

CITY OF KEIZER MISSION STATEMENT

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

AGENDA

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

Monday, August 5, 1996

6:30 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

This time is provided for citizens to address the Urban Renewal Agency on matters not on the agenda.

4. PUBLIC HEARINGS

5. ADMINISTRATIVE ACTION

- a. Agency Plan Amendment

6. CONSENT CALENDAR

- a. Sign Grant Request
 • Ringo's Tavern
- b. Approval of July 1, 1996 Agency Minutes

7. OTHER BUSINESS

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

8. WRITTEN COMMUNICATIONS

To inform the Urban Renewal Agency of significant written communications and petitions.

9. ADJOURN

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

AGENCY MEETING: August 5, 1996

AGENDA ITEM NUMBER: 5a

TO: CHAIR KOHO AND BOARD MEMBERS

FROM: DOTTY TRYK *Dotty*
CITY MANAGER

SUBJECT: PLAN AMENDMENT

BACKGROUND:

Based on your discussions at executive session, the Agency may wish to discuss an amendment to the Urban Renewal Plan. Staff is prepared to discuss the procedure for such an action.

URBAN RENEWAL AGENCY MEETING: Aug. 5, 1996

AGENDA ITEM NUMBER: 6a

TO: MAYOR AND AGENCY BOARD MEMBERS

THROUGH: DOTTY TRYK, 
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR 

SUBJECT: SIGN GRANT REQUEST -
KEIZERBRAU TAVERN/RINGO'S TAVERN

DISCUSSION:

The new owners of Keizerbrau Tavern have requested a sign grant of \$2,200 to bring the signage into compliance with the sign code. The total signage must be reduced from 370 square feet to 64.5 square feet, plus 10 additional square feet that can be used because of the second public entrance making a total of 74.5 square feet allowed.

The signs will bear the name of the new business owner, Ringo's Tavern.

Staff has visited the property and affirmed the proposed replacement sign will meet the Sign Code.

RECOMMENDATION:

It is recommended that a \$2,200 sign grant be approved for Ringo's Tavern.



Keizer Urban Renewal Agency Sign Code Compliance Grant Program Grant Application

Address of Sign Location: 4170 RIVER RD. N.

Sign Owner's Name: JASON RINGO

Mailing Address: SAME AS ABOVE

City, State, Zip: KEIZER, OR 97303

Daytime Telephone: 390-1015

Amount of Grant Requested: ~~\$1500~~ \$ 2200 lowest BID

\$ 1500 per Sign (2 grants)
Max
River Rd Sign
Cherry Ave Sign

Required Attachments:

- Detailed Cost Estimate if less than \$500
- Three Detailed Cost Estimates if \$500 or more
- Sign Permit Application with required sign plans

Note: A separate sign permit and grant application are required for each sign to be erected or modified. No sign permit is required for sign removal. In these cases, submit the grant application with the estimates but without a sign permit.

LEWIS SIGN CO.
648-2167



COST \$2,750.00
COMPLETE w/REMOVAL,
PAINT, NEW FACES

Proposal

PHONE (503) 371-6362

FAX 371-0901

SALEM SIGN CO., INC.

1825 Front Street N.E. • Salem, OR 97303

PROPOSAL SUBMITTED TO	PHONE	DATE
Ringo's Tavern Claggett Creek	390-1015	4/26/96
STREET	JOB NAME	
4170 River Rd. N.	Same	
CITY, STATE AND ZIP CODE	JOB LOCATION	
Keizer, OR 97303	Same	

We hereby submit specifications and estimates for:

Furnish and install faces for two existing approx. 6'x5' double face signs, per sketch 31747-96. Price includes repainting cabinets and poles and removal of one double face sign on River Road and wall signs necessary to conform with City of Keizer sign code.

- ELECTRICAL SERVICE TO SIGN BY OTHERS -

We ~~Propose~~ hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

two thousand five hundred ninety five dollars-----dollars (\$ 2595.00).

to be made as follows:

50% down, balance on completion.

to be as specified. All work to be completed in a workmanlike standard practices. Any alteration or deviation from above specifications will be executed only upon written orders, and will become an above the estimate. All agreements contingent upon strikes, labor control. Owner to carry fire, tornado and other necessary fully covered by Workmen's Compensation Insurance.

Authorized

Signature: B. O. Speck

Note: This proposal may be

withdrawn by us if not accepted within

days

If I make default in any of said payments, Salem Sign Co., Inc. shall have the right to take possession of said property without any legal process, and all payments made up to the time of default shall be applied toward manufacture of said property and depreciation in value.

Proposal

The above prices, specifications satisfactory and are hereby accepted. you are authorized as specified. Payment will be made as outlined above.

Signature: _____

Signature: _____

Acceptance: _____

Proposal

PHONE (503) 371-6362

FAX 371-0901

SALEM SIGN CO., INC.

1825 Front Street N.E. • Salem, OR 97303

PROPOSAL SUBMITTED TO	PHONE	DATE
Ringo's Tavern Claggett Creek	390-1015	4/26/96
STREET	JOB NAME	
4170 River Rd. N.	Same	
CITY, STATE AND ZIP CODE	JOB LOCATION	
Keizer, OR 97303	Same	

We hereby submit specifications and estimates for:

Remove signs necessary to conform to new City of
Keizer sign code

- ELECTRICAL SERVICE TO SIGN BY OTHERS -

We ~~Propose~~ hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Four hundred ninety dollars and no/100----- dollars (\$ 490.00)

Payment to be made as follows:

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized
Signature: B. L. SperryNote: This proposal may be
withdrawn by us if not accepted within _____ days

Acceptance of Proposal - The above prices, specifications
and conditions are satisfactory and are hereby accepted. you are authorized
to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

If I make default in any of said payments, Salem Sign Co., Inc. shall have the right to take
possession of said property without any legal process, and all payments made up to the time
of default shall be applied toward manufacture of said property and depreciation in value.

Signature: _____

Signature: _____

COKER INDUSTRIES d/b/a BALLARD SIGN CO.

2090 Front Street Northeast
SALEM, OREGON 97303
(503) 363-5517

PROPOSAL SUBMITTED TO RINGO'S TAVERN		PHONE 390-1015	DATE 7-18-96
STREET 4170 RIVER RD. N.		JOB NAME SAME	
CITY, STATE AND ZIP CODE KEIZER, OR.		JOB LOCATION	
ARCHITECT	DATE OF PLANS	JOB PHONE	

We hereby submit specifications and estimates for:

**FURNISH & INSTALL NEW PLEX FACES FOR TWO D/F INTERIOR
ILLUMINATED POLE SIGNS APPROX. 6'-0" X 5'-0" AS PER
OUR SK. NO 1782-96 PRICE - \$1800.00**

**REMOVE D/F LIGHTED SIGN READING "KENO". REMOVE
S/F SIGNS ON EAST SIDE OF BLDG. REMOVE INDIVIDUAL
NON-ILLUMINATED LTRS. FROM WEST SIDE OF BLDG.
PRICE - \$200.00**

**REPAINT TWO EXISTING ~~POLE~~ SIGNS AND POLES
PRICE - \$200.00**

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Payment to be made as follows:

dollars (\$ _____).

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized
Signature

Note: This proposal may be
withdrawn by us if not accepted within _____ days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Signature _____

Date of Acceptance: _____

**MINUTES
URBAN RENEWAL AGENCY BOARD
OF THE CITY OF KEIZER**

Monday, July 1, 1996

**Robert L. Simon Council Chambers
Keizer City Hall**

CALL TO ORDER

Dennis Koho, Chair called the meeting to order at 7:07 p.m. Roll call was taken as follows:

Present

Dennis Koho, Chair
Carl Beach
Jim Keller
Jerry McGee
Al Miller
Bob Newton
Jerry Watson

Staff

Dotty Tryk, City Manager
John Morgan, Community Development Director
Kim Krause, Finance Officer
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY

CONSENT
CALENDAR**

There was no public testimony to come before the Agency Board.

Items on the consent calendar include:

- a. Property Improvement Program Grant Request
 - Paul and Judy Wittenberg
- b. Sign Grant Request
 - Keizer Beauty Salon
- c. Approval of the June 17, 1996 Agency minutes

Jim Keller moved for approval of the consent calendar. Carl Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS There was no other business to come before the Agency Board.

WRITTEN COMMUNICATION There was no written communication to come before the Agency Board.

ADJOURN The meeting was adjourned at 7:08 p.m.

Tracy L. Davis
City Recorder

APPROVED:
URBAN RENEWAL AGENCY BOARD CHAIR

Dennis Koho

BOARD MEMBERS:

Jerry Watson

Carl Beach

Bob Newton

Al Miller

Jim Keller

Jerry McGee

Minutes Approved:

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

AGENDA

KEIZER CITY COUNCIL

Monday, August 5, 1996

7:00 p.m.

Robert L. Simon Council Chambers

Keizer City Hall

Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

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

4. COMMITTEE REPORTS

- a. Council Liaison Reports
 - Traffic Safety Commission - Councilor McGee
 - River Road Redevelopment Board - Councilor Beach

5. PUBLIC HEARINGS

- a. ORDINANCE - Appeal of Zone Change Case No. 96-02 (Beck) cont from 7-15-96
- b. Appeal of Subdivision Case No. 96-03 (3-H Construction)

6. ADMINISTRATIVE ACTION

- a. Updated Tax Base Request

7. CONSENT CALENDAR

- a. Marion County Building Code Agreement
- b. RESOLUTION - Authorizing Intergovernmental Emergency Management Cooperative Agreement
- c. 1996-97 Quarterly Goals Report
- d. RESOLUTION - Authorizing Membership in City/County Insurance Services

- e. RESOLUTION - Awarding Bid for McLeod Lane Storm Drain/Bike Paths Project
- f. RESOLUTION - Awarding Bid for Pleasantview/Menlo/Cedar Storm Drain Project
- g. RESOLUTION - Initiating Hidden Creek Estates Phase 4 Street Lighting District
- h. RESOLUTION - Approving Engineer's Report for O'Neil Road (Edgemoore Estates) Street Lighting District
- i. Approval of July 1, 1996 Regular Session Minutes
- j. Approval of July 8, 1996 Work Session Minutes

8. OTHER BUSINESS

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

- Mayor and Council Members
- City Manager and Department Heads

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications and petitions.

10. AGENDA INPUT

AUGUST 12, 1996

5:30 P.M. City Council Work Session

- LaBish Ditch Update

AUGUST 19, 1996

7:00 P.M. City Council Meeting

SEPTEMBER 3, 1996 (Tuesday)

7:00 P.M. City Council Meeting

11. ADJOURN

Upon request, auxiliary aids and other special services for those with disabilities will be provided. To request services, please contact us at 503-398-1100 or through Oregon Relay 1-800-735-2900 at least two working days (48 hours) in advance.

CITY COUNCIL MEETING: August 5, 1996

AGENDA ITEM NUMBER: 5a

TO: MAYOR KOHO AND COUNCIL MEMBERS

**THROUGH: DOTTY TRYK, *Dotty*
CITY MANAGER**

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

**SUBJECT: PUBLIC HEARING APPEAL OF HEARINGS
OFFICER'S DECISION (ZONE CHANGE
96-02 - RICHARD BECK, APPLICANT)**

DATE: August 1, 1996

This matter came before the Council for public hearing on July 15, 1996. The Council continued the hearing to tonight's meeting. At the last meeting, the Council directed legal staff to prepare an appropriate Ordinance granting the requested zone change with certain limited uses and conditions. Such Ordinance is attached.

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

ESJ/tmh

1 BILL NO. _____

A BILL

ORDINANCE NO.

2
3 FOR

96-_____

4 AN ORDINANCE

5 IN THE MATTER OF THE APPLICATION OF RICHARD
6 BECK FOR A ZONE CHANGE FROM COMMERCIAL
7 RETAIL-LIMITED USE (CR-LU) TO COMMERCIAL RETAIL
8 (CR) ON A 0.33 ACRE PARCEL LOCATED AT 4710 RIVER
9 ROAD NORTH, KEIZER, OREGON (CASE NO. ZC 96-02)
10 (PARTIALLY REPEALING ORDINANCE NO. 92-236)

11 Section 1. THE APPLICATION. This matter comes before the
12 Keizer City Council on the appeal of Richard Beck (owner/applicant) from a
13 Hearings Officer's decision granting the zone change with certain conditions.
14 The request is for a zone change from Commercial Retail-Limited Use
15 Overlay (CR-LU) to Commercial Retail (CR) to permit development of a
16 retail building on the property.

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

22 Section 3. PUBLIC HEARING. A public hearing was held on this
23 matter before the Keizer City Council on July 15, 1996, and on August 5,
24 1996. The following persons either appeared at the council hearing or
25 provided written testimony on the application:

- 1) John Morgan, Community Development Director.
- 2) Richard Beck, Applicant.
- 3) James Cassidy.
- 4) Jeffrey King.
- 5) Ruth Jacobs.
- 6) Gary Ryder.
- 7) Bev Ryder.

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

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

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

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

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

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

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

Section 11. PARTIAL REPEAL OF ORDINANCE NO. 92-236. The previous zone change ordinance with regard to this property (Ordinance No. 92-236) concerned not only this subject property, but the adjacent property to the east located at 524 Linda Avenue Northeast. Ordinance No. 92-236 is hereby repealed as to the property located at 4710 River Road North only.

Section 12. EFFECTIVE DATE. 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.

Section 13. APPEAL. A party aggrieved by the final determination in a proceeding for a discretionary permit or a zone change may have it reviewed under ORS 197.830 to ORS 197.834.

PASSED this ____ day of _____, 1996.

SIGNED this ____ day of _____, 1996.

Mayor

City Recorder

EXHIBIT "A"

Evidence

Official notice has been taken of the Planning Department files and reports in this matter, including the application and exhibits contained therein. In addition, official notice has been taken of the Hearings Officer's recommendation as well as letters and other written documents that have been submitted.

Mayor Koho opened the public hearing in the matter of zone change Case No. 96-02 on July 15, 1996.

Shannon Johnson, City Attorney reviewed the applicable criteria and procedures for this hearing. There were no objections or conflicts of interest voiced at this time.

John Morgan, Community Development Director reported this is a requested zone change from Commercial Retail - Limited Use (CR-LU) to Commercial Retail (CR) on property located at 4710 River Road North. The limited use overlay zone was placed on the property in 1992 by the Council when considering development of a Pizza Hut Restaurant at the site. Since the restaurant did not materialize, the applicant, Richard Beck has requested a zone change to develop a general purpose retail building. Mr. Beck has indicated the Dazy Maze consignment clothing store is a signed tenant for the building.

Mr. Morgan noted the hearings officer granted the zone change with conditions of approval. Three of these conditions are being appealed by Mr. Beck. These conditions include:

- The Hearings Officer did not remove the Limited Use Overlay designation, but instead limited the use to a retail clothing store.
- The Hearings Officer reimposed the condition to build a sound wall similar to the one built by Taco Bell.
- The Hearings Officer prohibited the development of a joint driveway with Taco Bell or any connection between the two properties.

Mr. Morgan pointed staff supports the applicant's appeal on the three conditions with specific suggestions to make the conditions more workable.

In reviewing each of the conditions, Mr. Morgan suggested the first condition to limit the development to a retail clothing store be modified to retain the limited use overlay to allow all permitted uses in the Commercial Retail (CR) zone with the following exceptions:

- food stores
- gasoline service stations
- eating and drinking places
- vehicle sales and secondary repair
- recreational vehicle parks
- miscellaneous amusement and recreation services
- automotive parking
- automotive dealers
- adult entertainment business
- liquor store

Mr. Morgan pointed out these uses would cause the greatest impacts to the neighborhood. However, in discussion with the applicant, Mr. Beck has requested food stores and eating and drinking establishments be allowed to provide maximum flexibility for his building. In compromise, Mr. Morgan suggested allowing food stores and eating and drinking places with limitations; no drive through windows allowed or the sale or serving of alcoholic products.

The next condition requires the construction of a sound wall along the eastern boundary of the property. Mr. Morgan believes this conditions should be eliminated due to the type of use proposed. He noted the zoning ordinance requires a six-foot fence/wall/hedge along with a three-foot wide landscaping strip to separate commercial from retail uses.

The third condition deals with the access to the property. In reviewing the staff policy to minimize the number of driveways on River Road, Mr. Morgan indicated the design includes a joint driveway with Taco Bell as well as a connection between the properties for an exit on Linda Avenue. In recent discussions with the property owners, city staff and the applicant, a compromise

was reached to make the driveway on River Road right in/right out only and the primary driveway be on Linda Avenue.

In conclusion, Mr. Morgan recommended the Council amend condition one to change the uses allowed, amend condition seven to drop the requirement for a sound-wall, and to retain condition eight to preclude cross-traffic between the subject property and Taco Bell. He also recommended requiring "right-in/right-out" driveway on River Road.

Responding to an inquiry by Councilor Miller, Mr. Morgan pointed out there is parking on the east and south side adjacent to the driveway with the building in the front. This complies with the draft development code encouraging retail buildings to be towards the front of the property. In addition, Mr. Morgan noted there is a utility vault located at the site of the proposed joint driveway.

Councilor Watson noted Linda and Maine Avenue are dead end streets with the only access onto a major street, River Road. He explained he is interested in the feasibility of exploring alternatives to providing access to these streets at the east end to Dearborne.

Providing testimony to the Council were:

Richard Beck, 4485 River Road S, Salem explained he is the applicant in this matter. Mr. Beck presented a blueprint showing the design and layout of his proposed development. The building is located on River Road and access was designed as required in the Taco Bell driveway permit. Mr. Beck agreed with the recommended driveway/access pattern as relayed by Mr. Morgan. He believed the access on Linda Avenue would not affect the neighborhood.

In reviewing the history of this case, Mr. Beck pointed out in 1992 he requested a zone change to allow the construction of a Pizza Hut restaurant. The zone change was granted with limitations. However, the Pizza Hut corporation backed out of their plans and the parcel remained zoned Commercial Retail - Limited Use. Mr. Beck indicated he wishes to construct a retail development that will be an asset to the City. He noted the signed tenant, Dazy Maze is a 29 year old business with a good reputation in the community. However, he wishes to retain the flexibility in the other uses as well.

Furthermore, Mr. Beck noted the property adjacent to his is also zoned Commercial Retail - Limited Use. The property owners of this parcel have requested that a sound wall not be constructed between the parcels to allow future commercial development. They have only requested a privacy fence be installed until that time. Mr. Beck submitted a packet of information containing a letter

from the adjacent property owners supporting his endeavors as well as other business and property owners in the City.

