenberg Plaza	500	0.95	475
812	Salon	5000 River	Whittenberg Plaza	600	0.95	570
812	Nails and Tan	5005 River	Schoolhouse Squar	960	0.95	912
812	Perfect Look	5005 River	Schoolhouse Squar	1,600	0.95	1,520
812	River Road Cleaners	5005 River	Schoolhouse Squar	1,280	0.95	1,216
812	Sally Beauty	5005 River	Schoolhouse Squar	1,500	0.95	1,425
812	Dog Grooming	4920 River	4920 River	300	0.95	285
812	Classic Touch Hair	4920 River	4920 River	510	0.95	485
812	Hair	4460 River	Keizer Town Squa	1,290	0.85	1,097
812	Self Service Pet Wash	4460 River	Keizer Town Squa	600	0.85	510
812	Keizer Kleaning	4460 River	Keizer Town Squa	1,500	0.85	1,275
812	Laundromat	4300 River	4300 River	1,120	0.8	896
812	Pony Tail hair	4150 River	4150 River	629	0.8	503
812	Keizer Vacuum	3881 River	3881 River	1,000	0.7	700
812	Order Express	3881 River	3881 River	800	0.7	560
812	Speed Queen Coin Laundry	3740 Cherry	3740 Cherry	1,000	0.5	500
812	Keizer Travel and Cruise	5005 River	Schoolhouse Squar	2,880	0.95	2,736
522	Loans	4300 River	4300 River	1,200	0.8	960
524	American Family Insurance	5950 River	Keizer Creekside	1,040	0.95	988
524	State Farm Insurance	5005 River	Schoolhouse Squar	1,026	0.95	975
524	State Farm Insurance	4920 River	4920 River	930	0.95	884
524	State Farm Insurance	4951 River	4951 River	700	0.95	665
524	America Family Insurance	3650 River	3650 River	1,675	0.5	838
532	Blockbuster	5950 River	Keizer Creekside	3,402	1	3,402
532	Hollywood Video	5005 River	Schoolhouse Squar	6,400	0.95	6,080
532	American video	3840 River	Keizer Village	4,875	0.7	3,413
541	Jackson Hewitt Tax	5005 River	Schoolhouse Squar	1,026	0.95	975
541	H and R Block	4820 River	4820 River	900	0.9	810
621	Chiropractor	4951 River	4951 River	1,500	0.95	1,425
TOTAL NON-RETAIL				56,204		49,041

VACANT COMMERCIAL PROPERTY

Vacant	5950 River	Keizer Creekside	1,196
Vacant	5950 River	Keizer Creekside	5,300
Vacant	5005 River	Schoolhouse Squar	1,024
Vacant	4900 River	4900 River	3,139
Vacant	3650 River	3650 River	1,340
Total			11,999

SOURCE: Hobson Ferrarini Associates

APPENDIX B
RESIDUAL DEMAND FOR GASOLINE STATIONS
(In Constant Dollars)
KEIZER, OR

	2001	2006	2011	2016	2021
<u>SALEM-KEIZER PMSA</u>					
Annual Gas Station Sales ^{1/}	\$242,825,000	\$242,825,000	\$242,825,000	\$242,825,000	\$242,825,000
/ Number of Gas Stations	110	110	110	110	110
= Average Sales Per Store	\$2,207,500	\$2,207,500	\$2,207,500	\$2,207,500	\$2,207,500
Annual Gas Station Sales ^{1/}	\$242,825,000	\$242,825,000	\$242,825,000	\$242,825,000	\$242,825,000
/ Total Population	325,253	325,253	325,253	325,253	325,253
= Per Capita Expenditures	\$746.57	\$746.57	\$746.57	\$746.57	\$746.57

KEIZER

TOTAL DEMAND

Population	30,861	33,927	35,479	36,039	36,553
* Per Capita Expenditures	\$746.57	\$746.57	\$746.57	\$746.57	\$746.57
= Current Keizer Expenditure on Gas	\$23,040,212	\$25,328,971	\$26,487,652	\$26,905,732	\$27,289,471
/ Average Sales Per Store	\$2,207,500	\$2,207,500	\$2,207,500	\$2,207,500	\$2,207,500
= Keizer Demand for Gas Stations	10.44	11.47	12.00	12.19	12.36
- Current Keizer Supply of Gas Stations	6	6	6	6	6
= Current Undersupply of Gas Stations	4	5	6	6	6

TOTAL ACREAGE NEEDED	2.4	3.0	3.3	3.4	3.5
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1/ Based on sales information reported in the Oregon Economic Census of Retail Trade for the Salem-Keizer PMSA

SOURCE: Oregon Economic Census of Retail Trade and Hobson Ferrarini Associates

EXHIBIT 1

PROJECTED EMPLOYMENT KEIZER, OREGON

2000-2021

Employment Sector	AAGR ^{3/}	2000	2001	2006	2011	2016	2021
Keizer, Oregon							
Construction & Mining	1.4%	526	533	572	614	659	707
Manufacturing	0.9%	1,076	1,086	1,135	1,187	1,244	1,302
T.C.U. ^{1/}	1.8%	309	314	343	375	409	446
Wholesale Trade	1.9%	421	429	471	520	572	630
Retail Trade	1.8%	1,671	1,701	1,860	2,032	2,221	2,427
F.I.R.E. ^{2/}	1.2%	618	625	664	706	750	796
Services	2.6%	2,363	2,426	2,758	3,149	3,589	4,090
Government	1.0%	494	499	525	553	582	613
Total		7,478	7,614	8,329	9,137	10,026	11,011

1/ Transportation, Communication and Utilities

2/ Finance, Insurance and Real Estate

3/ Average Annual Rate of Growth

SOURCE: Claritas, State of Oregon Employment Department and Hobson Ferrarini Associates

EXHIBIT 2

DEMAND FOR OFFICE SPACE
KEIZER, OREGON
2001-2021

Employment Sector	Net New Jobs			Capture Factor	Sq Ft/ Employee	Net New Demand (S.F.)		
	2001-2006	2006-2011	2011-2016			2001-2006	2006-2011	2011-2016
Keizer, Oregon								
Construction & Mining	38	42	45	10.0%	350	1,344	1,478	1,575
Manufacturing	50	52	57	3.2%	350	557	583	633
T&U	29	32	34	32.0%	350	3,281	3,587	3,772
Wholesale Trade	42	49	52	4.9%	350	726	835	892
Retail Trade	159	172	189	15.0%	350	8,332	9,041	9,923
Food	38	42	44	95.7%	350	12,863	14,130	14,738
Services	332	391	440	40.0%	350	46,510	54,710	61,600
Government	26	28	29	35.0%	350	3,216	3,399	3,553
Total Demand	715	808	889	985		76,829	87,764	96,685
								107,600

SOURCE: OTAK and Hobson Verantini Associates

EXHIBIT 3

DEMAND FOR OFFICE LAND

2000-2020

Employment Sector	Net New Demand (S.F.)			Floor Area Ratio	Demand For Land (Acres) 1/			
	2001-2006	2006-2011	2011-2016	2016-2021	2001-2006	2006-2011	2011-2016	2016-2021
Keizer, Oregon								
Construction & Mining	1,344	1,478	1,575	1,680	0.1	0.1	0.1	0.1
Manufacturing	557	583	633	650	0.0	0.0	0.0	0.0
TUCU	3,281	3,587	3,772	4,144	0.2	0.2	0.2	0.3
Wholesale Trade	726	835	892	995	0.0	0.1	0.1	0.1
Retail Trade	8,332	9,041	9,923	10,815	0.5	0.6	0.7	0.7
FIRE	12,863	14,130	14,738	15,426	0.8	0.9	1.0	1.0
Services	46,510	54,710	61,600	70,140	3.1	3.6	4.0	4.6
Government	3,216	3,399	3,553	3,751	0.2	0.2	0.2	0.2
Total Demand	76,829	87,764	96,685	107,600	5.0	5.8	6.3	7.1
Total Cumulative Office Demand					5.0	10.8	17.1	24.2

1/ Converted to acres by dividing 43,560 (square feet per acre)

SOURCE: OTAK and Hobson Ferrarini Associates

EXHIBIT 4

OFFICE LAND DEMAND AND SUPPLY RECONCILIATION KEIZER, OREGON

Current Zoning	2006	2011	2016	2021
Cumulative New Demand (Acres) ^{1/}	5.0	10.8	17.1	24.2
- Buildable Commercial Land ^{2/}	<u>72.5</u>	<u>72.5</u>	<u>72.5</u>	<u>72.5</u>
= Over/(Under) Supply of Acres	67.5	61.7	55.4	48.3
Proposed Zoning under the KSP				
Cumulative New Demand (Acres) ^{1/}	5.0	10.8	17.1	24.2
- Buildable Commercial Land ^{3/}	<u>124.8</u>	<u>119.8</u>	<u>109.0</u>	<u>91.8</u>
= Over/(Under) Supply of Acres	119.8	109.0	91.8	67.6

1/ Based on Exhibit 3

2/ See Economic Opportunities Analysis-Goal 9 Buildable Lands Inventory

3/ Based on the Staff Recommended Alternative for the Keizer Station Plan.

This buildable industrial land inventory accounts for the 52.3 acres of land that would be rezoned commercial

Total commercial demand is comprised of both retail and office commercial.

SOURCE: City of Keizer and Hobson Ferrarini Associates

EXHIBIT 1

PROJECTED EMPLOYMENT KEIZER, OREGON 2000-2021

Employment Sector	AAGR ^{3/}	2000	2001	2006	2011	2016	2021
Keizer, Oregon							
Construction & Mining	1.4%	526	533	572	614	659	707
Manufacturing	0.9%	1,076	1,086	1,136	1,189	1,244	1,302
T.C.U. ^{1/}	1.8%	309	314	343	375	409	446
Wholesale Trade	1.9%	421	429	472	520	572	630
Retail Trade	1.8%	1,671	1,701	1,859	2,032	2,221	2,427
F.I.R.E. ^{2/}	1.2%	618	625	664	706	750	796
Services	2.6%	2,363	2,426	2,764	3,149	3,589	4,090
Other/Government	1.0%	494	499	525	553	582	613
Total		7,478	7,614	8,337	9,138	10,026	11,011

1/ Transportation, Communication and Utilities

2/ Finance, Insurance and Real Estate

3/ Average Annual Growth Rate

SOURCE: Claritas, State of Oregon Employment Department and Hobson Ferratini Associates

EXHIBIT 2

DEMAND FOR INDUSTRIAL SPACE
KEIZER, OREGON
2001 - 2021

Employment Sector	Net New Jobs			Capture Factor	Sq Ft/ Employee ^{1/}	Net New Demand (S.F.)		
	2001-2006	2006-2011	2011-2016			2001-2006	2006-2011	2011-2016
Keizer, Oregon								
Construction & Mining	39	42	45	48	728	6,980	7,491	8,038
Manufacturing	50	53	55	58	728	35,526	37,176	38,902
TCU	29	31	34	37	728	14,248	15,552	16,976
Wholesale Trade	43	48	52	58	728	29,910	32,922	36,238
Services	338	386	439	501	728	21,671	24,694	28,139
Total Demand	500	559	626	702		108,335	117,835	128,293
								139,816

1/ Weighted average employee sq density figures for industrial development including warehouse/distribution space (1,100 sf/employee); general industrial (550 sf/employee); and flex (350 sf/employee).

SOURCE: Oak and Hobson Terram Associates

EXHIBIT 3

DEMAND FOR INDUSTRIAL LAND

2001 - 2021

Employment Sector	Net New Demand (S.F.)			Floor Area Ratio ^{1/}	Demand For Land (Acres) ^{2/}			
	2001-2006	2006-2011	2011-2016	2016-2021	2001-2006	2006-2011	2011-2016	2016-2021
Keizer, Oregon								
Construction & Mining	6,980	7,491	8,038	8,626	0.5	0.6	0.6	0.7
Manufacturing	35,526	37,176	38,902	40,709	2.8	2.9	3.0	3.2
TCU	14,248	15,552	16,976	18,530	1.1	1.2	1.3	1.4
Wholesale Trade	29,910	32,922	36,238	39,887	2.3	2.6	2.8	3.1
Services	21,671	24,694	28,139	32,064	1.7	1.9	2.2	2.5
Total Demand	108,335	117,835	128,293	139,816	8.4	9.2	10.0	10.9

^{1/} Weighted average floor area ratios for industrial development including: warehouse/distribution space (0.33), general industrial (0.30) and flex space (0.22).

^{2/} Converted to acres by dividing 43,560 (square feet per acre)

SOURCE: Oak and Hobson Ferrarini Associates

EXHIBIT 4

INDUSTRIAL LAND DEMAND AND SUPPLY RECONCILIATION KEIZER, OREGON

	2006	2011	2016	2021
Existing Zoning				
Cumulative New Demand (Acres) ^{1/}	8.4	17.6	27.6	38.5
- Buildable Industrial Land ^{2/}	<u>99.5</u>	<u>99.5</u>	<u>99.5</u>	<u>99.5</u>
= Over/(Under) Supply of Acres	91.1	81.9	71.9	61.0
Proposed Zoning with the KSP				
Cumulative New Demand (Acres) ^{1/}	8.4	17.6	27.6	38.5
- Buildable Industrial Land ^{3/}	<u>54.2</u>	<u>54.2</u>	<u>54.2</u>	<u>54.2</u>
= Over/(Under) Supply of Acres	45.8	36.6	26.6	15.7

1/ Based on Exhibit 3

2/ See Economic Opportunities Analysis-Goal 9 Buildable Lands Inventory

3/ Based on the Staff Recommended Alternative for the Keizer Station Plan.

This buildable industrial land inventory accounts for the 45.3 acres of industrial land that would be rezoned.

SOURCE: City of Keizer and Hobson Ferratini Associates

VACANT COMMERCIAL SITES

Tax Lot ID #	Acres	Zoning	*25% Reduction	Acres for Commercial Development
073W02CD02104	0.02	MU	0.25	0.01
063W36CB00300	0.04	MU	0.25	0.01
063W35BA02100	0.05	MU	0.25	0.01
063W35BD01600	0.05	MU	0.25	0.01
063W35BD01200	0.07	MU	0.25	0.02
063W35BA01900	0.08	MU	0.25	0.02
063W36CA01600	0.08	MU	0.25	0.02
063W34AD06700	0.10	MU	0.25	0.03
063W36CA00600	0.13	MU	0.25	0.03
063W34AD07100	0.14	MU	0.25	0.04
063W35BD01700	0.16	MU	0.25	0.04
063W36CA01900	0.16	MU	0.25	0.04
063W35BA01700	0.19	MU	0.25	0.05
063W36CA01200	0.23	MU	0.25	0.06
063W36CA02200	0.25	MU	0.25	0.06
063W36CA02300	0.25	MU	0.25	0.06
063W36CA01700	0.28	MU	0.25	0.07
063W36CA01800	0.28	MU	0.25	0.07
063W35BD00200	0.32	MU	0.25	0.08
063W36CA02000	0.35	MU	0.25	0.09
063W35CB02202	0.38	MU	0.25	0.10
063W35CB02200	0.44	MU	0.25	0.11
063W35CB02201	0.50	MU	0.25	0.13
063W35BD01100	0.57	MU	0.25	0.14
063W35BA02400	0.61	MU	0.25	0.15
063W35CB02100	0.62	MU	0.25	0.16
073W11BA03100	0.78	MU	0.25	0.20
063W35AC03600	0.81	MU	0.25	0.20
073W11BA05100	0.81	MU	0.25	0.20
063W35BC08000	0.93	MU	0.25	0.23
063W35CB02102	0.98	MU	0.25	0.25
063W35BC08001	0.99	MU	0.25	0.25
063W36CA00100	1.19	MU	0.25	0.30
063W35AC03900	1.20	MU	0.25	0.30
063W35CB02300	1.46	MU	0.25	0.37
063W36CA01100	1.91	MU	0.25	0.48
063W35BC07500	1.98	MU	0.25	0.50
063W35BD02500	2.55	MU	0.25	0.64
063W36CA00800	2.73	MU	0.25	0.68
063W35 00400	9.24	MU	0.25	2.31

VACANT COMMERCIAL SITES

063W26DB03500	21.38	MU	0.25	5.35
Total Vacant Acres Zoned Mixed-Use	55.29			13.82
*Mixed Use assumed to develop 25% Commercial	x 25%			
Total Vacant Commercial Mixed Use	13.82			
063W35CA02200	0.48	CG		
063W35 00401	0.58	CG		
073W03BA01400	2.65	CG		
Total Vacant Commercial Zoned CG	3.71			
073W11CB01300	0.02	CM		
073W02CB04000	0.03	CM		
073W11BC03000	0.04	CM		
073W02BB03500	0.07	CM		
073W02CC09400	0.09	CM		
063W35CC04300	0.12	CM		
073W11BB05700	0.13	CM		
073W11BC02000	0.13	CM		
073W02CC09500	0.14	CM		
063W35CC04200	0.16	CM		
073W02BA05402	0.16	CM		
073W02BA05601	0.16	CM		
063W36AC01000	0.17	CM		
073W11CB01900	0.24	CM		
073W02BD05700	0.29	CM		
073W11BB04900	0.29	CM		
073W02BB04300	0.31	CM		
073W02CA04100	0.37	CM		
073W11CB02300	0.39	CM		
073W02BD13100	0.41	CM		
063W35CC04100	0.50	CM		
073W11BC03200	0.60	CM		
063W36AC01200	0.81	CM		
063W36BD00900	0.82	CM		
073W11BC06500	1.16	CM		
073W11BC06400	1.64	CM		
073W11BC06300	1.67	CM		
073W11BB90000	1.84	CM		
073W02BA05401	1.96	CM		
063W36AC01100	2.71	CM		
063W36D 00400	7.83	CM		
Total Vacant Commercial Zoned CM	25.26			

VACANT COMMERCIAL SITES

073W02BC08600	0.06	CO
073W02BC08500	0.07	CO
073W02BC08300	0.10	CO
073W02CB02300	0.11	CO
073W02BC08400	0.13	CO
073W11BC01000	0.18	CO
073W11BC00900	0.19	CO
063W36BC06100	0.20	CO
073W02CB02100	0.47	CO
063W36BD01200	0.87	CO
063W36BD01400	2.25	CO
063W36BC06000	3.10	CO
063W36BD01100	4.73	CO
Total Vacant Commercial Zoned CO	12.46	

Totals by Zone

Total Vacant Zoned MU	13.82
Total Vacant Zoned CG	3.71
Total Vacant Zoned CM	25.26
Total Vacant Zoned CO	12.46
Total	55.25
<i>Less Constrained/Unbuildable Land*</i>	<i>1.36</i>
Total Vacant Commercial Acreage	53.89

**See Constrained & Unbuildable Land Table in Economic Opportunities Analysis for further detail.*

Source: City of Kaiser Planning Department

UNDERUTILIZED COMMERCIAL SITES

Tax Lot ID #	Acres	Zoning	25%
063W35 00300	8.17	MU	2.04
063W36CA02600	1.68	MU	0.42
063W36CB08900	5.88	MU	1.47
063W36CB00200	1.56	MU	0.39
063W36CB00100	0.23	MU	0.06
063W36CA03100	0.21	MU	0.05
063W36CA03000	0.43	MU	0.11
063W36CA03200	0.55	MU	0.14
063W36CA03300	0.55	MU	0.14
063W36CA03400	0.55	MU	0.14
063W36CA03500	0.62	MU	0.16
063W36CB08800	0.83	MU	0.21
063W36CB09000	0.32	MU	0.08
063W36CA02900	2.98	MU	0.75
063W36CA02800	0.48	MU	0.12
063W36CA02500	0.36	MU	0.09
063W36CA02400	0.21	MU	0.05
063W36CA02100	0.37	MU	0.09
063W36CA01300	0.25	MU	0.06
063W36CA01400	0.25	MU	0.06
063W36CA01500	0.26	MU	0.07
063W36CA00200	0.95	MU	0.24
063W36CA00300	0.60	MU	0.15
063W36CA00400	0.44	MU	0.11
063W36CA00500	1.45	MU	0.36
063W36CA00700	0.34	MU	0.09
063W36CA00900	0.22	MU	0.06
063W36CA01000	3.22	MU	0.81
Total	33.96		8.49
Mixed Use Assumed to Develop 25% Commercial	x.25		
Total Underutilized Commercial Mixed Use	8.49		
073W03BA01700	1.08	CG	
Total Underutilized Commercial Zoned CG	1.08		
073W02CA04300	0.24	CM	
063W36BD00700	0.26	CM	
073W02BD05800	0.26	CM	
073W11BB01900	0.29	CM	
073W02CA08100	0.32	CM	
073W11BB01600	0.33	CM	
073W11BB02600	0.34	CM	

UNDERUTILIZED COMMERCIAL SITES

Tax Lot ID #	Acres	Zoning
073W02CC09600	0.35	CM
073W02BC05300	0.38	CM
073W02CC07402	0.38	CM
063W36BD00600	0.43	CM
073W02BB04600	0.47	CM
073W02CA04200	0.48	CM
073W02CC08900	0.49	CM
073W02BC05700	0.53	CM
073W11BB05600	0.63	CM
073W02CB04500	0.72	CM
073W02CC08700	1.00	CM
073W02BA05600	1.93	CM
073W02CD09600	2.62	CM
063W36AC01400	2.92	CM
073W02CD02500	3.05	CM
073W02CA04000	0.44	CM-LU
063W36BD00800	1.11	CM
063W36BD00500	2.85	CM
063W36AC01500	2.47	CM
063W36AC01300	1.86	CM
Total Underutilized Commercial Zoned CM	27.15	
063W36BD01300	0.48	CO
063W36BD01000	0.25	CO
Total Underutilized Commercial Zoned	0.73	



KEIZER STATION PLAN REVIEW
Project Memorandum

TO: Chris Eppley, City of Keizer
Maria Meier, City of Keizer

FROM: Dave Leland, Leland Consulting Group
Theddi Wright Chappell, Leland Consulting Group

DATE: 15 January 2002

SUBJECT: Questions and observations regarding Keizer Station
Project Number: 4240

As you requested, attached is an initial list of questions and observations about the Keizer Station project. You specifically asked that we prepare such a list as a way of further stimulating your thinking and perhaps helping to broaden the perspective for potential discussions with DLCD, 1000 Friends and the developer.

☆ RECEIVED ☆

JAN 15 2002

City of Keizer



KEIZER STATION PLAN QUESTIONS AND OBSERVATIONS

- 1 To what extent will retail development at Keizer Station impact the River Road central area of Keizer?

Without knowing the specific tenant mix for the Keizer Station Plan, it is difficult to accurately assess what impacts River Road might experience as a result of a concentration of retail development at the Keizer Station location. As a rule, the greatest impacts felt by Downtowns from new malls or power centers come in two forms:

- a. Failure of Downtown businesses that cannot compete with the product selection and pricing discounts associated with a power center or mall, and
- b. Tenants from Downtown that move out of the Downtown into the mall in order to grow their business in a stronger retail location.

- 2 What kind of retail is planned?

Retail is the most rapidly changing land use. Retail changes its character approximately every five to seven years. In the past couple of decades, we have seen a movement from successful Downtowns into regional malls, into power centers, into big boxes, into lifestyle entertainment centers, into revised main streets, into revitalized Downtowns, into hybrid big box/main streets, and so on. Because retail has such a rapidly changing character, obsolescence is frequent and predictable. Store formats change, consumer preferences change, merchandising themes change, and deteriorating commercial strips are the result—new development leapfrogging over failed development until the next leapfrog occurs and the cycle repeats itself. These issues suggest that consideration of the timing (phasing) and type of development are both critical to a development of this size.

- 3 The City of Keizer does not have a "traditional Downtown." Most shops and services located along River Road are, and will continue to remain, auto oriented. River Road could be more accurately described as a commercial strip rather than a Downtown. Determining which stores along River Road might be impacted by new development will depend on both the general health of those stores located along the strip and the tenant mix proposed for Keizer Station.



- 4 A retail concentration of 700,000 to 900,000 square feet should be planned as a Center. As such:

- What is the intent of the developer with regard to how the retail will be planned and operated?
- Will it be a power center?
- Will it be a lifestyle entertainment center?
- Will it be a collection of pad sites sold to individual operators?
- Who will own and manage the Center?
- What assurances of quality of design and development and ongoing maintenance can be provided?
- Will the project be a planned unit development and if so, are the standards recommended by the City adequate to assure the quality of the project long-term?

- 5 Land use economics would logically support commercial development as the highest and best use at a freeway intersection. Industrial uses generally have no need to be located at such an interchange and housing uses would most likely be subjected to inordinate amounts of noise. In that context, what are the specific complaints and concerns of 1000 Friends of Oregon and the DLCD with regard to developing a Center at this location?
- 6 How will development of the Center effect properties to the immediate west between the proposed Keizer Station and what is now the center of Keizer?

**SKAPAC Elected Officials Subcommittee
Meeting Minutes
Wednesday, April 10, 2002
Keizer Heritage Community Center
980 Chemawa Road NE, Keizer, Oregon**

City of Keizer Mayor Lore Christopher called the meeting to order at 12:13 p.m.
In attendance were the following representatives:

City of Keizer

Lore Christopher – Mayor
Maria Meier – Planning Director
Chris Epley – City Manager
Keith Liden – Planning Consultant
Shannon Johnson – City Attorney
Tracy Davis – City Recorder

City of Salem

Mike Swaim – Mayor
Vickie Hardin-Woods – Interim Community Development Director
Klaus Shilde – Senior Planner
Cecilia DeSantis-Urbani – Principal Planner
Mark Becktel – Transportation Planner

Marion County

Mike Ryan – Commissioner (arrived at 12:35 p.m.)
Les Sasaki – Senior Planner

Polk County

Mike Propes – Commissioner
Jim Allen – Planning Director

Maria Meier, Keizer Planning Director welcomed everyone to the first meeting at the elected officials subcommittee level of the SKAPAC process. After introductions, Ms. Meier asked that a subsequent meeting date be scheduled.

The subcommittee agreed by consensus that the next meeting of the elected officials subcommittee will be on Tuesday, April 16, 2002 at noon. The meeting will be held in the same location (Keizer Heritage Community Center) with lunch provided.

Shannon Johnson, Keizer City Attorney reviewed the Salem Keizer Area Planning Advisory Committee process as outlined in the coordination agreement adopted

in 1987. This process provides a method for coordination of the comprehensive plans in the urban area and a method for conflict resolution. The coordination process begins at the staff level and then moves to an elected officials subcommittee level and then to the full governing bodies, if necessary. Mr. Johnson noted the staff subcommittee level met on three occasions to discuss the issues and did not come to a unanimous recommendation on the issues surrounding the changes to the proposed amendments to the Chemawa Activity Center Plan. An executive summary (attachment #1) was prepared outlining the issues unresolved at the staff subcommittee level. In conclusion, Mr. Johnson indicated if unanimous concurrence were not reached at the elected officials subcommittee, the full governing bodies would meet.

Referring to a large map to the Chemawa Activity Center area, Maria Meier, Keizer Planning Director pointed out the four distinct areas explaining the boundaries and the currently adopted zoning. She explained the current limitations included in the plan, the building size and the requirement for the master planning process in each area. Ms. Meier advised that in early 2001 Northwest National LLC entered into a non-exclusive predevelopment agreement with the City of Keizer. This intent of this agreement was to initiate a process to review the plan and consider the proposed changes as submitted by the developer. In May 2001, Northwest National LLC submitted the Keizer Station Plan. This plan included changes in the previously defined boundaries, renaming of the areas, proposed zone changes, building size requirements, and other minor amendments. Ms. Meier reviewed the proposed amendments as detailed on a large map of the area. Upon receipt and overall review of the Keizer Station Plan, Ms. Meier explained a staff alternative plan was prepared. Ms. Meier detailed each of the changes contained in the alternative plan. This alternative plan has been submitted to the Keizer Planning Commission along with the proposed Keizer Station Plan for review.

In response to a question raised by Salem Mayor Mike Swaim, Ms. Meier explained in the newly developed EG (Employment General) Zone; it would require a minimum of 25% of the property to be used as Industrial Business Park and requires no more than 75% commercial. Each of the permitted uses within the zone is clearly listed in the description. In addition, each area would require a master plan approval process.

In reviewing areas of agreement among the staff subcommittee, Ms. Meier explained there was a consensus that the adopted Keizer Transportation System Plan 2006 population projection for the City of Keizer of 33,927 for the City of Keizer is a coordinated regional forecast allocation. Cecilia DeSantis-Urbani, Salem Principal Planner added a coordinated number is derived from specifications set forth by the State of Oregon. In addition, Ms. Meier noted the staff subcommittee agreed upon a chart that was developed illustrating the

amounts of acreage proposed for zone changes. (attachment #2 – marked as exhibit 4). Ms. Meier listed the following areas unresolved at the staff subcommittee level:

1. Consistency with Statewide Planning Goals: (2) Land Use Planning and Coordination, (9) Economics, and (10) Housing.
2. Differences regarding land supply and demand for commercial, industrial, and residential lands, including assumptions, analysis, and techniques.
3. Definition of Primary Trade Area – Keizer defined as the City of Keizer city limits, whereas the City of Salem says that a larger primary trade area should be considered to accurately assess the regional impacts of the proposed amendments.

Ms. Meier mentioned a detailed summary of the issues of disagreement, prepared by both the City of Salem and City of Keizer was distributed in the packet of materials for this meeting.

Referring to the detailed report submitted by the City of Salem, Klaus Shilde, Salem Senior Planner explained even though an agreement was reached, there was a concern the coordinated population projection is a low number, both for Salem and Keizer. This concern raises an issue in regards to housing needs and to assure there is a sufficient supply. Salem is presently reviewing this matter through the Salem Futures project. Mr. Shilde believed further analysis should be performed on this issue. Vickie Hardin-Woods, Salem Interim Community Development Director added that this number is an important factor when studying planning issues for both communities in relation to developing projected land needs.

Ms. Meier pointed out an earlier agreement was made to use coordinated population figure of 33,927 and since the time of agreement, this is the only number that has been used. In addition, she stated that she is waiting for confirmation from the economic consultant to assure this number has been used consistently throughout the process. Shannon Johnson, Keizer City Attorney added that the analysis prepared by the economic consultant, Hobson-Ferrini was based upon the demand for additional retail within Keizer. He does not believe changes in the land use will change the population figures.

Mark Becketl, Salem Transportation Planner confirmed the coordinated projection is low, however even with unanticipated rate of growth; the control factors are still valid.

In response to an explanation of how coordinated population numbers are obtained and utilized in the analysis of land use, Polk County Commissioner Mike

Proper questioned why Salem was not concerned with an accurate number when reviewing land use issues in West Salem but is raising the issue during the Keizer process. Mr. Shilde responded that one of the differences between West Salem and Keizer is the difference in the methodology used to determine the necessary retail areas.

Mayor Swaim raised a concern that when various jurisdictions use different methodologies results cannot be coordinated or compared. He expressed his concern with the market demand or need for additional retail in this area. Mayor Swaim explained how different employment opportunities and wage levels would impact the regional housing supply.

Chris Eppley, Keizer City Manager pointed out with the current adopted zoning in the Chemawa Activity Center plan being highly industrial, the suggested proposal does not increase the number of employment opportunities dramatically.

Polk County Commission Proper believes jurisdictions of different sizes do not have the same needs or use the same methods, therefore he understands why Keizer might do things differently than Salem. He believes it is dangerous to have the same outcomes in each community.

Keizer Mayor Christopher questioned if statewide planning goal number 2 was applicable in this situation or if it does require all comprehensive plans to be coordinated for changes. Mark Becktel remarked that the cities of Salem and Keizer share an urban growth boundary and are required to jointly do an integrated land use and transportation plan. He noted the Salem Futures project is currently the process used for this and Keizer's participation is voluntary. Ms. Hardin-Woods added that the goal does not require a specific methodology, rather a coordination effort.

In relation to a coordinated population figure, Les Sasaki, Marion County Senior Planner indicated after the total population figure is provided, it is the role of Salem and Keizer to determine the correct figure for each jurisdiction. This has become a central issue - what figure is being used.

Jim Allen, Polk County Planning Director expressed his concern on how to determine the primary trade area. He understood Keizer's desire to establish the commercial needs within their own boundaries, but is unsure of the approach to accomplish this. Mayor Christopher noted that both Salem and Keizer have separate comprehensive plans and therefore should be allowed to develop according to the adopted plans and to accomplish the goals of the city. By having separate comprehensive plans, this allows independent control.

Salem Mayor Mike Swaim believed the Department of Land Conservation and Development (DLCD) would need to review and approve the amendments as proposed. He suggested the City of Keizer seek information on potential grants to finance an independent review to make sure the shared outcomes are substantiated by the analysis of the economic and demographic numbers that are being assumed. He pointed out a phrase in a letter from the DLCD, which states that the proposed Salem-Keizer economic development analysis needs to be redone to comply with the goal, 9 and 10 requirements.

Shannon Johnson, Keizer City Attorney disclosed his disagreement with the DLCD analysis of what the Oregon Administrative Rules and statewide planning goals require, especially on goal 9. He noted the analysis they require would be completed during periodic review, which will occur in 2003. Mr. Johnson does not believe review by the DLCD is necessary at this time and is not sure that there is adequate time to complete this process.

Upon discussion of potential issues for the DLCD to review, Vicki Hardin-Woods requested information on the impact to the land supply needs within the city of Salem based upon the control totals that must be maintained; both housing and types of jobs as it applies to commercial and residential. Salem Mayor Mike Swaim asked for additional analysis of the impact the Keizer Station Plan and/or the staff recommended alternative plan would have on the existing commercial/retail activity in the urban growth area.

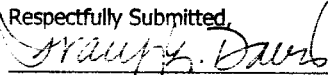
Keizer Mayor Lore Christopher questioned Mayor Swaim's request, as the type of commercial development will not be known until the master planning stages. It was suggested this review be based on a worse case scenario or assumptions of what it might be.

Mark Becketl, Salem Transportation Planner requested additional information on the improvements required by the Oregon Department of Transportation on the interchange area.

Mayor Christopher requested Keizer staff contact DLCD to determine the feasibility and timeline for obtaining a response to the questions raised during this session. An update or status will be provided at the next meeting of the elected officials subcommittee meeting.

The meeting was adjourned at 1:55 p.m.

Respectfully Submitted,



Tracy L. Davis, CMC
City Recorder

**SKAPAC Elected Officials Subcommittee
Meeting Minutes
Tuesday, April 16, 2002
Keizer Heritage Community Center
980 Chemawa Road NE, Keizer, Oregon**

The meeting was called to order at 12:10 p.m. by City of Keizer Mayor Lore Christopher. In attendance were the following representatives:

City of Keizer

Lore Christopher – Mayor
Maria Meier – Planning Director
Chris Eppley – City Manager
Keith Liden – Planning Consultant
Shannon Johnson – City Attorney
Tracy Davis – City Recorder

City of Salem

Mike Swaim – Mayor
Dave Pratt – Acting Planning Administrator
Klaus Shilde – Senior Planner
Cecilia DeSantis-Urbani - Principal Planner
Mark Becktel – Transportation Planner

Marion County

Mike Ryan – Commissioner
Les Sasaki – Senior Planner

Polk County

Mike Propes – Commissioner
Jim Allen – Planning Director

Mayor Lore Christopher welcomed everyone to the second meeting at the elected officials subcommittee level of the SKAPAC process. Keizer City Manager Chris Eppley pointed out the end goal of the SKAPAC process is not deliberation towards a land use decision since this matter will be before the City Council for public hearings beginning in May. This meeting should be viewed as a coordination process aimed at understanding each jurisdictions opinions and issues. Mayor Christopher noted that if a consensus is not reached at this level of the process, the discussions would move to the full SKAPAC committee, i.e. Salem City Council, Keizer City Council, Marion County Commission, and Polk County Commission.

Mayor Christopher summarized at the conclusion of the April 10th, 2002 SKAPAC meeting, Keizer City staff was directed to contact the Department of Land Conservation and Development (DLCD) to discuss potential funding options and assistance for a land or economic analysis. Mr. Eppley distributed a memorandum from Keizer Senior Planner, Maria Meier summarizing the outcome of the contact (attachment #1). Mayor Christopher indicated the time frame outlined by the DLCD would not meet the timeline needs of this process and recommended the SKAPAC committee move forward utilizing the current methodology. In response to an inquiry from Mayor Swaim, Mayor Christopher believed the conclusion of the public hearing process for the Keizer Station Plan would be June 17th.

Mayor Christopher announced since the last meeting of the SKAPAC elected official subcommittee, the Keizer Planning Commission has made a formal recommendation to the City Council on the Keizer Station Plan. The recommendation differs from the original proposal brought forth by Northwest National LLC. The recommendation by the Keizer Planning Commission includes the creation of an EG (Employment General) Zone which includes a minimum of 25% IBP (Industrial Business Park) and a maximum of 75% CR (Commercial Retail); limitation on big box retail to three buildings with a maximum of 350,000 square feet total for all buildings, and a MU (Mixed-Use) Zone which mandates 75% residential housing. These recommendations significantly impact the proposal before the City Council.

In regards to discussions during the April 10th SKAPAC meeting, Mayor Christopher summarized a memorandum prepared by Keizer Planning Director Maria Meier (attachment #2). Mayor Christopher pointed out the information was gathered using land inventory data from the City of Salem and Marion County and includes totals in acres for the entire Urban Growth Boundary (UGB) including specific data relating to commercial and industrial land inventories. In summary, the total acres within the UGB are 43,430 of which 32,700 acres is in Salem and 4,726 acres in Keizer. Upon analyzation, these numbers indicate there are 410 vacant commercial zoned acres and 1283 vacant industrial zoned acres inside the UGB. Mayor Christopher noted that the total buildable land in the IBP zone is 100.28 acres under the existing Chemawa Activity Center Plan and with the proposed alternative Keizer Station Plan; the buildable acreage is decreased to 54.57 acres. This difference is 45.71 acres or .035% of total change to the vacant industrial acres in the entire UGB.

Maria Meier, Keizer Planning Director explained the information from Salem was unclear if available Keizer lands were used in the 1997 inventory. If not, the vacant Keizer industrial land inventory would be added to the 1,283 vacant industrial zoned lands within the UGB, thereby reducing the percentage.

In response to a clarification by Commissioner Propst, Shannon Johnson Keizer City Attorney pointed out the current IBP Zone allows some intermixed retail, however this is not part of the current proposal.

Mayor Mike Swaim indicated he is pleased with the Keizer Station alternative plan as recommended by the Keizer Planning Commission. He noted this does address some of the concerns raised by the City of Salem, however he remains concerned the proposal will have a detrimental impact on the region. According to the information presented by the City of Keizer, it assumes there is minimal impact, but believes additional analysis is necessary to determine if this is a factual conclusion. In addition, Mayor Swaim believed this analysis would be required to gain approval from the Department of Land Conservation and Development, especially in relation to statewide planning goals 2, 9, and 10. Understanding Keizer's desire to move quickly through this process, Mayor Swaim cautioned that without further analysis, there will be a greater likelihood of potential appeals and litigation. He suggested the time be invested now.

Replying to the comments of Mayor Swaim, Mayor Christopher pointed out regardless of the decision made during the SKAPAC process; there is always the potential risk of appeals or litigation. The development of this area has been an issue for many years and she believed seeking additional analysis would again delay any progress. Mayor Christopher voiced her support for the staff analysis, which shows an insignificant amount of change in the land inventory from the currently adopted plan. In addition, the recommended plan places maximums on the commercial development.

In response to a question raised by Mark Bechtel, Salem Transportation Planner, Mayor Christopher confirmed the Keizer City Council could consider both the Keizer Station Plan as presented by Northwest National LLC as well as the staff alternative Keizer Station Plan. However, the recommendation from the Planning Commission is only the staff alternative plan, not the Keizer Station Plan.