In reviewing the zoning ordinance and the limited use overlay definitions, Mr. Beck believed the layout of his plan will not allow many of the uses. He noted the intent of the limited use overlay zone is to maximize the number of acceptable uses so the use of the property is not unnecessarily limited. Mr. Beck concluded this commercial development meets the guidelines as outlined in the zoning ordinance.

Responding to an inquiry from Councilor Miller, Mr. Morgan stated he is hesitant to create a list of exempted uses that have the greatest impact. It would be difficult to evaluate the uses without specific criteria. City Attorney Johnson noted the Council is limited to laying out specific uses, however the uses can be limited by defining specific exclusions, such as eating and drinking places without a drive up window.

Mr. Beck noted he does not object to limiting the food store and eating and drinking uses as stated by Mr. Morgan.

Councilor Miller indicated he is concerned with allowing flexibility for Mr. Beck while controlling the impact on the neighborhood regarding traffic and noise.

In response to a question from Councilor Miller, Mr. Beck indicated he would not be opposed to limiting the exit on Linda Avenue to a left turn only.

Under the noted exceptions listed in the staff report, Mr. Beck stated he only wished to modify the food store and eating and drinking establishments exemptions. He specified the food store should be modified to convenience store and the eating and drinking establishments modified to fast food restaurants.

James Cassidy, 733 Linda Avenue NE, Keizer stated he did not wish to provide testimony at this time.

Jeffrey King, 7365 Park Place Drive, Keizer noted he drives River Road several times per day and believes this development would be an asset to the City. He understands the zoning limitations, however he believes the applicant and the city can reach a compromise on this issue.

Ruth Jacobs, 1349 Hidden Creek Drive NE, Keizer indicated she is the owner of the Dazy Maze consignment shop and supports the applicant in his request for the zone change. She believes the traffic from her store will not cause a significant impact on the neighborhood.

Gary Ryder, 663 Linda Avenue, Keizer believes Mr. Beck's plan is viable and will not have a negative effect on the neighborhood. However, Mr. Ryder noted there are some concerns with the allowable uses especially the eating and drinking establishments. If this is allowed, it will eliminate all of the original effort done in 1992. Mr. Ryder pointed out the mandatory construction of the sound wall was out of concern to protect the quality of life in the neighborhood.

Mr. Ryder agreed with Councilor Miller in not altering the list of exceptions for allowable uses. He believes this would be the position of all the residents along Linda Avenue.

Bev Ryder, 663 Linda Avenue, Keizer stated she supports the testimony of Gary Ryder.

In closing, Mr. Beck urged the Council to support his development and grant the requested zone change. He believes this development would be an benefit to the community.

Responding to a question from Councilor Miller, Mr. Morgan noted if the list of exceptions is not altered, Mr. Beck would have to file for another zone change. He further noted the food store exception has a broad list of types including health food or pet food. Therefore, if food stores are allowed this could result in a convenience store unless the Council places some restriction on the food store. Mr. Morgan suggested allowing food store but prohibiting the sale of alcohol.

There was no further testimony to come before the Council.

Mayor Koho recessed the public hearing until August 5, 1996 at 7:00 p.m.

EXHIBIT "B"

Criteria and Standards

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

Of particular importance in this application are the procedures outlined in the KZO Section 4.16 (Procedure for Zone Changes), Chapter 28 (Commercial Retail Zone), and Chapter 45 (Limited Use Overlay Zone).

Also of particular importance in the "Goals and Policies: Economic, Commercial and Industrial Development" section of the Keizer Comprehensive Plan (pages 40-43).

EXHIBIT "C"

Facts

1. The subject property is 0.33 acres in size and is located on the east side of River Road N at the southeast corner of the intersection of Linda Avenue and River Road N. The property is addressed as 4710 River Road N. The County Assessor's map identifies the property as being located within Township 7 South; Range 3 West; Section 02BD; Tax Lot #7900.
2. The property is currently undeveloped and has frontage along two public streets (River Road N and Linda Avenue). The property may be served by public water and sewer.
3. The property is designated "Commercial" in the Comprehensive Plan and zoned CR-LU (COMMERCIAL RETAIL - LIMITED USE OVERLAY). The purpose of the "Commercial" designation and related commercial zones is to provide land for a variety of commercial and office related uses. The purpose of the Limited Use Overlay is to limit or reduce the allowable types of uses on a property based upon suitability.
4. Property to the north, west, and south is designated Commercial on the Comprehensive Plan Land Use map and is zoned CR (COMMERCIAL RETAIL). The properties located to the east are designated Low Density Residential on the Comprehensive Plan Land Use Map and zoned RS (SINGLE FAMILY RESIDENTIAL). In February 1992, the applicant and several partners submitted an application with a request to change the zoning on the subject property and an adjacent parcel from CO (COMMERCIAL OFFICE) to CR (COMMERCIAL RETAIL) to allow the development of a Pizza Hut restaurant. The proposal was reviewed in a public hearing before the Land Use Hearings Officer on March 26, 1992. The Hearings Officer rendered a decision denying the application on the basis that proposed use would destabilize the land use pattern of the adjoining residential neighborhood. The applicants appealed the Land Use Hearings Officer's decision. A public Hearing was held in front of the Keizer City Council on May 18, 1992. The Hearing was continued to June 15 1992, where the Council deliberated and approved the zone change request to CR (COMMERCIAL RETAIL-LIMITED USE OVERLAY) subject to imposing a Limited Use Overlay on the property limiting the use of the property for a restaurant only. The Limited Use Overlay was placed upon the property based upon concerns of the neighbors with the potential traffic impacts from other commercial uses which might develop on the site.

5. The applicant is requesting approval of a zone change to change the zoning from CR-LU (COMMERCIAL RETAIL - LIMITED USE OVERLAY) to CR (COMMERCIAL RETAIL). The purpose of the zone change is to allow for the construction of a retail building on the property.

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

7. The Keizer Fire District stated they have no objection to the zone change. However, the Keizer Fire District provided the following requirements:

a. Provisions for adequate access to the site must be made and the building address must be visible from River Road.

8. The City Public Works Department and City Engineer provided the following comments regarding public facility improvements:

a. City of Salem approval for public sanitary sewers is required. The City of Keizer Department of Public Works will review the proposed sanitary sewers to assure adequacy of compliance with City of Keizer Standards.

b. No sanitary sewer construction shall begin on this property without prior notification being given to the City of Keizer Department of Public Works.

c. No sewer construction within City Right of Way shall begin without notification of the Department of Public Works.

d. The existing approved water system in this area is adequate to provide services for the proposed new development. Location of water meters to serve the subject property will be determined by the City of Keizer Department of Public Works.

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

f. Storm water detention will be required for the subject property.

g. Improvements to Linda Avenue will be required. Widening of the existing paved roadway, curbs and sidewalk will be required at the time of development of the subject property.

h. If a combined driveway is used, a joint access agreement approved by the Department of Public Works will be required between the two adjoining properties.

9. Section 4.02, of the Zoning Ordinance, identifies four zones appropriate for the Commercial Comprehensive Plan designation: CO (COMMERCIAL OFFICE), CR (COMMERCIAL RETAIL), CG (COMMERCIAL GENERAL), and MU (MIXED USE). The primary difference between these zones is the level of commercial activity allowed in each zone. Of the four zones, the applicant chose the CR (COMMERCIAL RETAIL) zone for this request.

10. The zone change will permit the establishment of a wider range of commercial and retail uses on the subject property than is currently allowed with the Limited Use Overlay.

11. The zone change review criteria are found in Section 4.16 of the Keizer Zoning Ordinance. Those criteria and the related findings are set forth below:

a. The zone must be appropriate for the Plan designation.

Section 4.02 identifies Comprehensive Plan designations and their corresponding appropriate zones. Pursuant to this Section, the CR (COMMERCIAL RETAIL) zone is appropriate for the Commercial Comprehensive Plan Land Use designation.

b. Potential uses can be accommodated on the property.

The applicant submitted a statement and a site plan proposing that the property will be developed with a retail building. Based on the parcel's size and the parcel's topography, there does not appear to be any physical limitation which would prohibit a commercial retail development on the property. The ground is flat and level, and has no unusual features, and presents no apparent physical limitations or conditions that require special measures or considerations, or that would prevent or impair the development of the proposed use.

The proposed building shown on the site plan is approximately 3,600 square feet in size. Based upon a lot size of 0.33 acres (approximately 14,500 square feet) the building will occupy approximately 25% of the site. There is no stated lot coverage limitation for the CR (COMMERCIAL RETAIL) Zone. Based upon the proposed building size and proposed use, 16 parking spaces are required (one parking space for each 225 square feet of building area). The attached site plan shows 21 parking spaces which is in compliance with the required parking.

The proposed retail store is listed as a permitted use in the CR (COMMERCIAL RETAIL) Zone (Keizer Zoning Ordinance, Section 28.01 (10 - Miscellaneous retail) and (29- Apparel & Clothing stores).

c. Allowed uses can comply with the development standards found in Chapters 17 to 20 of the Zoning Ordinance without the need for adjustments or variances.

Chapters 17 to 20 in the Keizer Zoning Ordinance outline specific requirements for property development. These standards govern parking, buffering, vision clearance areas, special setbacks, and other applicable development requirements. While the site plan is not specific as to all the details, it is apparent the site can be developed in conformance with these standards. Compliance with the requirements contained in Chapters 17 to 20 will be made conditions of the zone change approval.

d. Adequate public facilities are available.

The Public Works Department noted sewer and water facilities must be extended to the site. Extension of these services and installation costs will be the responsibility of the developer. Private utility suppliers also stated service lines can be extended to the property. A minimum of a half street improvement along the Linda Avenue frontage will be required. This improvement will include, but not be limited to improvements to one travel lane, gutter, storm drainage, curb, and sidewalk.

e. The zone change complies with applicable review criteria in the Comprehensive Plan.

This criteria is not applicable as the Comprehensive Plan does not contain specific review criteria. However, the Comprehensive Plan provides several relevant goals and policies applicable to the request. The Comprehensive Plan encourages diversification in the local economy while ensuring compatibility with adjacent residential properties. Design features such as special setbacks and screening are encouraged to reduce potential impacts on adjacent residential properties. In addition, commercial development is encouraged to develop and be located along major arterials to avoid traffic filtering through residential areas.

The proposed use will develop an undeveloped property with an additional commercial retail use which will contribute to the diversification of the local economy. Design features creating adequate buffering from residential properties are contained within the Keizer Zoning Ordinance. The development is located off of River Road which is classified as a major arterial. Access to the major arterial is available either directly or indirectly. Access may be available from Linda Avenue which is designated a local street. Access from Linda Avenue will not generate traffic filtering through residential neighborhoods as Linda Avenue is a dead-end street.

f. The criteria listed in the purpose statement of the proposed zone can be met.

The criteria in the purpose statement of the CR zone notes the zone is to provide areas suitable for professional and general commercial offices, retail sales within a building, eating and drinking places, commercial accommodations, and commercial services. The statement also encourages access to a collector or arterial street to reduce travel through single-family residential areas. The site is adjacent to River Road N which is a designated Major Arterial roadway. Location of the building adjacent to River Road should limit travel through the adjoining residential areas. This particular location is consistent with the CR (COMMERCIAL RETAIL) zone purpose statement.

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

No site specific inventory is available which lists undeveloped property designated Commercial on the Comprehensive Plan Land Use Map and zoned CR (COMMERCIAL RETAIL). However, the applicant provided a list compiled by a real estate office showing that only three parcels of comparable size and price were available for sale and development. In addition, based upon review of the available lands for commercial development it is very likely that the supply of land currently zoned CR (COMMERCIAL RETAIL) may be inadequate to accommodate the current rate of development of retail and other related uses allowed within the CR Zone.

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

The addition of the subject parcel into the CR (COMMERCIAL RETAIL) zone will add to the inventory of properties available for development. This particular parcel is a small lot which is becoming a rare commodity. There are several large pieces of property zoned CR located adjacent to River Road which will likely be developed with larger scale commercial and retail uses, or which may be divided into smaller parcels available for smaller scale developments. Many of the other smaller lots located adjacent to River Road are zoned CO (COMMERCIAL OFFICE) or CG (COMMERCIAL GENERAL). As stated above, at the current rate of development, those properties currently zoned CR (COMMERCIAL RETAIL) will likely be developed within the next 5 years.

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

The proposed commercial retail zone will allow uses more intensive than other zones appropriate for the commercial designation, namely, the CO zone. However, the proposed use will be similar in nature and intensity

as uses within the general vicinity. The proposed retail store will not create a use that will destabilize the land use pattern of the area or that will significantly adversely affect surrounding properties. The applicant met with owners of the surrounding properties who indicated that they support the placement of a retail development on the subject property.

12. Keizer Zoning Ordinance Chapter 45 (Limited Use Overlay Zone) contains certain criteria and findings that need to be made when the overlay zone is imposed. Those criteria and related findings are set forth below:

a. No zone has a list of permitted uses where all uses would be appropriate. Neither the COMMERCIAL RETAIL, nor any other zone has a list of uses where all the uses are appropriate on this parcel. The COMMERCIAL OFFICE and MIXED USE zones may have appropriate uses, but the MIXED USE zone is intended for some residential use, and the COMMERCIAL OFFICE zone was the previous zone for this property. Such zone was deemed not appropriate for this parcel.

b. The proposed zone is the best suited to accommodate the desired uses. The applicant proposes to develop a retail building with a clothing store occupying a portion of such building. Considering this desired use, the COMMERCIAL RETAIL zone is best suited for this development.

c. It is necessary to limit the uses permitted in the proposed zone. This situation is somewhat unique in that the adjacent street (Linda Avenue) is a dead-end street with no side street access. Consequently, the retail uses adjacent to the residential uses cause more impact than would be normally seen. Therefore, it is necessary to limit those retail uses to minimize the adverse impacts on the adjacent residential property.

d. The maximum number of acceptable uses in this zone have been identified and will be permitted. Staff and the parties have closely reviewed the list of permitted uses in the CR zone. Very few uses were determined to be inappropriate, and those uses will be excluded.

13. The Public Works Department requested the development connect to public utility services as the Zoning Ordinance requires these connections. The Zoning Ordinance also requires all utility services to be placed below ground. In addition, the developer is responsible for all utility connection costs.

14. Access to Linda Avenue and River Road is shown on the conceptual site plan. The Public Works Department stated that approval of proposed access locations will be made a part of building permit and site plan review. Access onto River Road and Linda Avenue will have to meet the approval of the Public Works Department and the Keizer Fire District.

15. The proposed access onto River Road is shown on the site plan as being an exit only onto River Road. The previous land use decision for this site recommended the combining of the existing Taco Bell driveway and any proposed driveway access onto the subject property. The development of joint access is hampered by the existence of a large billboard sign located on the Taco Bell property and an underground utility vault. Due to that fact and the concern of the neighboring residents regarding cross-over traffic from the Taco Bell, it is appropriate to allow the subject property separate access as long as such access is limited to "right-in/right-out" turning movements only.

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

EXHIBIT "D"

Justification

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

The applicant has requested a zone change from Commercial Retail - Limited Use to Commercial Retail. This property was the subject of a zone change request in 1992. At that time, the subject property, along with an adjacent parcel to the east were rezoned from Commercial Office to Commercial Retail - Limited Use to allow the development of the property as a Pizza Hut restaurant. However, the Pizza Hut development did not materialize and the property has remained undeveloped.

The applicant at this time has requested the zone change to allow development of a small retail building. A clothing store, Dazy Maze, will occupy a portion of the building. However, because a portion of the building will house an unknown use, and due to the fact that the Dazy Maze store may change uses in the future, the City Council had to consider the possible adverse impacts on neighboring residential properties. In this case, it is appropriate to apply the Limited Use Overlay zone. However, there are only a few uses, mainly automobile related uses, that will cause adverse impacts to the neighboring residences. Those excluded uses are set forth in Exhibit "E".

In addition to limitation on uses, the Keizer Zoning Ordinance provides for buffering and landscaping. These conditions will further mitigate any adverse impacts caused by the development. Though there may be some impacts, the proposed commercial retail use will not destabilize the land use pattern or significantly adversely affect adjacent properties.

The Keizer Comprehensive Plan provides for commercial development along River Road North (see Chapter III(4)(c)(9), Page 43). The plan calls for encouraging commercial development. The development of this parcel, with the appropriate conditions and limiting certain uses, will meet such goals while at the same time mitigating adverse impacts on adjoining property owners.

EXHIBIT "E"

Action

The City of Keizer ordains as follows:

The application of Richard Beck for a zone change from COMMERCIAL RETAIL - LIMITED USE (CR-LU) to COMMERCIAL RETAIL (CR) is hereby GRANTED subject to the following conditions:

1. The zone change request is modified to a CR-LU (COMMERCIAL RETAIL - LIMITED USE OVERLAY ZONE). All permitted uses listed in the CR zone (KZO 28.01) are allowed except for the following specifically excluded uses:

- a. Sale or serving of any alcoholic beverages.
- b. Gasoline service stations.
- c. Any eating and drinking place using a "drive-through" or "drive-up" window service.
- d. Vehicle sales and secondary repair.
- e. Recreational vehicle parks.
- f. Miscellaneous amusement and recreation services.
- g. Automobile parking.
- h. Automotive dealers.
- i. Adult entertainment business.
- j. Liquor store.

Prior to the issuance of any building permits, the following conditions shall be met:

EXHIBIT "E"

Page 1 of 3

2. The design and placement of any driveway or access onto River Road and Linda Avenue shall be approved by the Public Works Department. The primary access shall be from Linda Avenue and any ingress or egress connected to River Road shall be limited to right turn movements only. Access to the site must be adequate to accommodate emergency vehicles.

3. Except as otherwise noted within this decision, the development of the site shall substantially comply to the following Public Works Department conditions:

a. The applicant shall connect the subject property to public sewer and water service. City of Salem and City of Keizer approval is required for the public sanitary sewers.

b. No sanitary sewer construction on the property or within public right-of-way shall begin prior to written notification to the Public Works Department.

c. Location of the water meters to serve the subject property will be determined by the Public Works Department.

d. Any wells on the subject property shall be identified and abandoned in accordance with the Public Works Department requirements.

e. Storm water detention plans will be required for the subject property and approved by the Public Works Department.