Mayor Swaim understood the desire to move the process forward to allow for viable development of this area, however he stressed that when development begins, it will be permanent. He perceived Salem's point of disagreement lies with the lack of sufficient analysis on the regional impact as required by the regional planning process. Mayor Swaim stressed the importance of allowing a third party, i.e. Department of Land Conservation Department who holds no economic interest, an opportunity to complete an independent analysis, thereby reducing the possibility of future appeal.

Reviewing the history of the Chemawa Activity Center Plan, Mayor Christopher pointed out the original plan initiated by Marion County allowed for up to 55 acres of commercial retail. A dramatic change occurred with the adoption of the

1997 plan reducing the commercial retail acreage to 11. The current proposal moves back towards the original plan.

Commissioner Prokes noted Polk County has been successful in many court cases when the Land Use Board of Appeals overturned the County's original decisions. He believes if the city staff and legal counsel were comfortable with the process and analysis used he would suggest moving forward.

Responding to issues raised by Mayor Swaim, Maria Meier Planning Director noted the original economic analysis was prepared by Hobson-Ferrini at the request of Northwest National LLC. Upon completion of the analysis, the City of Keizer contracted with an independent economic consultant to review the methodology and information in the report. This review indicated the analysis and information was accurate. Ms. Meier pointed out the scope used did not include any regional analysis. Shannon Johnson, Keizer City Attorney believed there is not a legal requirement to do a regional analysis for this development.

During a discussion of the need to review land use issues on a regional basis vs. an independent basis, Mr. Johnson pointed out during the 1980's the cities of Salem and Keizer battled this issue on a potential shopping center development at the same site. As a result, Keizer lost an opportunity for development. Chris Eppley, Keizer City Manager believes this is the reason each City has separate comprehensive plans to allow independent control of development within each boundary. Mark Becktel pointed out the transportation rules require regional coordinating on certain aspects, which at times may include regional analysis.

Commissioner Mike Ryan expressed his belief that Marion County is serving as a mediator or facilitator on this procedure. He explained if the City of Keizer believes they have perfected the analysis of this project that will stand the test of time, then let the process move forward.

Mayor Christopher deemed extent of the disagreement between Salem and Keizer lies within the scope of the analysis not being regional. In response, Cecilia DeSantis-Urbani Salem Principal Planner pointed out this analysis is the foundation for determining jobs, wages, and housing needs. The analysis was based on assumptions that don't meet the administrative rule or studied on a regional coordination basis.

In reviewing the process of adoption of the current Chemawa Activity Center plan, Ms. DeSantis-Urbani believed periodic review was occurring for both of the cities at that time. One of the issues raised by DLCD concerned an industrial lands inventory. Salem did an independent study but it is unknown how Keizer proceeded with this issue. The conclusion is that this issue was resolved with the adoption of the Chemawa Activity Center Plan. Shannon Johnson, Keizer City

Attorney stated the periodic review issue was resolved before the adoption of the 1997 Chemawa Activity Center plan, however without further research cannot recall the conclusion or response to DLCD on the industrial lands issue. Regardless of the outcome, the regulations are still at the local level, not a regional level. Ms. DeSantis-Urbani requested the information on this issue be researched and submitted for the record.

Klaus Shilde, Salem Senior Planner pointed out a regional impact on housing is required under the statewide planning goals. He also noted a correction of the analysis prepared by Ms. Meier to show that the difference in the vacant industrial acres within the urban growth boundary. The percentage should be 3.5% rather than .035%.

Responding to a concern voiced by Polk County at the last meeting, Ms. DeSantis-Urbani explained that within the Salem Futures project one of the goals is to try to balance housing and the number of jobs in one area. West Salem is one of the areas being focused on for this analysis however, in the overall regional analysis, it is important to look at all the numbers, including Keizer. In response, Commissioner Propes believed industrial land was increased in West Salem and a review of the available lands in Keizer was not taken into consideration then.

After a review of the language in the SKAPAC guidelines, it was noted that a unanimous decision is needed to discontinue the process at this time. Without a unanimous agreement, the next step is to have the full governing bodies from each jurisdictions meet to review the issues.

Commissioner Mike Propes moved the recommendation from the SKAPAC elected officials subcommittee cannot agree with the Keizer Station Plan but do agree to the alternative proposed plan as recommended by the Keizer Planning Commission for the Chemawa Activity Center. Commissioner Mike Ryan seconded the Motion.

The vote on the motion follows:

AYES: Mayor Christopher, Commissioner Propes, and Commissioner Ryan (3)

NAYS: Mayor Swaim (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Swaim clarified he agrees not with the analysis, but that the analysis is limited to the City of Keizer. In addition, he does not believe the recommendation of the Keizer Planning Commission meets statewide land use planning goals 2, 9, and 10, as they do not meet the coordination requirements.

Mayor Mike Swaim moved that the SKAPAC elected officials subcommittee leave the written record open for response from Salem Planning Department to the exhibit distributed at today's meeting and each of the members of the SKAPAC elected officials subcommittee recommend to their constituency that we dispense with the meeting of the entire governing bodies and proceed to interact with the Keizer City Council during the public hearing process. Commissioner Mike Propes seconded the Motion.

Shannon Johnson, Keizer City Attorney suggested dropping the final phase of the adopted process is a drastic step. Commissioner Mike Ryan understood the difficulties of scheduling a time that is convenient for all the jurisdictions, however this is the coordination process that is in place. He believed this process should move forward as outlined in the SKAPAC process.

Mayor Mike Swaim withdrew the Motion.

Upon further discussion, it was determined that the governing bodies of each jurisdiction will meet in a joint meeting on Thursday, May 23, 2002 at 5:30 p.m. The meeting will be held at the Keizer Heritage Community Center located at 980 Chemawa Road NE, Keizer.

The subcommittee agreed by consensus to leave the record open for additional written material until Thursday, May 16, 2002 at 5:00 p.m.

The meeting was adjourned at 1:40 p.m.

Respectfully Submitted,

Tracy L. Davis, CMC
City Recorder



Approved at Board Session

Date: 6/11/02

Chairman

BOARD OF COMMISSIONERS
Agenda Review

DATE: June 12, 2002

TO: Kindra Johnson, Board Session Coordinator
Board of Commissioner's Office

FROM: Craig Luedeman, Director
Community Development Department

Sterling Anderson, Planning Manager
Community Development Department/Planning Division

RE: Approval of the Salem-Keizer Area Planning Advisory Committee
(SKAPAC) Governing Jurisdictions May 23, 2002 Meeting Minutes
- Keizer Station Plan Development Proposal

Thursday Agenda Planning Date: June 13, 2002

Department Contact Person: Les Sasaki, Principal Planner

Phone: 588-5038 ext. 4068

ISSUE:

Consider approval of the Salem-Keizer Area Planning Advisory Committee (SKAPAC) Governing Jurisdictions May 23, 2002 Meeting minutes regarding the Keizer Station Plan development proposal for inclusion into the SKAPAC record as set forth under the SKAPAC process.

BACKGROUND:

The Salem-Keizer Area Planning Advisory Committee (SKAPAC) is a voluntary regional coordination process that can be utilized by the City of Keizer, City of Salem, Marion County, and Polk County to address and resolve regional/urban legislative land use planning issues that may affect multiple jurisdictions within the Salem-Keizer area. The City of Keizer initiated the SKAPAC process with respect to the current Keizer Station Plan development proposal that is before the city for the approximately 230 acres of land within the city located adjacent to the Interstate 5/Chemawa Road Interchange. This area is presently known as the Chemawa Activity Center.

The SKAPAC process was initiated by the City of Keizer on February 21, 2002. The process went through the SKAPAC Staff Subcommittee which met March 8 and March 21 and did not reach unanimous agreement on resolution of issues surrounding the Keizer Station Plan proposal. Subsequently, the process moved on to the SKAPAC Elected Officials Subcommittee which met April 10 and April 16 and did not reach unanimous agreement for a recommended resolution to the Keizer Station Plan issues. The SKAPAC process then moved forward to a Meeting of the Governing Jurisdictions (City of Salem, City of Keizer, Marion County, Polk County) which was held May 23, 2002. Consensus was not reached on an unanimous SKAPAC recommendation on the proposed Keizer Station Plan issues which results in the City of Keizer being able to take whatever action it deems appropriate with respect to the development proposal.

The SKAPAC process requires a written record of the proceedings through the various levels of review. The minutes and conclusions (which include any submittal information) from the meetings involving the Staff Subcommittee, Elected Officials Subcommittee, and the Governing Jurisdictions comprise the SKAPAC record. Approval of the minutes from the Staff Subcommittee and Elected Officials Subcommittee has occurred. Each of the jurisdictions involved in the SKAPAC process needs to approve the minutes (amended as necessary) from the May 23, 2002 Governing Jurisdictions Meeting for the SKAPAC record by June 24, 2002.

FISCAL IMPACT (Current Year *and* Yearly Projected for Following Fiscal Year):
None.

COST CENTER & TITLE _____
ACCOUNT # & TITLE _____
(Please attach copy of current budget summary reflecting this impact)

IMPACTS TO COUNTY DEPARTMENTS AND/OR EXTERNAL ENTITIES:

None.

OPTIONS FOR CONSIDERATION:

Approve, approve with revisions, or deny the adoption of the SKAPAC Governing Jurisdictions May 23, 2002 Meeting minutes.

The other jurisdictions have reviewed, requested changes as necessary, and have approved or will be approving the minutes from the May 23 meeting. The minutes are reflective of Marion County's participation and involvement in the SKAPAC process from the May 23 meeting with no changes being necessary.

RECOMMENDATION:

Approve the SKAPAC Governing Jurisdictions May 23, 2002 Meeting minutes and submit Marion County's approval of the minutes to the SKAPAC record.

DEPARTMENT HEAD SIGNATURE:

for Sterling Anderson

List Attachments:

SKAPAC Governing Jurisdictions May 23, 2002 Meeting Minutes

Transcript of the SKAPAC Governing Jurisdictions May 23, 2002 Meeting (for review only)

**Salem-Keizer Area Planning Advisory Committee (SKAPAC)
Meeting of Governing Jurisdictions
Meeting Minutes**

May 23, 2002

Keizer Heritage Community Center
980 Chemawa Road NE, Keizer, Oregon

City of Keizer Mayor Lore Christopher called the meeting to order at 5:31 p.m. In attendance were the following representatives:

City of Keizer

Mayor Lore Christopher
Councilor Mike Gaynor
Councilor Chuck Lee
Councilor Jerry McGee
Councilor Jacque Moir
Councilor Judy Smith
Councilor Richard Walsh

Chris Eppley, City Manager
Maria Meier, Planning Director
Shannon Johnson, Legal Counsel
Keith Liden, Planning Consultant
Rob Kissler, Director of Public Works

City of Salem

Mayor Mike Swaim
Councilor Kasia Quillinan
Councilor Bill Smaldone
Councilor Brad Nanke
Councilor Rick Stucky
Councilor Linda Bierly

Bob Wells, Assistant City Manager
Vickie Woods, Interim Director
Sharman Meiners, Interim City Attorney
Cecilia Urbani, Principal Planner
Klaus Schilde, Senior Planner
Mark Becketl, Transportation Planner

Marion County

Commissioner Mike Ryan
Commissioner Randy Franke

Les Sasaki, Principal Planner

Polk County

Commissioner Mike Propes
Commissioner Tom Ritchey

Introductions and Review of Agenda

Mayor Christopher reviewed the agenda and explained the procedure for approving previous minutes.

Chris Eppley moved to approve the March 21, 2002 minutes of the Staff Subcommittee as presented. Klaus Schilde, Salem Senior Planner, requested a correction be made on page 3, first full paragraph to read "After further discussion the group noted the items which they were *not* in agreement about..." Maria Meier, Keizer Planning Director, stated that the issues of "Population" and "Acreage Comparison Chart" were agreed upon by staff and should be shown as agreed upon.

The April 10 and April 16, 2002 minutes of the Elected Officials Subcommittee were discussed and numerous changes were proposed by Mayor Mike Swaim. Maria Meier, reported that the minutes were transcribed from both written notes and audio tapes of the meetings. It was the consensus of the group that arrangements should be made for Mayor Swaim and any concerned member to listen to the tapes of the April 10 and April 16 meetings to verify the wording in the minutes, and then approve those minutes at a later date.

Summary of SKAPAC Process

Shannon Johnson, Keizer City Attorney, provided a brief summary of the Salem-Keizer Area Planning Advisory Committee (SKAPAC) process. The process allows for a Staff Subcommittee, Elected Official Subcommittee, and a Governing Bodies Subcommittee. Mr. Johnson explained that the SKAPAC process was initiated by Keizer to hear comments from all the jurisdictions even though under the provision identified by Keizer, the process does not require the jurisdictions to reach concurrence.

Mayor Mike Swaim stated that Salem considers this to be a regional issue. Klaus Schilde concurred and stated that Salem believes the Keizer Station Plan is not one of the six issues in the comprehensive plans, but is an urban policy that has regional impacts. Shannon Johnson stated that Keizer disagrees, does not believe this is an urban area policy. Cecilia DeSantis Urbani, Salem Principal Planner, referred to Salem's Comprehensive Plan list of urban areas. Mr. Johnson responded that Keizer does not have a list and stated that the lists that are known to exist pertain to Salem and to Marion County. Ms. Urbani referred to the Comprehensive Plan section that outlines procedures for amendments (Section C, Subsection 2) Nonregional Planning Action Procedures, Subsection A, "Any amendment to an urban area policy shall follow the..." and stated that procedures interpret that SKAPAC is part of that subsection. Mayor Christopher confirmed that the quoted section deals with Salem's nonregional planning action procedures. Mr. Johnson stated that the section is limited to jurisdictions within the area and reminded the group that the subject property is within the Keizer city limits. Les Sasaki, Marion County Principal Planner, spoke about the original concurrence requirement. Mayor Christopher stated this is not a regional issue; however, it does fall under the nonregional action, Subsection b (not Subsection a). Keizer Councilor Jerry McGee suggested the group hear the whole presentation before getting into this type of discussion.

Mr. Johnson informed the group that if they get to the point of making a motion at this meeting, the vote will be recorded by a separate vote by each jurisdiction. He reminded them that a quorum will be required from each jurisdiction for the vote to be valid.

Summary of Existing Chemawa Activity Center Plan, Proposed Keizer Station Plan, and Planning Commission Recommended Alternative Keizer Station Plan

Maria Meier reviewed the boundaries and current and proposed zones of the four areas of the Chemawa Activity Center Plan/Keizer Station Plan. Over a year ago, Northwest National LLC, simplified the original plan, proposed to change the zoning and change the boundary to extend to the Urban Growth Boundary (UGB). The changes included two acres for a substation, recreational entertainment plans, and potential industrial

development.

Keizer staff came up with an alternative plan and presented it to the Keizer Planning Commission. The Commission agreed with some areas and disagreed with others. Areas of change included: Area a - a ratio of a minimum of 25% industrial park uses and maximum of 75% commercial uses; Area b - added a restriction to prohibit traffic intensive uses and if commercial retail is introduced, a traffic impact analysis would be required; and allowance for commuter rail in the the Employment General area. The City of Keizer has also been working with the Grand Ronde and Siletz tribes on this issue.

Mayor Christopher asked for clarification to what the zoning looked like prior to the plan that is currently in force and was referred to the 1988 Chemawa Activity Center Plan. Marion County Commissioner Randy Franke inquired about the definition for the new commercial use zone and was referred to Attachment A of Exhibit B of the December 5, 2001 Staff Recommendation which outlined the General Employment (EG) zone. Salem Planning Commissioner Rick Stucky requested clarification of how the Keizer Planning Commission recommendation differs from the staff recommendation and was informed that minor amendments were made.

Conclusion of Staff Subcommittee

It was reported that the Staff Subcommittee was in agreement on:

- a) Population Projections, and
- b) Acreage for Zoning per Plan or Related Study.

The issues identified for Elected Official Subcommittee consideration included:

- a) Consistency with Statewide Planning Goals (2) Land Use Planning and Coordination, (9) Economics, and (10) Housing;
- b) Differences regarding land supply and demand for commercial, industrial, and residential lands, including assumptions, analysis, and techniques; and
- c) Definition of Primary Trade Area - Keizer defined as the City of Keizer city limits, whereas the City of Salem says that a larger primary trade area should be considered to accurately assess the regional impacts of the proposed amendments.

Conclusion of Elected Official Subcommittee

It was reported that the Elected Official Subcommittee moved the recommendation that the Elected Official Subcommittee cannot agree with the Keizer Station Plan but does agree to the Alternative Proposed Plan as recommended by the Planning Commission. (The motion voted 3 to 1 in favor of the motion. Mayor Christopher, Commissioner Ryan, and Commissioner Propes voted in favor of the motion. Mayor Swaim voted against the motion.)

Discussion by Governing Bodies

If the Governing Jurisdictions do not pass a unanimous motion, the City of Keizer can move forward with its recommendation. Concurrence is not required.

It was stated that the major changes in the plan include: changes the zone in Area a from Commercial Retail to Employment General; limited big box construction to a total of three buildings; the Mixed Use zone must be developed as 75% residential and 25% commercial in use.

Commissioner Franke requested clarification in the changes in the commercial zone and inquired if there is a difference between the retail activities allowed in this plan from the activities currently allowed on River Road. He was informed that in the EG zone, the allowable activities come from the commercial mixed use allowed on River Road.

Commissioner Rick Stucky asked how much acreage is identified as Industrial and was informed that 133 acres are proposed.

Salem City Councilor Kasia Quillinan requested the definition of "building" for the purpose of determining how much space "three buildings" could potentially require. Maria Meier read the definition of "building" from Keizer's code which states "...under one roof...built for support, shelter of persons..." Councilor Quillinan pointed out that the Woodburn outlet mall is under one roof.

Polk County Commissioner Tom Ritchey asked if all of the subject property is within the Keizer City limits and was informed that it is.

Mayor Swaim stated that Salem staff's position, in a global sense, concerns the potential for the impact of expanding commercial lands when groups like SEDCOR are indicating a severe need of industrial lands and the Department of Land Conservation and Development and 1,000 Friends of Oregon have expressed concern on the impact of the adjustment of commercial and industrial land, and housing stock. He asked if an analysis has been done. It was reported that SEDCOR's correspondence does not specifically address this issue.

Councilor McGee pointed out that the staff alternative creates more housing than what the existing plan calls for and there would be no deterioration of housing. Mayor Christopher stated that in line with Goal 10, there is no indication for a lack of housing with the plan and as stated, the staff recommendation increases the opportunity for housing.

Salem City Councilor Bill Smaldone expressed concern with how to meet the housing needs of a relatively large number of people with a low density of housing. Mayor Christopher stated the numbers are based on current inventory. Shannon Johnson added that the staff alternative adds to Area c, a minimum of 75% of high density residential and that Goal 10 does not require that type of analysis.

Mayor Swaim inquired if it was Keizer's position that even if there is an expansion of job opportunities, Keizer currently has sufficient housing, multiple housing. Mr. Johnson replied that it is not Keizer's position and that when it was reviewed some time ago, it was perceived that there was not a need for a housing analysis because no portion of the subject property is being taken out of the existing housing stock. Mayor Swaim stated there is a difference of opinion of whether or not a housing analysis should be done.

Polk County Mike Propes requested clarification with regard to housing as outlined in the two plans and questioned whether they are essentially the same. It was reported that the current Mixed Use zone allows for commercial and residential but doesn't list a ratio and that under this plan, a ratio is established to ensure that housing is included. Commissioner Propes complimented Keizer on the information that was presented, the efficient manner of bringing committee members "up to speed" on the issue, and Keizer's willingness to listen to the concerns of its citizens. He stated that although Salem doesn't agree, he felt the plan is very flexible to meet the needs of economy and protect the needs of Keizer.

Commissioner Franke requested the difference between the industrial zone of the Chemawa Activity Center and the staff proposal. Mayor Christopher responded that there is a reduction of 43 acres or 3.5% in the overall UGB.

Mayor Swaim introduced a process question and requested that Salem staff be allowed to provide a different point of view to the information being presented at the meeting. He stated that Salem believes Keizer is doing a great job in this process and is hopeful that the plan works the way Keizer wants; however, Salem feels there will be an impact on the rest of the region.

Commissioner Franke asked if the property line on the acreage north of the current ball park is to the edge of Labish ditch or the center of Labish ditch and if it included the area known as the "Labish peat." It was reported that the line is the center of the ditch and the land is upland than the peat area.

Salem staff was asked to provide additional comments. Vickie Hardin Woods, Community Development Interim Director, stated that Salem does not have different answers to questions posed at this meeting, just additional information. She reported that the industrial land numbers are generally close, but represent a bit of a reduction. She stated this is a key piece of Periodic Review and stated that by taking away from industrial lands, Keizer is getting further away from the goal rather than closer. Residential units are about the same; however, what changes is the increase in the demand for housing because 6-8 times more jobs are created. She stated that in the Salem Futures process, the estimation of jobs is considerably less than what this plan could produce. If employees want to live close to where they work, there would be a demand for more housing units than what is being proposed. The analysis of where they might be has not been done.

Keizer City Councilor Judy Smith requested clarification on the conclusion that there would be an increase in the demand for housing. Ms. Woods stated that the plan indicates establishment of more jobs than originally calculated, and if employees want to live close to where they work, the housing needs would be higher. Councilor Smith inquired about the Salem Futures' projection of 1,000 jobs. Ms. Woods indicated that the projected figure was derived from Salem's transportation plan and the Council of Government's strategy figures.

Shannon Johnson requested clarification of the Periodic Review Order on industrial land acres and asked if that was from the 1994 Order. It was stated that the information was from the 1989 Order.

Mayor Christopher stated that she would like to propose a motion and ask each jurisdiction to vote.

Mayor Swaim requested a four minute break to give each jurisdiction an opportunity to caucus before the vote.

Recess: 6:41 p.m.

Reconvene: 6:46 p.m.

Mayor Lore Christopher moved that the SKAPAC governing jurisdictions do not approve the Keizer Station Plan as submitted by the developers, but do agree with the confirmation of the population projection figures and acreages for zoning.

The vote on the motion:

Ayes - Marion County (unanimous)

Polk County (unanimous)

City of Keizer (unanimous)

City of Salem (unanimous)

Nays - none (0)

Mayor Lore Christopher moved that the SKAPAC governing jurisdictions recommends the staff alternative plan as modified by the Keizer Planning Commission.

The vote on the motion:

Ayes - Marion County (unanimous)

Polk County (unanimous)

City of Keizer (Richard Walsh voted Nay)

Nays - City of Salem (unanimous)

Mayor Christopher stated that the City of Keizer will go forward indicating the votes on these two motions and stated that the separate jurisdictions have the right to submit their comments in writing within 14 days.

Mayor Christopher stated she was open to suggestion for approval of the minutes from this meeting and suggested the issue be included on the agendas of the individual jurisdictions.

There being no further business, the meeting was declared adjourned at 6:50 p.m.

Respectfully submitted,

Cathy Hoffman, Recording Secretary

Salem-Keizer Area Planning Advisory Committee (SKAPAC)
Meeting of Governing Jurisdictions
Verbatim Transcript
Keizer Heritage Community Center
980 Chemawa Road NE, Keizer, Oregon
Thursday, May 23, 2002

Mayor Christopher: Okay. We are going to do introductions and then review the agenda. Hopefully, our Salem City Council will be here by then. I understand that a couple of fire engines on River Road have slowed them up. Of course, I won't say it, but some managed to make it through.

Cathy Hoffman from the City of Salem please call the role, and then I will review what the agenda is. Then do minutes and then (unintelligible). Shannon starts with a summary of SKAPAC (unintelligible) and Maria starts with her description of what is going on. With that Cathy please call the role.

Cathy Hoffman called the roll:

City of Keizer: Mayor Lore Christopher Councilor Mike Gaynor Councilor Chuck Lee Councilor Jerry McGee Councilor Jacque Moir Councilor Judy Smith Councilor Richard Walsh	Chris Eppley, City Manager Maria Meier, Planning Director Shannon Johnson, Legal Counsel Keith Liden, Planning Consultant Rob Kissler, Public Works Director
Marion County: Commissioner Mike Ryan (not available at roll call) Commissioner Randy Franke	Les Sasaki, Principal Planner
Polk County: Commissioner Mike Propes Commissioner tom Ritchey	
City of Salem: Mayor Mike Swaim Councilor Kasai Quillinan Councilor Bill Smaldone Councilor Bard Nanke Councilor Rick Study Councilor Linda Bierly	Bob Wells, Assistant City Manager Vickie Wood, Interim Director Sharman Meiners, Interim City Attorney Cecilia Urbani, Principal Planner Klaus Schilde, Senior Planner Mark Becktel, Transportation Planner

Mayor Christopher: That's it? Okay. What we are doing is getting started with the preliminary steps, hopefully (unintelligible). Now you were also given the minutes from the staff subcommittee. The staff subcommittee has to approve the minutes that were put into the packet, but only the staff subcommittee.

Maria Meier: Right. Salem staff, Keizer staff, Polk County staff and Marion County staff. Polk County staff is not here (unintelligible)

Unidentified Male Voice: Jim will not make it.

Mayor Christopher: So a motion to approve those minutes.

City Manager Eppley: So moved.

Attorney Shannon Johnson: That is the staff subcommittee, so we have three.

Klaus Schilde: May we make corrections?

Mayor Christopher: Yes

Klaus Schilde: If possible, on the March 21st subcommittee meeting minutes, page three, first full paragraph, first line it says, " After further discussion the group noted the items which they were in agreement about..." This should read "were not" in agreement about.

Mayor Christopher: Okay, so after, "the discussion the group noted the items, which they were not in agreement about." That is Page three of the minutes on March 21st.

Maria Meier: The issue of "Population" and the "Acreage Comparison Chart" was agreed upon by the staff subcommittee. Would that be a correct Klaus?

Mayor Christopher: So you will eliminate "Population?"

Maria Meier: Correct

Mayor Christopher: Okay, so line out "Population" but "Acreage Comparison Chart" (unintelligible is reading something, but reading too fast to understand)

Maria Meier: Actually, also the Acreage Comparison Chart, at that time, was agreed upon.

Mayor Christopher: So the first two "Population" and "Acreage Comparison Chart" and eliminating all the rest.

Maria Meier: That's it.

Mayor Christopher: All in favor of approval of the minutes.

Staff members voted unanimously to approve the minutes of March 21, 2002.

Mayor Christopher: The next thing we need to do is to have approval of minutes for the Elected Official Subcommittee, which is Mayor Swaim, Commissioner Ryan, Commissioner Propes, correct? Okay.

Unidentified Male Voice: I move for approval.

Second Unidentified Male Voice: Second.

Mayor Christopher: Thank you, great. Any changes? Yes.

Mayor Swaim: Corrections. The notes from April 10, 2002 first of all. The fifth line, page two that says, (unintelligible.... a lot of paper shuffling.) Page three; next to the last paragraph towards the bottom it talks about control factors.

Mayor Christopher: Control factors should be control figures?

Mayor Swaim: Control totals.

Maria Meier: Agree.

Mayor Swaim: Page five, third line it starts with the word proposed and goes into the next sentence that says, "He suggested that the City of Keizer.....(unintelligible)

Mayor Christopher: Were there any changes for the 16th?

Mayor Swaim: Yes, I have two.

Mayor Christopher: Then let's do both of them.

Mayor Swaim: Okay for the 16th, on Page two that (unintelligible) is still too high and figured out is actually 3.5%. And page three then, second paragraph where it says I was pleased with the staff's alternative Keizer Station Plan, I believe it should say that, "He believes the Keizer Station Plan, Alternative Plan, as recommended by the Planning Commission is better than the original Keizer Station Plan.

Everyone is talking at once.

Councilor McGee: What do you mean by the original plan?

Mayor Swaim: The original submission from the developer.

Jerry McGee: That is not the original plan. You mean the first plan presented by the developers?

UNDERUTILIZED COMMERCIAL SITES

Tax Lot ID #	Acres	Zoning
Totals by Zone		
Total Underutilized Zoned MU	8.49	
Total Underutilized Zoned CG	1.08	
Total Underutilized Zoned CM	27.5	
Total Underutilized Zoned CO	0.73	
Total	37.8	
	<i>Less Constrained/ Unbuildable Land*</i>	<i>0.51</i>
Total Underutilized Acreage	37.29	
	<i>Less 50% for Redevelopment Potential*</i>	<i>x.50</i>
Total Underutilized Commercial Acreage	18.65	

**Redeveloped land is expected to accommodate half as many employees as vacant land. See Economic Opportunities Analysis for further explanation.*

Source: City of Keizer Planning Department

VACANT INDUSTRIAL SITES

Tax Lot ID #	Acres	Zoning
073W11BD00901	0.10	IBP
073W11BD06800	0.23	IBP
063W36AC00700	0.47	IBP
073W11AC06900	0.55	IBP
063W36AC00400	1.38	IBP
073W11BD02900	1.94	IBP
063W36BD00100	2.18	IBP
063W36AC00500	2.69	IBP
063W25 04300	2.85	IBP
063W36AB00800	3.02	IBP
063W36BA00100	4.32	IBP
063W36AC00900	5.13	IBP
063W25 04200	6.27	IBP
063W36A 00500	15.17	IBP
063W25 04400	18.92	IBP
063W36AB00900	0.72	IBP
Total Vacant Industrial Zoned IBP	65.94	
073W11AC04700	0.14	IG
073W11AC04800	0.14	IG
073W11AC04900	0.14	IG
073W11AC05000	0.14	IG
073W11AC05100	0.14	IG
073W11AC05200	0.14	IG
073W11AC05300	0.14	IG
073W11AC05400	0.14	IG
073W11AC04500	0.67	IG
Total Vacant Industrial Zoned IG	1.79	
Totals by Zone		
Total Vacant Zoned IBP	65.94	
Total Vacant Zoned IG	1.79	
Total	67.73	
<i>Less Constrained/Unbuildable Land*</i>	<i>0</i>	
Total Vacant Industrial Acreage	67.73	

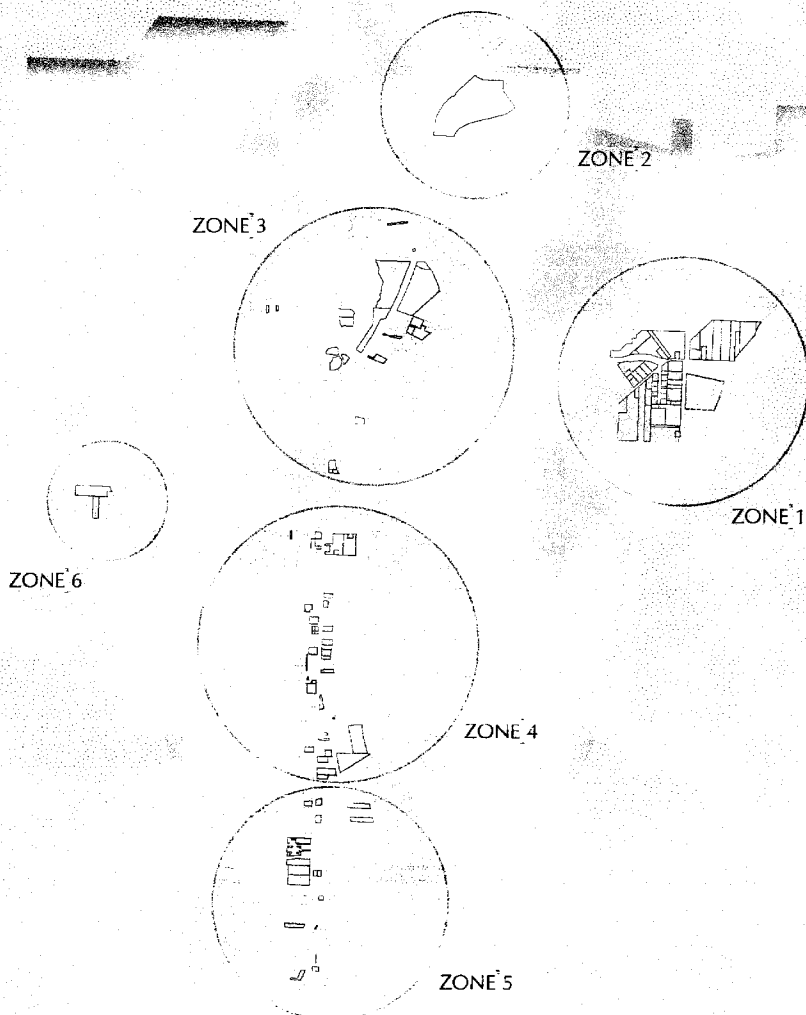
Source: City of Keizer Planning Department

UNDERUTILIZED INDUSTRIAL SITES

Tax Lot ID #	Acres	Zone
073W11BD08100	0.22	IBP
073W11BD05000	0.41	IBP
063W36AC00300	0.46	IBP
063W36AC00600	0.47	IBP
063W36AB01000	0.48	IBP
063W36AC00800	0.59	IBP
063W36AB00200	0.60	IBP
063W36AB01100	0.69	IBP
063W36AB00900	0.72	IBP
063W36AB01200	0.79	IBP
073W11BD03000	0.91	IBP
063W36AB00300	0.91	IBP
063W36AB00600	0.92	IBP
063W36BD00300	0.95	IBP
063W36AB00700	1.00	IBP
063W36BD00400	1.04	IBP
063W36AB00500	1.18	IBP
063W36AC00100	1.48	IBP
073W11BD03100	1.59	IBP
063W36AB00400	1.60	IBP
063W36BD00200	2.43	IBP
063W36AC00500	2.69	IBP
063W36AB01300	2.98	IBP
063W25 04500	10.01	IBP
063W36A 00600	12.61	IBP
063W36A 00700	7.85	IBP
063W36AB00100	5.38	IBP
TOTAL UNDERUTILIZED INDUSTRIAL ZONED IBP	60.96	
073W11AD02000	0.18	IG
073W11AD02700	0.72	IG
073W11AC07800	1.49	IG
073W11AD01900	0.17	IG-LU
TOTAL UNDERUTILIZED INDUSTRIAL ZONED IG	2.56	

City of Keizer
VACANT AND UNDERUTILIZED
COMMERCIAL LAND

-  Underutilized Commercial Land
-  Vacant Commercial Land



City of Keizer
VACANT AND UNDERUTILIZED
COMMERCIAL LAND



Underutilized Commercial Land



Vacant Commercial Land

A circular map showing a street grid. The streets are labeled as follows:

- LAUREL RIDGE
- MEADOW RIDGE
- RIVER RD
- COUNTRY GLEN AVE
- NORTHERN HEIGHTS LOOP
- HORIZON PARKWAY
- VILLAGE PL
- NORTH SHANE CT NE
- NORTH SHANE CT NW
- BROOKHOLLOW LN
- PARSIMMON CT
- LAZY RD
- WILSON CREEK AVE
- ROCKY RIVER RD
- LEOG
- HIDDEN OX LN
- MID EN
- BROOKHOLLOW LN
- PARSIMMON CT
- LAZY RD
- WILSON CREEK AVE
- ROCKY RIVER RD
- LEOG

City of Keizer
VACANT AND UNDERUTILIZED
COMMERCIAL LAND

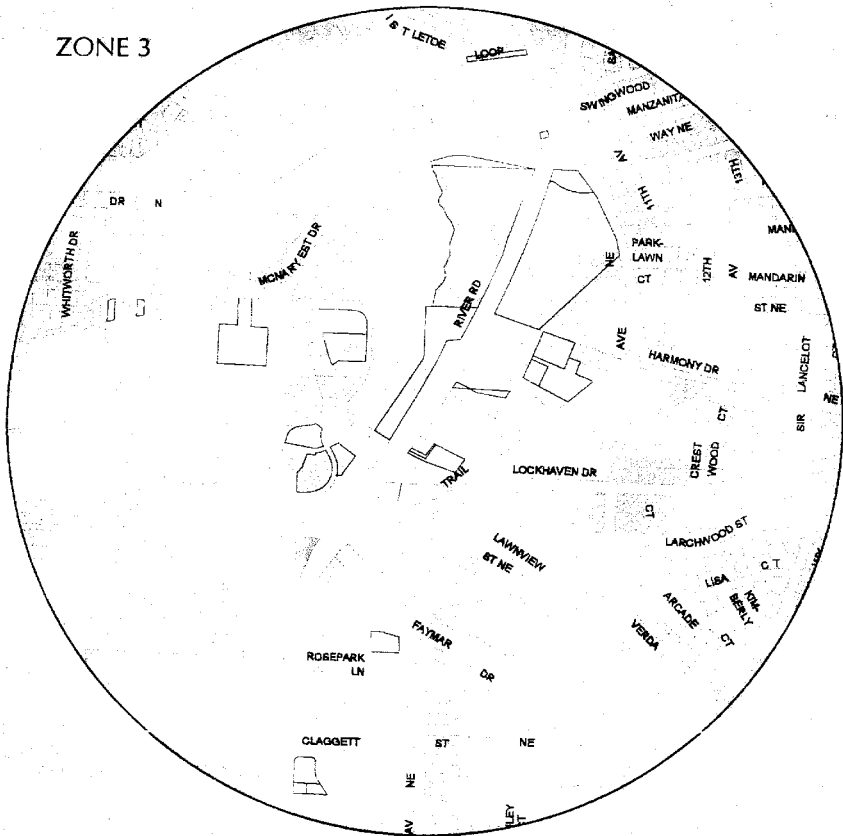


Underutilized Commercial Land



Vacant Commercial Land

ZONE 3



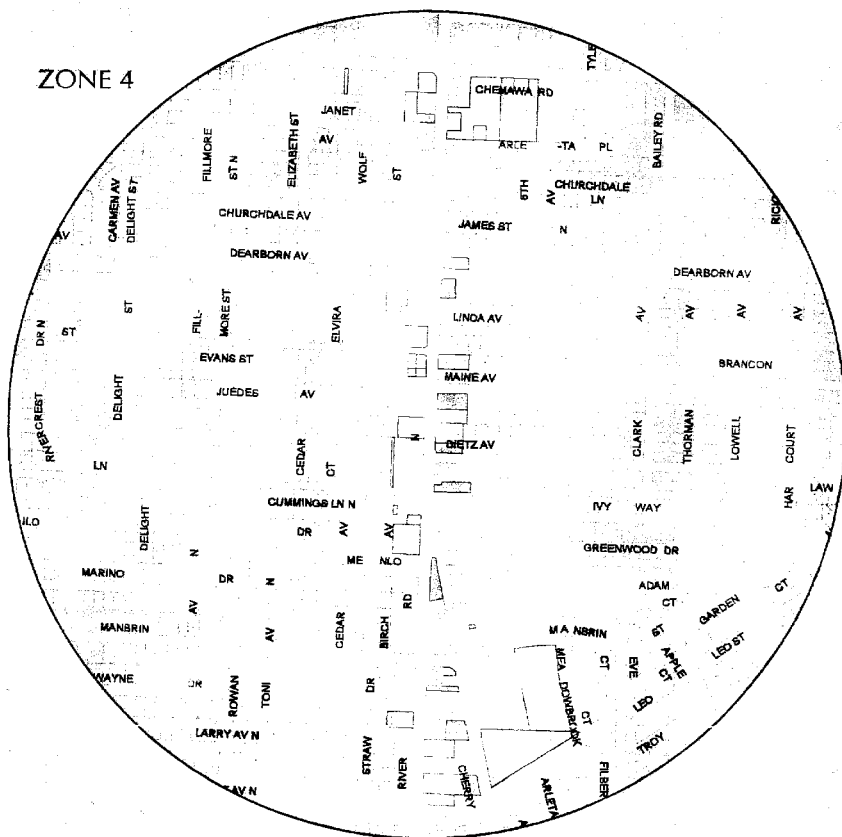
VACANT AND UNDERUTILIZED COMMERCIAL LAND

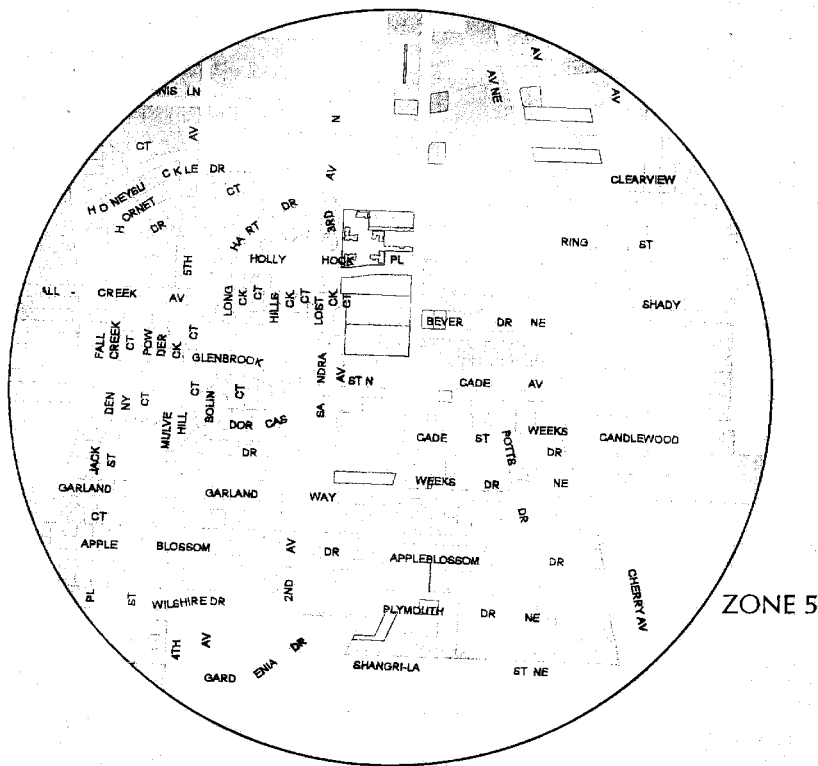


Underutilized Commercial Land

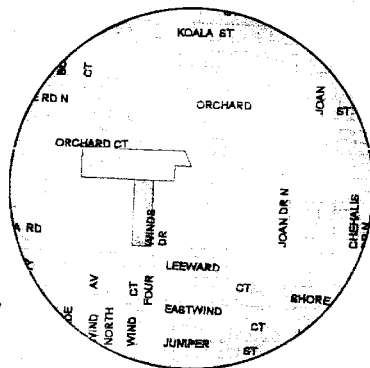


Vacant Commercial Land

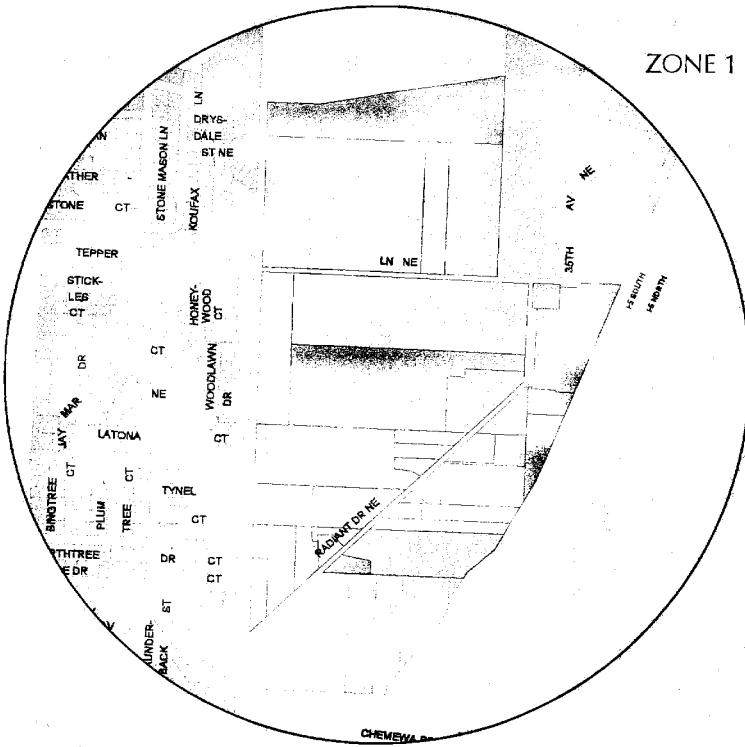




City of Keizer
VACANT AND UNDERUTILIZED
COMMERCIAL LAND

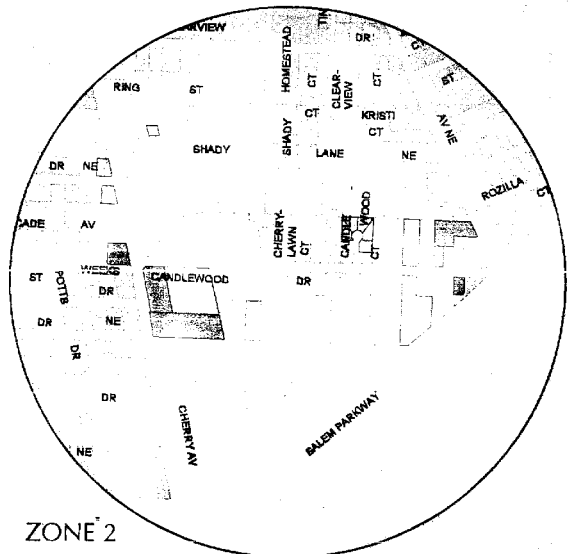


ZONE 1



City of Keizer VACANT AND UNDERUTILIZED INDUSTRIAL LAND

-  Vacant Industrial Land
-  Underutilized industrial Land



ZONE 2



KEIZER STATION PLAN

City of Keizer

Mayor Swaim: Yea that is what I had in mind. The original Keizer Station Plan. The point was that I believe is that the staff's proposal is better than the developer's.