4. Applicant shall submit a final site development plan that substantially conforms to the site development plan attached to the May 21, 1996 staff report. Such final site development plan shall:

a. Demonstrate compliance with all applicable provisions in Chapter 17 through 20 of the Keizer Zoning Ordinance;

b. Demonstrate compliance with all conditions noted herein;

c. Be subject to the final approval of the Keizer Community Development Department.

Prior to issuance of final Certificate of Occupancy and perpetually thereafter, the following conditions shall be met:

5. All subsequent commercial development on the subject property shall comply with the applicable development criteria and standards in Keizer Zoning Ordinance Chapter 17 through 20, without any need or future request for adjustments or variances.

6. The applicant shall fulfill, and shall demonstrate compliance with, any other non-zone change development standards or criteria established by the Keizer Zoning Ordinance or any other city rules or regulations.

7. The building address must be visible from River Road consistent with Keizer Fire District standards.

8. Half-street improvements shall be installed along the subject property's Linda Avenue frontage and shall be reviewed and approved by the Public Works Department.

9. Access to the subject property via Linda Avenue shall be designed and constructed so as to preclude any north-south vehicular traffic to or from the adjoining property to the south (the existing Taco Bell property).

3532COK1.001

CITY COUNCIL MEETING: August 5, 1996

AGENDA ITEM NUMBER: 5b

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK 
CITY MANAGER

FROM: JOHN N. MORGAN, AICP 
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PUBLIC HEARING -
APPEAL ON SUBDIVISION CASE 96-03
3-H CONSTRUCTION

BACKGROUND - HISTORY:

This subdivision application is part of a very complex development process. The Council is familiar with the case, but it can be summarized as follows:

Fir Cone Terrace Subdivision, between Wheatland Road and River Road, west of Hidden Creek Subdivision, was platted prior to the City being incorporated but it was never developed. Therefore, the lots and public street rights-of-way legally exist, but there is no physical development of the property.

With the exception of a narrow strip designated Low Density Residential along the north end, the land is designated Medium-High Density Residential on the Comprehensive Plan land use map. However, the property has historically been zoned RS (Residential Single Family).

In order to develop the property in accordance with the Comprehensive Plan and to meet a housing need, 3-H Construction is following a three step process to relieve the property of its prior legal encumbrances and make it ready for development. The three steps to be followed are:

- Rezone the southern portion of the property from RS to RM in accordance with the Comprehensive Plan.

- *The rezoning was completed on June 3, 1996 with a Council decision approving the proposed RS to RM change, with conditions.*
- Replat the subdivision to eliminate the old lot locations and to create a new lot pattern that works for both single family and multi-family development of the property.
- *The current process is an appeal of the Hearings Officer decision on the subdivision.*
- Vacate some of the old rights-of-way so that the street system fits the subdivision.
- *The vacation petition has been filed with the City, but is being held until the subdivision process is complete.*

BACKGROUND - THE ISSUE

3-H Construction is appealing Condition 11 of the Hearings Officer Decision. That condition reads:

Because I can find nowhere in the record that Applicant has committed to a particular number of multi-family units, Applicant may develop from 41 multi-family units to no more than 73 multi-family units on Lot 1, pursuant to the pertinent Comprehensive Plan density standards.

This condition is contrary to the Council action of June 3rd specifically limiting the number of multi-family units to 80.

The Council held a public hearing over two nights; May 6 and May 20, 1996. At the first hearing the applicant did not present a site plan and suggested no density limitation other than that allowed by the zoning ordinance. The standard in the zoning ordinance is one unit per 2,000 square feet of net lot area, which would allow 99 units on this site. This number raised concerns at the hearing. At the continued hearing on May 20, the applicant submitted a site plan showing 80 multi-family units. The Council approved the zone change conditioning it by requiring the development to be in substantial conformance with the site plan and to not exceed 80 multi-family units.

No mention was made in the subdivision process about the Council action as the subdivision of multi-family property is generally independent of density issues. Therefore, the Hearings Officer took the Comprehensive Plan statement on housing density and applied it to this site, mathematically yielding a maximum density of 73 multi-family dwelling units. Chapter III, Section C.2.b of the Comprehensive Plan says:

15. *Designate on a plan map residential land sufficient to:*

(c) *Provide for three general levels of residential density:*

Low Density: as many as 8 units per gross acre.

Medium Density: over 8 and as many as 16 units per gross acre.

At the applicant's June 30th request and concurring in the applicant's position, Staff asked the Hearings Officer on July 2nd to reconsider his decision. A copy of the letter to the Hearings Officer is attached. On July 6th, the Hearings Officer, by letter, denied the request. A copy of that letter is also attached.

In summary, the Hearings Officer said:

1. The criteria for density determinations are found in the Comprehensive Plan and those criteria must be applied.
2. This new information on the zoning ordinance density standards and on the Council action is not part of the record and therefore he cannot consider it after the record is closed.
3. An application must be judged based on the laws in place at the time the application is filed. The Council action approving the zone change occurred after the subdivision application was filed.

DISCUSSION - THE ISSUES:

Staff disagrees with the Hearings Officer on the first point and reluctantly concurs with the Hearings Officer findings on the second and third points, though Staff finds the construction of the later two findings to be very strict and not the only interpretation available.

Point 1 and Points 2 and 3 together are discussed below.

Point 1

Staff disagrees with the Hearings Officer's reading of the Comprehensive Plan for several reasons.

First, the policy in question is specifically intended to guide the City in creating a Comprehensive Plan Land Use Map. It does not establish density standards which have the force of law. Though not cited by the Hearings Officer, Chapter III, Section D.2.c.1. establishes a policy which is closer to a density standard. It says:

1. *Allow a mix of housing types in this category in two general levels of residential density:*
 - a) *Medium density - over 8 and up to 16 units per gross acre.*

However, Staff believes this standard is not a criteria for two reasons. First, it is intended to be a "general" level.

Second, and more importantly, as with all the design policies of the Comprehensive Plan, the density policies are implemented by the Zoning Ordinance, which was specifically adopted to be the implementing tool for the Comprehensive Plan policies. It was acknowledged as such by the Land Conservation and Development Commission with the acknowledgment of the Comprehensive Plan.

The zoning ordinance allows, in the RM zone, multi-family development at one dwelling unit per 2,000 square feet of net lot area (KZO 25.12(b)). This is 21 dwelling units per acre. The proposed 80 units are to be built in accordance with the zoning at 17.5 units per acre.

Staff finds the proposed 80 unit complex conforms with the RM zone standards and the RM zone is the proper implementing tool for the Comprehensive Plan. Therefore, the proposal conforms with the Comprehensive Plan and the Hearings Officer decision should be overturned relative to this condition.

Points 2 & 3

The issue of making information available as part of the record so that it can be considered is moot as this Council public hearing reopens the record and allows the introduction of the information on the zoning ordinance density standards and the prior Council action.

CONCLUSIONS:

Staff concurs with the applicant that the Hearings Officer erred in applying the Comprehensive Plan policies, and finds the 80 unit proposal conforms with the Comprehensive Plan. To provide the cleanest resolution of this issue, Staff recommends Council concur in the Hearings Officer decision but strike Condition 11.

RECOMMENDATION:

It is recommended Council:

1. Open and conduct the public hearing;
2. Continue the hearing until August 19, 1996; and
3. Direct Staff to return on August 19 with an order upholding the Hearings Officer decision but striking Condition 11.

CITY OF KEIZER
SUBDIVISION APPLICATION

APPLICATIONS RETURNED BY MAIL WILL NOT BE ACCEPTED

If there are any
questions about
this application,
who should be
contacted?

Mark D. Grenz, P.E.
Name
1155 12Th. Street SE
Address
363-9227
Daytime telephone

1. Applicant Address and Zip Code
3-H Construction 3040 Commercial St. SE
Salem, OR 97302
2. Property Owners (if other than applicant) Address and Zip Code
Jack Largent 4378 Alderbrook Ave. SE
Salem, OR 97302
3. Contract and/or mortgage holders(if any) Address and Zip Code

4. This application is made for ____ conceptual X detail approval for a proposed
X subdivision ____ planned development to be known as Largent Addition

5. Property address: 6600 Block of Wheatland Rd. N.
6. Total Property Acreage: 7.37 acres
7. Acreage to be subdivided (if different from above) _____ acres
8. Number of lots to be created: 15
9. Range of lot sizes: smallest 4000 largest 199,094 average 9,850
10. If the property is served by a city street, please indicate name:
Wheatland Road
11. If the property borders more than on city street please list:
River Road N

12. Is this road paved? Yes If not, please describe type and level of improvement on the access road to the property: _____
13. Sewage disposal to be provided by: _____ septic tank X public sewer system.
14. Water supply to be provided by: _____ individual well X community water system.
15. If sewage disposal or water supply is to be provided through a community service arrangement, please list the name of the servicing agency or district and enclose a letter from the agency or district verifying that service will be provided: _____

FOR OFFICE USE ONLY

Section ____ Township ____ Range ____
Tax lot number(s) _____
Zone _____
Zone Map Number _____

Application elements submitted:

- (a) Title transfer instrument
 (b) Assessor's Map
 ☒ (c) Scale Map
 (d) Adjacent property

owner's list

- (e) Filing Fee

Date app. determined to be complete

Application accepted by

In order to assure an adequate evaluation of your proposal, please answer the following questions. If you need more space, use a separate sheet.

1. Please describe the current use of the property. If the property contains more than one use, estimate the number of acres devoted to each use:
Currently the property is Vacant
2. Describe the current use of the lands surrounding this property (include land across roads): Residential to the North and West, Commercial to the South, and Multi-Family to the East
3. Describe intended use of the property: Residential Subdivision, with Single Family on lots 1 thru 14 and Multi-Family on Lot 15
4. Discuss the proposed density and type of development in regards to the intent of the Comprehensive Plan and Zoning designations applicable to the subject property: Consistent with the designation of the Comprehensive Plan. The first 14 lots are located within in an area designated as LDR on the Comprehensive Plan. Lot 15 is located within the portion of the site that is designated MHDR on the Plan.
5. Discuss how the proposed design makes the best use of the property, considering lot size, road placement, open space, etc.: This is a replat of the existing Fir Cone Terrace Subdivision. The right-of-way exists as noted. An application has been filed for the vacation of the part as noted.

SUPPLEMENTARY INFORMATION

In addition to this written application the following information is required:

FOR CONCEPTUAL APPROVAL:

1. A copy of the latest officially recorded title transfer instrument (deed, warranty deed, or contract) giving the legal descriptions for the property.
2. A copy of the most recent Assessor's maps for the property: available at eh Marion County Assessor's Office in the Courthouse.
3. Fifteen copies of a scale map of the subject property showing dimensions, access, location of existing structures and improvements, all proposed lot lines, streets, easements, water and sewer source, topographical contours and location of drainage ways.
4. A list of all property owners within 250 feet of the subject property (100 feet for a mini-subdivision). The list must be certified by a Title Company or County Assessor's Office (see

attached "Procedures for Preparing Notification List"). The list must have been prepared to be current to within 30 days of the date of application.

5. Filing fee made payable to the City of Keizer.

FOR DETAIL APPROVAL: The name of the subdivision which shall not be the same or similar to any name used on a recorded subdivision in the City of Keizer. Fifteen copies of the detailed plan of the proposed subdivision shall be submitted on a scale of not less than one inch equals 200 feet and showing the following information:

1. The township, range, section and the County in which the subdivision is located.
2. The location of all existing or proposed roads within or on the boundary of the proposed roadways are to be public or private.
3. Lot layout and approximate dimensions.
4. Total land area of the proposed subdivision and approximate size of each lot.
5. The zoning in and adjacent to the proposed subdivision. The preliminary plan shall indicate any uses proposed other than residential.
6. An outline of proposed restrictions or covenants, if any.
7. The location of all existing buildings within the proposed subdivision and their present uses. Those to remain shall be indicated.
8. The location, size, and use of all contemplated and existing public or common areas within the proposed subdivision, a description of the adaptability of the area for uses contemplated, and a notation as to whether common areas will be open the general public.
9. The location and kind of public utilities in or adjacent to the proposed subdivision and, if possible, the location should also be shown on the vicinity map.
10. Location of any existing or proposed drainage ways, or easements in or adjacent to the proposed subdivision.
11. Topography, including accurate contours, within and adjacent to the proposed subdivision. The base for such information shall be the datum obtained from an official bench mark in Marion County or the City of Salem or recognized USGS elevations, provided its location, description, and elevation is furnished. Datum used shall be identified.
12. True north, scale and date.
13. Intent to develop in phases.
14. Any additional information deemed necessary by the City.

SIGNATURES of each owner (husband and wife) and any contract holder of subject property.

Jack Lange
By Michelle Lange

DATED this 6th day of May 1996

THE APPLICANT(S) SHALL CERTIFY THAT:

(A) The above request does not violate any deed restrictions that may be attached to or imposed upon the subject property.

(B) If the application is granted, the applicant(s) will exercise the right of granted in accordance with the terms and subject to all the conditions and limitations of the approval.

© All the above statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that nay permit issued on the basis of this application may be revoked if it is found that any such statements are false.

(D) The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

SIGNATURE of Applicant(s):

DATED this 6th day of May 1996

[Signature] for 3-H. Constant

**KEIZER COMMUNITY DEVELOPMENT DEPARTMENT
STAFF RECOMMENDATION**

SUBDIVISION CASE No. 96-03

TO: Barry Adamson; Keizer Hearings Officer (Pro Tem)
FROM: Roger D. Evans; Keizer City Planner.
SUBJECT: Subdivision Case No. 96-03
DATE: May 28, 1996

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

I. GENERAL INFORMATION

A. APPLICANT: 3-H Construction.

B. PROPERTY LOCATION: The subject property is located south of Fir Cone Drive between Wheatland Road and River Road and includes portions of the platted Fir Cone Terrace Subdivision and the unimproved streets shown as Foothill Drive and Harvest Drive. The County Assessor's map identifies the property as being located within Township 6 South; Range 3 West; Section 26CD; Multiple Tax Lots. See Exhibit "A."

C. EXISTING PARCEL SIZES: 7.37 acres.

D. EXISTING DEVELOPMENT AND PUBLIC FACILITIES: The parcel is undeveloped. The parcel has frontage along Wheatland Road and River Road. Wheatland Road is designated as a Minor Arterial and River Road is designated a Major Arterial. The property will require the extension of water and sewer mains in order that the proposed parcels may be served by public sewer and water.

E. PLAN DESIGNATION AND ZONING: A portion of the subject property is designated Low Density Residential on the Keizer Comprehensive Plan Land Use Map and is zoned RS (SINGLE FAMILY RESIDENTIAL), the remainder of the property is designated Medium to High Density Residential and Zoned RS (SINGLE FAMILY RESIDENTIAL). The purpose of the Low Density Residential Comprehensive Plan designation is to provide land for single family residential development. The purpose of the Medium to High Density Residential Comprehensive Plan designation is to provide land for multi-family residential development. (See Exhibit "B.")

F. ADJACENT ZONING AND LAND USES: Property to the North and west is designated Low Density Residential in the Comprehensive Plan and zoned RS (SINGLE FAMILY RESIDENTIAL). Property to the south is designated Commercial and is zoned CR (COMMERCIAL RETAIL) while property to the east is designated Medium to High Density Residential and is zoned RL (LIMITED DENSITY RESIDENTIAL).

Adjacent properties are predominantly developed with single family homes on subdivision lots or large parcels. (See Exhibit "B.")

G. **PROPOSAL:** The applicant proposes to subdivide the subject property into 15 single family lots ranging in size from 4,000 square feet to 199,094 square feet. Access will be provided by a proposed east-west oriented public street accessing Wheatland Road. (See Exhibit "C".)

II. AGENCY COMMENTS

A. The City Public Works Department and City Engineer provided comments regarding public facility improvements. These comments are attached as "Exhibit D" and are incorporated into this staff report.

B. The Keizer Fire District stated that all streets and turnarounds must meet the established City Street Standards. The Keizer Fire District stated an additional fire hydrant shall be installed at the intersection of Foothill Drive and Wheatland Road (see attached map and comment sheet). These comments are attached as "Exhibit E" and are incorporated into this staff report.

C. Portland General Electric, Viacom Cable, and Northwest Natural Gas do not oppose the subdivision. Northwest Natural Gas requested that 10 foot wide public utility easements be provided along all front parcel lines. The Salem-Keizer School District stated the district will track all development in the area, but will only respond to impacts on developments with 30 or more lots.

D. The Clearlake Neighborhood Association responded with list of concerns relative to the previous land use action on rezoning the property and on the potential subdivision of the property. These comments are attached as "Exhibit F" and are incorporated into this staff report.

E. No other agencies contacted provided specific comments.

III. FINDINGS - SUBDIVISION

A. The proposed subdivision will contain 15 lots ranging in size from 4,000 square feet to 199,094 square feet. Access to the property is proposed via a east-west oriented street encroaching onto Wheatland Road (existing right-of-way named Foothill Drive and shown on Fir Cone Terrace Subdivision Plat). This subdivision is designed to accommodate single family residences on the portion of the property designated Low Density Residential and zoned RS. Lot 15 (199,094 square foot parcel) is the portion of the property designated Medium to High Density Residential and currently in the process of completing a zone change to change the zoning from RS (SINGLE FAMILY RESIDENTIAL) to RM (MEDIUM DENSITY RESIDENTIAL).

B. The purpose of this subdivision is to subdivide and re-plat an existing portion of the Fir Cone Terrace Subdivision. In addition, the applicants are requesting that the right of way identified as Harvest Drive on the current subdivision plat be vacated by the City of Keizer.

A separate Street Vacation Application has been submitted to the City of Keizer Public Works Department. The vacation of Harvest Drive may potentially create an access problem to three parcels (Tax Lot #'s 6600, 6700, & 6800) that are not a part of the property being subdivided. Two of the lots have frontage on River Road, but the rearmost lot does not have any established access.

C. Section III(1) of the Keizer Subdivision and Partitioning Ordinance requires the City to consider whether or not a proposed subdivision is in accordance with the Comprehensive Plan, its implementing Ordinances and other land development policies of the City. This Section also permits the City to prescribe conditions or make changes to the proposed subdivision to bring it into conformance with the applicable policies and regulations.

D. The Comprehensive Plan contains a number of policies pertinent to the subdivision proposal. The Plan indicates stabilization, in-fill and improvement should be emphasized for existing residential neighborhoods. Residential development is encouraged where full urban services, public facilities and routes of public transportation are available. The Plan also encourages the maximum efficient use of the available land.

E. The proposal provides in-fill development on vacant land within an existing residential area. Full public services, including sewer, water, storm drainage and public access, are in place or can be extended to the proposed subdivision. The subdivision has access to Wheatland Road which upon completion of the required frontage improvements will be capable of accommodating the additional traffic generated by the development.

F. The Comprehensive Plan allows a dwelling density of up to 8 units per acre for land designated Low Density Residential. While the Keizer Comprehensive Plan's expected density is approximately 3.7 units per acre, staff recognizes a need to establish a minimum of 4 units per acre to meet the overall density policy in the Plan. The portion of the property zoned RS and containing the proposed right-of-way for Foothill Drive is approximately 2.8 acres in size. The RS zoned portion of the subdivision portion will have an approximate density of 5 units per acre which is consistent with and exceeds the Comprehensive Plan's expectations.

G. Chapter 23, of the Keizer Zoning Ordinance, contains requirements for lot sizes, parcel dimensions, permitted uses, setbacks and other related development standards for property within the RS zone. Single family lots must be a minimum of 4000 square feet in size with an average lot width of 40 feet and average lot depth of 70 feet. All of the proposed subdivision lots meet, and exceed, these minimum lot size and dimension standards. In addition, Chapter 23 specifies setback requirements for any existing or proposed structures on the proposed lots.

H. Sections IV, V and VI of the Keizer Subdivision and Partitioning Ordinance contain subdivision development requirements.

These include standards for street improvements, lot dimensions and utilities. The proposal complies with all of these standards. No variances were requested or are necessary.

VI. DEVELOPMENT CONSIDERATIONS

A. The Department of Public Works submitted a list of development requirements. Staff, in general, agrees with the Public Works Department's conclusions. The requirements are necessary to ensure public health and safety and will be placed as conditions of approval.

B. The Subdivision and Partitioning Ordinance requires the developer to connect to public utility services. The Ordinance also requires all utility services to be placed below ground. These requirements apply to this request. Further, the developer is responsible for all utility connection costs.

C. The City's System Development Charge for park development is \$300.00 per single-family dwelling or duplex unit and \$200.00 for each apartment unit. These Development charges, as well as those involving the extension of sewer and water, will apply to this request.

D. In the Zone Change Request affecting the subject property, Planning Staff sent a Wetland Land Use Notification Form to the Division of State Lands requesting verification on the presence of any wetlands on the subject property. The Division of State lands responded by stating wetlands were identified on the property and that the extent of the wetlands needed to be delineated.

VII. RECOMMENDATION AND CONDITIONS

A. The available evidence indicates the subdivision proposal complies with the decision criteria. Staff recommends approval of the subdivision subject to the following conditions:

1. The applicant shall complete the process of vacating the right of way known as Harvest Drive. Any existing utilities within the right of way shall be shown in adequate utility easements on the Subdivision Plat as determined by the Keizer Public Works Department and any other affected utility provider. Any offsite parcels which potentially would utilize the Harvest Drive right of way to develop access may require development of an adequate easement for access purposes.
2. The applicant shall take part in a conference with the applicable public facility providers for the purpose of coordinating facility improvements. This conference shall occur prior to submitting engineering drawings. It is recommended the conference participants include the Keizer Department of Public Works, Keizer City Engineer, Keizer Fire District, City of Salem Department of Public Works (sewer), U.S. West Communication, Portland General Electric, and Northwest Natural Gas.

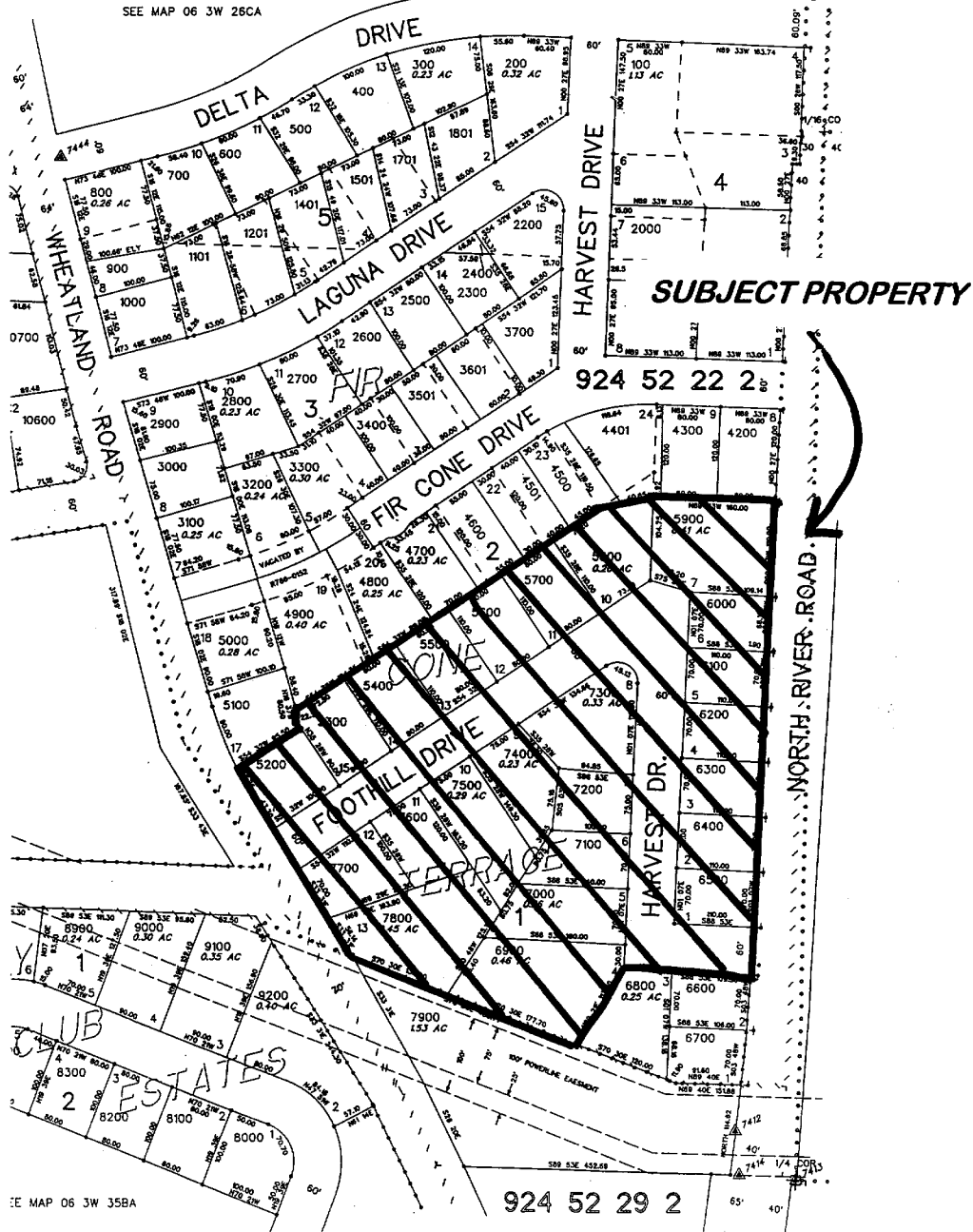
3. The applicant shall submit an engineering site plan to the Keizer Department of Public Works for its review and approval. The site plan shall include information concerning storm water detention, street improvements, easements, sewer, water and other engineering information as necessary to show compliance with Public Works development standards. Additional requirements are attached as Exhibit "D" and are, by reference, included in this condition.
4. The applicant shall submit a detailed site plan (plat) to the Keizer Community Development Department for review and approval prior to submittal of a final plat. The detailed plan shall include the following provisions:
 - a. Shall substantially conform to the proposed subdivision request.
 - b. Include all engineering elements as required by Exhibit "D" (item #2, above).
5. Upon approval of the detailed site plan and engineering plans, the applicant shall submit a final plat for the subdivision which conforms to the detail plan approval. The plat shall be prepared by a registered professional surveyor and conform with the requirements in ORS Chapter 92. A bond will be required by the County Surveyor for post monumentation of the subdivision plat.
6. Street names for the subdivision shall be approved by the City of Keizer. A Street Name Application must be completed and submitted for approval. Street naming and parcel addressing is coordinated with the Mid-Willamette Valley Council of Governments. No final plat shall be released that does not contain approved street names.
7. Items 1., 2., 3., 4, 5, and 6, above, shall be completed, including review and approval by the appropriate department, prior to the issuance of a building permit for any one building. These additional items shall also be completed prior to receiving a building permit:
 - a. Frontage improvement, including curb, sidewalk, paving and drainage, shall be installed along the portions of Wheatland Road and River Road fronting the subject property. The applicant shall install full street improvements and other public services within the entire development. These improvements shall conform to the plans approved by the City of Keizer Department of Public Works. Adequate bonding or other financial security shall be obtained.
 - b. The applicant shall apply to the City of Keizer for the creation of a Local Improvement District (L.I.D.) for street lighting. Street lighting improvements shall comply with the City regulations and requirements.
 - c. The applicant shall have the option of phasing the facility improvements and the City financial agreements, except that frontage improvements along Wheatland Road and River Road which shall be completed prior to the occupancy of any one dwelling unit.

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

B. REQUIREMENTS: The Keizer Zoning Ordinance, and Keizer Subdivision and Partitioning Ordinance, establish specific development and processing requirements. These requirements are mandatory and in many cases cannot be modified even through the variance or adjustment process. These requirements are included for the benefit of the applicant.

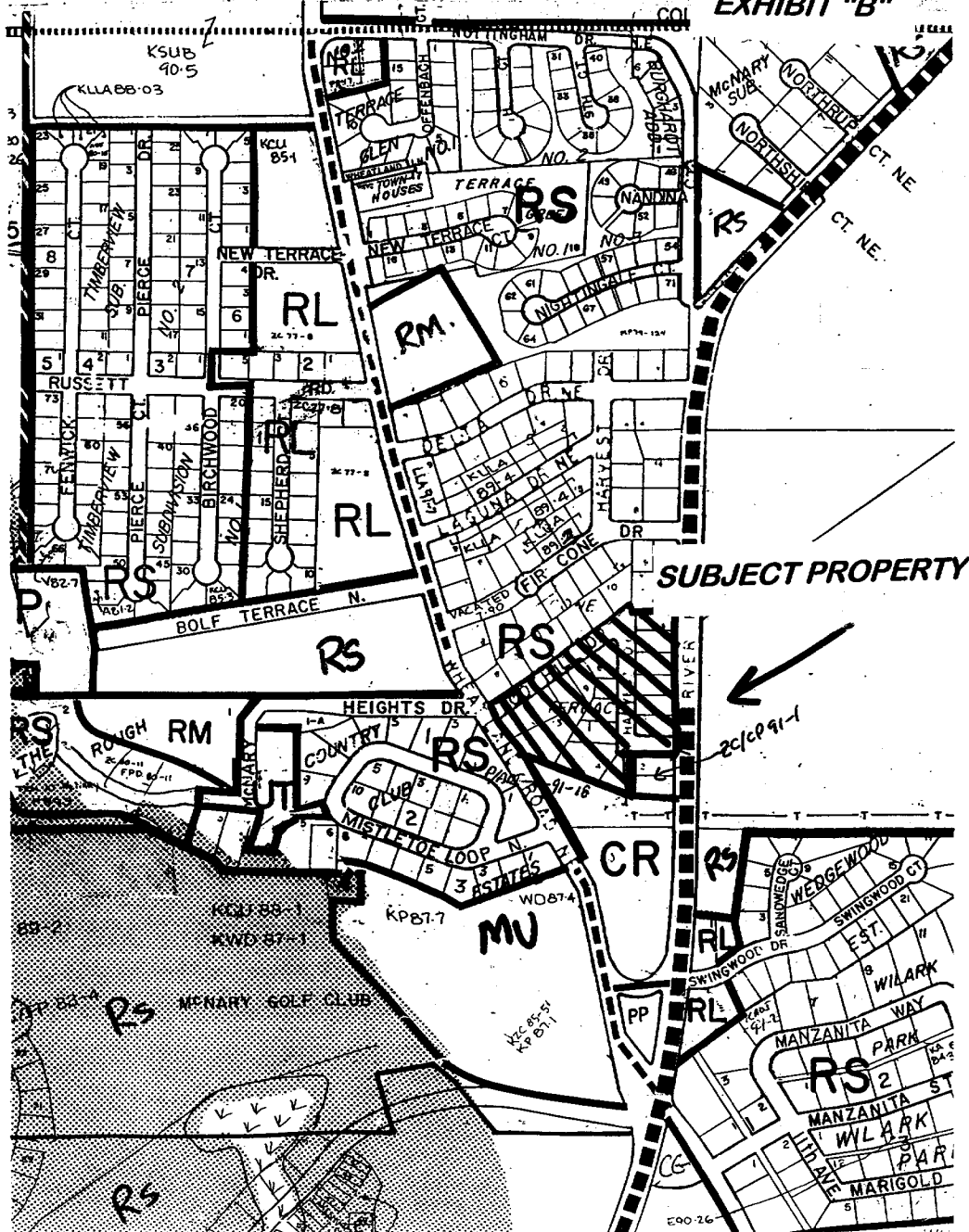
1. Completion, submittal and recording of the final subdivision plat shall comply with the requirements contained in the Keizer Subdivision and Partitioning Ordinance.
2. Unless otherwise required by this decision, development of the individual lots shall comply with the applicable requirements of the Keizer Zoning Ordinance and building requirements of the Marion County Building Inspection Division.
3. The applicant shall be responsible for all costs associated with public facility improvements, including applicable system development charges for sewer, water, parks and other facilities and shall comply with established City rules and regulations in effect at the time of the final approval of the Subdivision Plat.
4. The applicant shall comply with all Division of State Lands and other state agency requirements regarding the delineation of the wetland areas on the subject property. Any additional grading or fill removal or fill placement on the subject property must be in accordance with an approved Removal-fill permit issued by the Division of State Lands.

SEE MAP 06 3W 26CA



924 52 29 2

65° 40'





DATE: May 20, 1996

TO: CITY OF KEIZER
PLANNING DEPARTMENT

SUBJECT: SUBDIVISION CASE 96-03
FIR CONE TERRACE (FOOTHILL DRIVE)
3-H CONSTRUCTION, INC.

PUBLIC WORKS DEPARTMENT COMMENTS

It is the understanding of the Public Works Department that the property under consideration for a zone change is located in property currently designated on the City of Keizer Comprehensive Plan as appropriate for the proposed rezoning.

The subject property is adjacent to a proposed street vacation. The determination of the vacationing by the City Council is important to determining final location of new utilities to service the proposed subdivision. It is therefore the recommendation of the Department of Public Works that final approval of the proposed subdivision be withheld until the Vacation Proposal is acted upon by the City Council.

The following comments are being provided to assist in the overall evaluation of the proposal:

SANITARY SEWERS:

- a.) City of Salem approval for public sanitary sewers is required. The City of Keizer Department of Public Works will review the proposed sanitary sewers to assure adequacy of compliance with the Master Sewer Plan.
- b.) No sanitary sewer construction shall begin on this property without prior notification being given to the City of Keizer Department of Public Works.
- c.) It is the understanding of the Department of Public Works that the proposed development is located within the original Keizer Sanitary Sewer District and will therefore not be subject to the area assessment charge.

WATER SYSTEM:

- a.) All water line construction shall be subject to compliance with the City of Keizer Construction Standards. Location of new mains to be determined by the City of Keizer Department of Public Works. An overall water plan for the subject property and the property to the south will be required prior to approval of water mains for the subject property.

•
Administration
Public Works
Community Development
Municipal Court
Phone 503.390.3700
Fax 503.393.9437
Police (business only)
Phone 503.390.3713
Fax 503.390.8295
•

Incorporated 1982
Pride, Spirit, Volunteerism

Public Works Department Comments
SUBDIVISION CASE NO. 96-03
FIR CONE TERRACE
Page 2

- b.) The Keizer Fire District will determine where proper locations of fire hydrants are necessary. Final development plans shall be reviewed by the Fire Department prior to any issuance of permits for public water main construction for the subdivision.
- d.) Any wells on the subject property shall be identified and abandoned in accordance with the water department requirements.
- e.) Location of all water services shall be as determined by the City of Keizer water department. The Developer's Engineer shall meet with the City Staff to discuss how service to those lots shall be provided.
- f.) Location of all mains to be determined by the Department of Public Works at the time of the pre-design conference.
- g.) Polywrap will be required for mains in this area.

STREET AND DRAINAGE IMPROVEMENTS:

- a.) Improvements along the frontages of Wheatland Road and North River Road shall be required as part of the development plans for the subject property. Construction of the River Road improvements including the sidewalk improvements shall be constructed at the time of initial development of the subdivision.
- b.) A storm drainage master plan will be required to be submitted for review and approval prior to any construction in this area.
- c.) Storm water detention requirements will be determined during the pre-design phase of the development.
- d.) No driveway access shall be allowed on Wheatland Road or North River Road.
- e.) 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.
- f.) A Pre-design meeting will be required prior to the Developer's Engineer submitting plans to the city for review.

A Pre-construction conference shall be required prior to commencement of any construction under permits issued by the city.

REQUEST FOR COMMENTS

City of Keizer

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

TO: Keizer Fire District
661 Chemawa Rd NE
Keizer OR 97303

EXHIBIT "E"

DATE: May 14, 1996
FROM: Keizer Community Development Department
CASE: Subdivision Case No. 96-03

APPLICATION: Application by 3-H Construction for conceptual approval for a 15 lot subdivision on 7.37 acres. The property is a portion of the Fir Cone Terrace Subdivision and is currently platted. The purpose of the subdivision is to re-plat the existing subdivision and resubdivide the portion designated LDR and the portion designated MHDR on the Keizer Comprehensive Plan Land Use map separate into separate parcels.

LOCATION: The subject property is located between River Road N (east) and Wheatland Road (west) and south of Fir Cone Drive. The property is unaddressed is shown on Assessor Map T6S; R3W; Sect. 26CD; Multiple Tax Lots (See attached maps).