Down in the next to the last paragraph that sentence begins; "Mayor Swaim stressed the importance of allowing a third party..." What I said was engaging an independent third party and then suggested an independent third party be DLCD. I stressed the importance of allowing an independent third party, Department of Land Conservation Department who holds no economic interest, strike the words, an opportunity, and go onto complete the sentence.

Mayor Christopher: Who holds no economic interest and then what?

Mayor Swaim: Strike the words, an opportunity and then funding available through DLCD. Almost through, on page five, bottom paragraph.....

Unidentified Male Voice: There was a tape of our proceedings, correct?

Mayor Christopher: Correct.

Unidentified Male Voice: And the minutes came from the tape?

Maria Meier: Correct. The minutes were transcribed from both written notes and an audiotape.

Unidentified Male Voice: So if I may, I was wondering how we could be so off in the minutes?

Mayor Swaim: Let me assure you we see it with some regularity with our Council, even though we are taped we have to go back. I could actually say there is a problem with these unless you have the tapes and I will sit with the Mayor and listen to them, but I do recall what I said. I would be happy to sit and listen to the tapes.

Mayor Christopher: Why don't we make arrangements for Mayor Swaim or any other concerned citizen to listen to the tapes and to approve the minutes at a later date.

Mayor Christopher: And with that, we have one hour now so we are going to go to our City Attorney, Shannon Johnson, who will give us summary of the SKAPAC process. Then we will have a summary of the existing Chemawa Activity Center Plan, the proposed Keizer Station and the Planning Commission's recommended alternative Keizer Station Plan from Maria Meier. Then we will review the conclusion of the two subcommittee's including the staff subcommittee, the elected official subcommittee and we will review those conclusions. Then we will have a discussion (unintelligible) and I will give you a little bit of background on the information I have, and then we will (unintelligible). We are going to do all that now. Okay, you are on Shannon.

Attorney Shannon Johnson: Thanks, I will abbreviate this. We have a pretty good microphone in the middle of the room, but no P.A. System here.

As most of you know the SKAPAC process is between the two counties and the two cities as a coordination mechanism. It is designed for goal two purposes, and sets fourth a process with regards to working out regional issues or other issues. In this process where we are at the tail end of now, begins with the staff subcommittee, an elected officials subcommittee and then finally all the governing bodies all in one room. This is where we are at today. The SKAPAC process allows at the very end to be used for what other reasons we can identify other reasons to use the SKAPAC process other than regional, and it is under that provision that Keizer initiated that. So with that I'm looking at the timeframe and I wanted to abbreviate the process.

Mayor Christopher: The other thing I want to emphasize is that this process is not required to reach concurrence, because this is not been made as a regional issue. Am I correct in that?

City Attorney Johnson: That is correct.

Mayor Christopher: Okay and so although we don't need concurrence, we would love to have it. Keizer shares the process so we can hear all the corresponding jurisdictions issues and concerns regarding the proposed planing of the Chemawa Activity Center.

Mayor Swaim: I need to ask because I am a little uncertain as to the characterization. I understand that Keizer does not consider this to be a regional issue and that Salem's position is that we do consider it to be a regional issue and that is one of the points of disagreement. I would like the staff to (unintelligible). We do consider this matter a regional issue.

Klaus Schilde: As I understand it, it is not one of the six regional issues that's in each of the jurisdiction's comprehensive plans, but it is a driven policy and cites regional impacts and that is where our concern is that this action, although it is not regional as defined in our comprehensive plan, it has regional impacts.

Unidentified Male Voice: Then would you recommend that it is a regional aspect of the comprehensive plan?

Attorney Shannon Johnson: It is not listed as a regional policy and it has not been identified for me where it is listed as a third area policy. I haven't been able to identify that. I haven't seen that.

Klaus Schilde: What I am saying is SKAPAC can be initiated when an amendment is proposed for an urban policy.

Mayor Christopher: Now your urban area policies are located in your comprehensive plan, pages 18-22 that is my understanding. Is this where it is identified....

Unidentified Female Voice: No, no the regional policies are on page 18-22. The urban area policies start on page 23, I'm sorry I don't have a copy of Keizer's Comprehensive Plan in front of me to decide what number the pages are in your plan. I don't know if you want to get into this right now because of the presentation.

Attorney Shannon Johnson: The difficulty is that has never been confirmed and was kind of bypassed in previous meetings and in Keizer's plan there isn't a list of urban area policies, and I don't know where it is listed in Salem's plan.

Unidentified Female Voice: Do you have your comprehensive plan in front of you? This is our section right after regional that is our urban area policies and I thought you guys plan was exactly the same.

Attorney Shannon Johnson: We don't have a list of urban area policies, and I think the reason for that is the urban area policies have to do with Marion County and Salem and Polk County. There are not any identified urban area policies concerning Keizer.

Unidentified Female Voice: In the regional policy section, that is common, that is word for word in all four of our comprehensive plans, there is a section that is called Procedures For Amendments. That is Section C and there is subsection two that is not a regional planning action procedures. And Section C sub two; sub (a) says; "any amendment to an urban area policy shall follow the regional planning action procedures, except that the _____ requirement will be limited to jurisdictions within the urban area." And yes, we agree concurrence of all four jurisdictions are not necessary, but if you refer back up to what is the process, what is the procedure, SKAPAC, this process is part of that. That is our own point.

Mayor Christopher: It is not a regional policy, but a non-regional planning actions procedures.

Unidentified Female Voice: Right.

Attorney Shannon Johnson: But it still makes a difference, the issue is that SKAPAC has already been initiated, so that is not the question. If there is an urban area policy, the question then becomes where is the concurrence? It says under that section, ours is labeled differently. "Any event of an urban area policy shall follow the regional planning policy, except from the current requirement with the limited jurisdictions within the urban area."

Unidentified Female Voice: Right and then in this situation that is the City of Keizer and Marion County, right?

Attorney Shannon Johnson: Except it would be perhaps if we were talking about an urban growth management agreement and a UGB area outside of the city limits, but this is all entirely within the city limits. So that is where I am saying the urban area policies are specifically listed in your folks plan because you do more in Polk and Marion county with wide areas outside the city limits and inside the UGB.

Unidentified Male Voice: I'll get back to what Shannon was saying. (unintelligible)

Mayor Christopher: So it is not a regional issue, however, it does fall under the non-regional planning action procedures of the Salem Comprehensive Plan? Correct?

Attorney Shannon Johnson: Under Sub (b) not Sub (a). In other words it is a non-regional planning action that is not an urban area policy or a regional policy.

Mayor Christopher: Correct. Are we all good with that?

Councilor McGee: Madam Chairperson, I suggest we go ahead with the program, hold our questions, if we can, jot them down, but let's hear the whole presentation and then submit the questions.

Mayor Christopher: We're good. Shannon are you through with

Attorney Shannon Johnson: The only other comment I would have is if we to a point for a motion tonight, because these are independent jurisdictions and this group is made up of formal governing bodies. So the process, as I recall from many years ago, we would need a separate vote by each jurisdiction. The majority of each jurisdiction and I want to make sure there are no questions on that.

City Manager Eppley: A quorum is necessary for a vote of each jurisdiction.

Maria Meier: What I'm gonna do, I'm gonna try to condense this as much as possible and if you have questions, please ask. I'll start with the description of the current Chemawa Activity Center Plan.

The current Chemawa Activity Center Plan was adopted in 1997 and is divided into four primary areas, "A", "B", "C" and "D". Area "A" is north of Lockhaven and Chemawa and goes from I-5, goes to the western boundary of the railroad tracks. You will notice the boundary does not currently include the baseball stadium, but includes the BPA property and includes all property up to the urban growth boundary. Consider Area "A", there has never been a survey of the entire Chemawa Activity Center. You'll notice in some comparisons between _____ there are some differences in the acreage's, but for this discussion there is approximately 133 acres and is primarily all zoned Industrial Business Park. Approximately eleven (11) acres is zoned for Commercial Retail. This area has a requirement that it has to be master planned, these properties, south of Tepper, have to be consolidated in order to be developed and have a master planning process to approve _____ development. It is also is very dependant on access, which is, plans include a loop design that would go onto _____ that is essentially called Area "B", and the property would have a loop through there and go underneath Chemawa Road for access.

Area "B" is currently zoned Commercial Office. Area "C" is this area south of Lockhaven with the property through Chemawa Road, extending down to the Keizer Little League Park. This area is zoned Mixed Use and allows both Commercial and Residential Uses. It does not require a mixed amount. In Area "B", this is the property that recently was exchanged from the ownership of the BIA, to both the Grande Ronde and the Siletz Tribe. Currently, it is _____ zoned Commercial Mixed and zoned for public. The Commercial Mixed Zone, just to let you know, in Keizer, we have a Commercial Retail

Zone, the same way with any Commercial Retail Zone, our Commercial Mixed Zone also allows for a high density residential. That's our current plan.

Over here the City of Keizer was approached by a developing team called Northwest National LLC and the City of Keizer Council agreed to initiate a Legislative Review based on _____ plan. After their _____ plan was submitted to the City they further refined it and came up with proposed document to the Chemawa Activity Center Plan. They changed it, they changed the zoning. What they found is, first of all, they changed the boundary of the plan. They extend this boundary that originally included the Baseball Park to include it all the way up to _____. Changes in Area "A" include, changing most of the zoning to Commercial Mixed, very similar to our Commercial Retail Zone and Commercial Retail as part of their plan also. They left this bottom two acres outside the _____ as Industrial General. They have changed the zoning of the BPA from the park immediately north to Industrial General, which gives specific uses and potential uses _____. They proposed to change the Public Zoning of the Baseball Stadium to Industrial Business Park. In the City of Keizer our Industrial Business Park developed _____ of the Baseball Stadium and once there's some discussion and plans for _____, There is some vacant land north of the Ball Stadium so it is not all currently used. So there is some potential for industrial development to the north.

With Area "B" they have proposed to change it from Commercial Office to a mix of Commercial Mix and Commercial Retail. Area "C" they suggest to change the zoning of this _____ along the south side of Lockhaven to Commercial Retail and remain this area of Mixed Use to be Mixed Use. One primary factor they proposed to change here is to allow for a commuter rail station in the Mixed Use Zone. They also suggested change in Area "D" to the Industrial Business Park Zone. This proposal was considered by the Keizer staff and analyzed and considered by Comprehensive Plan Goal Policies, development code requirements, criteria to the zone change, Comp plan change and text amendments.

Keizer staff came up with an alternative plan. Consideration of five primary goals and policies in the Comp plan that we have considered. We suggested this to the Planning Commission. We agreed with the developer on some issues. We agreed that this area north of Tepper Lane actually could be zoned for Industrial Business _____ for Industrial Zone. We disagree on Area "A". We found in our Comp Plan Goals and Policies that there was an intent to have a mix of industrial and commercial mix for staff to _____ on those documents. We came up with this idea based on some _____ in the Portland area. It allows for a lot of possibilities _____ and how development is going to occur. It allows a lot of flexibility to the design. Industrial Business Park uses are specifically listed. We wrote out the proposal for an EG Zone, specifically to _____ to our Development Code. We suggested some changes to this area to require a minimum of 25% of acres in this area to be used as Industrial Business and a maximum of 75% to be used as Commercial Use. Those uses are very specific and listed out in those zones. Currently, our IBP zone allows for some mix of Commercial Use Zone and _____. What we recommended is we

eliminated any of those Commercial Uses out of the Industrial Business Park Uses in that section and kept it _____. We also suggested some limitations on _____ and building size. We recognize the maximum number of three buildings over 60,000 square feet could be built in that area. A maximum of three with the potential for a maximum of 120,000 square feet or a total of 250,000 square feet between all three buildings or even if it was two buildings, but that would be the maximum. We also recommended, actually go to the primary changes in this area. We also recommended some conditional _____. Another area that we disagreed with initially last year was in Area "B". We had _____ concerns.

Currently, in the City of Keizer we have a section at the intersection of River Road and Chemawa we have limitations on land use where we don't allow for vehicular intensive uses such as gasoline stations, fast food restaurants. We added that description to this zone and recommended _____ Commercial Mixed, but to put those restrictions on that property, _____ approximately one acre to divide up into a cul-de-sac so we don't have additional traffic going into that neighborhood and to allow pedestrians and bicycle traffic to access this _____. We did agree with the change _____ to commercial on the south side of Lockhaven in Area "D", however we did also have traffic concerns and a traffic impact analysis would be required for any use on these properties. We did suggest that the Mixed Use Zone which currently did not have a requirement for a balance of Commercial and Residential Uses. We recommended a minimum _____ 75% high density residential be built in this area and 25% commercial would be allowed along with the commuter rail.

Relating to the commuter rail we also did suggest this for a potential thought that the commuter rail could be located in the Employment Zone. We did discuss as an avenue to it, such a large project, to consider Area "A" fiber optic easement or some type of infrastructure going through here that take up about 100-125 feet. So that would make it a little bit difficult, but I wanted leave that potential there. And also we agreed change this property to Industrial Business Park. The City of Keizer has been working very well with the Grande Ronde and Siletz Tribes. We have come to agreements relating to access easement and _____. We have been very successful to evolve this loop through this path _____. Questions?

Mayor Christopher: The current Chemawa Activity Center Plan is as it is now can you tell me what the zoning looks like out there prior to the _____.

Maria Meier: Sure. In your exhibits _____ there were not necessarily a survey done. The previous plan identified the acreages differently. They required 50 acres of commercial in Area "A", in this location here. You had as one of your exhibits _____ but the 1988 Chemawa Activity Center Plan _____.

Mayor Christopher: So prior to 1997 there was 35 acres of Commercial Retail out there.

Maria Meier: Approximately fifteen (15).

Mayor Christopher: So that change happened in 1997, and that was reduced to eleven (11). Now we go through another change and that is to take it up to.....How many acres in the staff alternative plan?

Maria Meier: This area here. The proposed, if it were to go to the maximum 35% for commercial, that would be approximately 70 acres.

Mayor Christopher: Questions?

Commissioner Franke: Thank you Madam Mayor. Where will I find the definition for your new Commercial Use Zone that you've got in the section there where you have the 75%/25% split?

Mayor Christopher: EG

Maria Meier: EG Zone, and where you would find it is, read through the copy of the proposed, the Planning Commission recommendation.

Commissioner Franke: Which one of all of these papers might that be?

Maria Meier: (laughter from the audience unable to hear what her response was)

Maria Meier: If you look through it there is approximately 45 pages or so _____ there is a staff report and a staff recommended alternative Keizer Station Plan. This is the proposed text for the replacement of the Chemawa Activity Center Plan. Then it would be the page labeled Chapter Two, Page One and then what it does is it refers to a number of different code amendments in the Keizer Development Code. The first page that looks like this, it has a bar across the top and says EG Zone. It's Page One of the third section of the report.

Commissioner Franke: Third section of the report?

Maria Meier: And what it does is it blends permitted industrial park uses and justifies what those uses can be. (Unintelligible sentence) It limits the uses to the 25/25 percent ratio.

Commissioner Franke: Thank you.

Maria Meier: You're welcome.

Mayor Christopher: Any other questions?

Councilor Stucky: Does the Planning Commission's recommendation differ from the staff recommendation?

Maria Meier: Thank you for asking. Slightly, the zoning recommendation of the Planning Commission is the same. They made some minor amendments in the text of the EG zone and the _____ zone just to make it very clear that it would be a maximum 25

percent and a minimum of 25 percent for the ratio of commercial and industrial. And then they also _____ because they wanted to ensure a 40 foot landscape buffer adjacent to residential.

Mayor Christopher: Okay. There is the presentation on that. The next thing I want to cover...the resolutions by the staff subcommittee, they already had confirmed the population figures and the growth rate and the acreage's for zoning the plan or the latest study. The issues that they identified for the elected official subcommittee, which was, Commissioner Propes, Commissioner Ryan and Mayor Swaim. Consistency with state-wide planning goals, land-use planning _____ and formation, economics and planned housing and (b) the differences between the land supply and commercial industrial and residential land between _____ and (c) the definition of the primary trade area. Keizer finds the City of Keizer limits where the City of Salem _____ in primary trade area should be considered to actively access the regional impacts of the proposed amendments. So those are the issues that came to the elected officials subcommittee. In the elected official subcommittee a recommendation was moved, a motion was moved recommending from the SKAPAC elected officials subcommittee to not approve the Keizer Station Plan, and that is the one on the far right, but do agree to the alternative staff proposed plan, the one with the great big orange block that says EG, as recommended by the Planning Commission. The motion voted three to one (3-1) in favor of the motion; Mayor Christopher, Commissioner Ryan, and Commissioner Propes are in favor of the motion. Mayor Swaim voted against the motion.

And that brings us to discussion of the governing bodies, and just prior to that I want to remind you how we got here today. It was the unanimous agreement by the staff subcommittee that _____ the process. If the elected official subcommittee _____ that is the process. Neither of those two things happened so that is why we are here today. If it is not unanimous today, if we don't reach concurrence, then the proposing jurisdiction, in this case the City of Keizer, can take whatever action it deems appropriate. Okay, there does not have to be concurrence today, so I just want to put that on the table and then open for discussions and okay. So with that I will get to discussions and take.....I will start by saying that the original letter from Mayor Swain spoke to the Keizer Station Plan. We have some of the same concerns that he had and those were addressed in the staff alternative plan. The major changes that have been made is to Area "A" which changed that one _____ from Commercial Retail to Employment General and put the limitations on there of 25 percent Industrial Park Uses, and mandates that, and 75 percent Commercial Uses. The other thing _____ you've got that. It created an EG Zone, it also limited the "Big Box" construction to three buildings total and a maximum of 350,000 square feet total for all three. So, you can have one building of 350,000 square feet or three with approximately 120,000 or any mix, but three maximum over 50,000 square feet. On the original plan there was _____. So we limited ourselves, we limited ourselves to three. The MU, Mixed Use Zone, was changed to mandate that the 75 percent housing. (unintelligible sentence)

Commissioner Franke: Thank you Madam Mayor. I am still looking at my original question. What I am trying to understand, and I think I found all the definitions and

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restrictions here, but a couple more questions. What I am trying to understand is the change that you made in your Commercial Zone, cause you said that you dropped Commercial Retail with this EG Zone.

Mayor Christopher: Correct

Commissioner Franke: So is there, is there a difference between the retail activities allowed here and say that are allowed on River Road as an example?

Maria Meier: I can answer that. The uses that are listed under Commercial Uses in the EG Zone come directly from the Commercial Mixed Zoning that you find the majority on River Road.

Mayor Christopher: My understanding is that 75 percent.....

Maria Meier: There are no changes to the Commercial Mixed Zone, the commercial uses that are identified in the EG Zone are that which are seen in the Commercial Mixed Zone and the change _____ with Industrial Business Park Zone will limit any of those commercial uses included in the 25 percent to those that that happen strictly to be the IBP's as listed in the EG Zone.

Attorney Shannon Johnson: Just to clarify that, or maybe muddle it, one or the other. Previously the IBP Zone allowed some retail, so it wasn't pure industrial business park. With the staff alternative, the staff wanted to be sure that if there is going to be 25 percent it's really, that is the minimum industrial and that needed to be pure. So those allowances for partial retail in industrial Business Park were pulled out. So previously there was more retail allowed in the existing plan, right now, on the far left, even though it only shows the little red area, the blue area or teal of IBP would allow some retail _____. So there is more retail and is currently more retail allowed than _____ on the map.

Commissioner Franke: Thank you.

Unidentified Male Voice: (Unintelligible)

Maria Meier: There is approximately 133 acres. Actually, I think after our agreement on the process there is approximately 127 acres.

Unidentified Male Voice: (Unintelligible)

Maria Meier: Right, 127 acres in the entire Area "A" and only 11 acres of it is commercial. But IBP Zone did allow for some commercial uses in that zone and there were some limitations on those commercial uses.

Attorney Shannon Johnson: In IBP there was.

Mayor Christopher: Councilor Quillinan

Councilor Quillinan: Good try. Is there actually a definition of a building and how we would define building for the person that reads the maximum of three buildings _____?

Mayor Christopher: It is the "Big Box" (remainder of sentence unintelligible)

Councilor Quillinan: How do you define that with everything under one roof (remainder of sentence unintelligible)

Maria Meier: In the current Development Code we have definitions for structure, we have definitions for buildings. A structure having a roof and built for the support, shelter or enclosure of a person, animal or property (remainder of sentence unintelligible)

Councilor Quillinan: So for instance all that _____ under one roof. Would that be considered one building?

Mayor Christopher: That is the maximum 350, 000 square feet, it cannot exceed that. Commissioner Ritchey, Mayor Swaim.

Commissioner Ritchey: Do I understand that all of the proposal, that staff has worked with all of the city _____?

Mayor Christopher: Correct.

Mayor Swaim: Our staff is prepared to give a presentation, but (remainder of sentence unintelligible) But what I understand staff's position to be is still very similar to what it was when the subcommittee met last. What concerned me in a global sense concern about the potential for impacts to a system, not only to existing commercial retail by sustaining commercial retail (remainder of sentence unintelligible). There is also the impact of availability of industrial lands, which we were told by SEDCOR, that we are in severe need of. Additional acreage now and I have not heard whether SEDCOR has changed that position. I am _____ to the letter in the record. Also, is still concern, and it is my understanding, unless someone has a written document that I haven't seen yet, that DLCD and Thousand Friends of Oregon maintain _____ concerns about the impact that these adjustments in uses commercial and industrial for _____ and whether or not there has been an accurate analysis of the impact to the areas in addition to the City of Keizer. So, (remainder of sentence unintelligible)

Mayor Christopher: And to answer some of your questions. I don't believe that we have heard from SEDCOR. SEDCOR's original response was in regards to the Keizer Station Plan. They have not given us any response on the staff alternative plan. Thousand Friends and DLCD, same thing. Everyone gave us their opinions on the Keizer Station Plan and we are currently going through the public hearing process.

Maria Meier: (unintelligible sentence) The packet that was delivered on Friday and the City Council of Keizer held their hearing on I believe Monday (remainder of sentence unintelligible)

Mayor Christopher: _____ was SEDCOR?

Maria Meier: Correct.

Mayor Christopher: Okay.

Everyone is speaking at once.

Attorney Shannon Johnson: It doesn't specifically list it, but it, as of May 6th, so I am not certain which one you are referring to.

Mayor Christopher: Okay and then Thousand Friend also in that exhibit is number, Thousand Friends?

Unidentified Male Voice: (Unintelligible)

A number of voices speaking at once.

Councilor McGee: _____ in regards to the one we saw in housing. The staff alternative recommended plan (remainder of sentence unintelligible). So, there is certainly no (remainder of sentence unintelligible). One could say that there is not enough, but to me the plan as it is now we having less housing for _____, under the staff alternative plan. But I don't see that the housing, I don't understand the issue of this.

Mayor Christopher: Well, the notes that I have on housing is that both (remainder of sentence unintelligible). Therefore, _____ in Keizer currently. No one contended that Keizer lacked an adequate number of housing after the adjustment of commercial and industrial uses in the staff alternative plan. Keizer will still have adequate opportunities for _____. And as you stated the staff alternative plan actually increased the opportunity for housing on property where it did not before. There is no direct, or secondary effect, on the city housing inventory, and no adverse effect on the city's goals the statewide goals for planning of housing.

Unidentified Male Voice: (Unintelligible)

Mayor Christopher: No, but I have from, that we received from the public hearing on Monday night (remainder of sentence unintelligible)

Unidentified Male Voice: One of my concerns at this time (remainder of sentence unintelligible)

Mayor Christopher: And as I read we already have a _____ inventory for _____ and higher _____ houses for all citizens. This increases that additional inventory. We have the inventory currently to sustain any of the _____. (unintelligible sentence) But that is the worst case scenario.

Attorney Shannon Johnson: Madam Mayor if I could respond additionally. The staff alternative adds in Area "C" minimum of 75 percent of high density residential there. So that is one additional use, but more importantly the administrative rules under goal ten don't require that type of analysis. That maybe philosophically what some planning departments might want to do with the project like this, just to say, okay let's really investigate this. But goal ten talks about not the exact economy of the city, but the economy of the state generally and general income levels and planning for general income levels and planning your housing based on that. There is no requirement to do that extra planning step which, I mean, sure people can think differently, but I would think you could get into a kind of a, ya know, how's the _____ doing that sort of thing. And each time you go through, you are changing your housing inventory every time a project comes through.

Mayor Christopher: Mayor Swaim.

Mayor Swaim: I guess I just want to understand _____, and I think the council _____ address the issue that it is not just how many houses, but (remainder of sentence unintelligible). I don't understand isn't the position of Keizer that even if you expand the job opportunities in this area that you currently have sufficient housing stock to handle retail and _____ that would pick up as many 70 acres of retail development? I mean, for example you've got that type of multiple housing _____?

Mayor Christopher: That is my understanding.

Mayor Swaim: I need to hear that.

Attorney Shannon Johnson: We reviewed this quite some time ago and did not see any need to do the type housing analysis called for here. We were not _____; we were not taking any portions out of the housing stock. If we were doing that, we obviously have a goal ten problem. If Area "A" instead of being Industrial Business Park was residential and there was emerging commercial we would have a goal ten problem we would have to analyze. But under the _____ we have here, we don't have that analysis.

Unidentified Female Voice: (unintelligible sentence)

Mayor Swaim: We have a difference of opinion of whether or not it should be done.

Mayor Christopher: Commissioner Propes.

Commissioner Propes: Actually on the housing, and maybe I am not correct in this. My first question is, when I looked at the current plan and this plan, the current plan could be developed where it would require a lot of housing today. The plan that you are switching to could be developed where it would require a lot of housing depending on how it would develop. So we are talking about a smoke screen here. So, I mean it is kind of an issue that is not a real issue here, when you are comparing the two plans.

Mayor Christopher: Unintelligible.

Commissioner Propes: Impacts are exactly the same or we are missing something.

A number of voices speaking at once.

Councilor McGee: Unintelligible.

Commissioner Propes: So that wasn't going to be my comment until I heard the last exchange. Because we spent quite a bit of time on that housing issue before and that was the result that came up is that the current plan and the new plan, the housing is basically a wash, is that right?

Maria Meier: The current Mixed Use Zone, it allows for a mix of commercial and residential, but it doesn't require a ratio. So the way that it could be (remainder of sentence unintelligible).

Commissioner Propes: Right.

Maria Meier: And so _____ tries to force a ratio (remainder of sentence unintelligible)

Commissioner Propes: So you really have _____. What my real _____ before I got into that was, first of all, I'd really like to compliment your staff as Keizer. I think they did an excellent job, sitting on the committee, the information that I received was very good to be able to understand this. As a commissioner, sometimes information we get is very confusing and hard to understand that was not the case. They brought us up to speed, as a committee member in a way that was really understandable of what has gone on here and that is not always the case when we have to make decisions. Very good job. There is a lot of information here and I think probably as those of us that received it for this, you didn't have the opportunity to study it the way the committee got to study it. They have done that job, your staff. I also think they have done an excellent job of taking a proposal and changing it to meet the needs of Keizer. Now, maybe it is not meeting the needs of Salem, but I think they have really listened to the people of Keizer and tried to meet the needs of Keizer. And that is what is important here, is trying to meet the needs of Keizer.

It appears to me they came up with a very flexible plan, that when somebody comes in to meet the economy, the needs of today's economy, and Keizer's concerns, and that what we as a region should be concerned about here. We should be here congratulating you for what you have done. I think you have done an excellent job and you should be proud of your Planning Commission and your staff. You guys have done a great job. So that is my comment.

Mayor Christopher: Commissioner Franke.

Commissioner Franke: Thank you Madam Chairman. Two questions. First I am just trying to get a feeling looking at the old SEDCOR letter, what is the difference between the industrial zoning on the Chemawa Activity Center and then the revised plan. How does the industrial zoning balance out?

Mayor Christopher: On the 1997 Chemawa Activity Center and the staff's proposal it is a reduction of 43 acres, which is 3.5 percent in the overall UGB. A reduction of 3.5 percent of the UGB, 43 acres.

Maria Meier: Are you asking more specifically about the zone? What's the difference between the current and the 1997?

Commissioner Franke: Nope just....

Mayor Christopher: Acreage.

Commissioner Franke: Second question.

Mayor Swaim: Process question. I cannot sit and look at my staff _____ and hyperventilating about when I ask these questions it is obvious to me that they have different answers, with factual questions being asked. And I know that we have a real constrictive time limit (remainder of sentence unintelligible). I think we need to hear from those that have a different point of view that are intimately involved in some staff or another.

Let me just finish and say that you guys are doing a great job in terms in doing what you are trying to do for Keizer and nobody believes differently than that. It is that we have a legitimate concern about the impact that causes us to question. If this were something that we honestly believe, let's get back to Keizer, (remainder of sentence unintelligible). But our staff is a professional staff that believes that this will have a consequence beyond the jurisdiction and the city limits of Keizer, and will impact the rest of the region. And then that does concern us as well. So I don't know what Propes is here to do with Mike and I

Multiple voices

Mayor Swaim: Oh I'm sorry he had another question?

Mayor Christopher: Just a second. I'm trying to let all the elected officials to get on record as much as I can and _____.

Mayor Swaim: I apologize to the commission.

Commissioner Franke: Just a quick clarification. Early on in the presentation, Maria mentioned that there is property north of the ballpark. Is that property line to the edge of the Labish Ditch area or it is to the center of the Labish Ditch?

Attorney Shannon Johnson: The exact location I am not certain.

Commissioner Franke: I asked that because I go to the games a lot and I don't recall there being much ground north of the park, outside of the ditch.

A number of voices.

Attorney Shannon Johnson: I think the legal description is the center of the ditch.

Commissioner Franke: Okay

Attorney Shannon Johnson: I don't think it is the edge of the ditch, but I'm not

Councilor McGee: Approximately five acres.

Commissioner Franke: So some of that may be impacted being part of the peak?

Councilor McGee: No

Mayor Christopher: Part of what?

Councilor Franke: Part of Labish peak.

Mayor Christopher: unintelligible

City Manager Eppley: We haven't done a swales analysis out there so we don't know.

Public Works Director Rob Kissler: Commissioner Franke, I believe that the area on the south side of Labish ditch is a more upland type of situation and is much higher in topography than the peak area which you are speaking to which is on one side.

Mayor Christopher: Any other government officials?

Mayor Swaim: (unintelligible)

Vickie Hardin-Woods: A little bit more information that I want to respond from the questions that I have heard. One piece had to do with industrial land and the others generally _____ a little bit of a reduction from what's there. But here's a key piece of information, I think when the periodic review order for Keizer was done in 1989, there was a projected need of 211 to 243 acres of industrial land that Keizer needed. And right now Keizer has 133 acres of industrial land. So by taking away from that supply you are getting further away from the goal rather closer to the goal, and that's why that is an important issue. It is supplying an adequate of industrial land for the general area of Salem-Keizer together.

And then the other piece that I wanted to respond to, for just a minute was Commissioner Propes, you're right, in that as far as residential units it is about the same with the new Keizer proposal, as far as, how many residential units can be developed on a site now. What changes here is there is an increase in the demand for housing because there are more jobs generated as a result of this. Whereas, you might have needed 100 housing units, now because there are more jobs you need 200 housing units. In fact, it is six to eight times more. Right now, for Salem, at least, when we did

Salem-Keizer Area Planning Advisory Committee (SKAPAC)

Governing Jurisdictions Minutes

Thursday, May 23, 2002

Page 18

the Salem Futures Process and we tried to guess what kind of jobs, the number of jobs that might be generated on this site, the guess was a little over a 1,000 jobs. The fiscal impact analysis that was done for the Keizer Station Plan guessed that there would be 3,000 jobs there, and with some skim off from that the indirect jobs another 1, 000. So there is a lot more jobs that are generated and they want people to live close to where they work then there would be a demand for more housing units. And that analysis hasn't really been done to determine where those houses might be. And that is kind of just the other side. The same answer, just a little more information.

Mayor Christopher: Any questions?

Councilor Smith: I'm just curious and I'm just going by personal scenario. My husband works for, did work for _____. (unintelligible) I am trying to figure out how to do more houses.....I guess I am not really understanding what you said, please clarify.

Vickie Hardin-Woods: There will be more people employed on this property than had originally been intended. So therefore, if you want people to live near where they work, there needs to be more houses for people to live near there. And if you are going to look at the housing, the price of those houses, the houses would be aligned with the pay levels of the people who work there. Your fiscal analysis, that you are relying on, that evaluates this proposal says that you are going to have 3,034 new jobs in the next ten years on that property. So, it's because there will be more people working there.

Councilor Smith: Okay, (unintelligible)

Vickie Hardin-Woods: Well actually, we make a guess with a little bit of a stretch. What we did is we took the information that the planning agencies, including the Transportation Plan for the City of Keizer and the COG/SKATS Agency for transportation analysis. We used those numbers and that projected 1,000 jobs.

Attorney Shannon Johnson: I wanted to go back and then (unintelligible). I do not recall that from the period review order, the number of _____. That is from the 94-95 order?

Vickie Hardin-Woods: 1989.

Attorney Shannon Johnson: That is probably the beginning of periodic review.

Vickie Hardin-Woods: I think we are still in it myself.

A number of voices speaking.

Attorney Shannon Johnson: Maria and I are just not aware of any precise total that is demanded by periodic review.

Mayor Christopher: Okay, it is twenty to seven and I am mindful that Commissioner Ryan needs to leave. So what I would like to do, unless there is any further questions

from Council what I am going to do is propose a motion and then have each jurisdiction vote on the motion.

Mayor Swaim: I don't know (unintelligible)

A number of voices talking.

Mayor Christopher: Here is the motion: For the governing jurisdictions. The motion will be that as the city testified you do not approve the Keizer Station Plan as submitted by the developers, which is the one on the far right. We agree with the confirmation of the population projection figures and acreage for zoning per plan or related. We recommended the staff alternative plan as modified by the Planning Commission.

SKAPAC does not approve the Keizer Station Plan submitted by the developers, Northwest National LLC. We agree and confirm the population growth rate from the staff subcommittee and we recommend the staff alternative plan as modified by the Keizer Planning Commission.