The Keizer Community Development Department is soliciting comments from affected agencies on the above referenced land use application. These comments will be considered as part of the staff report. Please return your comments to our office by MAY 24, 1996 in order that we may process the application in a timely manner. Phone calls are acceptable if it is not possible to respond in writing by this date. If we receive no response, we will assume your agency has no concerns. You may use this response form, or, attach a separate letter. Please return your written responses to the Keizer Community Development Department, PO Box 21000, Keizer, Oregon 97307-1000. Questions regarding the application may be directed to Roger Evans, City Planner, at 390-3700. Thank you for your assistance.

PLEASE CHECK THE APPROPRIATE ITEMS:

☐ Our agency reviewed the proposal and determined we have no comment.

☐ Our agency would like to receive a copy of the staff decision/report and notice of any public hearings in this case.

☐ Our comments are in the attached letter.

☒ Our Agency's comments are:

Install Fire Hydrant at location shown on plans.

Date response prepared: 5-24-96 Person Commenting: Joel Stein
s:comment/cindy Fire Marshal

Administration
Public Works
Community Development
Municipal Court
Phone 503.390.3700
Fax 503.393.9437
Police (business only)
Phone 503.390.3713
Fax 503.390.8295

Incorporated 1982
Pride, Spirit, Volunteer!

Pg 2

N33°31'00"W 229.44'

Inst.
New F.H.

FOOTHILL DRIVE

15
199,094 S.F.

ICATED

70.30
85.40
155.70



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

REQUEST FOR COMMENTS

TO: Cindy Schaeffer
Clearlake Neighborhood Assoc.
7555 Wheatland Road North Keizer, OR 97303

DATE: May 14, 1996
FROM: Keizer Community Development Department
CASE: Subdivision Case No. 96-03

APPLICATION: Application by 3-H Construction for conceptual approval for a 15 lot subdivision on 7.37 acres. The property is a portion of the Fir Cone Terrace Subdivision and is currently platted. The purpose of the subdivision is to re-plat the existing subdivision and resubdivide the portion designated LDR and the portion designated MHDR on the Keizer Comprehensive Plan Land Use map separate into separate parcels.

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PLEASE CHECK THE APPROPRIATE ITEMS:

☐ Our agency reviewed the proposal and determined we have no comment.

☒ Our agency would like to receive a copy of the staff decision/report and notice of any public hearings in this case.

☒ Our comments are in the attached letter.

☐ Our Agency's comments are:

Date response prepared: MAY 24 1996 Person Commenting: James K Warner
s:comment/cindy Chair - Clearlake Neighborhood Assoc.
Administration
Public Works
Community Development
Municipal Court
Phone 503.390.3700
Fax 503.393.9437
Police (business only)
Phone 503.390.3713
Fax 503.390.8295

Clearlake Neighborhood Association

May 21, 1996

Keizer Community Development Department
P.O. Box 21000
Keizer, OR 97307-1000

The CLNA met in a general open membership meeting on May 20, 1996, and considered your request of comment on Subdivision Case No. 96-03.

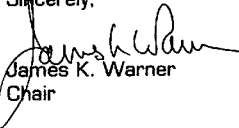
Our vote was to recommend not changing the zoning to allow changes in the existing plan. Briefly stated our concerns are:

1. Traffic safety, the increase of traffic in an area that is currently overburdened, has some obvious visibility problems, has no sidewalks on feeder streets (Wheatland and River Road), and has had a series of accidents on the River Road access area from Hidden Creeks. We are concerned about the increase in load on these streets and would request review of study results on traffic safety and flow.
2. Flooding, the proposed area has had standing water in parts nearly all this winter, sometimes rather deep. We feel a plan to drain and handle this water and runoff created by streets and parking needs to be addressed, prior to any changes. We feel strongly that the city has a responsibility to prevent building in areas that are likely to have citizen or property damage from future flooding.
3. Erosion, there is currently some erosion on the hillside on the top end of this area. What will be done to safeguard the future dwellings and inhabitants in the area?
4. Public safety, what will be the effect on police, fire and city infrastructure resources by increasing the population density in an area where rapid growth is affecting services and city resources. Are we creating a bill our taxpayers will need to carry, by allowing increased development on this parcel?
5. Wetlands' issues, there have been questions raised about this area as a wetland. Have the proper authorities been queried about this area, and is it a wetland? If not, we would like to know an affirmative answer.

We are not opposed to well thought out and completely studied development. However, we want our concerns answered in a complete and timely manner proving beyond a shadow of a doubt that these requested changes will not adversely change our livability or our community safety and well being, otherwise we must remain opposed to these requested changes.

Thank you for the opportunity to respond, should you have any questions or need additional comments, please contact our association.

Sincerely,



James K. Warner
Chair

WETLAND LAND USE NOTIFICATION FORM

DIVISION OF STATE LANDS WETLANDS PROGRAM

775 Summer Street NE, Salem, Oregon 97310 (503/378-3805)

1. County: Marion Local Case File No.: Zone Change Case # 95-03
 City: Keizer DSL File No.: LN 95-0425
 Responsible Jurisdiction: ☒ City ☐ County
2. APPLICANT: 3-H Construction, Inc LANDOWNER: Jack Largent
10355 Liberty Rd S 4378 Alderbrook Ave SE
Salem mailing address Salem mailing address
OR 97302 OR 97302
 city state zip city state zip
 phone phone
3. LOCATION: See Site Plan & attached Maps
T 6 S R 3 W S 26 1/4 Tax Lot(s) (attach copy with site indicated)
 NWI quad map name Attached: NWI map Parcel map ☒ Site plan Other
4. SITE INFORMATION:
 NWI Wetland Classification Code(s) In Floodplain? Y N ☒
 Adjacent Waterway (if any) Current Land Use Vacant/undeveloped Zoning Rs (Single Family Res)
5. PROPOSED ACTIVITY:
☐ site plan approval ☐ subdivision
☐ grading permit ☐ planned unit development
☐ conditional use permit ☐ building permit (new structures)
☒ other Zone Change to allow Multi-family development on Site
 Project Description: _____

Completed by/Contact: Roger EvansDate: 11/5/95Address: Po box 21000 Keizer OR 97307-1000Phone: 390-3700 Ext 145

(This form is to be completed only by planning department staff for mapped wetlands) Fax 393-9437

On-site AL/NIA

DSL RESPONSE

det 93-0030

- ☒ A removal-fill permit is required from the Division of State Lands.
☐ A removal-fill permit will be required when the development project proceeds.
☐ A removal-fill permit may be required.
☐ A permit may be required by the Corps of Engineers (326-6915)
☒ Information needed includes:
☒ A wetland determination/delineation report. (Consultant list available from DSL)
☒ Wetland boundaries will need to be flagged & concurred with by our staff
☐ State permit ☐ was issued ☐ has been applied for at this time.
☐ No removal-fill permit is required for the described project if/because: _____

Comments: Wetlands were identified by our staff as indicated on enclosed letter. Any additional site work needs to be halted until delineation concurrence and any needed permits are obtained. Wetlands verified in 10/75 by observation of standing water
 Response completed by: _____ Date: _____
 * If the project is changed to involve fill or removal from the wetlands area, a state removal-fill permit will be required. Annette Laika 10/27/95

Oregon

July 14, 1993

Chuck Kimball
Riverwood Properties
3483 River Road North
Salem, OR 97303

Re: Wetland Determination, Fir Cone Terrace
T6S R3W S26CD TL 5800-8500

DIVISION OF
STATE LANDS

STATE LAND BOARD
BARBARA ROBERTS
Governor

PHIL KEISLING
Secretary of State

JIM HILL
State Treasurer

Dear Mr. Kimball:

At your request, on July 8, 1993, I visited the above site to determine whether or not there are wetlands in the area proposed for development. Much of the area at the base of the slope is wetland. There are large patches of reed canarygrass, smaller patches of cattails, meadow foxtail and rushes, and scattered Oregon ash saplings and willows, all of which are wetland plants. Small channels braid through the area.

The area has been disturbed, and there is likely a wetland/non-wetland mosaic, especially toward the north at the base of the slope to Fir Cone Drive. Prior to any site development beyond the foot of the slope, a thorough wetland boundary delineation should be conducted by a consultant (list attached). I suspect, however, that most of the low area is wetland.

All areas determined to be wetland are subject to state and federal permit requirements. Avoiding wetland impacts is the first consideration in evaluating permit applications.

Thank you for your prudent inquiry. Please phone if you have any questions.

Sincerely,

Janet C. Morlan

Janet C. Morlan
Wetlands Program

JCM/dsh
jan:812

Enclosure

cc: Skip Wendolowski, City of Keizer



775 Summer Street NE
Salem, OR 97310-1337
(503) 378-3805
FAX (503) 378-4844

CITY OF KEIZER
COMMUNITY DEVELOPMENT DEPARTMENT
930 Chemawa Road, N.E.
Post Office Box 21000
Keizer, Oregon 97307 (503) 390-3700

HEARINGS OFFICER DECISION

This Decision consists of Conditions, Findings of Fact, and Conclusions

-----●●●●-----
June 28, 1996

Subdivision Case No. 96-03
Proposal to create a 15-lot, single-family dwelling, subdivision

-----●●●●-----

Location: 6600 Block of Wheatland Road, North
Keizer, Oregon

Legal: Sec. 26CD, T6S, R3W (Multiple tax lots)

Site Size: 7.37 acres

Applicant: 3-H Construction
3040 Commercial Street, N.E.
Salem, Oregon 97302

Property Owner: Jack Largent
4378 Alderbrook Avenue, S.E.
Salem, Oregon 97302

Comprehensive Plan: Low Density Residential/ Medium to High Residential

Zoning: RS (Single Family Residential)

HEARINGS OFFICER DECISION:

Approved, a proposal to create a 15-lot, single-family dwelling subdivision, pursuant to the following conditions, findings, and conclusions.

CONDITIONS OF APPROVAL:

1. Applicant shall complete the process of vacating the right-of-way known as Harvest Drive. Any existing utilities within the right-of-way shall be shown in adequate utility easements on the Subdivision Plat as determined by the Keizer Public Works Department and any other affected utility provider.
2. Applicant shall participate in a conference with the applicable public facility providers in order to coordinate facility improvements. This conference shall occur prior to the submission of any engineering drawings or plans. Applicant shall contact, and shall endeavor to include within the conference, the Keizer Department of Public Works, Keizer City Engineer, Keizer Fire District, City of Salem Department of Public Works (sewer), U.S. West Communications, Portland General Electric, and Northwest Natural Gas.
3. Applicant shall submit an engineering site plat to the Keizer Department of Public Works for its review and approval. The site plan shall include information with respect to storm water detention, street improvements, easements, sewer, water, and other engineering information required to demonstrate compliance with Public Works development standards. Specifically, with the exception noted in the next sentence, Applicant shall comply with all requirements set forth in the Public Works Department's May 20, 1996, comment letter (Exhibit "D" to the May 28, 1996, STAFF REPORT), the contents of which exhibit are incorporated herein by this reference. However, paragraph "d.)" within the topic labeled "STREET AND DRAINAGE IMPROVEMENTS" on page 2 of the STAFF REPORT shall only apply to Lot 1 access.
4. Applicant shall submit a detailed site plan/plat to the Keizer Community Development Department for its review and approval prior to the submittal of a final plat. The detailed site plan shall adhere to the following conditions:
 - (a). It shall substantially conform to the proposed subdivision request, *except* that the dimensions of one or more lots shall be adjusted from the dimen-

sions in Exhibit "C" to the May 28, 1996, STAFF REPORT so that all lots shall be at least 4,000 square feet in size.^[1]

- (b). It shall include all detail and fulfill all conditions required by Exhibit "D" to the May 28, 1996, STAFF REPORT.
 - (c). It shall ensure that any existing structures on any proposed lots meet the siting and dimensional requirements in Chapters 23 and 25 of the KEIZER ZONING ORDINANCE.
- 5. Upon approval of the detailed site plan and engineering plans, Applicant shall submit a final plat for the subdivision which conforms to the detail plan approval. The plat shall be prepared by a registered professional surveyor and shall conform to the subdivision requirements in ORS Chapter 92. Applicant shall obtain, and file with the County Surveyor, a bond for post monumentation of the subdivision plat.
 - 6. Applicant shall obtain approval of the City of Keizer for any street names used within the proposed subdivision. Applicant shall complete and submit for approval a Street Name Application. Any street naming and parcel addressing will be coordinated with the Mid-Willamette Valley Council of Governments. Applicant shall not release any final plat that does not contain approved street names.
 - 7. Applicant shall construct all streets and turnarounds in accordance with established City Street Standards. The location of all fire hydrants shall be coordinated with the Keizer Fire District and Marion County Fire District No. 1.
 - 8. Applicant shall, to the extent not otherwise required or mentioned in conditions 1 through 7 above, comply with all development requirements and specifications in Sections IV ("Roads, Streets, and Easements"), V ("Blocks and Lots"), and VI ("Sewage, Water, and Utilities") of the City's SUBDIVISION AND PARTITIONING ORDINANCE.
 - 9. Applicant shall complete conditions 1 through 8 above, and shall obtain review and approval by the appropriate City department, prior to the issuance of any building permit for any building, or prior to the issuance of any other necessary permit by the City in the event a condition cannot be fulfilled prior to some construction. In addition, the following matters shall be completed prior to the issuance of any building permit:

¹ Applicant's site plan — Exhibit "C" to the May 28 STAFF REPORT — reported Lot 2 as comprising only 3,917 square feet. Applicant acknowledged a problem with that size, and agreed to make the necessary adjustment(s).

- (a). Applicant shall install frontage improvements, including curb, sidewalk, paving and drainage, along the portions of Wheatland Road and River Road that front the subject property. Applicant shall install full street improvements and other public services within the entire development, which improvements shall conform to the plans approved by the City of Keizer Department of Public Works. Applicant may, at its option, phase these improvements, except that the frontage improvements along Wheatland Road and River Road shall be completed prior to the occupancy of any one dwelling unit. Applicant shall obtain all necessary bonding or other financial security required by the City with respect to these improvements.
 - (b). Applicant shall apply to the City of Keizer for the creation of a Local Improvement District for street lighting. All street lighting shall comply with City regulations and standards.
10. Because KZO §§ 23.10 (Single Family Residential) and 25.10 (Medium Density Residential) both mandate compliance with all pertinent standards and regulations in KZO Chapters 17 to 20, 23, and 25 as a condition of "approval," Applicant shall also comply with and fulfill all pertinent development criteria in KZO Chapters 17, 18, 19, 20, 23, and 25 as a condition precedent to the issuance of a building permit, certificate of completion, occupancy permit, or any other necessary City permit, as the case may be for a particular development criterion.^[2]
 11. Because I can find nowhere in the record that Applicant has committed to a particular number of multi-family units, Applicant may develop from 41 multi-family units to no more than 73 multi-family units on Lot 1, pursuant to the pertinent COMPREHENSIVE PLAN density standards.

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² Obviously, some of the requirements in KZO Chapters 17 to 20, 23, and 25 will be fulfilled at different points during the construction process.

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I. ANALYSIS OF THE PROPOSAL

A. BACKGROUND / PROPOSAL SUMMARY

Applicant proposes to subdivide the subject property — which lies to the north of the intersection of Wheatland Road and River Road North — into 14 single-family lots and one large lot devoted to multi-family use, ranging in size from no less than 4,000 square feet for the single-family lots³ to 199,094 square feet for lot 15.

Applicant proposes subdivision access via an east-west public street located where Foothill Drive currently exists as platted within the Fir Cone Terrace subdivision. Foothill Drive will dead-end at lot 14, and Harvest Drive will be vacated in order to accommodate the siting of lot 15.

³ Applicant's site plan (Exhibit "C" to the May 28, 1996, STAFF REPORT) reflects a lot size of only 3,917 square feet for Lot 2. Within the RS zone, lots must be at least 4,000 square feet. Applicant shall correct that deficiency on any future plans as a condition of approval.

Development of the subject property will require the extension of water and sewer mains.

B. SITE AND VICINITY DESCRIPTIONS

The Fir Cone Terrace subdivision lies directly to the north, comprised of single-family residences designated LDR (Low Density Residential) in the COMPREHENSIVE PLAN and zoned RS (single-family residential).

To the south lies property designated Commercial in the COMPREHENSIVE PLAN and zoned CR (Commercial Retail). Properties to the west and east are separated from the subject property by Wheatland Road and River Road North, respectively, and bear COMPREHENSIVE PLAN and zoning designations of LDR (Low Density Residential)/ RS (Single-Family Residential) and MHDR (Medium to High Density Residential)/ RL (Limited Density Residential).

C. COMPREHENSIVE PLAN AND ZONING ORDINANCE CONSIDERATIONS

The City's COMPREHENSIVE PLAN designates lots 1 through 14 (the portion of the proposed subdivision lying to the north of Foothill Drive) as "LDR" (Low Density Residential), and designates lot 15 as "MHDR" (Medium to High Density Residential). All of the property lies within an "RS" (Single-Family Residential) zoning district.

Applicant has apparently obtained (or is obtaining) zone change approval with respect to Lot 15; it will no longer be zoned RS (Single-Family Residential) but will be zoned RM (Medium Density Residential).

II. APPLICABLE CRITERIA

The following criteria apply to the proposed development:

A. SUBDIVISION AND PARTITIONING ORDINANCE

The City's SUBDIVISION AND PARTITIONING ORDINANCE ("SPO") provides, in pertinent part:

"CONSIDERATIONS FOR APPROVAL OR DENIAL When considering a subdivision or partitioning plan, the City shall consider *whether or not it is in accordance with the Comprehensive Plan and its implementing ordinances* and all other land development policies of the City of Keizer." (SPO § III ("General Regulations"), ¶ 1 [emphasis added].)

I discuss the City's applicable Comprehensive Plan criteria beginning at page 9, and I discuss the City's applicable Zoning Ordinance criteria beginning at page 10.

The City's SPO additionally provides, in pertinent part:

"CONFORMANCE WITH REGULATIONS Unless a variance is granted as provided herein, the subdivision *shall conform to applicable regulations contained in Sections IV, V, and VI* of this ordinance . . ." (SPO § VIII ("Subdivision Procedure"), ¶ 5 [emphasis added].)

SPO §§ IV, V, and VI prescribe criteria for – respectively – "ROADS, STREETS, AND EASEMENTS," "BLOCKS AND LOTS," and "SEWAGE, WATER, AND UTILITIES." Most of those criteria more appropriately control the physical development of the proposed subdivision at a point in time subsequent to any approval of the subdivision application.

Thus, for such criteria that manifestly implicate post-approval development/engineering requirements, I have imposed conditions beginning at page 2 of this decision that require Applicant to fulfill those conditions from SPO §§ IV, V, and VI.

However, some of the criteria in SPO §§ IV, V, and VI will obviously be pertinent to the drawings and plans that must be reviewed in conjunction with the subdivision approval at this stage. I conclude that the following criteria apply at this stage:

"DEDICATION OF RIGHT-OF-WAY . . . Standard right-of-way widths and improvements shall comply with the requirements in Table 1." (SPO § IV ["Roads, Street, and Easements"], ¶ 7.)

"LOT SIZE All lots approved under this ordinance shall have sufficient area to be consistent with the intent of the Comprehensive Plan and implementing ordinances, and to provide adequate area for the intended structures and uses, and all setbacks, access and spacing required for water supply and waste water disposal. . . ." (SPO § V ["Blocks and Lots"], ¶ 3.)

"CORNER LOT All corner lots shall be at least 70 feet wide adjacent to each street." (SPO § V ["Blocks and Lots"], ¶ 5.)

"LOT LINE Side lot lines shall be as close to right angles to the front street line as practicable. Unless otherwise approved, rear lot lines shall be not less than one-half the width of the front lot lines." (SPO § V ["Blocks and Lots"], ¶ 6.)

"SEWAGE DISPOSAL All lots or parcels shall be served by an authorized sewage disposal system. . . ." (SPO § VI ["Sewage, Water and Utilities"], ¶ 1.)

"WATER SUPPLY All lots or parcels shall be served by an authorized public or private water supply system or individual private wells. . . ." (SPO § VI ["Sewage, Water, and Utilities"], ¶ 2.)

B. COMPREHENSIVE PLAN PROVISIONS

Chapter III, Section C.2.b. in the City's COMPREHENSIVE PLAN (the "Plan") implements a number of residential development policies, not all of which apply to Applicant's proposal.

Chapter III, Section C.2.b. of the Plan provides, in pertinent part, that it shall be among the City's policies to:

" * * * * "

- "4. Coordinate new residential development with the provision of an adequate level of services and facilities, such as sewers, water, transportation facilities, school and parks.

" * * * * "

- "13. Discourage through traffic in residential neighborhoods.

" * * * * "

- "15. Designate on a plan map residential land sufficient to:

" * * * * "

- "(c). Provide for three general levels of residential density:

"Low Density: as many as 8 units per gross acre.

"Medium Density: over 8 and as many as 16 units per gross acre.

" * * * * "

C. ZONING ORDINANCE PROVISIONS

KZO Chapter 23 ("Single Family Residential – RS Zone") provides, in pertinent part:

- "(a) Lot area: The minimum lot area for a single family dwelling . . . is 4,000 square feet. . ."
- "(b) Lot dimensions, single family: The minimum lot width is 40 feet, and the average lot depth shall be at least 70 feet . . ."
(KZO § 23.12.)

Similarly, KZO Chapter 25 ("Medium Density Residential – RM Zone") provides, in pertinent part:

- "(b) Lot area, multi-family dwellings:^[4] A minimum of 6,000 square feet. One dwelling unit per 2,000 square feet of net lot is allowed.

- "(e) Lot dimensions, other uses: The minimum lot width is 40 feet, and the average lot depth shall be at least 80 feet[.]"
(KZO § 25.12.)

Although KZO Chapters 23 and 25 contain a number of other development standards and regulations (and even specifically incorporate the additional standards and regulations in KZO Chapters 17 to 20 [see KZO §§ 23.10 and 25.10]), almost all of these other standards and regulations would apply — if at all — at the time of construction, as opposed to the approval of a particular use. Nevertheless KZO §§ 23.10 and 25.10 each expressly provides that

"[n]o structure ~~or use~~ shall be approved until all requirements in this chapter have been satisfied." (Emphasis added.)

Thus, I have imposed as a condition of approval that Applicant shall comply with and fulfill all pertinent provisions in KZO Chapters 17, 18, 19, 20, 23, and 25 as a condition precedent to the issuance of a building permit, certificate of completion, occupancy permit, or other necessary final City permit, as the case may be.

⁴

Applicant's proposal confirms that Lot 15 will be devoted to multi-family housing.

III. FINDINGS

A. SUBDIVISION AND PARTITIONING ORDINANCE

The City's SPO requires that, "[u]nless a variance is granted as provided herein, the subdivision shall conform to applicable regulations contained in Sections IV, V, and VI of this ordinance . . ." (SPO § VIII, ¶ 5 [quoted *supra* beginning at page 7].)

Beginning at page 7, *supra*, I identified a small number of criteria that apply at this stage of subdivision approval, as opposed to those criteria that obviously will apply during later stages of subdivision construction and development.

1. Right-of-way Dedication

"Standard right-of-way widths and improvements shall comply with the requirements in Table 1" [SPO § IV, ¶ 7]

Table 1, entitled "Street Standards," within SPO § IV prescribes pertinent right-of-way dedications for subdivision streets as follows:

- ◆ For "Local Street": total right-of-way width of 44 feet and a curb-to-curb improvement width of 30 feet for a local street serving up to 19 dwelling units, *or* that generates up to 190 average daily trips, *or* that serves a subdivision of up to 79,999 square feet; *or*
- ◆ For "Cul-De-Sac": total right-of-way width of 46 feet and a curb-to-curb improvement width of 32 feet for a cul-de-sac with a maximum length of 800 feet *or* that generates less than 450 average daily trips, *or* that serves a subdivision of less than 183,999 square feet.^{5]}

⁵ Table 1's cul-de-sac criterion proves a bit confusing. It prescribes the required curb-to-curb improvement width as "width as above," yet it does not plainly describe what the "above" is. However, both the ADT criterion of 450 or less and the square foot criterion of 183,999 or less for cul-de-sacs appears to make the second "local street" criteria applicable (*viz.*, where there exists 200 to 799 ADT *or* 80,000 to 319,999 square feet).

Note (d) to Table 1 requires applicants to "use [the] largest number" in determining which dedication right-of-way criterion applies. Following that mandate, the second of the two criteria cited above would apply here; Applicant proposes a 15-lot subdivision with total area of (by my addition) approximately 282,350 square feet (to be adjusted minimally; *see* footnote 1 at page 3).

Accordingly, although reproduced with a dreadfully small, barely-readable typeface in Exhibit "C" to the STAFF REPORT, Applicant's site plans appear to reflect an internal street right-of-way width of 60 feet and a curb-to-curb improvement width of 34 feet, with a curb radius for the cul-de-sac of at least the required 38 feet.

I find that Applicant has fulfilled the criteria in SPO § IV, ¶ 7.

2. Lot Size

"All lots approved under this ordinance shall have sufficient area to be consistent with the intent of the Comprehensive Plan and implementing ordinances, and to provide adequate area for the intended structures and uses, and all setbacks, access and spacing required for water supply and waste water disposal" [SPO § V, ¶ 3]

I discuss both lot size and setbacks within the criterion that begins at page 16, *infra*, which addresses such requirements in the context of the City's ZONING ORDINANCE.

In light of that discussion, which I incorporate here, I find that Applicant has fulfilled the criteria in SPO § V, ¶ 3.

3. Corner Lot

"All corner lots shall be at least 70 feet wide adjacent to each street" [SPO § V, ¶ 5]

All corner lots must be at least 70 feet wide adjacent to each street. Applicant's site plans contain but one corner lot: Lot 1. The barely-readable dimensional references for Lot 1 appear to confirm that it fulfills the above criterion.

4. Lot Line

"Side lot lines shall be as close to right angles to the front street line as practicable. Unless otherwise approved, rear lot lines shall be not less than one-half the width of the front lot lines" [SPO § V, ¶ 6]

A review of Applicant's plans reflect that the proposed side lot lines for all of the lots appear to be as close as practicable to right angles to the front street line under the proposed configuration. I also observe no rear lot lines that appear to be less than one-half the width of the front lot lines.

I find that Applicant has fulfilled the criteria in SPO § V, ¶ 6.

5. Sewage Disposal

"All lots or parcels shall be served by an authorized sewage disposal system" [SPO § VI, ¶ 1]

Applicant proposes to undertake all necessary extensions of a sanitary sewer trunk line for the site, which, when completed will result in an authorized sewage disposal system. Also, Applicant shall, as a condition of approval included among the Conditions that begins at page 2, comply with the sanitary sewer requirements set forth in Exhibit "C" to the STAFF REPORT (the Public Works Department's May 20, 1996, comment letter).

I find that Applicant has fulfilled the criteria in SPO § VI, ¶ 1.

6. Water Supply

"All lots or parcels shall be served by an authorized public or private water supply system or individual private wells" [SPO § VI, ¶ 2]

Applicant will undertake all necessary extensions of a domestic water main for the site, which, when completed will result in an authorized public water supply sys-

tem for the subdivision. Also, Applicant shall, as a condition of approval included among the Conditions that begins at page 2, comply with the water system requirements set forth in Exhibit "C" to the STAFF REPORT (the Public Works Department's May 20, 1996, comment letter).

I find that Applicant has fulfilled the criteria in SPO § VI, ¶ 2.

B. COMPREHENSIVE PLAN PROVISIONS

The City's SUBDIVISION AND PARTITIONING ORDINANCE requires the City to consider whether Applicant's proposal complies with applicable residential policies in the "Comprehensive Plan and its implementing ordinances and all other land development policies of the City of Keizer." (SPO § III, ¶ 1 [quoted in pertinent part *supra* at page 7].)

The following provisions of the COMPREHENSIVE PLAN apply to Applicant's proposed subdivision at this juncture.

-
1. "Coordinate new residential development with the provision of an adequate level of services and facilities, such as sewers, water, transportation facilities, school and parks"

Chapter III, Section C.2.b.4 of the City's Plan mandates that new residential development be coordinated with the provision of adequate levels of sewers and water, among other things.

Because Applicant will be required to provide the proposed subdivision with sewer and water services and facilities in a manner acceptable to the City as a condition to acceptance and approval of the subdivision, I find that Applicant has fulfilled the residential policy in Chapter III, Section C.2.b.4 of the Plan.

2. "Discourage through traffic in residential neighborhoods"

Chapter III, Section C.2.b.13 of the City's Plan mandates that residential development shall "discourage through traffic in residential neighborhoods."

Applicant's proposed subdivision contains a dead-end cul-de-sac. As designed, the subdivision's traffic flow could not serve as a traffic diverter of traffic seeking to travel elsewhere.

Therefore, I find that the subdivision's proposed traffic flow discourages through traffic — *viz*, out-of-area traffic — within a residential neighborhood and that Applicant has fulfilled the residential policy in Chapter III, Section C.2.b.13 of the Plan.

3. Density of up to 8 units per acre on Low-Density Residential property, or between 9 and 16 units per acre on Medium-to-High-Density Residential property

Chapter III, Section C.2.b.15(c) of the City's Plan mandates that residential development in areas designated "Low Density Residential" carry a density of up to, but no more than, 8 units per acre, and that areas designated "Medium to High Density Residential" carry a density of at least 9 but no more than 16 units per acre.

Lots 1 to 14 in Applicant's proposed 15-lot subdivision occupy approximately 2.8 acres, will have a density of 5 units per acre in a "Low Density Residential" area. Lot 15 occupies approximately 4½ acres, which would allow a density of at least 41 units but no more than 73 units.^[6] The record, however, contains no reference that I could find with respect to the number of units that Applicant proposes to develop on Lot 15. Thus, I have imposed the condition among the CONDITIONS OF APPROVAL that begin on page 2 that Applicant may develop up to 41 units but no more than 73 units.

I therefore find that Applicant has fulfilled the residential density policy in Chapter III, Section C.2.b.15(c) of the Plan.

⁶ 199,094 square feet divided by 43,560 square feet per acre yields 4.57 acres. 4.57 times 9 equals 41 units, and 4.57 times 16 equals 73 units.

C. ZONING ORDINANCE PROVISIONS

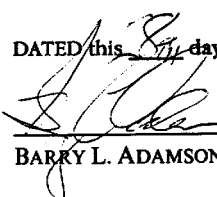
The City's SUBDIVISION AND PARTITIONING ORDINANCE requires the City to consider whether Applicant's proposal complies with applicable residential policies in the "Comprehensive Plan and its implementing ordinances and all other land development policies of the City of Keizer." SPO § III, ¶ 1 (quoted in pertinent part *supra* at page 7.)

I have already discussed the applicable zoning criteria within KZO Chapters 23 and 25 beginning at page 10, *supra* (the lot size and setback criteria). Applicant's site plans fulfill the lot size and lot dimension criteria, and the conditions of approval that I have imposed with respect to other standards and regulations implicated by KZO Chapters 23 and 25 will fulfill the other criteria.

IV. CONCLUSIONS

I conclude that subject to the conditions of approval set forth beginning at page 2, Applicant has otherwise fulfilled all applicable requirements of the City's SUBDIVISION AND PARTITIONING ORDINANCE, the City's COMPREHENSIVE PLAN, and the City's ZONING ORDINANCE.

DATED this 27th day of June, 1996.



BARRY L. ADAMSON, Hearings Officer

V. APPEAL RIGHTS

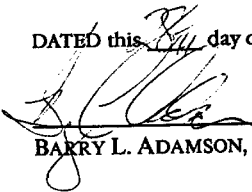
Any interested person, including the applicant, who disagrees with this decision may appeal the decision to the City Council. Any such appeal must be filed with the Keizer Community Development Department, 930 Chemawa Road, N.E., Keizer, Oregon 97303, by 5:00 p.m. on or before the tenth day following the date of mailing of this decision, and accompanied by any necessary filing fee.

The appeal must:

- ♦ be in writing,
- ♦ request that the Council hold a hearing on the application, and
- ♦ *either explain why the appellant believes the decision to be factually or legally incorrect or based on incomplete facts, or present new facts material to the decision, the omission of which resulted in a factually or legally incorrect decision, or offer modifications to the decision that will conform the proposal to the requirements of the pertinent criteria governing the application.*

This decision shall be effective and final after the tenth day following the date of mailing, unless appealed.

DATED this 24 day of June, 1996.


BARRY L. ADAMSON, Hearings Officer

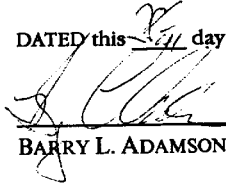
I certify that on the 24 day of June, 1996, I mailed a copy of this decision to the following persons:

Mark Grenz
1155 13th Street, S.E.
Salem, Oregon 97302

3-H Construction
3040 Commercial Street, S.E.
Salem, Oregon 97302

Jack Largent
4378 Alderbrook Avenue, S.E.
Salem, Oregon 97302

DATED this 24 day of June, 1996.


BARRY L. ADAMSON, Hearings Officer



City of Keizer — Community Development

Phone: 390-3700 • Fax: 390-8295

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

M E M O R A N D U M

6 pages

DATE: July 9, 1996
TO: Mark Grenz, Multi-Tech Engineering Services
FROM: Roger Evans, Keizer City Planner *RE*
RE: Appeal of Hearings Officer Decision - 3H Subdivision

Attached is a copy of the Hearings Officer's response to John Morgan's request to issue an amended decision for Subdivision Case No. 96-03. As you can see, the Hearings Officer has declined the request to issue an amended decision. As such, if you have not paid the fee to finalize your appeal request please do so by the end of this week. The appeal will be scheduled for the first City Council meeting in August.

If you have any questions, or would like to discuss this issue please call me at 390-3700.

FAX TRANSMISSION
MULTI/TECH ENGINEERING
SERVICES, INC.

1155 13TH STREET S.E.
SALEM, OR 97302
(503) 363-0227
FAX: (503) 364-1260

To: Roger Evans **Date:** June 30, 1996
Fax #: 393-9437 **Pages:** 5, including this cover sheet.
From: Mark D. Grenz, P.E.
Subject: Subdivision Case No. 96-03

COMMENTS:

Roger please have the hearings officer re-issue his decision on this matter and eliminate from the conditions of approval, condition No. 11

That is a zoning issue and not a subdivision matter. We are only limited in density by the square footage of the lot. He does not have any authority in this area on this matter.

If that is not possible, please advise so that we can file an appeal on the matter.

Call with any questions. We have attached the first 4 pages of the decision for reference.

July 2, 1996

Barry L. Adamson
Attorney at Law
16266 SW Inverurie
Lake Oswego, OR 97035



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

Dear Barry:

RE: Subdivision Case No. 96-03

I have reviewed your decision in this case and am afraid that I strongly disagree with one of the conditions of approval. I request that you reconsider the case and quickly issue a revised decision eliminating Condition 11. I am enclosing a fax from the applicant asking us to take the action. I concur in their request.

I have two reasons for my objection and request:

First, in this condition you set density maximum and minimum standards for the subdivision. I object as the subdivision of land is an act that relates only to the creation of lots, not to the use of those lots. The use of lots is the purview of the zoning ordinance, not the subdivision ordinance. We do set on a case-by-case basis a minimum number of lots in single family subdivisions in order to assure overall density standards of the "Low Density Residential" plan designation are met. But in this case, where a portion of the property is zoned RM (Residential Multi-Family), that technique cannot be fully used as one or more lots may contain one or more dwelling units. In this case the zoning ordinance provides the legal framework for assuring adequate density.

The zoning ordinance, which is an acknowledged implementing ordinance of the Comprehensive Plan, has specific density standards which apply to this and all other properties. There is no need to set a density standard for RM land through subdivision review as the RM zone contains those standards which are administered through the building permit process.

Second, the overall design and density for the property was a hotly contested issue in the earlier zone change proceeding. This proceeding culminated with a public hearing on appeal before the City Council. At this meeting a specific design and density proposal was hammered out. The final Council action specifically approves the zone change subject to the number of dwelling units not exceeding 80. This, of course, differs from the maximum of 73 you

•
Administration
Public Works
Community Development
Municipal Court
Phone 503.390.3700
Fax 503.393.9437
Police (business only)
Phone 503.390.3713
Fax 503.390.8295
•

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specified. I am enclosing a copy of the Council order with the conditions of approval. Please note condition 11.

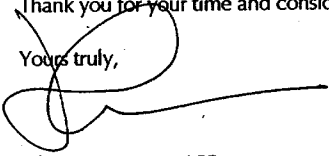
Your order is contrary to the prior Council action. Since the Council action was in the context of a zone change proceeding, it was the appropriate venue for dealing with a density issue, rather than in a subsequent subdivision process.