Unidentified Male Voice: (unintelligible)

Mayor Christopher: Okay, motion number one. SKAPAC does not approve of the Keizer Station Plan as submitted to the City of Keizer by Northwest National LLC, but does agree with the confirmation of the population figures and growth rate from the staff subcommittee. Further discussion?

Mayor Christopher: Marion County, all those in favor of that motion.

Marion County: Aye
Polk County: Aye
City of Salem: Aye
City of Keizer: Aye

Mayor Christopher: Okay, so that is unanimous. Okay second motion. SKAPAC recommends the staff alternative plan as modified by the Keizer Planning Commission.

Marion County: Aye
Polk County: Aye
City of Salem: Nay
City of Keizer: All voting Aye with the exception of Richard Walsh.

Mayor Christopher: I believe that concludes our business here. Keizer will take whatever action is appropriate (unintelligible). We will go forward. Shannon, we will go forward....

Attorney Shannon Johnson: That is correct. There is a fourteen- day period for submitting, I think fourteen-days for a joint meeting, each jurisdiction considered responded. So in addition to the vote you do have the right to submit in writing your position. With regards to the minutes I open to suggestions about how you would like to handle approval of these minutes for today. Perhaps individual action with the



CITY OF KEIZER

P.O. Box 21000, Keizer, OR 97307

fax: 503-393-9437 phone: 503-390-3700

MEMO TO: Keizer Mayor Lore Christopher
Marion County Commissioner Mike Ryan
Polk County Commissioner Mike Propes
Salem Mayor Mike Swaim

FROM: Maria Meier, Planning Director

DATE: June 17, 2002

RE: SKAPAC Elected Official Subcommittee Meeting Minutes

On May 23, 2002, the governing bodies from the cities of Keizer and Salem, and counties of Polk and Marion met as the Salem-Keizer Area Planning Advisory Committee (SKAPAC). At this meeting, the Elected Official Subcommittee (EOS) attempted to approve the minutes from the April 10th and April 16th EOS meetings. Mayor Swaim was the only person at the time suggesting changes to minutes. It was determined that evening to allow Mayor Swaim the review the tape and make suggested changes as necessary for the EOS to consider for approval.

The SKAPAC record has been approved by the EOS to remain open for minutes approval until June 24, 2002.

Please find attached the recommended changes from Mayor Swaim. Each member from the EOS must submit written comments for the record and state approval of such minutes by June 24, 2002. Please send written comments to meierm@keizer.org or fax to (503) 393-9437, attention Maria Meier. I will be out of the office the week of June 17th. However, if you have any questions, please contact Tracy Davis at (503) 390-3700, ext. 108 or davist@keizer.org. Thank you.

June 17, 2002

Maria Meier
Planning Director
City of Keizer

Dear Maria,

Here are the verbatim transcriptions of the parts of our meeting of April 10, 2002, about which I raised a question. To make the Minutes of that meeting accurate, at least from my standpoint, a summarization should be made that is true to these verbatim quotations.

The first would require a paragraph on Page 4, after the fourth paragraph there, summarizing the following:

"I think that every local community ought to have its own opportunities to do -- to get to wherever it wants to go by using whatever methodologies it wants. But when you talk about comprehensive planning, it seems to be a fundamental precept that everybody that is going to be a part of the partnership is going to use the same method of analysis. Not the same way of doing things; but the same method of analysis to determine what you need in the way of land supplies and that sort of thing."

"Otherwise, what you have is, you know, trying to come to a common discussion by using three or four different languages; and you're not going to know if you are really connecting because you are using two different ways of getting there, just as if you were discussing it in three or four different languages, and that nobody understood any language but their own."

Then, there should be a new paragraph at the top of page three that summarizes the following verbatim quote:

"And let me just say that I think we all want the same thing, you know. I think we want to have a solid tax base, you know. I think we want to have as many jobs as we can bring to our community -- and as good of jobs as possibly able to be generated. I think we want to adopt the Hippocratic Oath: 'First do no harm.' And I think that we're both -- all of us are on that same path.

"That's the outcome that we want. And where we -- where we tend to get off on different paths is whether or not we have had information developed, which all of us feel sufficiently comfortable with, that is going to lead to the result that we all want to have. And one or another of the jurisdictions is concerned that the present state of the information that we're making decisions on contains some problems that will drive the results to a place where we don't want to get."

With those additions, I believe the Minutes of April 10, 2002, are accurate, at least from the standpoint of my contribution.

Respectfully,

Mike Swaim

June 17, 2002

Maria Meier
Planning Director
City of Keizer

Dear Maria,

Here are the partial verbatim transcriptions of our meeting of April 16, 2002, about which I raised concerns respecting the accuracy of the Minutes from that meeting. To make the Minutes of that meeting accurate, at least from the City of Salem's standpoint, a summarization should be made that is true to these verbatim quotations:

"First of all, let me say how pleased I am with what you have done here, with your staff, in terms of modifying the original Keizer Station Plan. I think it goes a significant way towards addressing many of the concerns that Salem has.

"That being said, I have to add that it seems to me that the proposal you have now assumes, somewhat, the very question that we were attempting to ask. And the question that it assumes a satisfactory answer to is: Whether or not this proposal will have a detrimental impact upon the region as opposed to the strengths (unintelligible) to the City of Keizer.

"And it seems as though you're answering that question: It will not have a detrimental impact for the region. And it is my, perhaps imperfect, understanding that we have not yet done the analysis to verify whether or not that is a reasonably accurate factual conclusion to draw from these proposed land uses."

Based on that verbatim transcription, I would recommend that the Minutes, on page 3, at the top, read that "Mayor Mike Swaim indicated that while he was pleased with the modification of the original Keizer Station Plan, which addresses some of the concerns raised by Salem, he remains concerned that Keizer is assuming that there will be no detrimental impact upon the region, without sufficient analysis to verify whether or not Keizer's assumption is accurate.

Also on page 3, in the 5th paragraph, the Minutes state that "Mayor Swaim stressed the importance of allowing a third party, i.e., Department of Land Conservation Department (sic) who holds no economic interest, an opportunity to complete an independent analysis, thereby reducing the policy of future appeal." The verbatim quote of what I said is as follows:

"I guess that one benefit of going through the analysis which would be supported by the DLCD process is the fact that if they're comfortable with the outcome of that analysis, based upon disinterested third party analysis, as opposed to, perhaps, more interested analysis, is to lessen the likelihood of any sort of appeal. You may have headed that off at the pass."

I recommend that we revise the Minutes to say that "Mayor Swaim suggested that the benefit of going through an independent, disinterested, analysis might be such as to gain the confidence of the Department of Land Conservation and Development, which would thereby reduce the possibility of their future appeal."

The final issue of clarification relates to the last paragraph on page 5, where it states "Mayor Swaim clarified that he agrees not with the analysis, but that the analysis is limited to the City of Keizer." I misspoke when I said "Agrees not with the analysis." What I meant to say is that I did not "disagree" with the analysis. I got tied up in the double negative, I believe. I would offer to amend that sentence to read "Mayor Swaim clarified that he does not disagree with the analysis, but is concerned that the analysis is limited to the City of Keizer."

With those changes, I believe the Minutes would be accurate, at least from the standpoint of my contribution.

Respectfully,

Mike Swaim

**SKAPAC Elected Officials Subcommittee
Meeting Minutes
Monday, June 24, 2002
Phone Conference
Keizer City Hall
930 Chemawa Road NE, Keizer, Oregon**

City of Keizer Mayor Lore Christopher called the meeting via phone conference to order at 10:12 a.m.

City of Keizer

Lore Christopher – Mayor
Shannon Johnson – City Attorney
Tracy Davis – City Recorder

City of Salem

Mike Swaim – Mayor

Marion County

Mike Ryan – Commissioner

Polk County

Mike Propes – Commissioner

Shannon Johnson, Keizer City Attorney noted the minutes of the April 10 and April 16, 2002 Elected Officials subcommittee were distributed for review. On June 17, 2002 Salem Mayor Mike Swaim submitted suggested changes to the minutes (attachments #1 and #2). Therefore, this meeting is to discuss these suggested changes and a process for approval of the minutes.

Polk County Commissioner Mike Propes pointed out the suggested changes were substantial and based upon legal counsel advice should not be permitted. A memorandum from the Polk County legal counsel outlining these objections will be forthcoming.

Responding, Salem Mayor Mike Swaim stated that he listened to the audiotapes of each of the meetings. With one exception, his suggested changes are based upon his actual transcript of the meeting and these inaccuracies should be corrected. However, in one instance on the April 16th minutes, he noted that he did misspeak and the minutes are a true reflection of what he did say.

In regards to the minutes of the SKAPAC Governing Bodies meeting of May 23, 2002, Mr. Johnson indicated Polk County has approved the minutes as submitted, however the cities of Salem and Keizer have both approved the minutes with corrections. At this time, notice of approval of the minutes has not been received from Marion County. He suggested the noted changes by Salem and Keizer be incorporated and these amended minutes be scheduled for approval once again by each of the jurisdictions. In order to accomplish this task, the SKAPAC record will need to be extended for two additional weeks.

Salem Mayor Mike Swaim moved to extend the SKAPAC record time for the purpose of approving the May 23, 2002 minutes for a period of two weeks. Polk County Commissioner Mike Propes seconded the motion.

The Motion passed unanimously.

In regards to the elected officials subcommittee minutes of April 10 and April 16, 2002, Mr. Johnson requested Salem Mayor Mike Swaim's comments and suggested changes be distributed once again for review.

Keizer Mayor Lore Christopher moved to extend the SKAPAC record time for the purpose of approving the April 10 and April 16, 2002 elected officials subcommittee minutes for a period of two weeks. Marion County Commissioner Mike Ryan seconded the motion.

The Motion passed unanimously.

Mr. Johnson indicated a future date and time would be scheduled to review the elected officials subcommittee minutes.

The meeting was adjourned at 10:24 a.m.

Respectfully Submitted,

Tracy L. Davis, CMC
City Recorder

POLK COUNTY BOARD OF
COMMISSIONERS

facsimile transmittal

To: Maria Meier

Fax: (503) 393-9437

From: Mike Propes

Date: June 24, 2002

Re:

Pages: 6

CC:

☐ Urgent☐ For Review☐ Please Comment☐ Please Reply☐ Please Recycle

Notes:

Confidentiality Notes: The documents accompanying this telecopy transmission contain information belonging to POLK COUNTY which are or may be confidential and/or legally privileged. The information is intended only for the use of the individual or entity names above. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any disclosure, copying, dissemination, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, or are not sure whether it is privileged, please immediately notify us at (503) 623-8173 to arrange for the return of the original to use.



POLK COUNTY

COUNTY COUNSEL

POLK COUNTY COURTHOUSE ★ DALLAS, OREGON 97388 ★ (503) 623-8178 ★ FAX (503) 623-0896

DAVID DOYLE

MEMORANDUM

TO: Mike Propes, Chairman
Board of Commissioners

FROM: County Counsel

DATE: June 19, 2002

RE: Approval of Minutes

OPINION: You may not approve minutes which do not "give a true reflection of the matters discussed at the meeting and the views of the participants." ORS 192.650(1)

ISSUE: Can you (as a member of the Elected Official Subcommittee of SKAPAC) approve minutes, which do not provide an accurate reflection of the matters discussed and views stated during a public meeting?

**CITY OF KEIZER**

P.O. Box 21000, Keizer, OR 97307

fax: 503-393-9437 phone: 503-390-3700

MEMO TO: Keizer Mayor Lore Christopher
Marion County Commissioner **Mike Ryan**
Polk County Commissioner Mike Propes
Salem Mayor Mike Swaim

FROM: Maria Meier, Planning Director

DATE: June 17, 2002

RE: SKAPAC Elected Official Subcommittee Meeting Minutes

On May 23, 2002, the governing bodies from the cities of Keizer and Salem, and counties of Polk and Marion met as the Salem-Keizer Area Planning Advisory Committee (SKAPAC). At this meeting, the Elected Official Subcommittee (EOS) attempted to approve the minutes from the April 10th and April 16th EOS meetings. Mayor Swaim was the only person at the time suggesting changes to minutes. It was determined that evening to allow Mayor Swaim the review the tape and make suggested changes as necessary for the EOS to consider for approval.

The SKAPAC record has been approved by the EOS to remain open for minutes approval until June 24, 2002.

Please find attached the recommended changes from Mayor Swaim. Each member from the EOS must submit written comments for the record and state approval of such minutes by June 24, 2002. Please send written comments to meierm@keizer.org or fax to (503) 393-9437, attention Maria Meier. I will be out of the office the week of June 17th. However, if you have any questions, please contact Tracy Davis at (503) 390-3700, ext. 108 or davist@keizer.org. Thank you.

June 17, 2002

Maria Meier
Planning Director
City of Keizer

Dear Maria,

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"First of all, let me say how pleased I am with what you have done here, with your staff, in terms of modifying the original Keizer Station Plan. I think it goes a significant way towards addressing many of the concerns that Salem has.

"That being said, I have to add that it seems to me that the proposal you have now assumes, somewhat, the very question that we were attempting to ask. And the question that it assumes a satisfactory answer to is: Whether or not this proposal will have a detrimental impact upon the region as opposed to the strengths (unintelligible) to the City of Keizer.

"And it seems as though you're answering that question: It will not have a detrimental impact for the region. And it is my, perhaps imperfect, understanding that we have not yet done the analysis to verify whether or not that is a reasonably accurate factual conclusion to draw from these proposed land uses."

Based on that verbatim transcription, I would recommend that the Minutes, on page 3, at the top, read that "Mayor Mike Swaim indicated that while he was pleased with the modification of the

original Keizer Station Plan, which addresses some of the concerns raised by Salem, he remains concerned that Keizer is assuming that there will be no detrimental impact upon the region, without sufficient analysis to verify whether or not Keizer's assumption is accurate.

Also on page 3, in the 5th paragraph, the Minutes state that "Mayor Swaim stressed the importance of allowing a third party, i.e., Department of Land Conservation Department (sic) who holds no economic interest, an opportunity to complete an independent analysis, thereby reducing the policy of future appeal." The verbatim quote of what I said is as follows:

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I recommend that we revise the Minutes to say that "Mayor Swaim suggested that the benefit of going through an independent, disinterested, analysis might be such as to gain the confidence of the Department of Land Conservation and Development, which would thereby reduce the possibility of their future appeal."

The final issue of clarification relates to the last paragraph on page 5, where it states "Mayor Swaim clarified that he agrees not with the analysis, but that the analysis is limited to the City of Keizer." I misspoke when I said "Agrees not with the analysis." What I meant to say is that I did not "disagree" with the analysis. I got tied up in the double negative, I believe. I would offer to amend that sentence to read "Mayor Swaim clarified that he does not disagree with the analysis, but is concerned that the analysis is limited to the City of Keizer."

With those changes, I believe the Minutes would be accurate, at least from the standpoint of my contribution.

Respectfully,

Mike Swaim

June 17, 2002

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Planning Director
City of Keizer

Dear Maria,

Here are the verbatim transcriptions of the parts of our meeting of April 10, 2002, about which I raised a question. To make the Minutes of that meeting accurate, at least from my standpoint, a summarization should be made that is true to these verbatim quotations.

The first would require a paragraph on Page 4, after the fourth paragraph there, summarizing the following:

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"Otherwise, what you have is, you know, trying to come to a common discussion by using three or four different languages; and you're not going to know if you are really connecting because you are using two different ways of getting there, just as if you were discussing it in three or four different languages, and that nobody understood any language but their own."

Then, there should be a new paragraph at the top of page three that summarizes the following verbatim quote:

Maria Meier
June 17, 2002
Page 2

"And let me just say that I think we all want the same thing, you know. I think we want to have a solid tax base, you know. I think we want to have as many jobs as we can bring to our community -- and as good of jobs as possibly able to be generated. I think we want to adopt the Hippocratic Oath: 'First do no harm.' And I think that we're both -- all of us are on that same path.

"That's the outcome that we want. And where we -- where we tend to get off on different paths is whether or not we have had information developed, which all of us feel sufficiently comfortable with, that is going to lead to the result that we all want to have. And one or another of the jurisdictions is concerned that the present state of the information that we're making decisions on contains some problems that will drive the results to a place where we don't want to get."

With those additions, I believe the Minutes of April 10, 2002, are accurate, at least from the standpoint of my contribution.

Respectfully,

Mike Swaim

KEIZER CITY ATTORNEY
MEMORANDUM

TO: SKAPAC GOVERNING BODIES
AND STAFF

FROM: E. SHANNON JOHNSON
KEIZER CITY ATTORNEY

SUBJECT: SKAPAC GOVERNING BODY MEETING MINUTES (MAY 23,
2002)

DATE: JUNE 27, 2002

Previously the governing bodies were sent both the draft minutes and transcript from the May 23, 2002 meeting. Although all jurisdictions have now approved the minutes, I do not believe that a majority of the jurisdictions have approved the same set of minutes. I have enclosed the draft minutes and the transcript from the meeting.

On June 24, 2002, the Elected Official Subcommittee held a conference call meeting to discuss procedural issues regarding the minutes for both the Elected Officials Subcommittee and the Governing Bodies meetings. The Elected Official Subcommittee voted unanimously to extend the timeline for the SKAPAC record an additional two weeks in order to allow the minutes for the meetings to be approved.

Salem suggested two changes. First, to clarify in two places that Councilor Rick Stucky was a "councilor" and not a planning commissioner. The second change by Salem was on page 3 under the heading "Discussion by Governing Bodies" regarding the statement "Concurrence is not required." Salem suggests indicating that statement be identified as "Keizer's opinion."

I have reviewed the transcript, draft minutes and portions of the audiotape. Much of the discussion in the minutes are someone's opinion. Though open to different interpretations, the Regional Policies section and the SKAPAC agreement speak for themselves. The real difficulty with this portion of the minutes is the speaker is not identified. I would suggest that at the beginning of the paragraph the phrase "Mayor Christopher indicated" be inserted and immediately prior to the "concurrence statement" the words "She also indicated..." be added.

SKAPAC Governing Bodies
and Staff
Page 2
June 27, 2002

Keizer suggested two changes. First, at page 4 in the fourth full paragraph, last sentence, the addition of "more" before the word "upland" be added. This change allows the sentence to make sense and matches the transcript. The second change has to do with correctly stating the motion.

With regard to the first voted-upon motion, the transcript is accurate and I would suggest that the actual motion be inserted verbatim in the minutes.

To summarize, my suggestion is that the governing bodies all vote to approve the May 23, 2002 minutes with the following changes:

1. With regard to the two references to Rick Stucky to change "Commissioner" or "Planning Commissioner" to "Councilor."
2. With regard to the text under "Discussion by Governing Bodies" insert at the beginning of the paragraph the phrase "Mayor Christopher indicated" and immediately prior to the "concurrence statement" insert the words "She also indicated..."
3. Insert the word "more" prior to the word "upland" on page 4.
4. To change the motion at the bottom of page 4 to read as follows: "Mayor Lore Christopher moved that SKAPAC does not approve of the Keizer Station Plan as submitted to the City of Keizer by Northwest National LLC, but does agree with the confirmation of the population figures and growth rate from the staff committee."

I would request that all of the governing bodies place this on their next agenda and hopefully vote for approval of the minutes as amended without any additional deletions so that all the jurisdictions are voting on the same set of minutes. The transcript will also be made part of the record.

The SKAPAC record closes at 5:00 p.m., July 8, 2002. Please submit written confirmation of the governing body's approval to the City of Keizer by this date and time. Please send to the attention of Maria Meier, Keizer Planning Director.

If you have any questions in this regard, please contact me. Thank you.

ESJ/tmh
enclosures

KEIZER CITY ATTORNEY
MEMORANDUM

TO: SKAPAC ELECTED OFFICIALS
SUBCOMMITTEE MEMBERS

FROM: E. SHANNON JOHNSON
KEIZER CITY ATTORNEY

SUBJECT: ELECTED OFFICIAL SUBCOMMITTEE MEETING MINUTES

DATE: JUNE 27, 2002

On June 24, 2002 the Elected Official Subcommittee held a meeting by conference call to discuss procedural issues regarding the Elected Official Subcommittee minutes and the Governing Body minutes from the May 23, 2002 meeting. I have attached copies of the following:

1. June 24, 2002 conference call meeting minutes.
2. Draft minutes for the April 10 and April 16 elected official subcommittee meetings.
3. Two June 17 letters from Mayor Swaim to Maria Meier, Keizer Planning Director.

The issue was the approval of the Elected Official Subcommittee meeting which was deferred at the May 23, 2002 full Governing Bodies meeting. Mayor Swaim subsequently submitted the two letters referenced above. The letters raise issues regarding the two Elected Official Subcommittee meeting minutes. Essentially, except for one item referenced below, Mayor Swaim identifies portions from the tapes of both meetings which he believes should be summarized in the minutes. There has been no full transcript prepared of the Elected Official Subcommittee meetings. In his letters, Mayor Swaim has transcribed individual portions of the minutes to support his request for a change in the draft minutes.

In Mayor Swaim's letter dealing with the April 16 minutes, he indicates there is an issue of clarification in that he misspoke during a portion of the April 16 meeting. At the June 24, 2002 conference call, I believe the parties agreed that, although Mayor Swaim is welcome to clarify that statement and has done so by way of his letter, the minutes should not be changed with regard to this section of misstatement.

SKAPAC Elected Officials
Subcommittee Members
Page 2
June 27, 2002

I have listened to portions of the elected official subcommittee meeting tapes and the transcribed portions in Mayor Swaim's letters are accurate with the exception of two or three words which do not change the meaning of statements at all.

The Elected Officials Subcommittee needs to decide how to address the approval of the minutes. By way of assistance, and not to indicate any particular preference, I would offer the following options to the subcommittee:

1. Adopt the minutes as submitted and allow Mayor Swaim's letters as part of the record explaining his viewpoint on the matter.
2. Adopt the minutes with summarized portions as submitted by Mayor Swaim. Mayor Swaim does not suggest a particular summary for some of the transcribed portions.
3. Adopt the minutes by inserting the transcribed portions into the minutes as identified by Mayor Swaim.
4. Adopt the minutes with other changes as identified by the subcommittee.

I would suggest that another conference call be set up so that the subcommittee can make a decision as referenced above. If there are no objections, Keizer staff will move forward to set up that conference call shortly. If you have questions in this regard, please contact me. Thank you.

ESJ/tmh
enclosures

c: Keizer Staff
Salem Staff
Marion County Staff
Polk County Staff



Marion County
OREGON

Date: 7/3/02

(503) 588-5212
(503) 588-5237 - FAX

FAX TRANSMISSION

BOARD OF
COMMISSIONERS
Randall Franke
Patti Milne
Mike Ryan

TO: City of Keizer

503-393-9437

FR: Jennifer Stewart

No. of Pages: 4

**KEIZER CITY ATTORNEY
MEMORANDUM**

Approved at Board Session
Date: 7/3/02
Chairman: [Signature]

**TO: SKAPAC GOVERNING BODIES
AND STAFF**

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

**SUBJECT: SKAPAC GOVERNING BODY MEETING MINUTES (MAY 23,
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DATE: JUNE 27, 2002

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On June 24, 2002, the Elected Official Subcommittee held a conference call meeting to discuss procedural issues regarding the minutes for both the Elected Officials Subcommittee and the Governing Bodies meetings. The Elected Official Subcommittee voted unanimously to extend the timeline for the SKAPAC record an additional two weeks in order to allow the minutes for the meetings to be approved.

Salem suggested two changes. First, to clarify in two places that Councilor Rick Stucky was a "councilor" and not a planning commissioner. The second change by Salem was on page 3 under the heading "Discussion by Governing Bodies" regarding the statement "Concurrence is not required." Salem suggests indicating that statement be identified as "Keizer's opinion."

I have reviewed the transcript, draft minutes and portions of the audiotape. Much of the discussion in the minutes are someone's opinion. Though open to different interpretations, the Regional Policies section and the SKAPAC agreement speak for themselves. The real difficulty with this portion of the minutes is the speaker is not identified. I would suggest that at the beginning of the paragraph the phrase "Mayor Christopher indicated" be inserted and immediately prior to the "concurrence statement" the words "She also indicated..." be added.

**SKAPAC Governing Bodies
and Staff
Page 2
June 27, 2002**

Keizer suggested two changes. First, at page 4 in the fourth full paragraph, last sentence, the addition of "more" before the word "upland" be added. This change allows the sentence to make sense and matches the transcript. The second change has to do with correctly stating the motion.

With regard to the first voted-upon motion, the transcript is accurate and I would suggest that the actual motion be inserted verbatim in the minutes.

To summarize, my suggestion is that the governing bodies all vote to approve the May 23, 2002 minutes with the following changes:

1. With regard to the two references to Rick Stucky to change "Commissioner" or "Planning Commissioner" to "Councilor."
2. With regard to the text under "Discussion by Governing Bodies" insert at the beginning of the paragraph the phrase "Mayor Christopher indicated" and immediately prior to the "concurrence statement" insert the words "She also indicated...".
3. Insert the word "more" prior to the word "upland" on page 4.
4. To change the motion at the bottom of page 4 to read as follows: "Mayor Lore Christopher moved that SKAPAC does not approve of the Keizer Station Plan as submitted to the City of Keizer by Northwest National LLC, but does agree with the confirmation of the population figures and growth rate from the staff committee."

I would request that all of the governing bodies place this on their next agenda and hopefully vote for approval of the minutes as amended without any additional deletions so that all the jurisdictions are voting on the same set of minutes. The transcript will also be made part of the record.

The SKAPAC record closes at 5:00 p.m., July 8, 2002. Please submit written confirmation of the governing body's approval to the City of Kelzer by this date and time. Please send to the attention of Maria Meier, Keizer Planning Director.

If you have any questions in this regard, please contact me. Thank you.

ESJ/tmh
enclosures

From: Lester Sasaki
To: MRyan; Patti Milne; RFranke
Date: 6/28/02 12:23PM
Subject: Further approval of the May 23, 2002 SKAPAC Governing Body Meeting Minutes

Commissioners:

The City of Keizer sent an electronic message today to the four jurisdictions (each of you should have received this message along with 4 attachments) involved in the SKAPAC process regarding the Keizer land use issue. The message refers to an Elected Officials Subcommittee (EOS) conference call on June 24 which extended the close of the SKAPAC record to July 8 for approval of minutes in light of issues regarding changes to the EOS meeting minutes, and wanting the jurisdictions to approve "the same set of minutes" from the May 23, 2002 SKAPAC Governing Body meeting.

The Board took action on June 18 approving the May 23, 2002 SKAPAC Governing Body meeting minutes as submitted and to be amended as necessary by the other jurisdictions. The minutes accurately reflected Marion County participation in the meeting.

Keizer, through their City Attorney, is requesting that all of the governing bodies approve the May 23, 2002 minutes as amended without any additional deletions so that all the jurisdictions approve the same set of minutes. The changes (two by the City of Salem and two by the City of Keizer) are set forth in the June 27, 2002 memorandum from Keizer City Attorney Shannon Johnson to the Governing Bodies (an attachment to the e-mail sent today).

Since the SKAPAC record has been extended to July 8 by agreement of the members of the SKAPAC Elected Officials Subcommittee, approval of the meeting minutes as amended, as requested by Keizer would have to occur at next week's Board meeting (the July 3 meeting). As the agenda has been set for the July 3 meeting, it would be necessary to have an addition to the July 3 agenda for the purpose of approving the amended minutes as specifically outlined in Mr. Johnson's memorandum (which I have also attached to this message for your information).

I bring this up for the Board's consideration as to how you may want to proceed in this matter so as to close the SKAPAC record. Thank you for your attention to this matter. If you have any questions, let me know.

Les

CC: Barbara Young; Jan Fritz; NCribb

Meier, Maria

From: Lester Sasaki [lsasaki@co.marion.or.us]
Sent: Wednesday, July 03, 2002 4:26 PM
To: MeierM@Keizer.org
Subject: Changes to the SKAPAC Governing Bodies May 23, 2002 Meeting Minutes

Maria,

Today at their regularly scheduled meeting, the Board approved the changes to the meeting minutes as detailed in Shannon's June 27, 2002 memorandum to the governing bodies. Being that the Board had previously approved the May 23, 2002 meeting minutes at their June 19 meeting (you should have received a copy of that action in the mail), their action today was only to consider and approve the changes to those minutes. A copy of today's Board action is being mailed to you (Keizer).

Just a friendly future reminder regarding items that may need to be approved by the Board in setting timelines. The cities generally have council meetings on Mondays, however the county boards generally meet on Wednesdays, so to provide some wiggle room in approving items involving city/county jurisdictions, a Wednesday deadline rather than a Monday deadline would be preferable.

Hope things are going well for you and you're keeping healthily busy and professionally challenged. Have a great 4th of July and always make work fun.

Les

**SKAPAC Elected Officials Subcommittee
Meeting Minutes
Wednesday, July 3, 2002
Phone Conference
Keizer City Hall
930 Chemawa Road NE, Keizer, Oregon**

City of Keizer Mayor Lore Christopher called the meeting via phone conference to order at 2:00 p.m.

City of Keizer

Lore Christopher – Mayor
Shannon Johnson – City Attorney
Maria Meier – Planning Director
Tracy Davis – City Recorder

City of Salem

Mike Swaim – Mayor

Marion County

Mike Ryan – Commissioner (joined conference call at 2:12 p.m.)
Barb Young – Assistant to Commissioner Mike Ryan

Polk County

Mike Propes – Commissioner

Shannon Johnson, Keizer City Attorney reviewed the agenda which includes the approval of the April 10 and April 24, 2002 SKAPAC Elected Officials Subcommittee minutes, June 24 2002 SKAPAC Elected Officials Subcommittee Phone Conference Minutes, and a request for an extension of the SKAPAC record deadline of July 8, 2002 at 5:00 p.m.

Barb Young, Assistant to Marion Commissioner Mike Ryan indicated the Commissioner would be joining the conference call upon adjournment of their public hearing he is presently attending.

In regards to the extension of the SKAPAC record deadline, Mr. Johnson explained a member of the City of Salem staff pointed out the Salem City Council meets in evening session on July 8th and therefore will not take action on the minutes until after the 5:00 p.m. deadline. Mr. Johnson requested the record be extended until Wednesday, July 10th at 5:00 p.m. for approval of the May 23rd SKAPAC Governing Body minutes by the City of Salem.

Approval of April 10 and April 16, 2002 SKAPAC Elected Officials Subcommittee Minutes

In regards to the approval of the April 10 and April 16 SKAPAC Elected Officials minutes, Salem Mayor Mike Swaim indicated the minutes should be as accurate as possible, however inaccuracies can occur in minutes either by the speaker stating something they did not intend to say or the transcriber hearing the statement inaccurately. He believes both of these instances occurred in the April 10 and April 16 minutes. In regards to the April 16th minutes, Salem Mayor Swaim pointed out he meant to state that he "did not disagree with the analysis" rather than the printed version that the states "agrees not with the analysis" located at the bottom of page 5 of the minutes.

Mr. Johnson explained the minutes should be a true reflection of what was said at the meeting and therefore suggested Salem Mayor Swaim's memorandum of June 17th be included in the record for clarification of his statement on April 16th.

Referring to his June 17th memorandum, Salem Mayor Swaim indicated he made additional statements at the meeting, however they were not included in the summary. He requested these statements be included in the minutes as outlined.

(Marion County Commissioner Mike Ryan joined the conference call meeting at 2:12 p.m.)

In response to a question from Keizer Mayor Christopher, Mr. Johnson noted he did listen to the audio of the meeting and reviewed partial transcription listed in Mayor Swaim's June 17th memorandum. He indicated the transcript is accurate.

Keizer Mayor Christopher moved to adopt the April 16 minutes with the transcribed portions inserted into the appropriate places but not the alternative summaries listed. The memorandum from Salem Mayor Mike Swaim will be part of the official record. Mayor Swaim seconded the Motion.

Salem Mayor Mike Swaim requested a friendly amendment to the Motion to state that the verbatim portions of the transcripts listed in the memorandum will be adopted and any summarization to the contrary notwithstanding will be deleted.

Mayor Christopher agreed with this friendly amendment.

Mr. Johnson requested the portions to be deleted in the April 16th summary minutes be identified. He read the following deletions and verbatim additions for clarification:

Page 3 – Second Paragraph

Delete: Mayor Mike Swaim indicated he is pleased with the Keizer Station alternative plan as recommended by the Keizer Planning Commission.

Add: (verbatim transcript) First of all, let me say how pleased I am with what you have done here, with your staff, in terms of modifying the original Keizer Station Plan. I think it goes a significant way towards addressing many of the concerns that Salem has. That being said, I have to add that it seems to me that the proposal you have now assumes, somewhat, the very question that we are attempting to ask. And the question that it assumes a satisfactory answer to is: Whether or not this proposal will have a detrimental impact upon the region as opposed to the strengths (unintelligible) to the City of Keizer. And it seems though you're answering that question: It will not have a detrimental impact for the region. And it is my, perhaps imperfect, understanding that we have not yet done the analysis to verify whether or not that is a reasonably accurate factual conclusion to draw from these proposed uses.

Page 3 – Fifth Paragraph

Delete: Mayor Swaim stressed the importance of allowing a third party, i.e. Department of Land Conservation Department (Development) who holds no economic interest, an opportunity to complete an independent analysis, thereby reducing the possibility of future appeal.

Add: I guess that one benefit of going through the analysis which would be supported by the DLCD process is the fact that if they're comfortable with the outcome of that analysis, based upon disinterested third party analysis, as opposed to, perhaps, more interested analysis, is to lessen the likelihood of any sort of appeal. You may have headed that off at the pass.

The Motion passed unanimously.

Salem Mayor Mike Swaim moved that the record reflect upon review of the April 10 minutes that the speaker, Mike Swaim, indicated he misspoke – page 5 – last paragraph and that he meant to say that did not "disagree" with the analysis.

There was no second to the Motion.

Marion County Commission Mike Ryan voiced his concern with changing the record of the meeting.

Keizer Mayor Christopher moved to let the minutes stand as is but accept Mayor Swaim's memorandum of June 17th as an addition to the record. Salem Mayor Mike Swaim seconded the Motion.

The Motion passed unanimously.

Salem Mayor Mike Swaim moved to direct staff to summarize and add to the April 10, 2002 minutes the substance of the transcript as outlined in the memorandum of June 17, 2002.

There was no second to the Motion.

Salem Mayor Mike Swaim moved to add his memorandum of June 17, 2002 to the record of the April 10, 2002 minutes. Keizer Mayor Lore Christopher seconded the Motion.

The Motion passed unanimously.

Extension of SKAPAC Record

Keizer Mayor Lore Christopher moved to extend the SKAPAC record from July 8th to July 10th, 2002 at 5:00 p.m. in order to give Salem an opportunity to review and approve the minutes. Salem Mayor Mike Swaim seconded the Motion.

The Motion passed unanimously.

Marion County Commission Mike Ryan announced the Marion County Board of Commissioners approved the amended minutes from the May 23, 2002 SKAPAC Governing Bodies meeting.

Approval of June 24, 2002 SKAPAC Elected Officials Subcommittee Minutes

Polk County Commissioner Mike Proppes moved to approve the June 24, 2002 Elected Officials Subcommittee Minutes. Salem Mayor Mike Swaim seconded the Motion.

The Motion passed unanimously.

Mr. Johnson requested the minutes of this meeting be approved by written approval. The approval shall be completed prior to the closing of the record on the Chemawa Activity Center/Keizer Station Plan.

The meeting was adjourned at 2:35 p.m.

Respectfully Submitted,

Tracy L. Davis, CMC
City Recorder

Attachments:

- April 10, 2002 SKAPAC Elected Officials Subcommittee Minutes
- April 16, 2002 SKAPAC Elected Officials Subcommittee Minutes
- June 17, 2002 Memorandum from Salem Mayor Mike Swaim – April 10, 2002 minutes
- June 17, 2002 Memorandum from Salem Mayor Mike Swaim – April 16, 2002 minutes.



FAX MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT: PLANNING

TO: Shannon Johnson, Legal Counsel
Maria Meier, Planning Director

FROM: Cathy Hoffman *CH*
Staff Assistant

DATE: July 9, 2002 (18 pages including this page)

SUBJECT: Salem City Council Review and Approval of Salem/Keizer Area Planning
Advisory (SKAPAC) Governing Bodies Meeting Minutes

Cecilia DeSantis Urbani asked me to send you the following report, including the action taken by Salem's City Council last night.

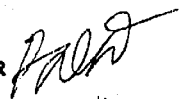
I talked to Jean Lay, Salem's City Recorder, and was told the only amendment City Council made was on page 1 of Attachment A. In the second paragraph (near the bottom of the page) they changed the word "numerous" to "four" (see attached). They approved the staff report and attachments with that one change.

If you need anything else, please let me know - I'll do what I can.

Thank you!

cc: Vickie Hardin Woods, Interim Director
Dave Pratt, Urban Planning Administrator
Cecilia DeSantis Urbani, Principal Planner

FOR COUNCIL MEETING OF: July 8, 2002
AGENDA ITEM NO.: 4.2.d

TO: MAYOR AND CITY COUNCIL
THROUGH: ROBERT D. DELONG, CITY MANAGER 
FROM: VICKIE HARDIN WOODS, INTERIM DIRECTOR th
COMMUNITY DEVELOPMENT DEPARTMENT
SUBJECT: REVIEW AND APPROVAL OF SALEM/KEIZER AREA PLANNING
ADVISORY (SKAPAC) GOVERNING BODIES MEETING MINUTES
(MAY 23, 2002)

ISSUE:

To review and approve the minutes of the SKAPAC Governing Bodies Meeting held on May 23, 2002.

RECOMMENDATION:

That the Salem City Council adopt the subject minutes with the changes recommended by the Keizer City Council and the changes previously recommended by the Salem City Council. An amended version incorporating these changes is attached (Attachment A).

BACKGROUND:

The governing bodies of Marion County, Polk County, the City of Keizer, and the City of Salem met jointly on May 23, 2002, to complete the SKAPAC process regarding Keizer's proposed amendments to the Keizer Comprehensive Plan map and text, zoning map, and development code in the Chemawa Activity Center area (northwest and southwest quadrants of the Chemawa Road and I-5 Interchange).

FACTS AND FINDINGS:

1. At the conclusion of the SKAPAC Governing Bodies meeting on May 23, 2002, Keizer Mayor Lore Christopher stated "she was open to suggestion for approval of the minutes from this meeting and suggested the issue be included on the agendas of the individual jurisdictions" (Attachment B, last page).
2. The Salem City Council reviewed the minutes of the May 23, 2002, SKAPAC meeting at the Council meeting on June 3. The basis for the Council's review were the draft minutes issued by the meeting's Recording Secretary (Attachment

B) and first distributed by the City of Keizer on May 29, 2002. At that time, the two-week deadline for review of the minutes was June 7, 2002.

3. The Council had two comments on the minutes (Attachment B):

- a. Rick Stucky was referred to as a Planning Commissioner. (Instead, the minutes should indicate that he is a City Councilor (pp. 3 and 4 of the draft minutes).
- b. The last sentence on page 3 of the draft minutes should be modified to reflect that this statement is the City of Keizer's opinion and has not been established as a fact.

The Council's comments were transmitted to the City of Keizer and entered into the SKAPAC record on June 3, 2002.

4. On May 31, 2002, the Keizer Planning Director sent an E-mail message to the Governing Bodies informing them that the City of Keizer had decided to have the audio tape from the May 23, 2002 SKAPAC meeting transcribed by an independent service. The message stated that "the transcription will provide the actual verbatim discussion that occurred at the meeting. This will reduce the potential for disagreement on discussion from the meetings. Upon receipt of the transcription of the meeting, Keizer staff will send copies to all elected officials and staff members for review."
5. On June 6, 2002, the City of Keizer requested per E-mail that the SKAPAC Elected Officials Subcommittee extend the deadline, for review of minutes and transcriptions only, from June 7 to June 24, 2002. The subcommittee approved the request for extension on June 7, 2002.
6. On June 11, 2002, the City of Keizer distributed per E-mail a copy of the verbatim transcript of the minutes that was incomplete due to unintelligible words, phrases and voices. The City stated that the transcription, therefore, could not be used for the SKAPAC record and that the minutes originally prepared by the Recording Secretary would be used.
7. On June 28, 2002, the City of Salem received a memorandum from Keizer's Planning Director (Attachment C) with two attached memoranda from Keizer City Attorney Shannon Johnson addressed to the SKAPAC Governing Bodies and Staff (Attachment D). The enclosure to his memorandum are the minutes of the SKAPAC Governing Bodies prepared by the Recording Secretary (Attachment B).
8. In his memorandum, the Keizer City Attorney stated that all the jurisdictions had approved the minutes, but had not approved the "same set of minutes." He requested that all of the governing bodies place the minutes on their next agenda and vote to approve them with the changes recommended by the Salem and

Keizer City Councils as described on the second page of his memorandum. He requested that this vote take place prior to the deadline which has been extended for a second time.

9. Salem City Staff prepared an amended version of the minutes with the proposed changes (Attachment A).



David J. Pratt
Acting Urban Planning Administrator

- Attachments: A. Salem-Keizer Area Planning Advisory Committee (SKAPAC)
Meeting of Governing Jurisdictions, Meeting Minutes, May 23, 2002
(Amended Version)
- B. Salem-Keizer Area Planning Advisory Committee (SKAPAC)
Meeting of Governing Jurisdictions, Meeting Minutes, May 23, 2002
- C. Memorandum from Maria Meier, Keizer Planning Director, to
SKAPAC Elected Official Subcommittee Representatives dated
June 28, 2002
- D. Memorandum from Shannon Johnson, Keizer City Attorney, to
SKAPAC Governing Bodies and Staff dated June 27, 2002

Report Prepared by Klaus Schilde, Senior Planner

G:\Group\CD\PLANNING\RP\Chamawel-S\Staff Report SKAPAC CC July 8 2002.wpd

Salem-Keizer Area Planning Advisory Committee (SKAPAC) Meeting of Governing Jurisdictions Meeting Minutes

May 23, 2002

Keizer Heritage Community Center
980 Chemawa Road NE, Keizer, Oregon

City of Keizer Mayor Lore Christopher called the meeting to order at 5:31 p.m. In attendance were the following representatives:

City of Keizer

Mayor Lore Christopher
Councilor Mike Gaynor
Councilor Chuck Lee
Councilor Jerry McGee
Councilor Jacques Moir
Councilor Judy Smith
Councilor Richard Walsh

Chris Eppley, City Manager

Maria Meier, Planning Director
Shannon Johnson, Legal Counsel
Keith Liden, Planning Consultant
Rob Kissler, Director of Public Works

City of Salem

Mayor Mike Swaim
Councilor Kasia Quillinan
Councilor Bill Smeldone
Councilor Brad Nanke
Councilor Rick Stucky
Councilor Linda Bierly

Bob Wells, Assistant City Manager

Vickie Woods, Interim Director
Sharman Melners, Interim City Attorney
Cecilia Urbani, Principal Planner
Klaus Schilde, Senior Planner
Mark Becketl, Transportation Planner

Marion County

Commissioner Mike Ryan
Commissioner Randy Franke

Les Sasaki, Principal Planner

Polk County

Commissioner Mike Propes
Commissioner Tom Ritchey

Introductions and Review of Agenda

Mayor Christopher reviewed the agenda and explained the procedure for approving previous minutes.

Chris Eppley moved to approve the March 21, 2002 minutes of the Staff Subcommittee as presented. Klaus Schilde, Salem Senior Planner, requested a correction be made on page 3, first full paragraph to read "After further discussion the group noted the items which they were not in agreement about..." Maria Meier, Keizer Planning Director, stated that the issues of "Population" and "Acreage Comparison Chart" were agreed upon by staff and should be shown as agreed upon.

four The April 10 and April 16, 2002 minutes of the Elected Officials Subcommittee were discussed and ~~numerous~~ changes were proposed by Mayor Mike Swaim. Maria Meier, reported that the minutes were transcribed from both written notes and audio tapes of the meetings. It was the consensus of the group that arrangements should be made for Mayor Swaim and any concerned member to listen to the tapes of the April 10 and April 16 meetings to verify the wording in the minutes, and then approve those minutes at a later date.

Summary of SKAPAC Process

Shannon Johnson, Keizer City Attorney, provided a brief summary of the Salem-Keizer Area Planning

SKAPAC Meeting of Governing Jurisdictions / May 23, 2002

ATTACHMENT A

Amended Version - With Changes proposed by the Cities of Salem and Keizer

Advisory Committee (SKAPAC) process. The process allows for a Staff Subcommittee, Elected Official Subcommittee, and a Governing Bodies Subcommittee. Mr. Johnson explained that the SKAPAC process was initiated by Keizer to hear comments from all the jurisdictions even though under the provision identified by Keizer, the process does not require the jurisdictions to reach concurrence.

Mayor Mike Swalm stated that Salem considers this to be a regional issue. Klaus Schilde concurred and stated that Salem believes the Keizer Station Plan is not one of the six issues in the comprehensive plans, but is an urban policy that has regional impacts. Shannon Johnson stated that Keizer disagrees, does not believe this is an urban area policy. Cecilia DeSantis Urbani, Salem Principal Planner, referred to Salem's Comprehensive Plan list of urban areas. Mr. Johnson responded that Keizer does not have a list and stated that the lists that are known to exist pertain to Salem and to Marion County. Ms. Urbani referred to the Comprehensive Plan section that outlines procedures for amendments (Section C, Subsection 2) Nonregional Planning Action Procedures, Subsection A, "Any amendment to an urban area policy shall follow the..." and stated that procedures interpret that SKAPAC is part of that subsection. Mayor Christopher confirmed that the quoted section deals with Salem's nonregional planning action procedures. Mr. Johnson stated that the section is limited to jurisdictions within the area and reminded the group that the subject property is within the Keizer city limits. Les Sasaki, Marion County Principal Planner, spoke about the original concurrence requirement. Mayor Christopher stated this is not a regional issue; however, it does fall under the nonregional action, Subsection b (not Subsection a). Keizer Councilor Jerry McGee suggested the group hear the whole presentation before getting into this type of discussion.

Mr. Johnson informed the group that if they get to the point of making a motion at this meeting, the vote will be recorded by a separate vote by each jurisdiction. He reminded them that a quorum will be required from each jurisdiction for the vote to be valid.

Summary of Existing Chemawa Activity Center Plan, Proposed Keizer Station Plan, and Planning Commission Recommended Alternative Keizer Station Plan

Maria Meler reviewed the boundaries and current and proposed zones of the four areas of the Chemawa Activity Center Plan/Keizer Station Plan. Over a year ago, Northwest National LLC, simplified the original plan, proposed to change the zoning and change the boundary to extend to the Urban Growth Boundary (UGB). The changes included two acres for a substation, recreational entertainment plans, and potential industrial development.

Keizer staff came up with an alternative plan and presented it to the Keizer Planning Commission. The Commission agreed with some areas and disagreed with others. Areas of change included: Area a - a ratio of a minimum of 25% industrial park uses and maximum of 75% commercial uses; Area b - added a restriction to prohibit traffic intensive uses and if commercial retail is introduced, a traffic impact analysis would be required; and allowance for commuter rail in the Employment General area. The City of Keizer has also been working with the Grand Ronde and Siletz tribes on this issue.

Mayor Christopher asked for clarification to what the zoning looked like prior to the plan that is currently in force and was referred to the 1988 Chemawa Activity Center Plan. Marion County Commissioner Randy Franke inquired about the definition for the new commercial use zone and was referred to Attachment A of Exhibit B of the December 5, 2001 Staff Recommendation which outlined the General Employment (EG) zone. **Salem Planning Commissioner City Councilor Rick Stucky** requested clarification of how the Keizer Planning Commission recommendation differs from the staff recommendation and was informed that minor amendments were made.

Conclusion of Staff Subcommittee

It was reported that the Staff Subcommittee was in agreement on:

- Population Projections, and
- Acreage for Zoning per Plan or Related Study.

SKAPAC Meeting of Governing Jurisdictions / May 23, 2002

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~~Bold Strikethrough Italics:~~

Additions
Deletions

Amended Version - With Changes proposed by the Cities of Salem and Keizer

The issues identified for Elected Official Subcommittee consideration included:

- a) Consistency with Statewide Planning Goals (2) Land Use Planning and Coordination, (9) Economics, and (10) Housing;
- b) Differences regarding land supply and demand for commercial, industrial, and residential lands, including assumptions, analysis, and techniques; and
- c) Definition of Primary Trade Area - Keizer defined as the City of Keizer city limits, whereas the City of Salem says that a larger primary trade area should be considered to accurately assess the regional impacts of the proposed amendments.

Conclusion of Elected Official Subcommittee

It was reported that the Elected Official Subcommittee moved the recommendation that the Elected Official Subcommittee cannot agree with the Keizer Station Plan but does agree to the Alternative Proposed Plan as recommended by the Planning Commission. (The motion voted 3 to 1 in favor of the motion. Mayor Christopher, Commissioner Ryan, and Commissioner Proppes voted in favor of the motion. Mayor Swaim voted against the motion.)

Discussion by Governing Bodies

Mayor Christopher Indicated if the Governing Jurisdictions do not pass a unanimous motion, the City of Keizer can move forward with its recommendation. **She also indicated** concurrence is not required. It was stated that the major changes in the plan include: changes the zone in Area A from Commercial Retail to Employment General; limited big box construction to a total of three buildings; the Mixed Use zone must be developed as 75% residential and 25% commercial in use.

Commissioner Franke requested clarification in the changes in the commercial zone and inquired if there is a difference between the retail activities allowed in this plan from the activities currently allowed on River Road. He was informed that in the EG zone, the allowable activities come from the commercial mixed use allowed on River Road.

Commissioner Councilor Rick Stucky asked how much acreage is identified as Industrial and was informed that 133 acres are proposed.

Salem City Councilor Kasia Quillinan requested the definition of "building" for the purpose of determining how much space "three buildings" could potentially require. Maria Meier read the definition of "building" from Keizer's code which states "...under one roof...built for support, shelter of persons..." Councilor Quillinan pointed out that the Woodburn outlet mall is under one roof.

Polk County Commissioner Tom Ritchey asked if all of the subject property is within the Keizer City limits and was informed that it is.

Mayor Swaim stated that Salem staff's position, in a global sense, concerns the potential for the impact of expanding commercial lands when groups like SEDCOR are indicating a severe need of industrial lands and the Department of Land Conservation and Development and 1,000 Friends of Oregon have expressed concern on the impact of the adjustment of commercial and industrial land, and housing stock. He asked if an analysis has been done. It was reported that SEDCOR's correspondence does not specifically address this issue.

Councilor McGee pointed out that the staff alternative creates more housing than what the existing plan calls for and there would be no deterioration of housing. Mayor Christopher stated that in line with Goal 10, there is no indication for a lack of housing with the plan and as stated, the staff recommendation increases the opportunity for housing.

Salem City Councilor Bill Smaldone expressed concern with how to meet the housing needs of a relatively large number of people with a low density of housing. Mayor Christopher stated the numbers are based on

current inventory. Shannon Johnson added that the staff alternative adds to Area c, a minimum of 75% of high density residential and that Goal 10 does not require that type of analysis.

Mayor Swalm inquired if it was Keizer's position that even if there is an expansion of job opportunities, Keizer currently has sufficient housing, multiple housing. Mr. Johnson replied that it is not Keizer's position and that when it was reviewed some time ago, it was perceived that there was not a need for a housing analysis because no portion of the subject property is being taken out of the existing housing stock. Mayor Swalm stated there is a difference of opinion of whether or not a housing analysis should be done.

Polk County Mike Propes requested clarification with regard to housing as outlined in the two plans and questioned whether they are essentially the same. It was reported that the current Mixed Use zone allows for commercial and residential but doesn't list a ratio and that under this plan, a ratio is established to ensure that housing is included. Commissioner Propes complimented Keizer on the information that was presented, the efficient manner of bringing committee members "up to speed" on the issue, and Keizer's willingness to listen to the concerns of its citizens. He stated that although Salem doesn't agree, he felt the plan is very flexible to meet the needs of economy and protect the needs of Keizer.

Commissioner Franke requested the difference between the industrial zone of the Chemawa Activity Center and the staff proposal. Mayor Christopher responded that there is a reduction of 43 acres or 3.5% in the overall UGB.

Mayor Swalm introduced a process question and requested that Salem staff be allowed to provide a different point of view to the information being presented at the meeting. He stated that Salem believes Keizer is doing a great job in this process and is hopeful that the plan works the way Keizer wants; however, Salem feels there will be an impact on the rest of the region.

Commissioner Franke asked if the property line on the acreage north of the current ball park is to the edge of Labish ditch or the center of Labish ditch and if it included the area known as the "Labish peat." It was reported that the line is the center of the ditch and the land is more upland than the peat area.

Salem staff was asked to provide additional comments. Vickie Hardin Woods, Community Development Interim Director, stated that Salem does not have different answers to questions posed at this meeting, just additional information. She reported that the industrial land numbers are generally close, but represent a bit of a reduction. She stated this is a key piece of Periodic Review and stated that by taking away from industrial lands, Keizer is getting further away from the goal rather than closer. Residential units are about the same; however, what changes is the increase in the demand for housing because 6-8 times more jobs are created. She stated that in the Salem Futures process, the estimation of jobs is considerably less than what this plan could produce. If employees want to live close to where they work, there would be a demand for more housing units than what is being proposed. The analysis of where they might be has not been done.

Keizer City Councilor Judy Smith requested clarification on the conclusion that there would be an increase in the demand for housing. Ms. Woods stated that the plan indicates establishment of more jobs than originally calculated, and if employees want to live close to where they work, the housing needs would be higher. Councilor Smith inquired about the Salem Futures' projection of 1,000 jobs. Ms. Woods indicated that the projected figure was derived from Salem's transportation plan and the Council of Government's strategy figures.

Shannon Johnson requested clarification of the Periodic Review Order on industrial land acres and asked if that was from the 1994 Order. It was stated that the information was from the 1989 Order.

Mayor Christopher stated that she would like to propose a motion and ask each jurisdiction to vote.

Mayor Swalm requested a four minute break to give each jurisdiction an opportunity to caucus before the vote.

SKAPAC Meeting of Governing Jurisdictions / May 23, 2002

Bold Underlined Italics:
~~Bold Strikethrough Italics:~~ Additions
Deletions

Recess: 6:41 p.m.
Reconvenes: 6:46 p.m.

Mayor Lore Christopher moved that ~~the SKAPAC governing jurisdictions do~~ does not approve of the
Keizer Station Plan as submitted to the City of Keizer by the developers Northwest National LLC, but ~~do~~
does agree with the confirmation of the population ~~projection~~ figures and ~~averages for zoning growth rate~~
from the staff committee.

The vote on the motion:

Ayes - Marion County (unanimous)
Polk County (unanimous)
City of Keizer (unanimous)
City of Salem (unanimous)
Nays - none (0)

Mayor Lore Christopher moved that the SKAPAC governing jurisdictions recommends the staff alternative
plan as modified by the Keizer Planning Commission.

The vote on the motion:

Ayes - Marion County (unanimous)
Polk County (unanimous)
City of Keizer (Richard Walsh voted Nay)
Nays - City of Salem (unanimous)

Mayor Christopher stated that the City of Keizer will go forward indicating the votes on these two motions
and stated that the separate jurisdictions have the right to submit their comments in writing within 14 days.

Mayor Christopher stated she was open to suggestion for approval of the minutes from this meeting and
suggested the issue be included on the agendas of the individual jurisdictions.

There being no further business, the meeting was declared adjourned at 6:50 p.m.

Respectfully submitted,

Cathy Hoffman, Recording Secretary

**Salem-Keizer Area Planning Advisory Committee (SKAPAC)
Meeting of Governing Jurisdictions
Meeting Minutes**

May 23, 2002

Keizer Heritage Community Center
980 Chemawa Road NE, Keizer, Oregon

City of Keizer Mayor Lore Christopher called the meeting to order at 5:31 p.m. In attendance were the following representatives:

City of Keizer

Mayor Lore Christopher
Councilor Mike Gaynor
Councilor Chuck Lee
Councilor Jerry McGee
Councilor Jacque Moir
Councilor Judy Smith
Councilor Richard Walsh

Chris Eppley, City Manager
Maria Meier, Planning Director
Shannon Johnson, Legal Counsel
Keith Liden, Planning Consultant
Rob Kissler, Director of Public Works

City of Salem

Mayor Mike Swaim
Councilor Kasia Quillinan
Councilor Bill Smaldone
Councilor Brad Nanke
Councilor Rick Stucky
Councilor Linda Bierly

Bob Wells, Assistant City Manager
Vickie Woods, Interim Director
Sharman Meiners, Interim City Attorney
Cecilia Urbani, Principal Planner
Klaus Schilde, Senior Planner
Mark Becktel, Transportation Planner

Marion County

Commissioner Mike Ryan
Commissioner Randy Franke

Les Sasaki, Principal Planner

Polk County

Commissioner Mike Propes
Commissioner Tom Ritchey

Introductions and Review of Agenda

Mayor Christopher reviewed the agenda and explained the procedure for approving previous minutes.

Chris Eppley moved to approve the March 21, 2002 minutes of the Staff Subcommittee as presented. Klaus Schilde, Salem Senior Planner, requested a correction be made on page 3, first full paragraph to read "After further discussion the group noted the items which they were not in agreement about..." Maria Meier, Keizer Planning Director, stated that the issues of "Population" and "Acreage Comparison Chart" were agreed upon by staff and should be shown as agreed upon.

SKAPAC Meeting of Governing Jurisdictions / May 23, 2002

ATTACHMENT B

The April 10 and April 16, 2002 minutes of the Elected Officials Subcommittee were discussed and numerous changes were proposed by Mayor Mike Swaim. Maria Meier, reported that the minutes were transcribed from both written notes and audio tapes of the meetings. It was the consensus of the group that arrangements should be made for Mayor Swaim and any concerned member to listen to the tapes of the April 10 and April 16 meetings to verify the wording in the minutes, and then approve those minutes at a later date.

Summary of SKAPAC Process

Shannon Johnson, Keizer City Attorney, provided a brief summary of the Salem-Keizer Area Planning Advisory Committee (SKAPAC) process. The process allows for a Staff Subcommittee, Elected Official Subcommittee, and a Governing Bodies Subcommittee. Mr. Johnson explained that the SKAPAC process was initiated by Keizer to hear comments from all the jurisdictions even though under the provision identified by Keizer, the process does not require the jurisdictions to reach concurrence.

Mayor Mike Swaim stated that Salem considers this to be a regional issue. Klaus Schilde concurred and stated that Salem believes the Keizer Station Plan is not one of the six issues in the comprehensive plans, but is an urban policy that has regional impacts. Shannon Johnson stated that Keizer disagrees, does not believe this is an urban area policy. Cecilia DeSantis Urbani, Salem Principal Planner, referred to Salem's Comprehensive Plan list of urban areas. Mr. Johnson responded that Keizer does not have a list and stated that the lists that are known to exist pertain to Salem and to Marion County. Ms. Urbani referred to the Comprehensive Plan section that outlines procedures for amendments (Section C, Subsection 2) Nonregional Planning Action Procedures, Subsection A, "Any amendment to an urban area policy shall follow the..." and stated that procedures interpret that SKAPAC is part of that subsection. Mayor Christopher confirmed that the quoted section deals with Salem's nonregional planning action procedures. Mr. Johnson stated that the section is limited to jurisdictions within the area and reminded the group that the subject property is within the Keizer city limits. Les Sasaki, Marion County Principal Planner, spoke about the original concurrence requirement. Mayor Christopher stated this is not a regional issue; however, it does fall under the nonregional action, Subsection b (not Subsection a). Keizer Councilor Jerry McGee suggested the group hear the whole presentation before getting into this type of discussion.

Mr. Johnson informed the group that if they get to the point of making a motion at this meeting, the vote will be recorded by a separate vote by each jurisdiction. He reminded them that a quorum will be required from each jurisdiction for the vote to be valid.

Summary of Existing Chemawa Activity Center Plan, Proposed Keizer Station Plan, and Planning Commission Recommended Alternative Keizer Station Plan

Maria Meier reviewed the boundaries and current and proposed zones of the four areas of the Chemawa Activity Center Plan/Keizer Station Plan. Over a year ago, Northwest National LLC, simplified the original plan, proposed to change the zoning and change the boundary to extend to the Urban Growth Boundary (UGB). The changes included two acres for a substation, recreational entertainment plans, and potential industrial

development.

Keizer staff came up with an alternative plan and presented it to the Keizer Planning Commission. The Commission agreed with some areas and disagreed with others. Areas of change included: Area a - a ratio of a minimum of 25% industrial park uses and maximum of 75% commercial uses; Area b - added a restriction to prohibit traffic intensive uses and if commercial retail is introduced, a traffic impact analysis would be required; and allowance for commuter rail in the the Employment General area. The City of Keizer has also been working with the Grand Ronde and Siletz tribes on this issue.

Mayor Christopher asked for clarification to what the zoning looked like prior to the plan that is currently in force and was referred to the 1988 Chemawa Activity Center Plan. Marion County Commissioner Randy Franke inquired about the definition for the new commercial use zone and was referred to Attachment A of Exhibit B of the December 5, 2001 Staff Recommendation which outlined the General Employment (EG) zone. Salem Planning Commissioner Rick Stucky requested clarification of how the Keizer Planning Commission recommendation differs from the staff recommendation and was informed that minor amendments were made.

Conclusion of Staff Subcommittee

It was reported that the Staff Subcommittee was in agreement on:

- a) Population Projections, and
- b) Acreage for Zoning per Plan or Related Study.

The issues identified for Elected Official Subcommittee consideration included:

- a) Consistency with Statewide Planning Goals (2) Land Use Planning and Coordination, (9) Economics, and (10) Housing;
- b) Differences regarding land supply and demand for commercial, industrial, and residential lands, including assumptions, analysis, and techniques; and
- c) Definition of Primary Trade Area - Keizer defined as the City of Keizer city limits, whereas the City of Salem says that a larger primary trade area should be considered to accurately assess the regional impacts of the proposed amendments.

Conclusion of Elected Official Subcommittee

It was reported that the Elected Official Subcommittee moved the recommendation that the Elected Official Subcommittee cannot agree with the Keizer Station Plan but does agree to the Alternative Proposed Plan as recommended by the Planning Commission. (The motion voted 3 to 1 in favor of the motion. Mayor Christopher, Commissioner Ryan, and Commissioner Proppes voted in favor of the motion. Mayor Swaim voted against the motion.)

Discussion by Governing Bodies

If the Governing Jurisdictions do not pass a unanimous motion, the City of Keizer can move forward with its recommendation. Concurrence is not required.

It was stated that the major changes in the plan include: changes the zone in Area a from Commercial Retail to Employment General; limited big box construction to a total of three buildings; the Mixed Use zone must be developed as 75% residential and 25% commercial in use.

Commissioner Franke requested clarification in the changes in the commercial zone and inquired if there is a difference between the retail activities allowed in this plan from the activities currently allowed on River Road. He was informed that in the EG zone, the allowable activities come from the commercial mixed use allowed on River Road.

Commissioner Rick Stucky asked how much acreage is identified as Industrial and was informed that 133 acres are proposed.

Salem City Councilor Kasia Quillinan requested the definition of "building" for the purpose of determining how much space "three buildings" could potentially require. Maria Meier read the definition of "building" from Keizer's code which states "...under one roof...built for support, shelter of persons..." Councilor Quillinan pointed out that the Woodburn outlet mall is under one roof.

Polk County Commissioner Tom Ritchey asked if all of the subject property is within the Keizer City limits and was informed that it is.

Mayor Swaim stated that Salem staff's position, in a global sense, concerns the potential for the impact of expanding commercial lands when groups like SEDCOR are indicating a severe need of industrial lands and the Department of Land Conservation and Development and 1,000 Friends of Oregon have expressed concern on the impact of the adjustment of commercial and industrial land, and housing stock. He asked if an analysis has been done. It was reported that SEDCOR's correspondence does not specifically address this issue.

Councilor McGee pointed out that the staff alternative creates more housing than what the existing plan calls for and there would be no deterioration of housing. Mayor Christopher stated that in line with Goal 10, there is no indication for a lack of housing with the plan and as stated, the staff recommendation increases the opportunity for housing.

Salem City Councilor Bill Smaldone expressed concern with how to meet the housing needs of a relatively large number of people with a low density of housing. Mayor Christopher stated the numbers are based on current inventory. Shannon Johnson added that the staff alternative adds to Area c, a minimum of 75% of high density residential and that Goal 10 does not require that type of analysis.

Mayor Swaim inquired if it was Keizer's position that even if there is an expansion of job opportunities, Keizer currently has sufficient housing, multiple housing. Mr. Johnson replied that it is not Keizer's position and that when it was reviewed some time ago, it was perceived that there was not a need for a housing analysis because no portion of the subject property is being taken out of the existing housing stock. Mayor Swaim stated there is a difference of opinion of whether or not a housing analysis should be done.

Polk County Mike Propes requested clarification with regard to housing as outlined in the two plans and questioned whether they are essentially the same. It was reported that the current Mixed Use zone allows for commercial and residential but doesn't list a ratio and that under this plan, a ratio is established to ensure that housing is included. Commissioner Propes complimented Keizer on the information that was presented, the efficient manner of bringing committee members "up to speed" on the issue, and Keizer's willingness to listen to the concerns of its citizens. He stated that although Salem doesn't agree, he felt the plan is very flexible to meet the needs of economy and protect the needs of Keizer.

Commissioner Franke requested the difference between the industrial zone of the Chemawa Activity Center and the staff proposal. Mayor Christopher responded that there is a reduction of 43 acres or 3.5% in the overall UGB.

Mayor Swaim introduced a process question and requested that Salem staff be allowed to provide a different point of view to the information being presented at the meeting. He stated that Salem believes Keizer is doing a great job in this process and is hopeful that the plan works the way Keizer wants; however, Salem feels there will be an impact on the rest of the region.

Commissioner Franke asked if the property line on the acreage north of the current ball park is to the edge of Labish ditch or the center of Labish ditch and if it included the area known as the "Labish peat." It was reported that the line is the center of the ditch and the land is upland than the peat area.

Salem staff was asked to provide additional comments. Vickie Hardin Woods, Community Development Interim Director, stated that Salem does not have different answers to questions posed at this meeting, just additional information. She reported that the industrial land numbers are generally close, but represent a bit of a reduction. She stated this is a key piece of Periodic Review and stated that by taking away from industrial lands, Keizer is getting further away from the goal rather than closer. Residential units are about the same; however, what changes is the increase in the demand for housing because 6-8 times more jobs are created. She stated that in the Salem Futures process, the estimation of jobs is considerably less than what this plan could produce. If employees want to live close to where they work, there would be a demand for more housing units than what is being proposed. The analysis of where they might be has not been done.

Keizer City Councilor Judy Smith requested clarification on the conclusion that there would be an increase in the demand for housing. Ms. Woods stated that the plan indicates establishment of more jobs than originally calculated, and if employees want to live close to where they work, the housing needs would be higher. Councilor Smith inquired about the Salem Futures' projection of 1,000 jobs. Ms. Woods indicated that the projected figure was derived from Salem's transportation plan and the Council of Government's strategy figures.

Shannon Johnson requested clarification of the Periodic Review Order on industrial land acres and asked if that was from the 1994 Order. It was stated that the information was from the 1989 Order.

Mayor Christopher stated that she would like to propose a motion and ask each jurisdiction to vote.

Mayor Swaim requested a four minute break to give each jurisdiction an opportunity to caucus before the vote.

Recess: 6:41 p.m.

Reconvene: 6:46 p.m.

Mayor Lore Christopher moved that the SKAPAC governing jurisdictions do not approve the Keizer Station Plan as submitted by the developers, but do agree with the confirmation of the population projection figures and acreages for zoning.

The vote on the motion:

Ayes - Marion County (unanimous)
Polk County (unanimous)
City of Keizer (unanimous)
City of Salem (unanimous)
Nays - none (0)

Mayor Lore Christopher moved that the SKAPAC governing jurisdictions recommends the staff alternative plan as modified by the Keizer Planning Commission.

The vote on the motion:

Ayes - Marion County (unanimous)
Polk County (unanimous)
City of Keizer (Richard Walsh voted Nay)
Nays - City of Salem (unanimous)

Mayor Christopher stated that the City of Keizer will go forward indicating the votes on these two motions and stated that the separate jurisdictions have the right to submit their comments in writing within 14 days.

Mayor Christopher stated she was open to suggestion for approval of the minutes from this meeting and suggested the issue be included on the agendas of the individual jurisdictions.

There being no further business, the meeting was declared adjourned at 6:50 p.m.

Respectfully submitted,

Cathy Hoffman, Recording Secretary



City of Keizer

Phone: (503) 390-3700 • Fax: (503) 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

MEMO TO: SKAPAC Elected Official Subcommittee Representatives
✓ Klaus Schilde, Salem Senior Planner
Les Sasaki, Marion County Principal Planner
Jim Allen, Polk County Planning Director

CC: Keizer City Council
Marion County Board of Commissioners
Polk County Board of Commissioners
Salem City Council
SKAPAC Staff Subcommittee

FROM: Maria Meier, Keizer Planning Director

DATE: June 28, 2002

RE: Approval of SKAPAC Elected Official Subcommittee Meeting
Minutes & SKAPAC Governing Bodies Meeting Minutes

Please find attached two memorandums from Shannon Johnson, Keizer City Attorney, regarding the final approval of both the SKAPAC Elected Official Subcommittee (EOS) meeting minutes and SKAPAC Governing Bodies meeting minutes. Each memorandum has direction for the EOS and Governing Bodies to review and methods for approval.

This memorandum with attached materials has been provided to each elected official from the EOS and the above referenced staff representatives for each jurisdiction. Please provide copies as necessary to additional elected officials and staff as requested.

If you have any questions regarding the directions set forth in the attached memorandum from Shannon Johnson, please contact me at (503) 390-3700, ext. 159. Thank you.

Notice: The SKAPAC record closes at 5:00 p.m. on July 8, 2002.

Enc. (copies not included for persons copied on this memo)

"Pride, Spirit and Volunteerism"

Incorporated 1982

RECEIVED

JUN 28 2002

COMMUNITY

ATTACHMENT C

**KEIZER CITY ATTORNEY
MEMORANDUM**

TO: SKAPAC GOVERNING BODIES
AND STAFF

FROM: E. SHANNON JOHNSON
KEIZER CITY ATTORNEY

SUBJECT: SKAPAC GOVERNING BODY MEETING MINUTES (MAY 23,
2002)

DATE: JUNE 27, 2002

Previously the governing bodies were sent both the draft minutes and transcript from the May 23, 2002 meeting. Although all jurisdictions have now approved the minutes, I do not believe that a majority of the jurisdictions have approved the same set of minutes. I have enclosed the draft minutes and the transcript from the meeting.

On June 24, 2002, the Elected Official Subcommittee held a conference call meeting to discuss procedural issues regarding the minutes for both the Elected Officials Subcommittee and the Governing Bodies meetings. The Elected Official Subcommittee voted unanimously to extend the timeline for the SKAPAC record an additional two weeks in order to allow the minutes for the meetings to be approved.

Salem suggested two changes. First, to clarify in two places that Councilor Rick Stucky was a "councilor" and not a planning commissioner. The second change by Salem was on page 3 under the heading "Discussion by Governing Bodies" regarding the statement "Concurrence is not required." Salem suggests indicating that statement be identified as "Keizer's opinion."

I have reviewed the transcript, draft minutes and portions of the audiotape. Much of the discussion in the minutes are someone's opinion. Though open to different interpretations, the Regional Policies section and the SKAPAC agreement speak for themselves. The real difficulty with this portion of the minutes is the speaker is not identified. I would suggest that at the beginning of the paragraph the phrase "Mayor Christopher indicated" be inserted and immediately prior to the "concurrence statement" the words "She also indicated..." be added.

ATTACHMENT D

SKAPAC Governing Bodies

and Staff

Page 2

June 27, 2002

Keizer suggested two changes. First, at page 4 in the fourth full paragraph, last sentence, the addition of "more" before the word "upland" be added. This change allows the sentence to make sense and matches the transcript. The second change has to do with correctly stating the motion.

With regard to the first voted-upon motion, the transcript is accurate and I would suggest that the actual motion be inserted verbatim in the minutes.

To summarize, my suggestion is that the governing bodies all vote to approve the May 23, 2002 minutes with the following changes:

1. With regard to the two references to Rick Stucky to change "Commissioner" or "Planning Commissioner" to "Councilor."
2. With regard to the text under "Discussion by Governing Bodies" insert at the beginning of the paragraph the phrase "Mayor Christopher indicated" and immediately prior to the "concurrence statement" insert the words "She also indicated...".
3. Insert the word "more" prior to the word "upland" on page 4.
4. To change the motion at the bottom of page 4 to read as follows: "Mayor Lore Christopher moved that SKAPAC does not approve of the Keizer Station Plan as submitted to the City of Keizer by Northwest National LLC, but does agree with the confirmation of the population figures and growth rate from the staff committee."

I would request that all of the governing bodies place this on their next agenda and hopefully vote for approval of the minutes as amended without any additional deletions so that all the jurisdictions are voting on the same set of minutes. The transcript will also be made part of the record.

The SKAPAC record closes at 5:00 p.m., July 8, 2002. Please submit written confirmation of the governing body's approval to the City of Keizer by this date and time. Please send to the attention of Maria Meier, Keizer Planning Director.

If you have any questions in this regard, please contact me. Thank you.

ESJ/tmh
enclosures

Meier, Maria

From: ALLEN JAMES [ALLEN.JAMES@co.polk.or.us]
Sent: Friday, July 12, 2002 4:08 PM
To: EShannonJohnson@aol.com
Subject: Re: Fwd: FW: SKAPAC - Governing Jurisdiction minutes/ extension

Yes, that is correct. This morning the Board approved the May 23, 2002 SKAPAC minutes with "amendments suggested by the Keizer City Attorney in his June 27 memo".

Jim Allen, AICP
Polk County Planning Director
503-623-9237

>>> <EShannonJohnson@aol.com> 07/12/02 02:56PM >>>
Jim: Could you confirm that 5-23 SKAPAC minutes were approved with "amendments suggested by the Keizer City Attorney in his June 27 memo"? (if that is accurate). With regard to extension, we will have to have another EOS Conference call for other reasons anyway. That is scheduled for July 15 at 11:30am. Email on that to follow. Thanks.

Shannon

Meier, Maria

From: EShannonJohnson@aol.com
Sent: Monday, July 15, 2002 9:09 AM
To: ALLEN.JAMES@co.polk.or.us; Christopher@state.or.us.Lore.D; mike@co.polk.or.us; mryan@open.org; MSwaim@aol.com
Cc: eppleyc@keizer.org; lsasaki@co.marion.or.us; liden@pbworld.com; meierm@keizer.org; VWOODS@GWC1.S-CIVIC1
Subject: Re: FW: SKAPAC - Governing Jurisdiction minutes/ extension

(Sorry about possible multiple copies)

Dear All:

I did not get chance to do this Friday. The purpose of the conference call at 11:30 am today is to extend the SKAPAC record again. There are two reasons for this. First, Polk County did not get a chance to approve the 5-23-02 minutes prior to the 7-10-02 deadline. Second, Salem did not approve the minutes without additional change. They only changed one word ("numerous" to "four"), but the effect is the members of SKAPAC still have not voted on the same set of minutes.

I would suggest that the EOS subcommittee extend the record to a date sufficient to allow Salem to either agree or disagree with the minutes amended as set forth in my June 27 memo. If they wish to do so, Salem can submit a letter to the record indicating their intent regarding the one word and still vote to approve the minutes consistent with the memo. It is my understanding that all other jurisdictions have done so. Please let me know if you have questions in this regard. Thank you.

Shannon Johnson

7/15/02

**SKAPAC Elected Officials Subcommittee
Meeting Minutes
Monday July 15, 2002
Phone Conference
Keizer City Hall
930 Chemawa Road NE, Keizer, Oregon**

City of Keizer Mayor Lore Christopher called the meeting via phone conference to order at 11:35 a.m.

City of Keizer

Lore Christopher – Mayor
Shannon Johnson – City Attorney
Maria Meier – Planning Director
Tracy Davis – City Recorder

City of Salem

Mike Swaim – Mayor

Marion County

Mike Ryan – Commissioner

Polk County

Mike Proppes – Commissioner

Shannon Johnson, Keizer City Attorney confirmed the consensus of the elected officials subcommittee to approve the minutes of the July 3rd meeting and of this meeting by written confirmation.

Mr. Johnson explained the purpose of this meeting is to request an extension of the SKAPAC record. He pointed out the Polk County Commission did not have sufficient time to approve the minutes of the May 23rd SKAPAC Governing Bodies meeting prior to the July 10th deadline. In addition, the City of Salem approved the minutes on July 8th with one change in the wording. Mr. Johnson explained each of the governing bodies must approve the identical set of minutes.

Polk County Commissioner Mike Proppes pointed out the Polk County Commission has approved the minutes of May 23rd as presented.

Mr. Johnson suggested the subcommittee extend the SKAPAC record to a date sufficient to allow the City of Salem to agree or disagree with the minutes as presented.

Salem Mayor Mike Swaim pointed out the Salem City Council will not meet in regular session until Monday, August 5th, 2002. He suggested the minutes be approved with a footnote indicating the change of the word "numerous" to "four" on page 1 of the May 23rd minutes.

In discussing different options to handle this situation, Keizer Mayor Lore Christopher suggested a letter from Salem Mayor Swaim be included in the record outlining the change as voted on by the Salem City Council.

Keizer Mayor Lore Christopher moved the SKAPAC Elected Officials Subcommittee, for procedural purposes, accept the City of Salem's vote on approval of the May 23rd minutes as a negative vote but only for the purposes of a one-word change on page 1 of the minutes (from numerous to four). Salem Mayor Mike Swaim will submit a letter to the record explaining the change. Marion County Commissioner Mike Ryan seconded the Motion.

The Motion passed unanimously.

Keizer Mayor Lore Christopher moved to hold the SKAPAC record open for purposes of receiving a letter from Mayor Swaim until Friday, July 19th at 5:00 p.m. Polk County Commissioner Mike Proppes seconded the Motion.

The Motion passed unanimously.

The meeting was adjourned at 11:46 a.m.

Respectfully Submitted,

Tracy L. Davis, CMC
City Recorder



CITY
OF SALEM,
OREGON

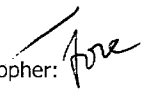
City Hall / 555 Liberty St. S.E.
Zip Code 97301-3503

MAYOR'S OFFICE
Telephone (503) 588-6159

July 15, 2002

The Honorable Lore Christopher,
Mayor
City of Keizer
930 Chemawa Road
P.O. Box 21000
Keizer, Oregon 97307

Re: SKAPAC Minutes of May 23, 2002

Dear Mayor Christopher: 

At our meeting of July 8, 2002, the Salem City Council voted to amend the SKAPAC minutes of May 23, 2002, to change the word "numerous" to the word "four."

Except for this single change, the balance of the minutes were approved as presented.