While I hope you will promptly issue a revised order eliminating condition 11, I will certainly honor your decision not to if that is your choice. I hope that you will discuss this with me if you choose to stand by your decision so that I can understand your reasons. I know the applicant intends to appeal the decision if you do not reissue it and I intend to side with the applicant before the Council unless you can show me reason why I should not.

As the appeal period is running, I will appreciate knowing your decision as soon as possible so that the appeal can be averted if that is appropriate. Please call Roger Evans or me with your comments, questions, and decision.

Thank you for your time and consideration.

Yours truly,



John N. Morgan, AICP
Community Development Director

enclosures

cc: Roger Evans, City Planner
Mark Grenz, Multi/Tech Engineering

BARRY L. ADAMSON
— ATTORNEY AT LAW —
16266 S.W. INVERURIE
LAKE OSWEGO, OREGON 97035
TELEPHONE: (503) 699-9914

July 6, 1996

John Morgan
Community Development Director
City of Keizer
930 Chemawa Road, N.E.
Post Office Box 21000
Keizer, Oregon 97307

Re: Subdivision Case No. 96-03

Dear John:

After sending you my earlier faxed letter also dated July 6, I indeed caught one factual error in the original decision — although neither Mr. Grenz's June 30 letter nor your July 2 letter mentions it.

In Condition 11 in my decision I inadvertently truncated the reference to Lot "15" to Lot "1," although the recitation of facts on pages 5 and 6 of the decision and the substantive discussion on page 15 each accurately refers to Lot 15 as the subject of the density condition that ultimately appears in Condition 11. To complicate matters, I just observed that pages 1 and 3 of my July 6 letter utilized the same truncated reference to Lot "1" instead of Lot 15 — an error I attribute to my haste to respond to your letter.

To the extent that there exists any confusion, I have modified Condition 11 in my decision to refer to "Lot 15" instead of "Lot 1." I therefore replace Condition 11 with the following:

- "11. Because I can find nowhere in the record that Applicant has committed to a particular number of multi-family units, Applicant may develop from 41 multi-family units to no more than 73 multi-family units on Lot 15, pursuant to the pertinent COMPREHENSIVE PLAN density standards."

Very truly yours,

BARRY L. ADAMSON

cc: Roger Evans
Mark Grenz

BARRY L. ADAMSON
— ATTORNEY AT LAW —
16266 S.W. INVERURIE
LAKE OSWEGO, OREGON 97035
TELEPHONE: (503) 699-9914

July 6, 1996

John Morgan
Community Development Director
City of Keizer
930 Chemawa Road, N.E.
Post Office Box 21000
Keizer, Oregon 97307

Re: *Subdivision Case No. 96-03*
Request for reconsideration

Dear John:

I received your July 2 letter on July 5, and I am responding via fax on July 6 (to be followed by regular mail).

Although I would readily accommodate a request to modify my decision in the event that I have mangled or misunderstood some indisputable fact in the record or misread some unambiguous approval criterion, I reluctantly conclude that the circumstances do not implicate either of those situations, for at least three reasons.

First, although I did indeed include a density condition in the decision, in actuality that condition represents nothing more than the density requirements in the City's own COMPREHENSIVE PLAN, as applied to the Applicant's own evidence.

At page 9 of the decision, I quote from Chapter III, Section C.2.b.15(c) of the COMPREHENSIVE PLAN, which provides that land zoned medium-density residential — Lot 1 in this instance — shall allow "over 8 and as many as 16 units per gross acre." I then render the finding — complete with the supportive mathematical calculations that I disclose in footnote 6 on page 15 of my decision — that Lot 15's 4.57 acres would, according to the medium-density parameters in the COMPREHENSIVE PLAN itself, allow from 41 units at the low end and up to 73 units on the high end.

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REQUEST FOR RECONSIDERATION
JULY 6, 1996
PAGE 2

Neither your July 2 letter nor the Applicant's June 30 fax takes issue with that finding on page 15 of my decision. Rather, your letter suggests that the COMPREHENSIVE PLAN's density provisions do not apply to a subdivision at all, and that Chapter III, Section C.2.b.15(c) of the Plan do not constitute approval criteria. If so, then I must confess to some confusion, because that stance contradicts the City's position — via Staff Reports — in not only this subdivision case but the other two that I have decided: the May 15 decision in 96-02 and the May 16 decision in 96-01.

I did not independently or unilaterally select the density provisions in Chapter III, Section C.2.b.15(c) of the Plan as approval criteria. In all three subdivision cases in which I have thus far been involved, the STAFF REPORT consistently cited the COMPREHENSIVE PLAN as containing density requirements that function as applicable approval criteria. Although the other subdivision decisions involved single-family residential property (as does this one in part), the STAFF REPORT's position that the COMPREHENSIVE PLAN's density provisions comprise approval criteria leaves me no room to distinguish between the low-density provision ("as many as 8 units per gross acre") and the medium-density provision ("over 8 and as many as 16 units per gross acre"). Moreover, I agree with Staff's selection of the Plan's density provisions as approval criteria.

Thus, in my role as a hearings officer I am simply not in a position to independently reject a particular portion of the City's COMPREHENSIVE PLAN as approval criteria when, as here, the City itself — via Staff — has identified the criteria as such. Unless contradicted within the record, I view the Staff Report as representative of the City's views on such matters as approval criteria. Rarely do I reject the Staff Report's selection of approval criteria.

Because (1) I agree with Staff's position with respect to the applicability of the density provisions in Chapter III, Section C.2.b.15(c) as approval criteria, and (2) no applicant or interested person has questioned the applicability of those density provisions as approval criteria, I find myself with scant justification for belatedly abandoning the Plan's density criteria under the circumstances.

SUBDIVISION CASE NO. 96-03
REQUEST FOR RECONSIDERATION
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PAGE 3

Second, although I now learn for the first time — via your July 2 letter and the accompanying documents — that the City Council approved a zone change that apparently allows up to 80 units to be constructed on Lot 1, the fact remains that nothing in the record in *this* case refers to that density allowance.

It remains the responsibility of the interested parties — such as the Applicant, or even the City itself if appropriate — to ensure that the evidentiary record contains all material information that might be germane to a hearings officer's decision. Not only did I have no knowledge of any other density allowance for the subject property via the earlier zone change approval, but in my capacity as a hearings officer I am unable to function as an advocate for anyone; I cannot independently offer evidence for the record if no one else chooses to.

The record has long since closed in this matter, and, although I do have the authority to reopen an evidentiary record under some circumstances *before* I have rendered my decision (*see*, for instance, ORS 197.763(7)), I must confess that I remain unaware of any authority — statutory or otherwise — that enables me to augment an evidentiary record *after* I have rendered my decision. Indeed, I have never been asked to do so.

Thus, as the record now stands there exists no *evidentiary* basis in the record for me to consider the zone change issues that you mention in your July 5 letter.

Third, it remains a fundamental tenet of land use law that an application must be judged according to approval criteria in effect as of the time of the application, and not according to criteria that become effective at some subsequent point in time. ORS 215.428(3) provides:

"If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted . . . , approval or denial of the application ***shall be based upon the standards and criteria that were applicable at the time the application was first submitted.***" (Emphasis added.)

SUBDIVISION CASE No. 96-03
REQUEST FOR RECONSIDERATION
JULY 6, 1996
PAGE 4

The ordinance that you provided contains an effective date of June 3, which *post*-dates the application. Thus, ORS 215.428(3) prevents consideration of it in any event.

Other statutory procedural requirements come into play as well. For instance, the Staff Report — which, pursuant to the time requirements in ORS 197.763(3)(i), must pre-date the hearing by at least seven days — bears a date of May 28, and could not have referred to the ordinance as containing any pertinent density criterion. In addition, the contents of the notice of hearing prescribed by ORS 197.763(3)(b) must “[l]ist the applicable criteria from the ordinance and the plan that apply to the application at issue.” Again, it would be impossible to have complied with that statutory requirement *and* to have incorporated the density allowance in the June 3 ordinance.

Thus, the statutory procedural requirements in ORS 197.763 and 215.428 make it apparent that any ordinance enacted on June 3, 1996, would be ineffective as a matter of law as an approval criterion for Subdivision Case No. 96-03. Indeed, I would commit an error of law if I were to have considered the June 3 ordinance — even if I had known about it.

I am therefore unable — but not necessarily unwilling — to accommodate your request that I revise my decision and eliminate Condition 11.

Very truly yours,

Barry L. Adamson

BARRY L. ADAMSON

BILL NO.

A BILL

ORDINANCE NO.
96- 349

FOR

AN ORDINANCE

IN THE MATTER OF THE APPLICATION OF 3-H
CONSTRUCTION, INC. FOR A ZONE CHANGE FROM
RS (SINGLE FAMILY RESIDENTIAL) TO RM
(MEDIUM DENSITY RESIDENTIAL) ON A 5.5 ACRE
PARCEL LOCATED SOUTH OF FIR CONE TERRACE
BETWEEN RIVER ROAD AND WHEATLAND ROAD;
DECLARING AN EMERGENCY (CASE NO. ZC 95-
04)

The City of Keizer ordains as follows:

Section 1. THE APPLICATION. This matter came before the Keizer City Council upon the appeal of the Keizer Community Development Director of the Hearings Officer's Order dated January 4, 1996 which denied the application. The application is by 3-H Construction, Inc., for a zone change from RS (Single Family Residential) to RM (Medium Density Residential) on a 5.5 acre parcel located south of Fir Cone Terrace between River Road and Wheatland Road. The Marion County Assessor's map identifies the property as being located within Township 6 South; Range 3 West; Section 26 D; covering multiple tax lots.

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

Section 3. PUBLIC HEARING. A public hearing was held before the

ORDINANCE NO. 96- 349

Lien & Johnson

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

THE
STV

Keizer City Council on May 6 and May 20, 1996. The following persons either appeared at the May 6 hearing or provided written testimony on the application:

- 1) John Morgan, Community Development Director.
- 2) Kris Gorsuch, Attorney for the applicant.
- 3) Mark Grenz, Engineer for the applicant.
- 4) Wally Mull, Public Works Director.
- 5) Sophia Brundidge, neighbor
- 6) Gary Steiner

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

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

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

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

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

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

Section 10. FINAL DETERMINATION. This ordinance is the final

ORDINANCE NO. 96- 349

Lien & Johnson

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



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Dennis (GW)

Tracy L. Durr

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

EXHIBIT "E"

Action

A. The City of Keizer GRANTS the requested zone change from RS (Single Family Residential) to RM (Medium Density Residential), subject to the following conditions:

Prior to the issuance of any building permits:

1. The design and placement of any driveway or access encroachments onto Wheatland Road and River Road shall be approved by the Keizer Public Works Department.
2. Except as otherwise noted in this decision, development of the site shall substantially comply with the recommendations of the Keizer Fire District as outlined in Exhibit "E-1."
3. Except as otherwise noted in this decision, development of the site shall substantially comply with the recommendations of the Keizer Public Works Department as outlined in Exhibit "E-2."
4. Nothing in this decision shall be construed as prohibiting the development of the property for other uses permitted or conditionally permitted in the RM (MEDIUM DENSITY RESIDENTIAL) zone.
5. The proposed multi-family development on the subject property must comply with all applicable development standards contained in Chapters 17 through 20 in the Keizer Zoning Ordinance. This includes, but is not limited to such standards as density requirements, height requirements, landscaping requirements, and on-site parking requirements.
6. Except as otherwise required by conditions of approval, development of the property shall comply with the applicable requirements of the Keizer Zoning Ordinance and building requirements of the Marion County Building Inspection Division.
7. The applicant shall be responsible for all costs associated with public facility improvements, including applicable system development charges for sewer, water, parks and other facilities and shall comply

with established City rules and regulations in effect at the time that this Zone Change is final.

8. The applicant shall complete a replat of the existing subdivision plat for the subject parcel consistent with the submitted site plan.

9. Harvest Drive and a portion of Foothill Drive shall be vacated. The applicant shall be responsible for submitting the vacation petition, required consent forms and other documents, along with payment of fees. Nothing contained herein is a representation by the City Council or city staff with regard to appropriateness of the proposed vacation and the issue of the vacation is not before the council at this time.

10. The applicant shall contact the Division of State Lands regarding the existence of wetland areas identified on the subject property. A wetland delineation shall be completed and concurrence by the Division of State Lands is required. The applicant is responsible for the submittal and approval of all required removal-fill permits from the Division of State Lands prior to construction on the site.

11. The development shall be constructed in substantial compliance with the site plan submitted at the hearing on May 6, 1996, and shall be limited to no more than 80 dwelling units.

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

CITY COUNCIL MEETING: August 5, 1996

AGENDA ITEM NUMBER: 6a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DOTTY TRYK *Dotty*
CITY MANAGER

SUBJECT: TAX BASE DISCUSSION

BACKGROUND:

At your July work session the Council discussed the possibility of placing an updated tax base on the ballot in November. There was some consensus to place a "safety net" tax base before the voters. This would be in the amount of our current tax base and our current one year levy plus 6%--\$1,950,612. My projections show that this amount would fund the general fund for two years, after which the Council would need to address a shortfall through either cutting staff or requesting an operating levy to supplement the tax base.

At that meeting, Councilor McGee asked for some projections based on a series of scenarios. This information was distributed to the council.

The only additional piece of information I have since then is that if Measure 47 "cut and cap" is approved, in addition to reducing tax revenues by \$50,000 in the first year, any levy requests must be approved by a majority vote with a 50% voter turnout. Our last levy election had a 42.5% turnout. Without a one year levy we will operate on whatever existing tax base we have.

The deadline for placing a tax base request on the ballot is September 5.

RECOMMENDATION:

Staff requests Council direction.

Current Level of Service
Tax Base 6% over Current Levy
Scenario A

Resources	Adjusted Budget 1985-86	% Change	Estimate 1986-87	% Change	Year 1 1987-88	% Change	Year 2 1988-89	% Change	Year 3 1989-90
Beginning Fund Balance	\$41,000	-100.00%	\$	-	\$ 100,000	6.18%	\$ 106,182	\$	21,086
Collected/ Prior Years	\$65,000	10.25%	\$71,864	6.00%	\$75,964	6.00%	\$80,522	6.00%	\$85,363
Franchises	\$681,664	3.22%	\$703,619	4.00%	\$731,764	3.00%	\$753,717	3.00%	\$776,328
CD Fees	\$60,000	39.59%	\$83,750	-4.48%	\$80,000	0.00%	\$80,000	0.00%	\$80,000
Intergovernmental	\$268,165	-5.46%	\$253,462	4.00%	\$263,600	3.00%	\$271,508	3.00%	\$279,654
Fines	\$434,000	34.33%	\$583,000	0.00%	\$583,000	0.00%	\$583,000	0.00%	\$583,000
Miscellaneous	\$26,100	169.92%	\$70,460	-43.22%	\$40,000	0.00%	\$40,000	0.00%	\$40,000
Transfers	\$66,500	0.00%	\$66,500	-0.75%	\$66,000	0.00%	\$66,000	0.00%	\$66,000
Total Resources	\$1,642,428	11.57%	\$1,832,446	5.89%	\$1,940,328	2.05%	\$1,980,929	\$	\$1,981,421
Expenditures									
Administration	\$300,649	4.18%	\$313,216	5.00%	\$328,971	4.85%	\$345,255	4.95%	\$362,345
Community Development	\$107,082	21.37%	\$129,661	5.00%	\$136,469	5.00%	\$143,282	5.00%	\$150,446
Parks	\$96,595	34.31%	\$128,724	5.00%	\$136,210	4.60%	\$142,476	4.60%	\$149,030
Police	\$2,292,687	13.51%	\$2,602,344	7.00%	\$2,784,508	7.00%	\$2,979,424	7.00%	\$3,187,983
Municipal Court	\$217,145	2.61%	\$222,818	5.00%	\$233,959	5.00%	\$245,657	5.00%	\$257,940
Maintenance	\$13,888	-9.35%	\$12,580	5.00%	\$13,220	5.00%	\$13,880	5.00%	\$14,574
Contingency	\$60,000	-16.67%	\$50,000	0.00%	\$50,000	0.00%	\$50,000	0.00%	\$50,000
Transfers-Facilities	\$30,000	-46.67%	\$16,300	-100.00%	\$0	0.00%	\$0	0.00%	\$0
Total Expenditures	\$3,118,036	11.51%	\$3,476,963	5.94%	\$3,683,326	6.42%	\$3,919,974	6.44%	\$4,172,318
Taxes Needed	\$ 1,475,607		\$1,644,508		\$1,745,986		\$1,839,045		\$2,240,897
Taxes Generated	1,535,608		\$ 1,744,510		\$ 1,846,180		\$ 1,960,131		\$ 2,077,739
Fund Balance	\$0,000		\$ 100,000		\$ 100,000		\$ 21,086		\$ (163,150)
Annual Levy	\$906,100		\$1,083,636						\$2,191,708
Tax Base	\$713,738		\$758,584						
Total Levy	\$1,619,838		\$1,840,200						
New Tax Base @ 6%					\$1,650,612		\$2,067,649		
Assessed Valuation	\$1,060,897,450	14%	\$1,188,317,144	12%	\$1,307,148,658	10%	\$1,437,863,744	8%	\$1,552,892,844
Increase in Valuation									
Tax Rate	\$1,527		\$1,548		\$1,562		\$1,578		\$1,411
One Cent Equals	\$10,059		\$11,265		\$12,362		\$13,631		\$14,721

The Property Tax Reduction Act

Submitted December 11, 1995 by John Schwartz; catalogued as initiative #67.

Property Tax Rollback

Sets 1997-98 property taxes on each property to the lower of:

**90% of the 1995-96 property tax on the property, or
the 1994-95 property tax.**

Additional rollback occurs for involuntarily rezoned property which meets conditions on use and ownership.

3% Property Tax Cap

Caps growth of future property taxes on each property to 3% annually, beginning in 1998-99; allows specific exceptions.

Exceptions. Situations where property taxes may exceed the 3% Cap:

Taxes approved according to new election requirements [*Note: There are differing opinions on the interpretation of this provision.*];

¶ Taxes to pay prior approved bonded debt and refunding of bonds;

Taxes to pay new bonded debt and interest if new election requirements are met;

Taxes on new construction/ improvements made after the 1994-95 tax year for the first year following the event, according to a specific method of calculation;

Taxes on property that is rezoned, if the property is actually used for rezoned purpose or the zoning was owner requested;

Taxes on subdivided property;

Taxes on two or more properties after lot line adjustment as long as the tax does not exceed the cap on the properties if they were not adjusted;

Taxes on annexed property if new election requirements are met;

Taxes on disqualified specially assessed or exempt property or omitted property for the first year following the event.