Sincerely,



Mike Swaim
Mayor

C: Mike Propes, Polk County Commissioner
Mike Ryan, Marion County Commissioner
Cecilia Urbani, Salem Planning Department



August 5, 2002

AGENDA ITEM 7e

**RESOLUTION – ADOPTION OF CRITERIA AND GUIDELINES FOR
EVALUATION OF MUNICIPAL COURT JUDGE**

COUNCIL MEETING: August 5, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS C. EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, CMC – CITY RECORDER *tl*
DIANNE HUNT – HUMAN RESOURCES DIRECTOR

SUBJECT: KEIZER MUNICIPAL COURT JUDGE EVALUATION PROCESS

BACKGROUND:

In December 2001 the City Council approved an extension of the contractual agreement between the City of Keizer and A. Carl Myers for Judicial Services for the Keizer Municipal Court. With the extension, an increase from the hourly rate of \$60 to \$70 was granted for the remaining of the 01-02 fiscal year. As directed by the City Council, a salary comparison survey was conducted prior to the beginning of the 02-03 fiscal year. The salary review resulted in an average hourly rate of \$73 per hour.

In addition to the salary review, the City Council requested a performance evaluation be conducted. Mayor Christopher appointed Council President Moir and Councilor McGee to observe and evaluate the performance of the Municipal Court Judge and to prepare an evaluation process for the Council to use in the future.

ISSUE:

In June, Council President Moir and Councilor McGee attended two Municipal Court sessions and met with staff members to gather information and input. As a result, standards, criteria, and policy directives were created and an evaluation process outlined. The process and criteria are outlined in the attached Resolution. An evaluation form has also been drafted for use in the evaluation process. A copy of the form is attached to the staff report for review.

RECOMMENDATION:

It is recommended the City Council approve the attached Resolution Adopting the Municipal Court Judge Evaluation Process, Including the Standards, Criteria and Policy Directives to be used in Evaluating the Performance of the Municipal Court Judge.

It is further recommended the Council discuss the evaluation in an Executive Session on Monday, August 19th, 2002 at 6:15 p.m. and make a brief report during open session the same evening.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2002- _____

3 IN THE MATTER OF ADOPTION OF THE MUNICIPAL JUDGE EVALUATION PROCESS,
4 INCLUDING THE STANDARDS, CRITERIA AND POLICY DIRECTIVES TO BE USED IN
5 EVALUATING THE PERFORMANCE OF THE MUNICIPAL JUDGE
6

7 WHEREAS, it is appropriate and necessary to set forth standards, criteria and
8 policy directives in evaluation of the Municipal Judge as public officer for the City;

9 WHEREAS, ORS 192.660(i) sets forth that such standards, criteria and policy
10 directives shall be adopted by the governing body in meetings open to the public.

11 WHEREAS, the City Council has met in public session regarding adoption of such
12 standards, criteria and policy directives;

13 NOW, THEREFORE,

14 BE IT RESOLVED by the city Council of the City of Keizer that the following
15 Municipal Judge Evaluation Process is hereby adopted:

- 16 1. All Councilors will observe at least one Municipal Court hearing and at least
17 one day of arraignments throughout the year;
- 18 2. Council may request and review written input from Municipal Court and Police
19 Department staff;
- 20 3. Council shall complete an evaluation based upon the standards, criteria and
21 policy directives as set forth in this Resolution;
- 22 4. Council shall meet with the Municipal Court Judge in Executive Session to
23 discuss the evaluation, unless the Municipal Court Judge requests the
24 evaluation in open session; and
- 25 5. The annual performance evaluation shall be completed by May 31st each year.

1 **6. The Municipal Court Judge Evaluation Process shall be reviewed by the City**
2 **Council every three (3) years.**

3 **BE IT FURTHER RESOLVED** by the City Council of the City of Keizer that the
4 following standards, criteria and policy directives for evaluating the performance of the
5 **Municipal Court Judge** are hereby adopted:

- 6 **1. Successfully carries out the powers and duties of the Municipal Court Judge as**
7 **set forth in the Keizer City Charter as now adopted or hereafter amended;**
- 8 **2. Successfully presides over the Municipal Court and exercises original**
9 **jurisdiction of all offenses defined and made punishable by Ordinances of the**
10 **City and, when not governed by Ordinances, by the applicable general laws of**
11 **the State of Oregon;**
- 12 **3. Effectively explains court procedures;**
- 13 **4. Utilizes the City's educational programs;**
- 14 **5. Efficiently administers the operation of the Municipal Court by keeping abreast**
15 **of law changes and completing required paperwork;**
- 16 **6. Successfully communicates with Municipal Court staff and City Councilors;**
- 17 **7. Effectively dependable with attendance, punctuality, and obtaining pro-tem**
18 **coverage.**

19 **PASSED this ____ day of _____, 2002.**

20 **SIGNED this ____ day of _____, 2002.**

21
22
23 _____
24 **Mayor**

25 _____
26 **City Recorder**
27

**City of Keizer
Municipal Court Judge
Evaluation Form**

Instructions: Place a check mark in the appropriate rating column, which you feel is appropriate for each item.

Rating: Acceptable
 Unacceptable
 NA = Not Applicable/Unknown

1. *Successfully carries out the powers and duties of the Municipal Judge as set forth in the Keizer City Charter.*

☐ Acceptable

☐ Unacceptable

☐ NA

2. *Successfully presides over the Municipal Court and exercises original jurisdiction of all offenses defined and made punishable by Ordinances of the City and, when not governed by Ordinances, by the applicable general laws of the State of Oregon*

☐ Acceptable

☐ Unacceptable

☐ NA

3. *Effectively explains court procedures*

☐ Acceptable

☐ Unacceptable

☐ NA

4. *Utilizes the City's educational programs*

☐ Acceptable

☐ Unacceptable

☐ NA

5. *Efficiently administers the operation of the Municipal Court by keeping abreast of law changes and completing required paperwork*

☐ Acceptable

☐ Unacceptable

☐ NA

6. *Successfully communicates with Municipal Court staff and City Councilors*

☐ Acceptable

☐ Unacceptable

☐ NA

7. *Effectively dependable with attendance, punctuality, and obtaining pro-tem coverage*

☐ Acceptable

☐ Unacceptable

☐ NA

Summary Comments: _____

Evaluator Signature/ _____ Date/ _____



August 5, 2002

AGENDA ITEM 7f

**RESOLUTION – REESTABLISHING COMMUNITY POLICING
COMMITTEE**

COUNCIL MEETING: August 5, 2002
AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH : CHRIS EPPLEY
CITY MANAGER

FROM: H. MARC ADAMS
CHIEF OF POLICE

SUBJECT Community Policing Committee Resolution

ISSUE:

The Main Community Policing Committee has completed a rewrite of the Community Policing Committee Resolution. The goal of the rewrite was to update the resolution to bring the Community Policing Committee into line with other City committees and to define the role of the COP Committee.

FISCAL IMPACT:

The fiscal will be very minimal. Some overtime will be incurred by represented staff who will on occasion perform duties (taking minutes, etc) for the committee.

RECOMMENDATION:

Staff and the Main Community Policing Committee recommends the council repeal the City's original Community Policing Committee resolution and pass the new resolution.

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APPENDIX "A"
CITY COUNCIL COMMITTEE
MAIN COMMUNITY ORIENTED POLICING

Name: Main Community Oriented Policing Committee

Purpose: To act in an advisory capacity to the Keizer City Council and City Manager in the creation, development and implementation of official Community Oriented Policing activities. The powers and duties of the committee shall include, but not limited to:

1. To develop and recommend coordinated Community Oriented Policing programs.
2. To recommend Community Oriented Policing priorities for the City.
3. To review and recommend Community Oriented Policing project applications for funding.
4. To provide research and information to official agencies of the City.
5. To foster and promote public knowledge and acceptance of Community Oriented Policing programs, and needs.
6. To provide an annual report of its activities to the Council and other reports which may from time to time be requested by the Council.

RULES OF OPERATION AND PROCEDURES

The Keizer Community Policing Committee will operate according to Roberts Rules of Order. It will make all formal decisions based on roll call vote once a quorum has been established. A quorum shall consist of a majority (50% plus One) of the standing committee members.

MEMBERSHIP

The Main Community Oriented Policing Committee shall consist of 9 voting members and 4 non-voting ex officio members from the City Staff as needed by the committee.

- One Neighborhood Association representative appointed by KNAG. (1 voting member)
- ~~One representative from The chair, vice chair or another designee of each Police District Community Policing Committee~~ appointed by the District Committee. (3 voting members)
- One Representative appointed by the Keizer Chamber of Commerce (1 voting member)
- A liaison of the City Council appointed by the Mayor
- The Chief of Police and/or his designees
- The Community Services Sergeant or his designee
- A Representative appointed by the Keizer Police Officer's Association from its membership

- Four Citizen at-large representatives recommended by the Volunteer Coordinating Committee, approved and appointed by the City Council (4 voting members)

REMOVAL OF MEMBERS

The Keizer Community Policing Committee may vote to remove a member if the member is absent from three or more consecutive meetings.

TERM

The initial term of the at large members shall be as follows: Chair for two years; 2 members for three years; and 2 members for two years. Thereafter, all terms shall be for three years. All terms shall expire on December 31 of the appropriate year. All other members shall be appointed annually by the respective appointing authorities. Terms shall be renewable.

OFFICERS

~~In January of~~ Each year, the COP Committee will elect a Chair and Vice-Chair.

ELECTIONS

The Chair and Vice-Chair shall be elected from the membership of the Community Policing Committee. Nominations shall be submitted by standing members to the Community Policing Committee either in advance of, or at the meeting during which the elections will take place. Each nominee shall be allowed five minutes to state his or her reason for accepting or declining the nomination.

VOTING

The Chair and Vice-Chair shall be elected by a majority vote of members present once a quorum has been established. Non-voting members will include the City Council liaison, the Police Chief, the Community Services representative, the KPA representative. These members shall not vote on any matters. The meeting minutes recorder shall administer the vote. The vote shall be tallied by a roll call vote, with each member indicating their choice for Chair and Vice-Chair from the list of nominees. A separate vote will be taken for each position with the election for Chair to be held first.

VACANCIES

Should the position of Chair or Vice-Chair become vacant during the course of the year a special election shall be held at the next meeting of the committee following the date of the vacancy. The election shall be held in the manner specified above.

SUBCOMMITTEE STRUCTURE

The Community Policing Committee may organize subcommittees and task forces, as it deems necessary to carry out its purpose.



August 5, 2002

AGENDA ITEM 8a

**RESOLUTION – AUTHORIZING THE CITY MANAGER TO ENTER
AGREEMENT FOR PURCHASE OF MUNICIPAL COURT SOFTWARE
PROGRAM**

COUNCIL MEETING: August 5, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

FROM: TRACY L. DAVIS, CMC
CITY RECORDER



SUBJECT: PURCHASE OF MUNICIPAL COURT SOFTWARE PROGRAM

BACKGROUND:

In 1990, the City of Keizer implemented a Municipal Court to handle traffic infractions and city code violations resulting from the enforcement of the Keizer Police Department. Since this time, the Municipal Court staff has used a Foxbase Municipal Court Software Program designed by Springbrook Software. This software program has reached capacity in handling the increasing database of the Keizer Municipal Court. In addition, the software program is not Window based, therefore causing frequent system operating problems.

In 2001, staff began researching Municipal Court software programs with software representatives and other Municipal Courts. Based upon the needs of the Keizer Municipal Court and favorable recommendations by other Municipal Courts, staff determined the Full Court Software Program distributed by Justice Systems, Inc. was the most compatible and feasible for the City of Keizer.

FISCAL IMPACT:

Funds have been budgeted in the Council approved 2002-2003 budget to cover the purchase and maintenance of the program.

RECOMMENDATION:

It is hereby recommended the Council adopt the attached Resolution Authorizing the City Manager to Enter An Agreement with Justice Systems, Inc. for purchase and maintenance of the Full Court Software Program.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2002-_____

**AUTHORIZING THE CITY MANAGER TO ENTER AGREEMENT WITH JUSTICE
SYSTEMS INC. FOR PURCHASE AND SUPPORT OF
MUNICIPAL COURT SOFTWARE PROGRAM**

WHEREAS, the City of Keizer implemented a Municipal Court in the early 1990's to administer the judicial system for the City of Keizer;

WHEREAS, the Municipal Court relies on a computerized database to process Court activities and produce reports for financial and statistical purposes;

WHEREAS, it has become necessary to upgrade the computerized system;
NOW, THEREFORE

BE IT RESOLVED by the City Council of the City of Keizer that the City Manager is hereby authorized to execute an agreement, which by this reference made a part hereof and attached as exhibit "A", with Justice Systems, Inc for purchase and support of a Municipal Court Software Program.

PASSED this _____ day of _____, 2002.

SIGNED this _____ day of _____, 2002.

Mayor

City Recorder

JUSTICE SYSTEMS, INC.
Software Maintenance and Support Agreement for FullCourt®
"Schedule E"

E-I. TERM: Upon expiration of the warranty period and continuing for one year with automatic renewal for successive one year periods until specifically terminated by either party giving thirty (30) days written notice of intent to terminate, the parties agree as follows:

E-II. SUPPORT PROVIDED: JSI will:

- (a) provide Customer with telephone access by which Customer may communicate with JSI for purposes of seeking technical support of the software described in Schedule "C" of this Agreement.
- (b) provide to Customer any maintenance releases to the particular version of FullCourt software covered under this agreement.
- (c) use its best efforts to correct or replace software and/or provide services necessary to remedy any programming error which is attributable to JSI and which significantly affects the use of the software.
- (d) provide Customer with remote diagnostic services.

E-III. FEES: The maintenance and support fee shall be **\$2,430** the first year. This fee may be increased in subsequent years at JSI's sole discretion.

E-IV. CONDITIONS OF SUPPORT: Customer acknowledges and agrees that support under this agreement will not be provided for damage or problems to software caused by fire, smoke, water, vandalism, riots, theft, misuse, accidents, power outages, abuse, any acts of war, or acts of God. Customer further acknowledges that this agreement will not cover corrections for difficulties or defects traceable to system changes by Customer, alterations to software other than by JSI, introduction of incompatible programs, hardware, viruses, or any other cause beyond the control of JSI.

Any support rendered by JSI at Customer's request to deal with any problems that lie outside the scope of the support agreement shall be billed and the time and materials rates in effect at JSI at the time the work is completed, plus any travel and expenses incurred in providing such extra support.

Charges for support or work provided to Customer by JSI that lie outside the scope of the support agreement shall be paid within thirty (30) days from the date of billing. Payments not timely made shall bear a penalty of 1 1/2 percent per month until paid.

E-V. VERSIONS SUPPORTED: To receive software maintenance and support for a licensed program, customer must use a version of the licensed software that is current with any enhancements or changes that JSI has provided for that version. It may be necessary to install the latest software releases for the licensed program and it may be necessary to update customer's computer hardware, operating systems and/or other software to achieve compatibility with the currently supported version of the licensed program. JSI shall provide maintenance and support under this agreement so long as the version supported is the most current version of FullCourt or the next previous version. Thereafter, maintenance and support may be provided upon a time and materials basis, subject to the availability of resources.

If customer has not installed any releases that JSI has made in the licensed software or is not using a currently supported version of the licensed program, JSI may suspend provision of software maintenance and support for the licensed program until customer cures this condition. There shall be no refunds of the software maintenance and support fee.

Any installation required for an upgrade to a currently supported version of a licensed program, when performed by JSI, will be charged to customer at JSI's then current hourly rates plus reimbursement for any out-of-pocket costs or expenses incurred by JSI. Such installation charges shall be in addition to other fees or charges that may be due.

E-VI. TIME OF SUPPORT: Maintenance and support services provided under this agreement shall be during the normal working hours of 8:00 a.m. to 5:00 p.m. in Albuquerque, New Mexico excluding weekends, legal holidays, or other days determined by JSI by prior notice to Customer.

Customer shall provide JSI with access to its computer hardware, system software, the licensed program and customer data files with sufficient work space required to perform the software support services that JSI determines will be best provided on site. Customer shall also provide sufficient electrical current, telephone access, and power outlets for JSI use in performing software maintenance and support.

E-VII. WARRANTIES: EXCEPT AS EXPRESSLY STATED IN THIS AGREEMENT, JSI DOES NOT WARRANT SERVICES AND SUPPORT PROVIDED FOR AND INCLUDED IN THIS AGREEMENT AND THE CUSTOMER HEREBY ACKNOWLEDGES THAT SAID AGREEMENT IS ENTERED INTO AND SAID SERVICES ARE PURCHASED REALIZING THAT NO IMPLIED WARRANTIES ARE MADE OTHER THAN THAT JSI WILL USE REASONABLE EFFORTS TO RESOLVE PROBLEMS, ANSWER QUESTIONS AND HELP CUSTOMER OBTAIN SATISFACTORY PERFORMANCE OF THE SOFTWARE.

E-VIII. REMOTE SUPPORT: Customer agrees to install and maintain for the duration of this agreement a modem, an associated dial up telephone line and remote diagnostics software that is compatible with JSI remote diagnostics system. Customer will pay for installation, maintenance and use of said items. JSI shall use these items in connection with error correction and/or support. Any access by JSI shall be subject to prior approval of customer and in any case access shall be solely for the purpose authorized by customer.

E-IX. PROPRIETARY RIGHTS: Any changes, additions and enhancements in the form of new or partial programs or documentation as may be provided under this agreement shall remain the proprietary property of JSI.

E-X. TERMINATION: In the event of termination of the software license specified above, all maintenance fees or charges payable for the entire term of this agreement shall without notice or demand by JSI immediately become due and payable and JSI's obligations under this agreement

shall immediately end. JSI may terminate this agreement in the event of the failure of customer to fulfill its obligations thereunder.

E-XI. GENERAL: This agreement is not assignable without prior written consent of JSI. Any attempt by customer to assign any of the rights, duties and obligations of this agreement without such consent is void.

This agreement can be modified only by a written agreement duly signed by persons authorized to sign agreements on behalf of customer and JSI. Variance from the terms and conditions of this agreement except in writing and signed by those persons authorized to sign for the customer and JSI will be of no effect.

If any provision or provisions of this agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. No action regardless of form arising out of this agreement may be brought by either party more than two years after the cause of action has arisen or in the case of non-payment, more than two years from the date of last payment.

If there is any default or breach of the terms and conditions of this contract by the customer, customer agrees to pay all of JSI reasonable legal fees incurred as a result of the breach or default.

This agreement will be governed by the laws of the State of New Mexico.

Customer
Initials: _____

JUSTICE SYSTEMS, INC.
FullCourt¹ Software License
"Schedule A"

Justice Systems, Inc. ("JSI"), a New Mexico corporation, grants to Customer a nonexclusive license to use FullCourt software and documentation ("the Program") and to use other software modules developed and provided by JSI in conjunction with the Program. By use of the FullCourt software, Customer agrees to abide by the terms of this license.

The license granted herein authorizes the use of the Program by no more than (3) users at any one time. A "user" is anyone authorized by Customer who is signed onto the Program through a single computer workstation as permitted by the Program. Customer shall assure compliance with the conditions of this license and will permit JSI to perform reasonable audits and on-site inspections of the Program, and its use. The Program may only be used for Customer's internal business use and only to process information or data of Customer. The Program shall be used only within the geographical jurisdiction of Customer and at such sites as shall be set forth by agreement with JSI. Customer shall not make copies of the Program, nor shall Customer sell, assign, or otherwise convey or allow any other person or entity to use the Program without prior written consent of JSI. Customer shall not cause or permit reverse engineering, disassembly, nor decompilation of the Program nor disclose nor permit access to the Program by any unauthorized third party without the written consent of JSI. Customer shall not disclose results of benchmark tests of the Program. Customer acknowledges that Customer obtains no ownership rights in the Program and that the Program is the proprietary product of JSI and is protected by copyright and other intellectual property laws. Customer shall have the right to use the Program in the operating environment identified by Customer to JSI.

Customer shall abide by any conditions of any licensing or sublicensing agreements of other software that is used in conjunction with the Program.

JSI warrants that for 90 days from the date of installation of the Program: (a) that the Program will substantially perform the functions described in documentation provided by JSI when operated in the designated operating environment. This warranty is exclusive and in lieu of all other warranties, whether express or implied, including implied warranties of merchantability or fitness for a particular purpose. If Customer gives notice of an error or inability of the Program to substantially perform as set forth herein, within the 90 day warranty period, JSI shall, at its option, resolve the error or inability to perform, or refund the license fees paid by customer. JSI shall not be liable for any indirect, incidental, special or consequential damages or other damages for lost revenue, lost opportunity, lost data or data use incurred by Customer or any third party. In any event, any liability of JSI shall not exceed the amount paid by Customer for the license. If any problem, operational failure, or error of the Program has resulted from any alteration of the Program, accident, abuse, misapplication after acceptance, failure to follow correct procedures for starting up the system or shutting it down, or by introduction of any new software to the system not specifically provided by JSI, any warranty provided in this agreement shall be null and void.

Customer recognizes that money damages may not be an adequate remedy for its breach or violation of the terms of this license, or threatened breach or violation, and injunctive relief or other equitable remedies shall be available to JSI as a remedy in addition to any other remedies available under the law. Any dispute relating to the terms of this license other than claims for preliminary injunctive relief or other equitable remedies shall be resolved at the request of either party through binding arbitration. Arbitration shall be conducted in Albuquerque, New Mexico under the rules and procedures of the American Arbitration Association. This provision, and the rights created hereunder, shall survive termination of the Agreement.

JSI may terminate this license agreement if Customer (a) fails to make any License Fee payment as set forth by agreement; (b) commits a material breach of any of its obligations provided for under this license, which breach is not remedied or cured within thirty (30) days after notice thereof by JSI to Customer. Upon termination, Customer shall immediately cease to use the Program and shall immediately deliver to JSI all copies of the Program and documentation or any other property of JSI relating to the Program and shall certify in writing that these terms have been fulfilled.

EXHIBIT

¹ FullCourt is a registered trade name of Justice Systems, Inc. The FullCourt software program is copyrighted and protected by law.

JUSTICE SYSTEMS, INC. **SOFTWARE APPLICATION SPECIFIC SUBLICENSE ADDENDUM** **"Schedule B"**

Justice Systems, Inc. (JSI) grants to Customer a sublicense to use Oracle® software (ORACLE) in conjunction with FullCourt¹ software provided by JSI to Customer. This sublicense is subject to the "AGREEMENT WITH JUSTICE SYSTEMS, INC." dated _____ 2002 and the terms and conditions set forth therein as well as the following terms:

For the purposes of this sublicense, ORACLE shall be limited only for use for the purpose of running FullCourt or such other programs provided by JSI to Customer. ORACLE may not be used to create or alter tables or reports except as necessary for operating FullCourt¹ software.

- B-I. The right to use ORACLE is a nonexclusive, nontransferable right granted Customer by JSI to use only the object code of ORACLE provided by JSI with the FullCourt software license granted concurrent hereto and the ORACLE user guides and manuals.
- B-II. ORACLE will be provided by JSI and shall be used only with FullCourt, JSI's Application Program.
- B-III. JSI will install ORACLE as provided by the agreement referred to above.
- B-IV. Each copy of ORACLE shall be for the Customer's own internal use within the limits of its geographic jurisdiction. The ORACLE program shall not be transferred except for temporary transfer in the event of computer malfunction.
- B-V. The Customer shall not transfer, assign, timeshare, rent, or otherwise use ORACLE except with FullCourt.
- B-VI. Oracle Corporation shall retain all title, copyright, and other proprietary rights in ORACLE and any modifications or translations thereof. The Customer does not acquire any rights in ORACLE other than the limited rights specified in this sublicense.
- B-VII. Customer shall not reverse engineer, disassemble, decompile or duplicate ORACLE except for it may duplicate a single backup or archival copy.
- B-VIII. Customer shall not hold Oracle Corporation or JSI liable for any damages, whether direct, indirect, incidental, or consequential, arising from the use of ORACLE.
- B-IX. Customer shall, at the termination of the sublicense, discontinue use and destroy or return to JSI all copies of ORACLE and Documentation.
- B-X. Customer shall not publish any results of benchmark tests run on ORACLE.
- B-XI. Customer shall comply fully with all relevant export laws and regulations of the United States to assure that neither ORACLE, nor any direct product thereof, are exported, directly or indirectly, in violation of United States law.
- B-XII. To the extent permitted by law, Oracle Corporation is a third party beneficiary of this sublicense agreement.
- B-XIII. JSI does not provide any warranty for ORACLE separate and apart from such warranties as are provided by Oracle Corporation.

B-XIV. Products Applicable to this Addendum:

Item #	Application Specific Program	Description	Qty	Price/Application Specific License	Total Application Specific License Charge
1	Oracle Standard Edition	Oracle Relational Database System Version 8i, Named User Licenses	5	N/C	N/C
TOTAL APPLICATION SPECIFIC LICENSE CHARGE					\$

Customer
Initials

¹ FullCourt is a registered trade name of Justice Systems, Inc. The FullCourt software program is copyrighted and protected by law.

JUSTICE SYSTEMS, INC.
Services Agreement and Statement of Work
"Schedule D"

Item Number	Service Description	Service Charges
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JSI will remotely install FullCourt case management software onto the Customer's Intel server and workstations. Customer, at its own expense will be responsible for the following:

- 1.) Installation of the printers and other related software.
- 2.) Assuring that all hardware (server/workstations/Local Area Network/ printers/phone line/tape backup system etc.) is fully tested and operational prior to the FullCourt installation.
- 3.) Installation of a fax modem on a workstation in order to support PC AnyWhere32 (Version 8 or better) for remote diagnosis.
- 4.) Providing PC AnyWhere32 (Version 8 or newer).

A Justice Systems' training professional will conduct FullCourt end user training at the JSI Training Center in Albuquerque, NM, for 5 days for up to 8 Customer employees. JSI will send Customer the FullCourt Preinstallation Guide at least 30 days prior to the commencement of training and Customer will bring it fully completed to the training session. The FullCourt training includes a complete user manual and training manual for each end user.

TOTAL SERVICES: \$7,000

**Customer
Initials** _____

¹PC AnyWhere, Windows, MS Word, Windows NT, and Novell Netware are registered products and are protected by law.



August 5, 2002

AGENDA ITEM 8b

**COOPER'S DELI AND PUB LIQUOR LICENSE – CHANGE OF
OWNERSHIP**

CITY COUNCIL MEETING: August 5, 2002

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

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

**SUBJECT: COOPER'S DELI AND PUB
CHANGE OF OWNERSHIP
LIMITED ON PREMISES SALES LIQUOR LICENSE**

BACKGROUND:

On July 10, 2002, an application for a change of ownership was received from Mike Chamberlin – Finance Manager for Elmer's Restaurants, Inc. requesting approval of a change of ownership for Cooper's Deli and Pub located at 5408 River Road N, Keizer. The ownership is changing from Cooper's Inc. to Elmer's Restaurants, Inc. There will not be any change in name of the establishment. The City of Keizer Ordinance indicates the Council must approve the requested change, however no public hearing is required.

RECOMMENDATION:

It is recommended the City Council approve and forward a recommendation to the Oregon Liquor Control Commission for the change of ownership for the liquor license for Cooper's Deli and Pub.

OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION



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: _____	_____ 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: _____
Applying as: ☐ Individuals ☐ Limited Partnership ☒ Corporation ☐ Limited Liability Company		_____ for OLCC office use only. Application Rec'd by: _____ Date: _____ 90-day authority: ☐ Yes ☐ No	

- Applicant(s):
① Kimer's Restaurants, Inc. ③ _____
② _____ ④ _____
- Trade Name (dba): Cooper's Deli & Pub
- Business Location: 5408 River Road Keizer Marion OR 97303
(number, street, rural route) (city) (county) (state) (ZIP code)
- Business Mailing Address: 363 High St. Eugene OR 97401
(PO box, number, street, rural route) (city) (state) (ZIP code)
- Business Numbers: (541) 465-3966 (541) 465-3967
(phone) (fax)
- Is the business at this location currently licensed by OLCC? Yes X No _____
- If yes to whom: Cooper's, Inc. Type of License: Limited
- Former Business Name: Cooper's Deli & Pub
- Will you have a manager? Yes X No _____ Name: Willy Kramer
(manager must fill out an individual history form)
- What is the local governing body where your business is located? Keizer
(name of city or county)
- Contact person for this application: Mike Chamberlin (541) 465-3966
(name) (phone number(s))
363 High St. Eugene, OR 97401 (541) 465-3967
(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 Mike Chamberlin Date 3.5.02 ③ _____ Date _____
 ② _____ Date _____ ④ _____ Date _____



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: ELMERS RESTAURANTS INC. COOPER'S DELI & PUB
Business Location Address: 363 High St. City: Eugene ZIP Code: 97401

PART A - PERSONAL INFORMATION

1. Name: KRAMER WILLIAM SCOTT
(last) (first) (middle)
2. Other Names Used: N/A
(maiden) (other)
3. Residence Address: 593 SIERRA ST. EUGENE OR 97402
(number and street) (city) (state) (ZIP code)
4. Home Phone: (541) 688-9796 Business Phone: (541) 915-9093
5. *SSN: 544-02-8366 Place of Birth: OREGON/USA Date of Birth: 09/27/67
(state/country) (mm) (dd) (yyyy)
6. Sex: M Height: 6'1" Weight: 235 Hair Color: BLONDE Eye Color: BLUE
7. Driver License #: 3R9615H State: OR Spouse's name: LAURIE A. KRAMER

PART B - EMPLOYMENT/RESIDENCE INFORMATION

 Attach additional sheets if necessary.

8. Do you currently hold or have you ever held a liquor license in this state? Yes X No (If yes, when and where?) _____

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

Date by Month/Year	Employer or Business	Occupation	City & State
From: <u>01/92</u> To: <u>07/04</u>	<u>DREGON LOTTEAY</u>	<u>SALES/REP</u>	<u>SALEM/EUGENE OR</u>
From: <u>09/04</u> To: <u>PRESENT</u>	<u>ELMERS RESTAURANTS INC</u>		
From: _____ To: _____			

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

From	To	City	State
From: <u>N/A</u> To: _____			
From: _____ To: _____			
From: _____ To: _____			

PART C - ARREST AND CONVICTION INFORMATION

If you answer YES to any of the following questions, you must complete PART D on reverse of this form.

11. Have you EVER been convicted of ANY violation, misdemeanor or felony?
Include traffic violations, if the fine was more than \$50.00 ☐ Yes ☒ No
12. Do you have any arrests or citations pending? ☐ Yes ☒ No
13. Have you ever entered into a diversion agreement? ☐ Yes ☒ No
14. Have you ever been treated, or been in a treatment program for alcohol or other drug use or abuse? ☐ Yes ☒ No
15. 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- ARREST AND CONVICTION HISTORY

If you answered yes to any of questions 11-15, you must complete this section of the application.
Attach additional sheets if necessary.

Have you ever been convicted of any offense?

Convicted of: N/A Conviction Date: _____ City/State/Country: _____
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: N/A 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: N/A Where: _____
When: _____ Where: _____

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

When: N/A Where: _____
When: _____ Where: _____

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

When: N/A 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: [Signature] Date: 3/6/02

*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: 3/6/02
(rev. 12/01)



August 5, 2002

AGENDA ITEM 8c

APPROVAL OF MAY 20, 2002 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, May 20, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:00 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Michel Gaynor, 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
Shannon Johnson, City Attorney

PUBLIC TESTIMONY

Lova Sturgill, 1656 Willow Lake Road North, Salem-read from a letter submitted to the Council expressing her concerns regarding the city's budget and use of Parks funds to purchase additional parks property, especially that outside of the UGB. She posed questions to the Council regarding this and asked that her questions be answered.

Wayne Sturgill, 1656 Willow Lake Road North, Salem-referred to the letter which he submitted to Council. He addressed property at Tax Lot #700, 6000 Windsor Island Road North, and suggested that this property would be a better choice for a park opposed to the property being discussed by the Parks Board.

Mr. Sturgill indicated that if the city purchased Tax Lot #700 for a park that he would be willing to donate 50 trees for this park.

Councilor McGee felt it would be appropriate for the City

COMMITTEE REPORTS

Manager to reply to the Sturgill's questions via a letter.

Mr. and Mrs. Sturgill responded to questions from the Council regarding the suggested properties.

Councilor McGee noted the difficulties with the suggested property including it acting as a buffer for the sewage treatment plant and that the land was owned by the City of Salem.

Mr. and Mrs. Sturgill urged the Council to review the possibility of this property and work in conjunction with the City of Salem to make it happen.

Mayor Christopher thanked the Sturgill's for their testimony.

a. Oath to Keizer Reserve Officers Craig Kistler and Rich Cummings

Chief Adams supplied a brief biography for each officer.

City Attorney Shannon Johnson issued the oath of office to Officer Kistler and Officer Cummings.

Mayor Christopher welcomed the newly sworn-in Reserve Officers.

b. Proclamation- Appreciation for Services-Former Councilor Ray Kelly

Mayor Christopher read the proclamation for services provided by former Councilor Ray Kelly.

c. Proclamation- Mark Atwood and Cathy Clark/Budget Committee Members

Mayor Christopher read the proclamation and provided copies to Ms. Clark and Mr. Atwood for their recent appointment to the volunteer positions on the Keizer Budget Committee.

d. Claggett Creek Watershed Presentation

Gary Miller and members of his class from McNary High School supplied a Power Point Presentation regarding the Claggett Creek Watershed Wetland Mitigation Project and the importance of wetlands. Each of the students provided a brief summary regarding the many aspects of a wetland.

Mr. Miller noted the fall planting plan and the assistance of the community to make this happen. He also summarized an "Adopt a Reach Program" which would help to keep the reed canary grass at bay.

Responding to questions Mr. Miller indicated that a volunteer in the Adopt a Reach Program would be committing to walking a 100-foot reach once every couple of weeks to remove canary grass. He noted how the involvement of the students was an attempt to get them interested in their community.

Mayor Christopher thanked Mr. Miller and his students for their presentation.

e. Council Liaison Reports

- **Bikeways Committee-**

Councilor Smith reported the committee's participation in the Iris Parade and the additional efforts of Dr. Wallace Dick to make this successful. She noted the committee's allegiance to seek donations for the purchase of additional bike helmets, which would be given out to children whose family cannot afford to purchase one for them.

- **Mid Willamette Valley Area Commission on Transportation (MWACT)-**

Councilor Smith reported on the STIP funds and the progress taken place by the commission regarding the 2004-2007 STIP.

- **Planning Commission-**

Councilor Walsh reported that the commission reviewed the private street ordinance and would continue with this discussion during the next meeting.

- **Mid-Willamette River Corridor Project**

Councilor Walsh reported that the Willamette Initiatives Program would be hosting a seminar on May 22, 2002 at Western Oregon University. He outlined some of this seminar and its components.

- **Community Policing Committee-**

Mayor Christopher reported the City Council would be holding a joint work session with this committee on May 28, 2002 pertaining to the Community Policing Resolution.

OTHER BUSINESS

Iris Festival

Mayor Christopher complemented the Keizer Chamber of Commerce on their work during the Iris Festival.

Symposium Update

Councilor Smith shared information regarding the symposium she attended in Cambridge, Massachusetts pertaining to land-use and transportation.

EVAK Update

Council President Moir requested a work session between Council and EVAK to update the Council on EVAK's progress.

After a brief discussion it was the consensus of Council to direct staff to schedule this work session in July.

Alarm Ordinance

Councilor Lee requested updates regarding this ordinance.

City Attorney Johnson indicated this was currently being reviewed and a report would be brought back to Council the second meeting in June.

Police Department Updates

Chief Adams supplied updates regarding the Iris Festival and the department's participation in the process.

PUBLIC HEARINGS

a.

Chemawa Activity Center/Keizer Station Plan-Text Amendment/ Comprehensive Plan change/Zone Change Case No. 01-50 (cont from May 6, 2002)

Mayor Christopher opened the public hearing.

Public Testimony

Bruce Anderson, 1290 Leo Street NE, Keizer—Chair of Keizer Planning Commission supplied a history of the Activity Center and the process taken by the Commission to consider all the information and testimony and to consider amendments to the plan as submitted by Northwest National LLC.

He referred to the extensive process taken by the Commission to critique the plan in conjunction with the Statewide Planning Goals, Land-Use Planning Goals and the Keizer Comprehensive and Keizer Development Code. Mr. Anderson expressed the Commission's feeling that the plan met all the necessary requirements. He urged the

Council to move forward with the project.

Mayor Christopher thanked Mr. Anderson for his testimony.

Responding to questions Mr. Anderson indicated that the Commission reviewed the technical issues of conformance to land use planning. He indicated that the Council should decide issues outside of that realm relating to policy. Mr. Anderson urged the Council to review the possible impacts on River Road businesses, traffic along Lockhaven Drive and within the Gubser neighborhood.

Frank Moore, 7796 St. Charles St NE, Keizer-speaking as a member of the Planning Commission Mr. Moore thanked Mr. Anderson for his role as chair of the Commission and reiterated Mr. Anderson's comments regarding the process taken by the Commission.

Jacob Brostoff, 534 SW 3rd Avenue, Suite 300, Portland, OR, Transportation Advocate for 1000 Friends of Oregon-supplied a copy of the *Shils Report* which illustrates the impacts of "Big Box" retail on rural and small town communities.

Responding to questions, Mr. Brostoff indicated the chapters, which might refer more to Keizer and the proposed development. (Chapters I, III, IV and IX)

Mayor Christopher thanked Mr. Brostoff for his testimony.

Bob Thompson, 4970 Chauncy Court, Salem, representing Chuck Sides and Northwest National LLC-indicated they would like to tweak staff's alternative recommendation. He supplied copies of these suggested changes to Council.

Charles Matschek, Associate Architect, Ankrom Moisan Associated Architects, 4131 SW Gerald Court, Portland, OR-supplied a brief history of the team's work on the plan in conjunction with staff. Mr. Matschek addressed the private/public aspect of the plan.

Steve Ferrarini, Hobson Ferrarini Associates, 610 SW Alder, Suite 515, Portland, OR-summarized the economic analysis as provided in the Keizer Station staff alternative document. Mr. Ferrarini indicated that the analysis showed

the current need for a total of 85 acres of commercial land, growing to 107 acres by the year 2021.

Mr. Ferrarini stressed that the plan would not impact industrial development opportunities within the city and noted that the proposed plan would reduce the current level of industrial land to 82 acres still providing a 40-year inventory of industrial land.

Mr. Ferrarini addressed some of the vacancy issues for businesses along River Road. He used the area across from Bi-Mart as an example and fielded additional questions from Council. (remainder of testimony missing from tape)

Tom Jones, 8405 SW Nimbus Ave, Beaverton, OR- addressed service capacity issues for the plan including sewer, water, fire and storm water treatment. He indicated that the impact on Labish Ditch would be minimal. Mr. Jones answered questions from the Council pertaining to storm water retention and water quality improvements for the development.

Public Works Director Rob Kissler responded to questions from the Council relating to the new water regulations.

Responding to additional questions, Mr. Jones outlined the developments additional water needs specific to fire protection.

Frank Angelo, Angelo Eaton and Associates, 620 SW Main, Suite 201, Portland, Oregon-affirmed the development team's support of the staff's recommended alternative plan. Mr. Angelo clarified comments and testimony from citizens. He noted when comparing the existing Chemawa Activity Center Plan versus staff's proposed plan that the net change in industrial land was an approximate reduction of 45 acres and an increase of approximately 52 acres of commercial above the current Chemawa Activity Center Plan.

Mr. Angelo summarized the letter from Chuck Sides noting staff's recommended changes to the plan and the development team's request that the Council considers removal of the 25-percent requirement in the Employment General Zone. He also outlined the team's difference of

opinion regarding gasoline stations in the Commercial Mixed Zone. In the interest of time Mr. Angelo offered to address the remainder of the letter with staff outside of the meeting.

Councilor Walsh outlined other possible concepts to meet the suggestions as outlined in the Shils report. Mr. Angelo indicated he could not answer this at this time.

Mayor Christopher thanked Mr. Angelo for his testimony.

Wendie Kellington, Lake Oswego, Attorney for Northwest National LLC-supplied and reviewed with the Council a seven page matrix pertaining to the legal standards and goals for the proposed development.

Ms. Kellington, Mrs. Meier and the City Attorney answered questions from the Council.

Mayor Christopher thanked Ms. Kellington for her testimony.

Kelly Walther, 344 Lake Point Place, Keizer-spoke as a representative for the Keizer Chamber of Commerce. Ms. Walther referred to Exhibit A-19, which included the survey taken of the Chamber members regarding the development.

She answered questions from the Council regarding Exhibit A-19.

Mayor Christopher thanked Ms. Walther for her testimony.

With no one else wishing to testify Mayor Christopher continued the public hearing until June 3, 2002.

ADMINISTRATIVE ACTION

No Administrative Action was brought before the Council.

CONSENT CALENDAR

- a. RESOLUTION-Authorizing the City Manager to Enter Agreement with Valley Credit Services for Collection Services
- b. RESOLUTION-Authorizing City Manager to Award Bid to R.L. Houck Construction for 2002 Street Resurfacing

Council President Moir moved for approval of the Consent Calendar. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

WRITTEN COMMUNICATIONS

Mayor Christopher noted written communications from the Board of Commissioner's regarding the development of an ornament for the U.S. Capital Holiday Tree for 2002.

By consensus the Council agreed to participate in the program by submitting the information to the Keizer residents to participate. Mayor Christopher indicated she would provide additional information at the next Council meeting.

AGENDA INPUT

May 23, 2002

5:30 p.m. Special City Council Session (Keizer Heritage Center)

- SKAPAC Meeting with Salem City Council/Marion County Commission/Polk County Commission-Chemawa Activity Center/Keizer Station Plan

June 3, 2002

6:30 p.m. Urban Renewal Agency Meeting

- 2002-2003 City of Keizer Budget Public Hearing and Adoption of Budget
- Housing Consortium Intergovernmental Agreement

June 10, 2002

5:30 p.m. City Council Work Session

- Marion County Juvenile Facility Tour

June 17, 2002

7:00 p.m. City Council Regular Session

Mayor Christopher noted the agenda input.



August 5, 2002

AGENDA ITEM 8d

APPROVAL OF JUNE 3, 2002 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, June 3, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:04 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Michel Gaynor, 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
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

Larry Monagon, 1585 Chemawa Rd North-spoke in opposition to the purchase of park land near the Sturgill's home, which was being referred to as the west Keizer park. Mr. Monagon submitted a letter from Marion County also expressing concerns regarding the possible use of this site as a park. He urged the Council to review this information.

Wayne Sturgill, 1656 Willow Lake Road North-submitted and read a letter into the record a letter pertaining to land located at 6000 Windsor Island Road, Tax Lot 700, which he indicated has the possibility to be used as a city park. Mr. Sturgill urged cooperation between Salem and Keizer to make this happen.

**COMMITTEE
REPORTS**

a. Library Task Force Report-

Chair Jerry Watson, 1237 Manzanita Way NE, Keizer-submitted and reviewed the report from the Task Force.

He noted the Task Force's charge and the review of five library alternatives.

Mr. Watson summarized these options, which included remaining status quo, a threshold library, a 21st Century Library, partnering with Salem or a library district. The Task Force provided data from each option for analysis by the Council. He also addressed some of the budget issues that would need to be reviewed by the Council.

Jane Kirby, 6657 14th Avenue NE, Keizer-member of the Library Task Force provided a copy of a document from the Salem Library. The map indicated the number of Keizer residents that currently hold a Salem library card.

Mayor Christopher and members of the Council thanked the Task Force for their report.

Councilor Walsh moved to accept the report submitted by the Library Task Force. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. Council Liaison Reports

- Traffic Safety Commission
- Emergency Operations Committee
- Claggett Creek Watershed Council
- Keizer Urban Renewal Board

Due to the number of items on the agenda Mayor Christopher postponed the above Council Liaison reports until the next Council meeting.

• **Focal Point-**

Councilor Lee supplied a brief history of the project and what had taken place to bring the project into fruition. He noted the businesses that had provided donations to

assist with the project. Councilor Lee expressed optimism that an adequate amount of donations had been acquired to move forward with the project.

Councilor Lee noted a variation in the type of brick that was originally proposed for the project. He indicated that the new brick had been donated and was complimentary to surrounding development in the area. He requested consensus of the Council to move forward with the brick variation described.

Councilor McGee moved for consensus of the Council to proceed with the construction of the focal point with the change in the type of brick as described. Council President Moir seconded the motion.

Responding to questions, Councilor Lee indicated the Task Force would soon be making a recommendation to Council regarding the name of the Focal Point.

Mayor Christopher and Council expressed their gratitude for the work done on the project.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS

(reviewed after Public Hearings)

Finance Updates

Finance Director Susan Galshdorf requested clarification regarding continuation of the Park Donation Program. Council President Moir agreed to bring this up during the next Parks Board meeting.

Human Resource Updates

Human Resource Director Dianne Hunt reported that the final ductwork had been completed and that she was reviewing insurance quotes.

PUBLIC HEARINGS

a. Chemawa Activity

Mayor Christopher reopened the public hearing continued from May 20, 2002.

**Center/Keizer Station
Plan-Text
Amendment/Comprehensive
Plan Change/Zone
Change Case No 01-50
(cont. from May 20, 2002)
(heard after public hearing
b.)**

Planning Director Maria Meier reported on May 20, 2002 that the City Council had continued the public hearing until this evening. Additional testimony may be received and the hearing continued to a date as defined by the Council.

Mrs. Meier also noted that staff would be compiling the SKAPAC record to enter into the legislative review record for Council consideration. Due to this staff recommended that the Council continue the public hearing until July 1, 2002. Mrs. Meier provided copies of additional comments, which were to be submitted to the record.

Public Testimony

Karen Trucke, 6330 14th Avenue NE, Keizer-spoke in favor of the additional items that had been added relating to the traffic flow consideration. She urged the continued input from the public when this process is further reviewed.

Mrs. Trucke continued to urge the careful planning and management of traffic designs for the development. She felt an additional access to the freeway, in addition to Lockhaven, should be reviewed as part of the plan and suggested Chemawa Road as this additional access.

Council President Moir indicated that the discussion of increasing Lockhaven to five lanes was only between McLeod and the freeway.

Mayor Christopher thanked Mrs. Trucke for her testimony.

David Schriner, 6233 13th Avenue NE, Keizer-addressed the 1997 Chemawa Activity Center Plan and its philosophy versus the current plan which he felt differed largely when comparing retail and light industrial. He requested that the Council balances the two plans and incorporate a plan that would be in the best interest of the community.

Councilor Moir provided additional history from the 1988 and 1993 Chemawa Activity Center Plans noting

that these two plans were more in-line with the current proposal, regarding the amount of commercial land.

Responding to questions Mrs. Meier answered that in the current plan the IBP zoning was only in Area A with the proposed plan IBP zoning being suggested in sections within Area D.

Ross Day, 7478 Everwood Street NE-speaking as a member of the Planning Commission Mr. Day outlined the process which the Commission undertook to reach their decision that was forwarded onto the Council for review. Mr. Day strongly expressed his opinion that this was a good plan for the city to move forward with. He noted that the Commission did express some concern regarding possible traffic impacts and received evidence supporting the plan via the traffic analysis. Mr. Day noted although there was a great deal of testimony regarding perceived traffic impacts, but no evidence was provided that contested the traffic analysis presented by the development team.

Responding to questions Mr. Day indicated the Commission did not review Design Standards for the plan as it was not the role, which the Planning Commission was assigned.

Mrs. Meier also noted that the Development Code provided conditions of approval for review of the design standards that would take place during the master planning process.

Mr. Day also addressed the 75/25 split in the IBP zone, and his opinion regarding the future of River Road and the buffer between the development and residential.

Mayor Christopher thanked Mr. Day for his testimony.

Jacob Brostoff, Transportation Advocate for 1000 Friends of Oregon-provided a study that indicated that the market for office space was stronger than retail space. He indicated based on his estimation the development would render the amount of retail space in Keizer twice that of the national average.

Council President Moir felt the statement was erroneous as the figures included Salem and Keizer. She requested that a study based strictly on Keizer would be more beneficial to the Council.

Mr. Brostoff shared that 1000 Friends did not commission the study, but he would attempt to see if this type of analysis was available.

Mrs. Meier answered questions from the Council regarding the IBP and the EG zone.

City Manager Eppley questioned Mr. Brostoff regarding 1000 Friends position about the advantage of industrial development versus retail development.

Mr. Brostoff felt the trip generation trip impacts of industrial versus retail were less and that industrial revenue may bring about more revenue into the tax base through industrial land assessments and providing family wage jobs for the area.

Councilor Smith urged Mr. Brostoff to provide information to the Council that would address their concerns relating to the area to be developed and or the City of Keizer in general.

Mr. Brostoff indicated he would be happy to further address 1000 Friends concerns in writing to meet the Council's needs and questions.

Development Team

- **Charlie Marcheck, Ankrom Moisan Associated Architects, Portland-**noted the antidotal stories presented to Council regarding the development and the possible impacts to the city as a whole. He provided a map with a segment of Portland showing the various jurisdictions that have worked in conjunction with each other to develop a successful retail development that worked well with the surrounding residential areas.

Responding to questions Mr. Marcheck indicated that an area, which may have more similarities to Keizer, would be the in Willamette Area.

Steve Ferrarini, 610 SW Alder, Portland-reported that their analysis showed that Keizer had more than enough residential and industrial land over a twenty year period. He indicated the analysis indicated there was not enough commercial land to meet this need over the next twenty-years.

Mr. Ferrarini discounted the Shil's report noting the lack of supporting evidence to meet its claims. He indicated that the team, before the close of the record would provide written testimony pertaining to this information.

Chuck Side, 2555 Hollywood Drive NE, Salem-provided copies of a document with amended language regarding the retail limits. (Exhibit A-78)

Mr. Sides thanked the Council and staff regarding the work done on the project and noted an amendment, which would be presented to the Council regarding the 75/25 split.

Wendi Kellington, Legal Counsel-responding to questions Ms. Kellington indicated that the 25/75 percent split was not needed to comply with statewide planning goals. She addressed additional questions from the Council.

Mayor Christopher continued the public hearing until July 1, 2002.

**b. RESOLUTION-
Adopting City of Keizer
2002-2003 Budget, Making
Appropriations, and
Imposing and
Categorizing Taxes**

Finance Director **Susan Gahlsdorf** reported that the Budget Committee approved the Manager's Recommended Budget on May 14, 2002. The appropriate publications were placed in the local newspaper.

Staff recommended that the Council hold a public hearing, deliberate and adopt the budget with amendments, if any.

Mayor Christopher opened the public hearing.

Public Testimony

Vic Backlund, State Representative-spoke regarding

the Power After School Program. Mr. Backlund spoke in favor of the program and urged the Council to continue their financial support.

Cyndi Astley, 4766 Coloma Drive SE, Salem-Program
Director of the Salem-Keizer Together Community Drug Prevention Network. Ms. Astley provided a brief history of the program and the changes that had taken place within the program with the opening of the new middle school. She noted the dedicated efforts of those involved in making the program work, and their continued attempts to acquire funding.

Ms. Astley urged the Council to continue their financial commitment.

Responding to questions, Ms. Astley indicated that the Power Program augments other programs such as the Boys and the Girls Club, which are unable to handle the number of children that the program now provides services for.

Members of Council spoke in support of the program as a whole, but some Councilors questioned the continued use of city funds for the program.

Councilor Lee suggested a letter of support, or a proclamation, for the program rather than financial support.

Ms. Astley continued to answer questions from the Council pertaining to the program such as fees, scholarships and the continued financial support of Council to allow the program to seek additional in-kind funding.

Mayor Christopher thanked Ms. Astley for her report.

Janet Porter, Chairperson of Keizer Visitor Center Services Committee-spoke in support of the Budget Committee's recommendation that 20% of the Hotel/Motel tax is used to the Keizer Chamber of Commerce/Visitor Center.

Ms. Porter expressed appreciation for the support from

the Council and provided data, which summarized their budget, projected projects for 2002-2003 and accumulated volunteer hours.

Councilor McGee provided a brief history of the Hotel/Motel tax and expressed support of the grant request for the upcoming budget year.

Mayor Christopher thanked Ms. Porter for her testimony, and with no one else wishing to testify she closed the public hearing.

Council President Moir moved to drop the \$1,000 allocated for the POWER Program from the 2002-2003 budget. Councilor McGee seconded the motion.

Council President Moir addressed her motion indicating her decision was due to fiscal reasons within the city's budget and did not reflect on the program.

Councilor Walsh argued for the financial support of the POWER Program. He reasoned that submitting a proclamation in support of the program would not hold the same weight as financial backing.

Councilor McGee differed from Councilor Walsh's comments noting that the issue was not the quality of the program, but rather a philosophical one pertaining to local governments financially supporting social programs.

Mayor Christopher indicated she would be voting against the motion. She noted changes within the structure of the program, which had caused the need for the program to have to rebuild and that the use of these funds was important to help the program succeed. She also strongly felt that the lack of funding would send a message to the community that the Council does not care about children in the community.

Councilor Lee expressed his uneasiness with Mayor Christopher's comments. He indicated he would vote against the motion, but would work diligently to assist the program in acquiring other sorts of funding.

The motion passed as follows:

AYES: Lee, McGee, Moir and Smith (4)

NAYS: Christopher, Gaynor and Walsh (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor McGee requested that the issue with the Lighting District be addressed prior to the adoption of the budget. He went on to summarize the *Street Lighting District Fund Administration Fee Analysis* in 7b of the packet and proposed that his information be passed on indexing and requested that staff address the remaining deficit.

Ms. Gahlsdorf indicated staff involvement was reallocated in this program to address more accurate costs within this fund.

Councilor McGee moved to approve the Resolution to Establish the Administrative Costs for the Formation and Maintenance of Street Lighting Districts (Repealing R99-1106). Mayor Christopher seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Moir moved a Resolution Adopting the FY'03 Budget, Making Appropriations and Imposing and Categorizing Taxes as amended. Councilor McGee seconded the motion.

Responding to questions regarding the financial impact of contracted computer services versus an Information System Specialist Human Resources Director Dianne Hunt noted some of the potential duties for this position and the costs. Her research indicated that the cost for this position would run approximately \$4,680 a month and that the line item used for computer contractual services could fund this position at half time

for twelve months.

Councilor McGee felt that a carefully described job description would need to be outlined before a vote could be taken on this position.

Ms. Hunt agreed that this would need to be analyzed and brought back before Council for review.

Councilor McGee outlined input received during various work sessions. He indicated concern from the public for the need to have additional officers patrolling the streets and felt this position should be filled prior to an administrative position being filled.

Councilor McGee moved a motion as a policy to direct the City Manager to fill the open police position as soon as practical. Councilor Smith seconded the motion.

Responding to questions, Chief Adams indicated the only way to add another police position with the current dollars allocated would be to layoff from another position.

City Manager Eppley indicated that the Council's authority in this type of process would be through the allocation of funds.

Councilor McGee felt it would be appropriate for the Council to address the issue at this time.

Council and staff discussed this topic. City Manager Eppley strongly encouraged Council to request a work session with the police department if they wished to iron out the issues being addressed.

City Attorney Johnson addressed some of the philosophical issues within the budget pertaining to the funding of various positions within the police department. He read excerpts from the City Charter pertaining to powers and duties of the City Manager and the City Council.

Councilor McGee agreed that it would be appropriate to further review the issue in a work session setting.

At this point Councilor McGee withdrew his motion.

Councilor Smith noted the additional planning position written into the budget. She requested that the position be of limited duration and approved on a yearly basis during the budget process.

Councilor Smith moved a motion to make the planning position a six month limited duration position with review at the next budget cycle. Mayor Christopher seconded the motion.

Ms. Hunt cautioned the Council against the six-month duration as the Council would only be analyzing a position that would actually have three months of duty before being reviewed again. She also noted a six-month duration could also have a negative impact on the recruitment process.

City Manager Eppley indicated that the funding be allocated by Council pending approval of classification.

Councilor Smith agreed with this process and withdrew her motion.

Mayor Christopher requested of the Finance Director that this issue be added to the budget notes for future reference.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Christopher recessed the meeting at 9:25 p.m. and reconvened the meeting at 9:30 p.m.

ADMINISTRATIVE ACTION

a. RESOLUTION- Authorization of

Finance Director Susan Gahlsdorf provided a brief outline of Interfund loans and their purpose because of

**Interfund Loans to the
General Fund and Street
Lighting District Fund**

a revenue shortfall.

Council President Moir moved a Resolution
Authorizing Interfund Loans to the General Fund and
Street Lighting District. Councilor Lee seconded the
Motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith
and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

This issue was addressed under the adoption of the
budget.

**b. RESOLUTION-
Establishing
Administrative Costs for
Formation and
Maintenance of Street
Lighting Districts
(Repealing R99-1106)**

**c. RESOLUTION-
Authorizing City Manager
to Enter Housing
Consortium Agreement
with City of Salem
RESOLUTION-
Authorizing City Manager
to Enter
Intergovernmental
Agreement with City of
Salem for Administrative
Housing Rehabilitation
Program.**

Planning Director Maria Meier provided a brief report
regarding the housing partnership between Salem and
Keizer. This was an agreement, which was reviewed
every three years.

Council President Moir moved a Resolution
Authorizing the City Manager to Enter Housing
Consortium Agreement with the City of Salem.
Councilor. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith
and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council President Moir moved a motion Authorizing
the City Manager to Enter Intergovernmental
Agreement with City of Salem for Administrative
Housing Rehabilitation Program. Councilor Smith

CONSENT CALENDAR

seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

- a. RESOLUTION- Certifying that the City of Keizer Provides Four or More Municipal Services
- b. RESOLUTION- Declaring City's Intention to Receive State Revenue Sharing
- c. Approval of Change of License Type and Trade Name for Kat's Korner Billiards and Sports Lounge
- d. Approval of April 22, 2002 Work Session Minutes

Councilor Lee requested that item "c" is pulled from the consent calendar.

Council President Moir moved for approval of the remainder of the items on the consent calendar.

Councilor Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Responding to questions City Recorder Tracy Davis noted that the change of license type and social gaming would be issues dealt with separately. Councilor Lee agreed with this.

Council President Moir moved for approval of item "c" on the consent calendar. Councilor Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith
and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

None

WRITTEN COMMUNICATIONS

AGENDA INPUT

June 10, 2002

5:30 p.m. City Council Work Session

- Marion County Juvenile Facility Tour

June 17, 2002

7:00 p.m. City Council Regular Session

- 2001-2002 Supplemental Budget
- Increasing Sanitation Franchise Fee
- Establishing Sewer Franchise Fee
- Audit Services Agreement

July 1, 2002

7:00 p.m. City Council Regular Session

Mayor Christopher noted the agenda items with Councilor's Lee and McGee noting they would not be in attendance of the July 10th work session.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:20 P.M.



August 5, 2002

AGENDA ITEM 8e

APPROVAL OF JUNE 17, 2002 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, June 17, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:12 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Michel Gaynor, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Richard Walsh, Councilor

Absent:

Judy K. Smith, Councilor

Staff:

Chris Eppley, City Manager
Susan Gahlsdorf, Finance Director
Rob Kissler, Public Works Director
Marc Adams, Chief of Police
Dianne Hunt, Human Resources Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Arthur Burr, 744 Castle Drive North, Keizer-spoke in support of Keizer having a library. He felt the alternatives, with the exception of the threshold library, would be worth looking into and expressed his opinion that a library district would be the best of the alternatives.

Responding to questions Mr. Burr felt it would be advantageous for the city to be involved in the Chemeketa Regional Library system because of the resources it has available.

Jim Schepke, State Librarian, 250 Water Street NE, Salem-expressed thanks to the Task Force for the labor done working towards a library. Mr. Schepke felt the regional library concept would offer the best option for

COMMITTEE REPORTS

the least amount of money.

Mr. Shepke addressed a survey studying the regional library concept and the citizens of Keizer that were part of this survey and their reaction to the concept, which was positive.

Responding to questions Mr. Shepke indicated that there were individuals at the State Library that would be willing to review the report submitted by the Task Force. He continued to address questions regarding a regional library the areas and approximated tax costs that could be included in this concept.

Mayor Christopher thanked Mr. Shepke for his testimony.

a. Naming of "Focal Point"

Councilor Lee provided all the suggested names for he Focal Point, noting the four recommended by the task force, which were *Keizer Center*, *Keizer Corner*, *Keizer Unity Point* and *The Heart of Keizer*. It was suggested that a public hearing be held for input from the community.

It was the consensus of the Council to hold a public hearing regarding this issue on July 1, 2002.

b. Parks Advisory Board Report-Future Funding Proposal

Jim Taylor, 3225 Mayfield Place North, Keizer-Chair of Parks Board provided a copy of the Board's recommendation to request consideration by the Council for a charter amendment to fund parks.

Clark Williams, 1050 Rafael Street North, Keizer-Vice Chair of Parks Board provided a brief history of Keizer parks and the need to adequately fund the system to continue maintenance and the development of the parks system.

Mr. Williams reported that the Board was requesting from the Council the opportunity to take the proposal before the voters. As part of the proposal they would be requesting \$318,000 in funding a year which would include adding two additional full-time employees, the purchase of equipment to allow for many contracted

services, such as mowing, to be done in-house. Mr. Williams also addressed a parks comparable cities worksheet that indicated the majority of these cities were spending five to five and one-half percent on parks maintenance versus Keizer spending of 2.2 percent.

Responding to questions Mr. Taylor stressed the efficiency of doing some of these tasks in-house which would also allow an employee to take more ownership of park.

Councilor McGee expressed concerns regarding the efficiency claims and requested information to back this claim. He also requested additional data to back the need for a charter amendment.

Mr. Taylor indicated the need to have dedicated funds to maintain parks and placing the issue before the voters to see what their needs are in the way of parks would be desirable. He indicated that a charter amendment would lock in the dedicated fund.

Responding to questions City Attorney Johnson addressed the water district charter amendment that allowed monies in this fund to be spent only for water purposes. He indicated this would be the same reasoning behind a parks charter amendment.

City Manager Eppley interjected noting that a charter amendment can only be changed by the vote of the people.

Councilor McGee spoke strongly about the amount being request. He felt \$318,000 was too much to request at one time.

Councilor Walsh felt it was important to let the voters exercise their power to make a decision regarding this issue.

Mr. Taylor indicated that the funding being requested would not exceed the Parks Comprehensive Plan, which was adopted by the Council in 1992.

Councilor McGee stressed that the Master Plan was a guideline to be followed as funding was available and was not a binding contract.

Responding to questions Public Works Director indicated that approximately 50% of the city's parks were developed and he that was unaware of any city that met the national average for parks development.

Mr. Taylor continued to stress the need to adequately fund the city's park system.

With further discussion City Attorney Johnson indicated he could bring further information regarding a charter amendment at the next Council meeting.

Responding to questions Mr. Taylor indicated that the passage of a charter amendment/dedicated fund would take the place of the general fund monies that are currently used for parks.

The Council further discussed issues and information regarding a charter amendment.

Council President Moir moved to direct staff to pursue a charter amendment for dedicated funds and come back with a recommendation of \$318,000 to put a ballot measure on the November ballot for funding of parks for the City of Keizer. Councilor Walsh seconded the motion.

Councilor McGee moved an amendment to the motion from \$318,000 to \$200,000. Councilor Lee seconded the motion.

Speaking to his amendment Councilor McGee felt it was too much of an increase at one time and encouraged an incremental approach to the increase in funding.

Councilor Gaynor indicated he would like to see something set aside for parks, but was unsure at what amount this should be.

Councilor's McGee and Walsh debated the need for

additional full-time employees for the parks system.

Councilor Lee spoke in favor of a dedicated fund, but expressed the need for further justification of the dollar amount and personnel being requested in this proposal.

Mr. Kissler answered questions from the Council regarding current maintenance of the parks, the parks master plan and SDC funds.

The vote on the amendment failed as follows:

AYES: McGee (1)

NAYS: Christopher, Gaynor, Lee, Moir and Walsh (5)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

The main motion passed as follows:

AYES: Christopher, Lee, Moir and Walsh (4)

NAYS: Gaynor and McGee (2)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

- River Cities 2002 Conference/Mid-Willamette River Connection Report- This report was postponed until July 1, 2002.

c. Council Liaison Reports

- **Traffic Safety Commission-**

No report was submitted.

- **Southeast Keizer Resource Center-**

Councilor Lee reported on Friday, June 21st a bilingual magician would be entertaining the children.

- **Emergency Operations Committee-**

Council President Moir reported that CERT training would be taking place with the Fire Department on September 5th. She noted a grant in which Marion County's Emergency Manager would be applying for to develop a single emergency communications channel.

The next meeting of the committee would take place on June 25th.

- ***Claggett Creek Watershed Council-***

Council President Moir reported the project was continuing and she provided a brief outline of what would be taking place.

- ***Planning Commission-***

No report was submitted.

- ***Parks Advisory Committee-***

Council President Moir reported that the committee would continue to seek donations through the city's water bill.

- ***Keizer Urban Renewal Board-***

Councilor Gaynor reported that the City Manager provided a presentation regarding urban renewal. The discussions regarding this would continue at the next meeting scheduled for June 25th at 6:00 p.m.

- ***Community Policing Committee-***

Mayor Christopher reported that in cooperation with Salem various policing organizations would be seeking grant funds to assist with a diverse group of improvements and/or programs.

OTHER BUSINESS

Performance Evaluation

Mayor Christopher noted in Executive Session that the Performance Evaluation was completed for the City Manager. She praised Mr. Eppley for the work he had completed during the past year.

Relay for Life

Mayor Christopher summarized this event for the American Cancer Society and her wish to organize a Council team during next year's event.

Memo Pertaining to Possible Regional Park

City Manager Eppley summarized this memo and requested the Council's input regarding a possible partnership with the state to develop a nature-type of park with the property currently owned by the state.

Police Department Updates

Chief Adams reported that Officer's Bigler and

Copeland graduated from the police academy. He also noted in cooperation with Skyline Ford that child safety seat inspections were available.

Human Resources Update

Dianne Hunt provided an update on the cleaning taking place at City Hall and the Police Department.

Public Works Updates

Public Works Director Rob Kissler requested that due to vision hazards and people parking in the bioswale that "no parking" signs be placed from Alder Drive to Cherry Avenue down to Pleasant View Park. He requested consensus from the Council to come back with a formal action request to do this.

After a brief discussion it was the consensus of the Council for staff to contact the neighborhood association and bring the issue back to Council on July 1, 2002.

Chalmers Jones Park Master Plan

Public Works Director Rob Kissler reported that a draft master plan had been completed for Chalmers Jones Park for the Council's consideration.

Staff recommended adoption of the plan with an additional map showing the existing improvements. Mr. Kissler indicated that funds in the Revenue Sharing Line Item were sufficient to complete the master plan.

A resolution would be brought before the Council on July 1, 2002 for adoption.

Council President Moir moved to direct staff to prepare a Resolution for the July 1, 2002 meeting, adopting the Master Plan for Chalmers Jones Park. Councilor McGee seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

Mayor Christopher recessed the meeting at 9:20 p.m., reconvening at 9:25 p.m.

PUBLIC HEARINGS

a. RESOLUTION-

Transferring

Appropriations for Fiscal year 2001-2002

Finance Director Susan Gahlsdorf noted issues not anticipated during the budget process and the reasons for the need to transfer funds.

Mayor Christopher opened the public hearing.

With no one wishing to testify Mayor Christopher closed the public hearing.

Council President Moir moved Resolution Transferring Appropriations for Fiscal Year 2001-2002. Councilor Lee seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

b. Proposed Sanitation Franchise Fee Increase

Finance Director Susan Gahlsdorf indicated that the public hearing was scheduled to discuss increasing the city's sanitation franchise fee from 3% to 5%.

Staff recommended holding the public hearing, deliberating on the issue and directing the City Manager to amend the Solid Waste Collection Franchise agreement to provide for an annual franchise fee equal to 5% of the Franchisee's gross annual income.

Ms. Gahlsdorf indicated that the local hauler's had requested that any increases take place August 1st opposed to July 1st.

Councilor McGee urged the Council to move forward with the July 1st timeline beginning the City's fiscal year.

Mayor Christopher opened the public hearing.

With no one wishing to testify Mayor Christopher closed the public hearing.

Council President Moir moved to direct the City Manager to amend all Solid Waste Collection Franchise Agreements to Provide for an Annual Franchise Fee Equal to five-percent of the Franchisee's Gross Annual Income Earned within the City of Keizer. Councilor Lee seconded the motion.

Councilor McGee noted the necessity to increase the fees being discussed.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

c. Proposed Sewer License Fee

Finance Director Susan Gahlsdorf provided a brief summary regarding the proposed fee indicating that the fee would generate approximately \$70,000 during the next fiscal year.

Staff recommended opening the public hearing, deliberating and voting on the ordinance.

Mayor Christopher opened the public hearing.

With no one wishing to testify Mayor Christopher closed the public hearing.

Council President Moir moved an Ordinance Relating to Sewer Utilities in the City of Keizer Establishing Utility License Fees; Declaring an Emergency. Councilor Lee seconded the motion.

Responding to questions, Mrs. Gahlsdorf indicated the license fee goes directly into the general fund to support general government services versus an administrative fee, which covers the cost of maintaining utility accounts and staff time to accomplish this.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

ADMINISTRATIVE ACTION

a. Discussion of Library Task Force Report

Library Task Force Chairman Jerry Watson provided an opening statement to the discussion noting the task forces charge and the Council's decision whether to move forward with the information provided.

The Council discussed the history of what had been done pertaining to obtaining library services.

Councilor Walsh summarized the services available at the Reading Connection and the other services available to Keizer residents through the CCRLS program. He did note some of the gaps within the library system, which included a limited number of internet accessible computers, the lack of adult education services that could be included in a threshold library. He went on to address the deficiencies and cost issue within the threshold library and encouraged filling only the gaps within the system and felt the 21st Century Library would fill the needs of library services for Keizer citizens.

Councilor McGee felt it would be important to incorporate any aspect of construction of a library in with the consultant's report regarding the possibility of a civic center. He urged the task force to avoid the November ballot and to embrace the double majority to enable what he called a "true reading" of what the community wants and is willing to pay for.

Councilor Lee agreed with Councilor's McGee and Walsh's comments expressing concern that if a choice for a library were chosen who would carry the message forward to the public acting as an advocate for the cause.

Council President Moir questioned the ability to rent a

building opposed to constructing one.

This issue was debated, with a variety of ideas being added to the discussion. Questions were posed as to whether the Threshold Library would be eligible for "kickbacks" from CCRLS. It was felt that more information was needed pertaining to this option.

Mayor Christopher outlined the pros and cons of a library district, subjugating her agreement with Councilor Walsh's proposal. She went on to state the next step would be to determine whether to agree with the "Gap" Library (21st Century Library) as submitted by the Task Force and then determine how, and when to move forward with a proposal to place on the ballot.

Mr. Watson addressed areas of the 21st Century Library, which he felt would be prudent for a consultant to review. This included staffing, the actual gaps in library services and the differences in the library collection.

Responding to questions Mr. Watson went on to state that his preference would be the district proposal if there were enough support to make this option work.

Jane Kirby, member of the Library Task Force, spoke of her experience as a librarian in the City of Salem and she provided some insight from the knowledge she has gained in this position pertaining to library services. She urged the Council to consider the options for the betterment of the community.

Judy Brown, member of the Library Task Force, urged the Council to allow the citizens of Keizer to vote on whether they felt a library was needed in Keizer.

Councilor Walsh re-addressed some of his earlier comments and the following motion was made.

Councilor Walsh moved to direct staff to come back with a Resolution for Review and Adoption to send a ballot measure to the Keizer citizens to vote on the issue of a "Gap Library" (locally directed branch size library that philosophy is to meet the needs that are not currently being met elsewhere in the community).

Mayor Christopher seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

The Council discussed whether there was a need for a consultant to review the issue. After a brief discussion the Council agreed by consensus to direct staff to come back with a RFP to define the parameters as listed in the 21st Century Library proposal and a fatal flaw analysis. Council would then determine when to place this issue on the ballot.

Mayor Christopher thanked the Library Task Force for their work and discharged them of their duty.

**b. RESOLUTION-
Authorization of
Interfund Loans to the
Revenue Sharing Fund**

Finance Director Susan Gahlsdorf reported that a revenue shortfall was expected to take place within this fund and that staff was proposing an interfund borrowing from the Water Facility Fund to the Revenue Sharing Fund. The loan would be repaid with interest by June 30, 2003 and would not affect any construction projects scheduled from the Water Facilities Fund.

Staff recommended adoption of the resolution.

Council President Moir moved for Adoption of the Resolution Authorization of Interfund Loans to the Revenue Sharing Fund. Councilor Lee seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**c. ORDINANCE-
Regulating Alarm**

City Attorney Shannon Johnson reported that difficulties arising from the implementation of the

**Systems, Requiring
Permits, and Providing
Penalties for False Alarms,
Fees and Penalties for
Ordinance Violations.**

current ordinance had prompted staff to re-evaluate the ordinance.

Councilor Lee expressed interest in having Community Policing to review the ordinance.

Councilor McGee questioned whether the ordinance was meeting its intent.

City Manager Eppley indicated that once the bugs were worked out of the system he would have more accurate information to supply to the Council.

Responding to questions Chief Adams indicated at this time the amount of false alarms had remained fairly consistent, but he felt once the ability to cite an alarm owner became fluent that there would be a significant decrease in the number of false alarms.

Councilor Lee moved a motion to refer the revised Ordinance to the Main Community Policing Committee for review and to forward any further recommendation to the City Council. Mayor Christopher seconded the motion.

Councilor Walsh expressed concerns regarding Sections Three and fifteen. He felt the technicality of an intentional alarm being set should be addressed in the ordinance, under Section Three. He also requested clarification under Section 15, suggesting a fine when caught without an alarm permit and a per- day fine from the date of the original citation.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**d. RESOLUTION-
Authorizing City Manager
to Enter Agreement for
Audit Services for the City**

Finance Director Susan Gahlsdorf reported that the City's contract with Grove, Mueller and Swank P.C. expired and typically at this point a Request for Proposal was solicited for bids. However, with the implementation of the new accounting requirements

of Keizer

(GASB #34) staff felt it would be difficult and costly to introduce a new audit firm into the City's operations.

Staff recommended that the Council authorize the Resolution to enter into the agreement with Grove, Mueller and Swank P.C. extending audit services for the next two years.

Mrs. Gahlsdorf addressed questions from the Council.

Council President Moir moved a Resolution Authorizing the City Manager to Enter Agreement with Grove, Mueller, and Swank PC for Audit Services for the City of Keizer. Councilor Lee seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

e. Municipal Court Judge Compensation Study and Evaluation Process

City Manager Christopher Eppley reported in December 2001 the City Council approved a two-year extension with A. Carl Myers for judicial services for the Keizer Municipal Court. A salary survey conducted in April found the average hourly rate of \$73 per hour.

Pertaining to an evaluation process for the Judge it was recommended that a subcommittee of two City Council members appointed by the Mayor who in turn would review the Judge's performance on an annual basis.

Outlining the fiscal impact City Manager Eppley indicated that funds were available for fiscal year 2002-2003 to cover the increased hourly rate.

Staff recommended that the Mayor appoint a Council subcommittee to review the performance of the Municipal Court Judge as outlined.

Mayor Christopher appointed Councilor's McGee and Moir as the subcommittee to review the Judge's performance and report to the Council prior to July 1, 2002.

**f. Approval of SKAPAC
Minutes from May 23,
2002 Meeting**

With additional discussion Mayor Christopher expressed an interest in the number of citations issued in a month and the number of citations dismissed. She also requested the original amount of the fines and the actual dollar amount imposed by the Judge.

City Manager Eppley recommended that staff makes changes, as necessary, to the minutes and then approve the minutes as amended to be placed in the SKAPAC record by June 24, 2002.

The minutes were addressed and amendments suggested to the minutes and additions to the transcript.

Council President Moir moved for approval of the minutes of the May 23, 2002 SKAPAC meeting of the Governing Bodies as amended. Councilor Lee seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

Council President Moir moved to direct staff to add changes as noted to the SKAPAC meeting of the Governing Bodies transcript of the May 23, 2002 meeting as amended. Councilor Lee seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir and Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

**CONSENT
CALENDAR**

- a. RESOLUTION- Certification of Delinquent Sewer Accounts
- b. RESOLUTION-Authorizing the City Manager to

Enter Agreement with Morse Bros. For
Improvements and Connection of Bike Paths on
River Road (from Country Glen Subdivision to
North City Limits)

Council President Moir moved for approval of the
Consent Calendar. Councilor Lee seconded the motion.

The motion passed as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir and
Walsh (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Smith (1)

WRITTEN COMMUNICATIONS

Mayor Christopher noted a letter from Marion County
requesting a letter of support for the Marion County
Urban Growth Management Project.

Council agreed to review the information and address
during the next meeting.

AGENDA INPUT

July 1, 2002

7:00 p.m. City Council Regular Session

- Chemawa Activity Center/Keizer Station
Plan-Text Amendment/Comprehensive Plan
Change/Zone Change Case No. 01-50
(continued from June 3, 2002)
- Buffalo Pit Restaurant Liquor License
Application Hearing

July 8, 2002

5:30 p.m. City Council Work Session

- Keizer Station Plan

July 15, 2002

7:00 p.m. City Council Regular Session

Mayor Christopher noted the agenda items.

Councilor Walsh noted he would not be in attendance
during the July 1, 2002 meeting.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:39 p.m.



August 5, 2002

AGENDA ITEM 8f

APPROVAL OF JULY 1, 2002 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, July 1, 2002
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
Michel Gaynor, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Staff:

Chris Eppley, City Manager
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Marc Adams, Chief of Police
Dianne Hunt, Human Resources Director
Keith Liden, Consultant
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Mike Strasser, 1795 Chemawa Road NE, Keizer- addressed 7b on the agenda pertaining to a proposed park in this area. Mr. Strasser indicated that there had been problems with vagrants and questioned if there would be law enforcement available for this area. He noted problems with Spongs Landing and addressed issues with parking and flooding. He urged the Council to consider these issues prior to planning a park in this area.

Responding to questions Mr. Strasser indicated he was aware that the area was already designated as a park, but concern with opening the road and allowing vehicle traffic into the area. He continued to exhibit worry that there would not be adequate enforcement to police the area.

COMMITTEE REPORTS

Vince Alvarez, 1850 Chemawa Road-owns the property where the gate was place. He indicated the Department of Transportation placed the gate with his permission and understanding that it would not be used for public access. He re-addressed some of Mr. Strasser's comments.

Responding to questions, Mr. Alvarez expressed his lack of confidence that enforcement would take place routinely in the areas since it was outside the Keizer City limits.

Mayor Christopher thanked Mr. Alvarez for his testimony.

Teresa Landau, 1311 Chemawa Rd North-noted that her concerns were the same as the previous two speakers.

a. Volunteer Coordinating Committee

Councilor McGee noted the new procedures for appointing new volunteers. He also noted that October 22nd had been set as the Volunteer Recognition Ceremony to honor Keizer citizens who had volunteered over the past twenty years.

b. Traffic Safety Commission Appointment

Councilor McGee reported that on June 19th the Volunteer Coordinating Committee reviewed three applications to fill the position vacated by Jeff Hansen. The Board unanimously chose David Dehlin to fill this position (ending December 2002) and recommended him for an additional three-year term. Mr. Dehlin's term would expire in December 2005.

It was recommended that the Council fill the vacancy as recommended by the Volunteer Coordinating Committee.

Councilor McGee moved to accept the recommendation of the Volunteer Coordinating Committee and appoint David Dehlin to the Traffic Safety Commission.
Councilor Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

c. Council Liaison Reports

- **Emergency Operations Committee**

Council President Moir indicated there was nothing new to report.

- **Claggett Creek Watershed Council-**

Council President Moir reported the Council was continuing to work on the wetland project at Claggett Creek.

- **Bikeways Committee-**

Councilor Smith indicated there was nothing to report.

- **Salem-Keizer Area Transportation Study**

No report was provided.

- **Traffic Safety Commission-**

Councilor Lee deferred the report to Councilor Smith who shared that the Commission reviewed and the draft plan of the Gubser Neighborhood Traffic Plan that would be brought before the Council in the near future.

- **Keizer Urban Renewal Board-**

Councilor Gaynor reported that the City Manager and Finance Director provided an "Urban Renewal Class 101" to bring the members up to speed on how urban renewal districts work.

OTHER BUSINESS

- **Charter Amendment for Park Funding**

City Attorney Shannon Johnson addressed information pertaining to a charter amendment. He summarized options and asked for direction from the Council regarding the structure of the charter amendment.

Staff and Council discussed whether to include a specific dollar amount in the amendment and whether to include an accompanying resolution, which would be reviewed annually. Mr. Johnson indicated the draft

would be brought before the Council for review and debate.

After discussion it was the consensus of the Council to direct staff to formulate a charter amendment without a dollar amount and to include an accompanying resolution.

- **Junior Miss Winner**

Mayor Christopher congratulated America's Junior Miss Winner, Amy Kerr who is a resident of Keizer and a recent graduate of McNary High School. She extended an invitation to Ms. Kerr to attend the next Council meeting to receive a proclamation in her honor.

- **Ad Hoc Task Force**

Mayor Christopher reported that she had appointed an ad hoc task force Keizer 23 Television. This would be a task force comprised of Councilor Gaynor, Mayor Christopher, Cathy Clark, Christopher Eppley and Counsel Shannon Johnson. The purpose of the task force is to establish guidelines for what will be aired on Channel 23.

- **Law Enforcement Levy**

City Manager Eppley reported that at Council's direction he had drafted a letter of support to Marion County regarding the pending levy.

It was the consensus of the Council to direct City Manager Eppley to submit the letter to the County.

PUBLIC HEARINGS

a. Naming of Focal Point Area

City Manager Eppley reported that the Focal Point Task Force met on June 10, 2002 to review the suggested names submitted for the area. Suggested names were submitted and staff recommended conducting the public hearing and selecting a name for the Focal Point area.

Mayor Christopher opened the public hearing.

With no one wishing to testify Mayor Christopher closed the public hearing.

Councilor Lee reported that the Task Force had narrowed the suggested names down to four. These suggestions included *Keizer Unity Point, Keizer Center, Keizer Corners and the Heart of Keizer.*

Councilor Gaynor moved a motion to name the focal point area "Keizer Corners". Mayor Christopher seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. Buffalo Pit Liquor License Application

City Manager Eppley reported on June 11, 2002 Paul Wittenberg submitted an application for a Limited on-Premises Sales liquor license for the Buffalo Pit Restaurant located at 5024 River Road North, Keizer, Oregon. The required notices and background checks were conducted and made available to the Council.

Staff recommended that Council conduct the public hearing and approve the application for the Limited On-Premises liquor license for the Buffalo Pit Restaurant.

Mayor Christopher opened the public hearing.

With no one wishing to testify Mayor Christopher closed the public hearing.

Council President Moir moved to approve the liquor license application for the Buffalo Pit Restaurant and forward the recommendation to the Oregon Liquor Control Commission. Councilor Lee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

**c. Chemawa Activity
Center/Keizer Station
Plan-Text
Amendment/Comprehensive
Plan Change/Zone
Change Case No. 01-50
(continued from June 3,
2002)**

ABSENT: None (0)

Planning Director Maria Meier reported that on June 3, 2002 the Keizer City Council continued the public hearing until July 1, 2002. She noted additional exhibits and summarized the potential design standards as requested by the Council.

Staff recommended that the potential design standards be reviewed leaving the record open until a date as determined by the Council.

Mayor Christopher opened the public hearing.

Public Testimony:

Brenda Breckner, Confederated Tribes of Siletz, 201 SE Swan Avenue, Siletz, OR-speaking on behalf of the Siletz and Grand Ronde Tribes requesting consideration of comments for the proposed zoning in Area "D" of the Keizer Station Plan. Ms. Breckner summarized a letter with the Tribes recommendations and submitted a copy for the record.

Mayor Christopher thanked Ms. Breckner for her testimony.

Karen Trucke, 6330 14th Avenue NE, Keizer-distributed and read a letter urging that the Council consider two main routes for the city, by reversing the roles of Chemawa Road and Lockhaven.

Bill Wolf, 6629 Jacobe Street, Keizer-spoke in opposition to the proposed development with the additional retail zoning. Mr. Wolf requested as part of the design that there be no access to Tepper Lane beyond the 200-foot limit and that methods be placed to "hide" the intersection from view of the development, which he felt would help to alleviate additional traffic to this area. He also requested that general industrial be removed from the area that borders residential areas.

Responding to questions, Mr. Wolf indicated he would rather see the area proposed as general industrial to be zoned industrial business park.

Planning Director Maria Meier noted additional language, which was being proposed to alleviate traffic concerns in the Tepper Lane area.

Tom Champagne, 1000 Friends of Oregon, 388 State Street, Salem-addressed the retail vacancy rate along River Road. He felt the plan lacked the ability to renew River Road and suggested that the amount of retail in the proposed development be reduced to help assist with the revitalization of River Road. Mr. Champagne went on to speak in opposition of the proposed development and requested that the Council wait on a proposal, which he felt was more consistent with the Comprehensive Plan.

Sid Friedman, 1000 Friends of Oregon, 388 State Street, Salem-re-addressed his testimony from earlier meetings noting studies which had been provided. He encouraged design standards that assured a pedestrian and transit friendly environment.

Mr. Friedman supplied written testimony as a transportation addendum comparing the traffic generation of the existing zoning and the staff alternative plan during the peak hour for retail of Saturday afternoon. He indicated that under the staff's proposal that Saturday peak traffic generation would be 43-51% higher.

Responding to questions from Council Mr. Friedman indicated from an earlier vacancy study with north Salem removed from this ratio actually increased the percentage of vacancy rates in Keizer. He was unable to provide this information in writing.

Doug Parrow, 6782 Amy Lane NE, Keizer-addressed discussions between the Planning Commission and Mr. Stanley on January 9, 2002 regarding Mr. Stanley's comments that to achieve build-out in the area of the development that Lockhaven would have to be increased to five lanes. Mr. Parrow noted the TSP and Lockhaven Drive's current street designation. He indicated although the TSP (Transportation System Plan) did not list additional improvements to Lockhaven that the designation allowed for this to take

place.

Mr. Parrow suggested that additional language be added to the master-planning requirement that would include a schedule and detailed funding plan for the construction and operation of an aquatic center, a sports complex, a library and a commuter railroad to Wilsonville. He requested that the funding plan include an assessment to the businesses developed through the plan.

Frank Angelo, 620 SW Main Street, Portland, OR-distributed Exhibit A-85 and raised concern regarding the twenty-five percent (25%) of the EG (Employment General Zone) being dedicated to industrial uses. He noted the development's team's request that this requirement be removed. Mr. Angelo addressed the difficulties, which the team felt this requirement would involve during the master planning process.

Mr. Angelo went on to note the overall square feet of retail being proposed in the plan at 975,000 square feet.

Responding to questions, Mr. Angelo indicated the team's preference of the removal of the twenty-five percent restriction, opposed to making an adjustment to the ten-percent cap on office space in the Employment General Zone.

Wendie Kellington, P. O. Box 1930, Lake Oswego, Attorney representing Northwest National LLC-re-addressed Mr. Angelo's comments pertaining to the team's request for the removal of the twenty-five percent industrial requirement in the Employment General Zone.

She expressed her agreement with the suggestion that the record remain open until July 15, 2002 and noted that additional materials that would be made available pertaining to Goal Nine.

Responding to questions regarding the objection to the twenty-five percent limitations Ms. Kellington indicated this would reduce the flexibility in the master planning process.

Planning Director Maria Meier urged the Council, if accepting the 975,000 square feet limitation as proposed by the development team, that Council takes into consideration how the land would be used and issues pertinent to this.

Ms. Kellington interjected that this was a global comprehensive planning designation. She felt the master planning process would be a more appropriate arena to address these issues.

Mayor Christopher thanked everyone for his or her testimony and continued the public hearing until July 15, 2002.

The meeting was recessed at 9:00 p.m. and reconvened at 9:15 p.m.

ADMINISTRATIVE ACTION

a. RESOLUTION-Intent to Develop 21st Century Library in the City of Keizer

City Attorney Shannon Johnson reported at the last Council meeting staff was directed to prepare a "philosophical" resolution indicating the Council's intent to move forward with the 21st Century or "gap" library.

Mr. Johnson offered to answer questions from the Council.

Councilor Walsh moved a motion in the Matter of Resolution of Intent to Develop "21st Century" Library in the City of Keizer with the following amendments to page one line 15 "refer to the voters the question of whether to establish a "21st Century Library" within the City of Keizer and page two line one to read, "Be it further resolved that the City Council directs staff to investigate the potential of CCRLS participation and funding options and to report back to the Council on a timely basis. Councilor McGee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. Partnership with
Oregon Parks and
Recreation for Potential
Park in West Keizer**

City Manager Christopher Eppley reported that the Oregon Parks and Recreation Department owns two parcels of ground totaling approximately 85-acres to the west of the Keizer city limits.

At the request of Council Mr. Eppley met with OPRD to discuss partnership opportunities pertaining to this property. Mr. Eppley indicated that the OPRD displayed an interest in such a partnership with the following caveats;

- The property must be utilized as a park
- The property must be accessible for use by the public
- OPRD recommended use of the ground with minimal enhancements and in a natural state.

Mr. Eppley outlined concepts in which the natural area could be used as a limited use park.

Staff recommended that the Council review the issue and direct staff regarding exploratory options.

Council President Moir moved to direct staff to thoroughly explore funding methods for capital improvements and legal issues surrounding all options included in the staff report and including the issues raised by the residents, and input from the Keizer Parks Advisory Board. Councilor Gaynor seconded the motion.

Responding to questions Chief Adams indicated that any additional acreage to patrol would be difficult with the limited manpower available.

Council discussed the issues that they felt would need to be addressed in the process, ownership and financial control were outlined.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

**c. Approval of SKAPAC
Minutes from May 23,
2002 Meeting**

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

City Attorney Shannon Johnson reported he was seeking approval of the May 23, 2002 SKAPAC minutes as amended by his June 27, 2002 memo. Copies of this memo were also provided to the other jurisdictional bodies.

Mr. Johnson answered questions from the Council.

Council President Moir moved for approval of the SKAPAC minutes from May 23, 2002 as amended as outlined by City Attorney Johnson. Councilor Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**CONSENT
CALENDAR**

- a. RESOLUTION-Authorizing the City Manager to Enter Lease Agreement for Police Department Vehicles
- b. ORDER-Solid Waste Franchise Fee Increase

Council President Moir moved to approve the Consent Calendar. Councilor Lee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Kelly, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**WRITTEN
COMMUNICATIONS**

Mayor Christopher read the events from the Keizer 20th Anniversary Celebration.

AGENDA INPUT

July 8, 2002

5:30 p.m. City Council Work Session

- Keizer Station Plan

July 15, 2002

6:30 p.m. Executive Session

- Developing Protocol for Judge's Evaluation

7:00 p.m. City Council Regular Session

- RFP to Further Explore 21st Century Library Proposal
- Resolution-No Parking on Portion of Alder Drive
- Adoption of Chalmers Jones Park Master Plan-Public Hearing
- Comprehensive Plan Map Designation Interpretation Hearing

August 5, 2002

7:00 p.m. City Council Regular Session

- City of Salem Presentation on Satellite Treatment Plant

Mayor Christopher noted the agenda items.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 9:45 p.m.



August 5, 2002

AGENDA ITEM 8g

APPROVAL OF JULY 8, 2002 WORK SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
WORK SESSION
Monday, July 8, 2002
Keizer City Hall, Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the work session to order at 8:30 a.m. Roll call was taken as follows:

Present:

Lore Christopher, Mayor
Jacque Moir, Council President
Judy Smith, Councilor
Charles Lee, Councilor

Absent:

Michel Gaynor, Councilor
Jerry McGee, Councilor
Richard Walsh, Councilor

Staff:

Chris Eppley, City Manager
Maria Meier, Planning Director

Mayor Christopher announced the Council would proceed via automobile to visit various development sites in the Portland/Metropolitan area.

The sites included:

**Tualatin
Commons**

Center of Tualatin at old Hervin pet food factory.

LO Business Park

West side of I-5 at LO exit between Bed, Bath & Beyond on the South and Home Depot on the North.

Orengo Station

Hillsboro off of HWY 26, South on Cornelius Pass Road at Butler Street.

Waterfront Place	Downtown Portland at approximately South Waterfront Street and North Macadam Street.
NW Portland	Downtown Portland approximately at Glisan Street and between 21 st and 23 rd Streets.
Jantzen Beach Shopping Center	West of I-5 at the Oregon/Washington Border on the Oregon side, near the Expo Center.
Airport Way East	I-205 and Airport Way East
Mall 205	I-205 and SE Washington Street.
Woodburn Outlet Mall	West side of I-5 at Woodburn exit.

Chris Eppley, City Manager indicated these sites were chosen because of their different development characteristics and design types. He noted this information gathering tour is being scheduled in conjunction with the Chemawa Activity Center/Keizer Station Plan land use case currently under review by the City Council.

The Council departed from the Keizer City Hall complex at 8:35 a.m.

ADJOURNMENT

The tour concluded at Keizer City Hall and was adjourned at 3:24 p.m.

Tracy L. Davis, CMC
City Recorder

APPROVED:

Lore Christopher-Mayor



August 5, 2002

AGENDA ITEM 8h

APPROVAL OF JULY 15, 2002 REGULAR SESSION MINUTES

MINUTES
KEIZER CITY COUNCIL
Monday, July 15, 2002
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the regular meeting to order at 7:03 p.m. Roll Call was taken as follows:

Present:

Lore Christopher, Mayor
Michel Gaynor, Councilor
Charles E. Lee, Councilor
Jerry McGee, Councilor
Jacque Moir, Council President
Judy K. Smith, Councilor
Richard Walsh, Councilor

Staff:

Chris Eppley, City Manager
Rob Kissler, Public Works Director
Maria Meier, Senior Planner
Mark Miranda, Captain
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

Ken Layton, 2786 Claxter Road NE, Salem 97303-spoke highly of the Keizer police department. He complimented them on their professionalism.

Terry Teets, 1846 Kinglet Way NE, Keizer
Robert Arnsmeier, 1766 Kinglet Way NE, Keizer
Robert Wassermann, 1866 Kinglet Way NE, Keizer-as a group expressed concern regarding individuals riding ATV's causing excessive noise and dust. Responding to questions Mr. Teets indicated that the area where this was taking place was at 1690 Chemawa Road. They requested assistance from the Council to help alleviate the problem.

It was the consensus of Council to request that staff review code enforcement actions and ordinances to see if the dust issues could be addressed. Staff is to report back to the Council August 5, 2002.

COMMITTEE REPORTS

**a. PROCLAMATION- National Kids Day
(August 4, 2002)**

Mayor Christopher read the proclamation declaring August 4, 2002 as National Kids Day.

b. River City 2002 Conference Report/Mid Willamette River Connection

Richard Bastashch Executive Director Willamette Restoration Initiative- provided a presentation regarding the Mid-Willamette River Connections Effort. This included a wide variety of affiliations to engage the community with the Willamette River covering approximately 80 river miles.

Mr. Bastashch summarized some of the projects in nearby cities, which are revitalizing the use of the Willamette River. Also noted was the Initiative's desire to gather and share information by a wide group of people and agencies, and to organize the ability to seek various types of funding for the project.

Responding to questions Mr. Bastashch indicated since Keizer had not specified its connection to the river that River Navigator Jeske had not allotted funding to the city, although this could be amended if there was an interest in the plan.

Councilor Walsh moved a motion for approval of the allocation of \$500.00 to go towards the Willamette River Restoration Project. Councilor Gaynor seconded the motion.

Mr. Bastashch noted that the primary expense, at this time, was for appropriate mapping.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

- c. **Council Liaison Reports-** The reports were deferred until the August 5th meeting.

- Parks Advisory Board-Council President Moir
- Planning Commission-Councilor Walsh
- Chamber of Commerce Governmental Affairs-Councilor Walsh
- Mid Willamette Valley Area Commission on Transportation-Councilor Smith
- Volunteer Coordinating Committee-Councilor McGee
- Community Policing Committee-Mayor Christopher

OTHER BUSINESS

Police Updates

Captain Miranda noted the Cadet Academy that the city was hosting. Also noted was the National Night Out scheduled for August 6th, upgrades to the Police Department's radio system and the Reserve Recruitment taking place.

Update on Judge's Evaluation

Councilor McGee noted the evaluation and the process being developed, which would be presented to the Council and upon approval the judge's evaluation would be held in Executive Session on August 19, 2002.

Major/Minor Variance Issue

Councilor Walsh requested consensus from the Council to forward his letter of June 10th to the Planning Commission for review of this policy.

It was the consensus of the Council to refer this information to the Planning Commission for review.

Naming of Focal Point

Councilor McGee noted discontentment from various individuals regarding the process of naming the Focal Point. He suggested that a reconsideration of the title take place, with the formal naming of the focal point taking place after completion of the project.

Councilor McGee moved a motion to reconsider the decision on the naming of the focal point area at the corner of Chemawa and River Road. Councilor Smith seconded the motion.

Responding to questions Councilor McGee elaborated that citizens expressed an interest in having more time to deliberate the naming of the focal point.

Councilor's Lee and Smith concurred with Councilor McGee's comments.

The motion passed as follows:

AYES: Lee, McGee, Moir, Smith and Walsh (5)

NAYS: Christopher and Gaynor (2)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor McGee reported that groundbreaking ceremonies would take place for this project on Wednesday, July 17th at 1:30 p.m.

Vendor's Ordinance

Councilor McGee relayed concerns from citizens regarding weekend vendors along River Road.

Planning Director Maria Meier offered to address this issue further with Councilor McGee at a later date.

PUBLIC HEARINGS

a. Appeal of Partition Case No. 02-19 (872 Cummings Lane)

Planning Director Maria Meier reported that the Zoning Administrator with conditions of approval approved Partition Case No. 02-19. The applicant appealed the decision to the Hearings Officer, whereas on June 27, 2002, after conducting a public hearing the Hearings Officer rendered a decision to deny the appeal request. Mrs. Meier indicated that Council must render a decision by no later than August 16, 2002.

Staff recommended that the public hearing be conducted with the Council approving the case with the conditions as outlined by the Zoning Administrator.

City Attorney Shannon Johnson read the applicable criteria and procedures for the hearing. The Council raised no conflicts of interest, ex parte contacts or bias.

Mayor Christopher opened the public hearing.

Testimony:

Duane Doyle, 821 Cummings Lane, Keizer-spoke in favor of the applicant's appeal. He did not agree with the recommended turn-around which he felt would ruin the view from his home. Mr. Doyle noted the ability for emergency vehicles maneuver without the recommended turn around.

Mark Grenz, Multi Tech Engineering, 1155 13th Street NE, Salem-speaking as the project engineer, Mr. Grenz indicated that the impact from the project would be one additional home and he believed this impact was disproportionate to what was being required of the applicant.

Mr. Grenz went on to address the applicant's alternative proposal, which he believed would address staff's concerns. He answered questions regarding the staff's recommended turnaround versus the hammerhead type of turnaround that the applicant considered less intrusive to the area.

City Attorney Johnson addressed the Council's inquiries regarding altering a decision that was based upon the legal preface of the Development Code.

Planning Director Maria Meier urged the Council to move cautiously when addressing serial partitioning and binding future applications for improvements.

Mr. Grenz commented on questions from Council noting the applicant's constraints on the property that would be addressed in later testimony.

Responding to questions about the hammerhead design, City Engineer Bill Peterson indicated that the design was consistent with the Development Code Infill designs. He went on to indicate due to the length of the street that a turnaround was desirable.

Council President Moir addressed Exhibit A noting a partial turnaround towards the end of the lane.

Mr. Peterson indicated that a turnaround at the far west

end towards the park would not be feasible, as it would not be able to meet the required standards. He answered additional questions from the Council.

R. Cook Cloninger, 4465 Shoreline Drive, Keizer- spoke in support of the applicant's proposal to enable the area to be cleaned up.

John Lottis, 802 Riverglen Drive North, Keizer- speaking as the applicant he noted an agreement between he and Mr. Cummings, the individual whom Mr. Lottis was buying the property from. Mr. Lottis summarized Mr. Cummings attempt to bind the applicant's ability to convey any property to a city or state agency. This eliminated the possibility of the applicant conveying the property required for the suggested turnaround. He noted the proposal offered an easement, which would allow him to retain ownership.

Mr. Lottis addressed questions pertaining to the possible future development of the property. He felt the possibility of six home being built on the property would not take place because of the location and configuration of the lots. Mr. Lottis expressed his belief that staff's requirement would severely impact the aesthetic value of the home that was to be built in that area.

City Attorney Johnson answered questions regarding easements, conveyances and dedications. The issue of the sidewalk was also discussed with Mrs. Meier indicating that the requirement for the sidewalk would be for the parcels in the subject property only.

Public Works Director Rob Kissler indicated if the hammerhead was chosen that street improvements would be needed in front of parcel two and a portion of parcel three. If the turnaround were approved sidewalks would be required around the turnaround and the frontage to the east on parcel two.

Responding to Mr. Lottis's questions the City Engineer indicated that the sidewalk could be built inside of the existing right-of-way without a dedication. Mr. Lottis

noted that if this were the case he would develop the sidewalk as discussed.

Rod Conway, Keizer Fire District, Deputy Fire Marshall-responding to Council's questions Deputy Fire Marshall Conway indicated the preference of the Fire District to remain with the required turnaround. He expressed concern with using driveways as a turnaround and parking and maintenance issues with the hammerhead.

Mr. Grenz clarified that the location of the proposed hammerhead would benefit police and fire and act as the driveway for parcels one and two.

With no further testimony Mayor Christopher closed the public hearing.

Council and staff discussed the details of what would be needed in the motion and the following motion was made:

Councilor McGee moved to direct staff to bring back and Ordinance which allows for a hammerhead type improvement that is built to strength standards to support fire vehicles, signage for no parking and verbiage outlining the responsibility for maintenance of this area. The Ordinance shall include the sidewalk, the requirement that the well on parcel three would be allowed for irrigation purposes only on that parcel and other conditions of approval as contained in the staff recommendation. Mayor Christopher seconded the motion.

Mr. Kissler offered an alternative to the suggested hammerhead, which the Council took into consideration.

Councilor Smith spoke in opposition to variances as a whole, but indicated she would vote in favor of this motion due to the information presented.

Councilor Walsh disagreed with the proposed motion, as there were no rules that governed the motion. He indicated if these conditions were part of the code that

he could reconsider his vote.

Councilor McGee urged support of the motion, which would help to alleviate a situation that he believed, had affected the applicant as well as the surrounding community.

Public Works Director Rob Kissler reminded the Council that the uniform fire code states an access in excess of 150-feet is required to have a turnaround.

The motion passed as follows:

AYES: Christopher, Lee, McGee and Moir (4)

NAYS: Gaynor, Smith and Walsh (3)

ABSTENTIONS: None (0)

ABSENT: None (0)

**b. Chemawa Activity
Center/Keizer Station
Plan-Text
Amendment/Comprehensive
Plan Change/Zone
Change Case No. 01-50
(continued from July 1,
2002)**

Mayor Christopher continued the public hearing from July 1, 2002.

Planning Director Maria Meier recommended that Council accept additional testimony and to extend the record for written testimony until July 31, 2002. She also noted that the SKAPAC record was not complete and that the record had been extended until July 19, 2002 to receive additional submissions from the City of Salem.

Councilor McGee stressed if the extension was due to the SKAPAC process that he strongly disagreed with the delay. He emphasized that he did not believe the city was required to hold the SKAPAC process and to delay the process further because of a single word in the minutes was inappropriate.

Mayor Christopher noted the elected officials met and were directed by Counsel to approve the same set of minutes.

Testimony:

Cliff Adams, PO Box 38, Grand Ronde, OR 97347- speaking as the general manager of the Confederated Tribes of the Grande Ronde he addressed Area D which is owed by the Grande Ronde and Siletz Tribes. Mr. Adams provided and read a list of amendments to earlier testimony from the Tribes, which he requested

be placed into the record and were listed as Exhibit A-88.

Responding to questions Planning Director Maria Meier would analyze the proposal and submit her findings to the record.

Steve Ferrarini, 610 SW Alder, Portland, OR 97205- submitted additional information to the record that included:

- An Economic Opportunities Analysis
- Response to comments made by 1000 Friends including *The Shils Report* and vacancy rates in Keizer
- A recalculation regarding the number of jobs in the Keizer Station Plan
- A calculation of residential land capacity
- A memo outlining the methodology used to determine commercial and retail development
- Revised Retail Analysis

The listed documentation was noted as Exhibits A-89 through A-97.

Sid Friedman, 1000 Friends of Oregon, 388 State Street, Oregon-reiterated the organization's opposition to the original and staff alternative Keizer Station Plan.

Mr. Friedman commented on the design standards noting these standards could enable a more vibrant neighborhood development if the percentage of retail in the plan was reduced. He suggested no more than 25% retail, 50% residential and 25% office uses. He submitted additional suggested details for the design standards including shared parking, street light features and to set the FAR (Floor Area Ratio) higher than the current .25.

Responding to questions Mr. Friedman indicated of the locations visited by the Council that the Orenco Station or the south waterfront development would be realistic development models.

Wendie Kellington, Attorney, PO Box 1930, Lake Oswego, OR- provided a memo from Chris Stanley summarizing the methodology used in the peak hour

traffic analysis.

Ms. Kellington supplied a synopsis of the Development Team's analogy to the staff's recommended plan, the suggested design standards and Salem's issues, which would be addressed by staff. (Exhibit A-99) She addressed questions from the Council pertaining to the design standards stressing that she believed this issue would be reviewed during the master planning process, which would include input by staff and the development team.

Council briefly discussed the master planning process.

Responding to questions City Manager Eppley indicated that the pictures from the trip to Portland would be available for review in the near future.

Mayor Christopher closed the public hearing for oral testimony with the written record remaining open until July 31, 2002. Deliberations were scheduled to begin on August 5, 2002.

**c. Comprehensive Plan
Map Interpretation for
Property Located at 1355
Alder Drive NE**

Planning Director Maria Meier reported that the property owner, Jamie Jenniches, had requested a Comprehensive Plan map interpretation of his property after disagreeing that his property was zoned LDR (Low Density Residential). Mrs. Meier indicated that the applicant believed his property was zoned (MHDR) Medium High Density Residential similar to the property west of the subject property.

Mrs. Meier noted staff's interpretation of the map and recommended that the Council evaluates and makes a formal interpretation of the Comprehensive Plan Map designation for the subject property. Staff also recommended that staff be directed to prepare an order for adoption pertaining to the Council's decision.

Mayor Christopher opened the public hearing.

City Attorney Shannon Johnson explained the applicable criteria and procedures for the hearing. With no objections to the general provisions of the Development Code. He also asked the Council for any exparte contacts, conflicts of interest or bias to be

disclosed.

Councilor Walsh asked to abstain from the discussion and the vote on this issue, noting that Mr. Jenniches was a previous client pertaining to other issues.

Testimony:

Jamie Jenniches, 1355 Alder Drive, Keizer-indicated that he had been led to believe upon purchase of the property that this land did fall within the Comprehensive Plans Rezone Designation, which the Planning Department did not agree with.

Mrs. Meier explained the method used to make her determination, indicating that the Comprehensive Plan Map should not be used to reach a conclusion as it was not prepared to scale. Mrs. Meier addressed the exhibits that included the Comprehensive Plan Map a Marion County Tax Assessor's Map, a GIS Comprehensive Plan Map and the Adopted/Old Zoning Map and how this information allowed her to reach her conclusion.

Responding to questions Mrs. Meier noted on the infill map that the property in question was designated as Low Density Residential.

Mr. Jenniches rebutted staff's interpretation noting that the previous Planner, Skip Wendolowski, agreed with Mr. Jenniches interpretation.

Mrs. Meier indicated that the Planning Department would be glad to work with Mr. Jenniches if the Council felt the process for a zone change would need to take place to meet the applicant's needs.

With no additional testimony Mayor Christopher closed the public hearing.

Councilor President Moir moved a motion to direct staff to prepare an Order upholding the decision of the Zoning Administrator. Councilor Smith seconded the motion.

The motion passed as follows:

**d. ORDINANCE-
Renaming of Alder Street
NE to Alder Drive NE**

AYES: Christopher, Gaynor, Lee, McGee, Moir and Smith (6)

NAYS: None (0)

ABSTENTIONS: Walsh (1)

ABSENT: None (0)

Planning Director Maria Meier noted the request was to change a portion of Alder Street to Alder Drive for emergency services purposes.

Mayor Christopher opened the public hearing.

With no one wishing to testify the public hearing was closed.

Council President Moir moved a Bill for an Ordinance in the Matter of Renaming Alder Street NE, Keizer, Marion County, Oregon; Declaring an Emergency. Councilor Lee seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**e. RESOLUTION-
Adoption of Chalmers
Jones Park Master Plan**

Public Works Director Rob Kissler reported on June 17, 2002 that the Council was presented with the Chalmers Jones Park Draft Master Plan. The requested map was included with recommended adoption by the Parks Advisory Board.

Mr. Kissler noted that funds in the Revenue Sharing Budget were adequate to cover costs for printing and final maps costs.

Staff recommended adoption of the Resolution.

Mayor Christopher opened the public hearing.

With no one wishing to testify Mayor Christopher closed the public hearing.

Council President Moir moved a Resolution Adopting a

Master Plan for Chalmers Jones Park. Councilor Lee seconded the motion.

Councilor McGee recommended a friendly amendment to the Resolution to say that the Master Plan, "may be" financed by Systems Development Charges. Council President Moir accepted the amendment.

Mr. Kissler responded to questions pertaining to the designation of funds for the project and a proposed list of Capital Improvements.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

None

CONSENT CALENDAR

- a. **Scheduling Public Hearing for August 5-Recovery of Cost for Removal of Dangerous Building at 4915 Rickman Rd NE, Keizer**
- b. **Approval of April 15, 2002 Regular Session Minutes**
- c. **Approval of May 6, 2002 Regular Session Minutes**
- d. **Approval of May 20, 2002 Regular Session Minutes**
- e. **Approval of May 28, 2002 Work Session Minutes**
- f. **Approval of June 3, 2002 Regular Session Minutes**

Councilor Smith requested that item "d" is pulled from the Consent Calendar.

Council President Moir requested that item "f" is pulled from the Consent Calendar.

Council President Moir moved for approval of the

remaining items on the Consent Calendar. Councilor Smith seconded the motion.

The motion passed unanimously as follows:

AYES: Christopher, Gaynor, Lee, McGee, Moir, Smith and Walsh (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Smith requested that the tape from the May 20, 2002 be reviewed for the addition of a statement from one of the consultants from Northwest National LLD regarding clarification of a statement made regarding widening Lockhaven.

Councilor Moir noted a typo in the June 3, 2002 minutes, which she requested be changed and brought back to the Council for approval.

WRITTEN COMMUNICATIONS

League of Oregon Cities/QWEST Litigation

Mayor Christopher read a letter from the League of Oregon Cities requesting one-percent of the cities annual telephone franchise receipts, approximately \$1,000, to assist with continuing litigation pertaining to QWEST.

It was the consensus of the Council to contribute \$1,000 towards the continuing litigation.

Marion County Growth Management Plan

Mayor Christopher read a letter from the County requesting support of this plan via a letter of which a sample was provided.

Councilor McGee suggested a letter of support for planning minus specifics and noting appreciation of the County's efforts. He and Councilor Smith expressed concerns regarding some of the contents of the plan.

Keizer's 20th Anniversary Celebration

Mayor Christopher noted the events taking place on July 20, 2002 from 11:00 a.m.-6:00 p.m. to celebrate the city's 20th birthday.

AGENDA INPUT

August 5, 2002

7:00 p.m. City Council Regular Session

- City of Salem Presentation on Satellite Treatment Plan
- Community Policing Resolution
- Designating No Parking on Alder Drive-Public Hearing
- Thai Lotus Liquor License Application Hearing
- Keizer Mart Liquor License Application Hearing

August 12, 2002

5:30 p.m. City Council Work Session

August 19, 2002

7:00 p.m. City Council Meeting

- Water Task Force Final Report and Recommendation

Mayor Christopher noted the agenda items.

ADJOURNMENT

Mayor Christopher adjourned the meeting at 11:47 p.m.

Cindy Perry- Recording Secretary

APPROVED:

Lore Christopher- Mayor

COUNCIL MEMBERS:

Councilor #1 - Judy K. Smith

Councilor #4 - Jacque Moir

Councilor #2 - Michel Gaynor

Councilor #5 - Richard Walsh

Councilor #3 - Charles E. Lee

Councilor #6 - Jerry McGee

Minutes approved:



August 5, 2002

AGENDA ITEM 9a

LETTER TO MARION COUNTY COMMISSIONERS – URBAN
GROWTH MANAGEMENT FRAMEWORK PROJECT



City of Keizer

Phone: (503) 390-3700 • Fax: (503) 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 5, 2002

Mike Ryan, Marion County Commission Chairperson
Randy Franke, Marion County Commissioner
Patti Milne, Marion County Commissioner
Courthouse Square
PO Box 14500
555 Court Street, NE
Salem, OR 97309-5036

Dear Marion County Board of Commissioners:

The City of Keizer wishes to express our willingness to participate in the Marion County Urban Growth Management Framework project. It is clear that all jurisdictions will be impacted as growth trends continue to rise in the future. Increased population will create additional demands on housing stock, transportation systems and other vital infrastructure like water and wastewater systems. Additionally, as large vacant tracts within existing urban growth boundaries are consumed by development and become scarcer, jurisdictions will be faced with important planning decisions on issues like density, infill, redevelopment, design types and urban growth boundary expansions.

Keizer agrees to work with the County through the Marion County Urban Growth Management Framework project to facilitate a coordinated discussion between jurisdictions within Marion County regarding regional planning issues and Oregon State planning law requirements. We are committed to participating in future discussions with other cities and the County so as to promote planned growth, development and public investment, enhanced quality of life, conservation of the environment, and the increased economic viability of all jurisdictions within Marion County. Additionally we acknowledge that a coordinated countywide effort is an efficient means of exploring interjurisdictional land use and transportation planning issues so as to improve our understand of the impacts of growth and development on a regional basis.

We agree to review and consider goals, standards, intergovernmental agreements, policy recommendations and programs that promote a collaborative approach to developing solutions to growth issues facing the County and other cities. We believe that effective solutions should be flexible, reflect local community values and promote local control for decision making while identifying issues that can benefit from a coordinated city/county approach toward resolution.

"Pride, Spirit and Volunteerism"

Incorporated 1982



City of Keizer

Keizer City Hall, P.O. Box 21000, Keizer, OR 97307-1000

FAXED
7/22/02

Fax Cover Sheet

DATE: July 22, 2002

TO: Keizertimes - Scotta

FAX: (503) 390-8023

FROM: Tracy L. Davis, CMC
City Recorder

PHONE: (503) 390-3700 Ext. 108

FAX: (503) 393-9437

RE: Public Notice – Sale of Property

Number of pages including cover sheet: 2

Message:

Please publish the attached notice in the July 26th, 2002 and August 2nd, 2002 editions of the Keizertimes. I will put the original in your box here at City Hall.

If unable to publish in this edition or if you have any questions, please give me a call.

Thanks!



City of Keizer

Keizer City Hall, P.O. Box 21000, Keizer, OR 97307-1000

FAXED
7/26/02
TL

Fax Cover Sheet

DATE: July 22, 2002

TO: Keizertimes - Scotta

FAX: (503) 390-8023

FROM: Tracy L. Davis, CMC
City Recorder

PHONE: (503) 390-3700 Ext. 108
FAX: (503) 393-9437

RE: Public Notice – Sale of Property (Titus)

Number of pages including cover sheet: 2

Message:

Please publish the attached notice in the July 26th, 2002 and August 2nd, 2002 editions of the Keizertimes. I will put the original in your box here at City Hall.

If unable to publish in this edition or if you have any questions, please give me a call.

Thanks!



NOTICE OF PUBLIC HEARING SALE OF PROPERTY

NOTICE is hereby given that the Urban Renewal Agency of Keizer will hold a public hearing to consider the sale of real property owned by the Urban Renewal Agency.

1. **Time and place of hearing:** The hearing shall be held on **Monday, August 5, 2002 at 6:30 p.m.** at the Robert L. Simon Council Chambers, Keizer City Hall, 930 Chemawa Road N.E., Keizer, Oregon. (NOT A MAILING ADDRESS.)
2. **Description of property to be sold:** The westerly forty feet (40') of a parcel located at the southwest corner of Chemawa Road and River Road, Keizer, Marion County, Oregon.
3. **Proposed uses for the property:** This property is zoned Commercial Mixed (CM). The proposed use of the property is additional Commercial Mixed property for the property owner to the west (Keizer Saw & Mower).
4. **Reason to sell the property:** The Urban Renewal Agency will consider if the property has public use or should be sold. Sale of the property will allow the Urban Renewal Agency to avoid the costs of maintaining the property and will put the property on the tax rolls. It is necessary or convenient to sell such property because it is not needed for public purposes.

The location of the hearing is accessible to the disabled. Please contact the City Recorder at 503-390-3700, extension 108 at least 48 hours prior to the hearing if you will need any special accommodations to attend or participate in the hearing.

Comments are welcome at the hearing or in writing in advance of the hearing. Please forward written testimony to Tracy Davis, City Recorder, P.O. Box 21000, Keizer, Oregon 97307. **Written testimony should arrive at City Hall no later than Monday, August 5, 2002 at 5:00 p.m.** You may contact Rob Kissler at 503-390-3700 for further information.

Dated this 23rd day of July, 2002.

Tracy L. Davis, CMC
City Recorder



City of Keizer, Oregon

NOTICE OF PUBLIC HEARING SALE OF PROPERTY

NOTICE is hereby given that the Keizer City Council will hold a public hearing to consider the sale of real property owned by the City.

1. **Time and place of hearing:** The hearing shall be held on **Monday, August 5, 2002 at 7:00 p.m.** at the Robert L. Simon Council Chambers, Keizer City Hall, 930 Chemawa Road N.E., Keizer, Oregon. (NOT A MAILING ADDRESS.)
2. **Description of property to be sold:** The approximate northerly 3496.51 square feet of Lot 64, Country Glen Estates, Keizer, Marion County, Oregon.
3. **Proposed uses for the property:** This property is zoned Single Family Residential (RS). The proposed use of the property is additional residential yard area.
4. **Reason to sell the property:** The City will consider if the property has public use or should be sold. Sale of the property will allow the City to avoid the costs of maintaining the property and will put the property on the tax rolls. It is necessary or convenient to sell such property because it is not needed for public purposes.

The location of the hearing is accessible to the disabled. Please contact the City Recorder at 503-390-3700, extension 108 at least 48 hours prior to the hearing if you will need any special accommodations to attend or participate in the hearing.

Comments are welcome at the hearing or in writing in advance of the hearing. Please forward written testimony to Tracy Davis, City Recorder, P.O. Box 21000, Keizer, Oregon 97307. **Written testimony should arrive at City Hall no later than Monday, August 5, 2002 at 5:00 p.m.** You may contact Bill Lawyer at 503-390-3700 for further information.

Dated this 22nd day of July, 2002.

Tracy L. Davis, CMC
City Recorder