Limitations. The exceptions for rezoned property, subdivided property, annexed property, and taxes on disqualified or omitted property limits the higher tax to the average tax imposed on similarly valued properties in the same taxing district. The exception for new construction/improvements is limited to the average tax imposed on similarly valued properties in the same taxing district or to the tax which would result if the prior tax rate on the unimproved property was extended to the new construction, whichever is less. Property improvements are defined.

Voter Override/Election Requirements

All Property Tax Elections

New and additional property taxes levies may occur if the levy is approved at the general election in an even numbered year.

New and additional property tax levies may be approved if at least 50% of the registered voters cast ballots at any other election.

New and additional property tax levies for annexed property must be approved at a general election in an even numbered year or at any other election where at least 50% of the registered voters cast ballots.

If conducted by mail, the outer envelope must display in red: "CONTAINS VOTE ON PROPOSED TAX INCREASE"

Election officers must notify interested parties of voter pamphlet deadlines on tax measures.

Bond Elections

Bond ballot measure must detail use of funds by percentages.

Narrowly defines capital construction, excluding maintenance and repairs, and supplies and equipment not part of the structure. Includes public safety and law enforcement vehicles with a useful life of 5 years or the term of the bond, whichever is longer.

Allocation of Revenue Reductions

If necessary to allocate any revenue reductions among political subdivisions of the state or departments or agencies within political subdivisions, redistribution should be done so it prioritizes public safety and public education and minimizes loss of local control of cities and counties.

Restrictions on Revenue Substitution

Cost of products or services that are partially or fully property tax-supported products or services on or after June 30, 1995, cannot be shifted to fees, assessments or other charges unless approved by vote.

Costs which have been shifted without voter approval after June 30, 1995 and prior to effective date of the Act, must be offset against the 1997-98 and subsequent year property taxes if the fee, assessment or charge continues to be paid by user or owner, until the voters approve the fee, assessment or charge.

Exception. Election is not required if property tax support is replaced by state income tax.

Restrictions do not apply if the fee, assessment or charge directly reduces property taxes in the taxing district by an equal or greater amount.

Voluntary Contributions

Requires procedure to dedicate a voluntary contribution for schools or other public entity in conjunction with property tax payment.

Implementation

Authorizes legislation.

Severability

Summary provided by
League of Oregon Cities
April 19, 1996

CITY COUNCIL MEETING: Aug. 5, 1996

AGENDA ITEM NUMBER: 7a

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK,
CITY MANAGER

FROM: JOHN N. MORGAN, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: BUILDING CODE ADMINISTRATION CONTRACT

DISCUSSION:

On July 8, 1996, the City Council passed a resolution authorizing the City Manager to enter into a contract with Marion County for the provision of Building Code Administration Services, but directed Staff to return with the contract language for Council information.

Marion County and Keizer Staff have developed the attached contract for the provision of Building Code Administration services by the Marion County Community Development Department. The contract has been concurred in by the City Attorney and Council Legal Counsel.

RECOMMENDATION:

For information only.

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AGREEMENT

Agreement between the City of Keizer, a municipal corporation, hereafter, referred to as "CITY", and Marion County, a political subdivision of the State of Oregon, hereafter referred to as "COUNTY", made on this _____ day of _____, 1996.

WHEREAS, pursuant to ORS 190.003 to 190.250, Marion County and the City of Keizer desire to enter into an intergovernmental agreement; and

WHEREAS, the State of Oregon has promulgated state building codes, hereafter referred to as "codes", which include the Structural Specialty Code; the electrical Specialty Code; the Mechanical Specialty Code; the Plumbing Specialty Code; the One-and Two Family Dwelling Code; Oregon Administrative Rules for installation of manufactured dwellings, for mobile home parks, for recreational parks and organizational camps, and On-site Sewage Disposal Rules and Regulations; and

WHEREAS, the codes are uniform and applicable throughout the State of Oregon, including all cities and counties; and

WHEREAS, State Building Codes administration has been delegated to the COUNTY, for the CITY, as authorized by Oregon Revised Statute; and

WHEREAS, The CITY wishes to provide the broad array of Community Development functions to its citizens and those who do business within the CITY, but does not maintain staff adequate to provide all these functions, the CITY contracts with outside organizations to provide the staff to perform many of these functions; and

WHEREAS, the COUNTY has certified staff, and a computerized process in place to administer permits and perform inspections, as required by the State of Oregon.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

(1) Contract for Services

The CITY agrees that the COUNTY will issue structural, one and two family dwelling, manufactured dwelling, pre-fabricated structures, electrical, plumbing, mechanical, and on-site sewage disposal permits on behalf of the CITY for those projects and activities requiring building inspection within the incorporated boundaries of the CITY. It shall be the responsibility of the COUNTY to perform all required inspections and building plan reviews and other duties as outlined in this agreement. The CITY agrees that it will issue no permits nor cause any inspections to be made that are required by the codes except through this agreement.

All decisions on issues not involving specific provisions of the building codes will require the concurrence of the CITY'S Community Development Director or designee.

(2) Applications and Permits

The CITY agrees to provide the COUNTY with approved street names and address assignments.

1 The CITY agrees to designate an agent, to review applications and plans for compliance with
2 zoning and other CITY ordinance. The COUNTY will inspect for required land use regulations
3 relative to setbacks and height of buildings.
4

5
6 The CITY agrees that the COUNTY Building Official will be the primary contact for administer-
7 ing this agreement.
8

9 The COUNTY agrees to accept applications for all permits required by the codes and adminis-
10 trative rules within the CITY boundaries; collect appropriate fees; and issue permits.
11

12 The COUNTY agrees to transmit the application together with two complete sets of plans to the
13 CITY for its zoning review. After zoning approval, the CITY shall return the permit application to
14 the COUNTY for plan review and issuance of the permit.
15

16 The COUNTY agrees to provide the CITY with a copy of every permit issued within its bounda-
17 ries upon issuance.
18

19 (3) Inspections
20

21 The COUNTY agrees to perform the required inspections upon notification by the permit holder
22 that the work is ready for inspection.
23

24 The COUNTY shall prepare a Certificate of Occupancy upon completion of all code related in-
25 spections and forward to the CITY for issuance.
26

27 (4) Fee Collection and Disbursement
28

29 The CITY and COUNTY agree that fees shall be paid and distributed according to the following:
30

31 (a) Fees charged in the CITY and payable to the COUNTY shall be the same as those
32 charged by the COUNTY for work in the unincorporated areas of the COUNTY.
33

34 (b) The COUNTY will collect and the CITY will receive a zoning surcharge in an amount
35 determined by the CITY to cover zoning ordinance review of applications, and the en-
36 forcement of city ordinances, performed by city staff.
37

38 The initial zoning surcharge shall be equal to 10 percent of the permit fee for each
39 structural, one and two family dwelling, and manufactured dwelling permit issued. The
40 CITY shall notify the COUNTY sixty days prior to any change in the zoning surcharge
41 fee. The total zoning surcharge fee collected shall be payable to the CITY on the 15th
42 day of the month following the month the fees were received by the COUNTY.
43

44 (c) The COUNTY agrees that the CITY will receive five percent of the adopted permit fees
45 collected for structural, one and two family dwelling, manufactured dwelling, pre-
46 fabricated structures, electrical, plumbing, and mechanical permits, to be reserved as a
47 sinking fund, to establish, maintain, and appropriately upgrade a system for computer-
48 ized tracking, processing, and record keeping of all permits. This five percent shall be
49 payable to the CITY on the 15th day of the month following the month when the fees
50 were paid to the COUNTY.

(d) The CITY agrees that the COUNTY shall be paid for said services by the retention of ninety-five percent of the adopted permit fees collected for state building code administration; and one hundred percent of the fees collected for on-site sewage disposal permits.

(e) The remaining permit inspection fees, the plan review fees, and the state surcharge fees, shall be retained by the COUNTY. The COUNTY shall be responsible for completion and submittal of all reports to the Building Codes Agency, including the monthly surcharge reports. The CITY shall complete the Census Reports.

(5) Land Use Regulations

The COUNTY agrees that it will not issue any permit having a potential to affect land use as described in "Exhibit 'A'", and that has not been signed by authorized CITY personnel attesting that the proposed work will be in compliance with the CITY'S zoning and other land use and development ordinances. The COUNTY will not be responsible for enforcement of the CITY'S land use regulations.

The COUNTY shall assure that CITY land use regulations relating to setbacks and height standards for buildings, which are noted on the site plans and face of the permit application, shall be enforced as part of the normal inspection process.

It is the responsibility of the CITY to assure compliance with land use and other city ordinances prior to the CITY'S issuance of a temporary occupancy or Certificate of Occupancy (final occupancy) of all new construction other than one and two family dwellings.

(6) Enforcement

The CITY shall be responsible for enforcement of the CITY'S zoning and/or land use, or other city ordinances.

The COUNTY shall be responsible for enforcement of State Building Codes.

The COUNTY and the CITY agree to coordinate enforcement efforts when both building codes and city regulations are involved.

Any necessary legal action resulting from the enforcement of land use regulations is the responsibility of the CITY.

(7) General Terms of Agreement

THE CITY AGREES to defend and save harmless the COUNTY for any and all errors, omissions, or acts of CITY employees, officials or agents arising out of or under this agreement.

THE COUNTY AGREES to defend and save harmless the CITY for any and all errors, omissions, or acts of COUNTY employees, officials or agents arising out of or under this agreement.

This agreement may be terminated beginning July 1 of any calendar year by written notification submitted by either party by December 1 of the preceding year. Termination beginning other

than July 1 of any given year, may occur with the consent of both parties. Termination for due cause beginning other than July 1 of any given year may occur by action by either party with 30 day notice to the other party. In the event of termination on a date other than July 1, the COUNTY shall receive and retain all permit/inspection fees for applications received and permits issued up to the time of termination. The CITY may request that the COUNTY complete inspection services on all such applications and permits, even though such services may be requested after the termination. The term of this agreement is perpetual and shall continue until terminated by the parties.

(8) Repeal

All prior agreements between the CITY and the COUNTY relating to permit/inspections, as set forth herein are null and void.

DATED this _____ day of _____, 19_____.

CITY OF KEIZER

MARION COUNTY

Chair, Board of Commissioners

City Manager

Commissioner

City Recorder

Commissioner

Approved as to form:

City Attorney

County Legal Counsel

AGREEMENT

EXHIBIT "A"

LAND USE GOAL COMPLIANCE AND
COMPREHENSIVE PLAN COMPATIBILITY PROCEDURES

The County identifies the following activities as having a potential to "affect land use" as defined in OAR 660-30-005(2):

- A. The issuance of electrical permits and structural permits for new buildings, additions and changes of building use;
- B. The issuance of sewer and water service permits for new buildings, additions and changes of building use;
- C. The issuance of manufactured dwelling set-up permits;
- D. The issuance of a permit for construction or addition to a manufactured dwelling park, recreational vehicle park or organizational camp;
- E. The issuance of permits for plumbing utilities hook-up or electrical hook-up for manufactured dwellings.
- F. The installation of on-site sewage disposal systems.

The County has adopted these policy/procedures which require verification that the construction activities involved in (A) through (F) comply with land use planning goals and are compatible with the comprehensive plan and regulations of the CITY. Sections (1) through (5) of this policy implement the procedures.

Section 1: Before a permit is issued for any activity mentioned in (A) through (F), except for electrical, plumbing, mechanical, or structural repairs and alternations not impacting land use, the County requires acknowledgment on the permit application by the designated agent of the CITY that a project has land use approval.

Section 2: A sewer and water service permit for construction involving a new building, an addition or change in the use of a building, will not be issued unless the project already has, or is granted at the same time, a related structural, park construction or manufactured dwelling permit.

Section 3: When an electrical permit involves construction of a new building, an addition, or change in the use of a building:

- (a) The applicant for a permit may provide the type of land use verification required in (A) through (F) at the time the permit is obtained; or
- (b) Acknowledgment on the permit application by the designated agent of the CITY that the project has land use approval.

1 (c) The permit is in conjunction with a project that has land use approval.
2

3 Section 4: Any permit, including an electrical permit, may be denied by the County, if the
4 County has knowledge that any other permit under the jurisdiction of the County was denied,
5 that the project has not received land use approval, or the project is not otherwise permitted
6 under the CITY'S comprehensive plan and its implementing ordinances.
7

8 The CITY has authority to direct the COUNTY to issue a stop work order or revoke a permit
9 when the CITY finds a land use regulation has been violated.
10

11 The CITY may issue a CITY stop work notice if a land use violation has been found to exist out-
12 side regular business hours, and construction work is on-going that will perpetuate the violation.
13 The CITY shall notify the COUNTY as soon as possible of the issuance of their stop work no-
14 tice.
15

16 Section 5: Revocation of Permits: Any permit or inspection approval issued under this policy
17 may be revoked by the County if the permit was issued in error, or based on false, erroneous or
18 misleading information.
19

AGREEMENT

EXHIBIT "B"

PROCEDURES FOR PROCESSING APPLICATION/PERMITS

Procedures may change from time to time upon consent by the COUNTY and the CITY.

ADDRESSING

The CITY is responsible for assignment of all addressees within its jurisdiction. The COUNTY shall not take any applications for permits without an address approved by the CITY.

The CITY shall be responsible for notification to affected parties of any required street name or address change.

Subdivisions

- All subdivision plats are approved by the CITY prior to receipt by the COUNTY of any permit application.

- The CITY assigns street names and addresses to each lot. This may be done prior to recording of a final plat. The addressed plan shall be sent to the COUNTY.

- When subdivision plat has been approved by the CITY, recorded, and addressed, the CITY sends a copy to the county.

Mobile Home Parks

- The CITY approves all phases of site plan development and assigns street names and addresses.

- When the site plan has been approved by the CITY, a copy of the addressed park is sent to the COUNTY.

Apartment Complexes

- The City approves the site development and assigns street names and addresses.

- When the site plan has been approved by the CITY, a copy of the addressed site plan is sent to the COUNTY.

Partitioning

- The CITY assigns address to all affected parcels of a partitioning and sends a copy of the addressed Partitioning Plat to the COUNTY.

Undeveloped Parcels

1 -Undeveloped parcels outside subdivisions, partitioning, mobile home parks, or apartment complexes shall be addressed by the CITY.

2 PERMIT APPLICATIONS

3
4 The COUNTY shall accept all permit applications, including structural, one and two family dwelling, manufactured dwelling, pre-fabricated structures, electrical, mechanical, plumbing and on-site sewage disposal.

5
6 The CITY shall review all structural, one and two family dwelling, manufactured dwelling, pre-fabricated structures and on-site sewage disposal installation permits for land use compatibility and setback requirements under the CITY zoning ordinance, prior to issuance of permits. Any other permit application determined by COUNTY staff, at the time of application, to have a potential to affect land use as defined in EXHIBIT A shall also require CITY review.

7
8 -The COUNTY shall determine the completeness of a CITY application before accepting. A complete application includes:

- 9 1. City approved street name and address.
- 10 2. City approved and recorded subdivision where appropriate.
- 11 3. Site plan showing proposed location of structure, setbacks, and adjacent property addresses.
- 12 4. Two sets of construction plans.
- 13 5. Payment of application fees.

14
15 - The COUNTY shall take application, collect fees, and set up file for the CITY.

16
17 - The CITY shall pick up pending file/application to complete zoning review.

18
19 - The designated agent for the CITY shall enter the required zoning setbacks and conditions on the application and the site plan, and sign off by entering name and date. Each site plan shall also be signed approved by the CITY.

20
21 - The designated agent for the CITY shall enter the required zoning requirements and conditions in the computer database and/or on the application, and on the site plan. Sign off is required by entering designated agent's name and date of sign off. Each site plan shall also be signed indicating approval by the CITY. The CITY shall return the file/application to the COUNTY for issuance and distribution.

22
23 -The COUNTY shall review construction plans for building codes.

24
25 -The COUNTY shall review construction plans for building codes.

26
27 -The COUNTY shall review on-site disposal systems.

1 -The COUNTY shall issue permits provided CITY signatures and zoning setbacks have been
2 entered for land use compatibility, and zoning ordinance.

3
4 -The COUNTY shall provide the CITY with a copy of each issued permit.

5 6 INSPECTIONS

7
8 The COUNTY shall inspect construction to assure compliance with the State Building Codes
9 and approved plans.

10
11 The COUNTY shall forward copies of final inspections on one and two family dwellings to the
12 CITY.

13
14 The COUNTY shall inspect construction to assure compliance with the State Building Codes
15 and approved plans.

16
17 The COUNTY shall prepare a Certificate of Occupancy upon completion of all code related in-
18 spections and forward to the CITY for issuance.

19 20 REPORTING AND MANAGEMENT

21
22 The COUNTY shall provide the CITY a monthly report containing, at a minimum, the address
23 of each permit, the applicant's name, the type of permit and the value of construction.

24
25 The COUNTY shall submit Surcharge reports to Building Codes Division and Department of
26 Environmental Quality on behalf of the CITY.

27
28 The CITY shall submit the monthly Census Report to the US Department of Commerce, Bureau
29 of the Census.

30
31 The COUNTY and CITY will have quarterly meeting to exchange information and identify and
32 correct any problems in the administration of this agreement and the Building Codes.

33 34 REFUNDS

35 36 REFUNDS OF APPLICATION FEES

37
38 Any fee erroneously paid or collected may be refunded. No refunds shall be made for less than
39 \$6.00. No fee shall be refunded excepted upon written request by the original permittee not later
40 than 180 days after the date of the fee payment.

41 42 I. BUILDING, ELECTRICAL, PLUMBING, AND MECHANICAL APPLICATIONS

43
44 A. Permit Application is canceled or withdrawn and no plans review has been done.

- 45
46 1. 80% of the permit fee shall be refunded.
- 47
48 2. All of the plans review fee shall be refunded.
- 49
50 3. All of the State Surcharge shall be refunded.

4. Zoning surcharge shall be refunded if the application has not completed zoning review.

- B. Permit Application is canceled or withdrawn after plans have been reviewed, but before permit is issued.

1. No plans review fee shall be refunded.
2. 80% of the permit fee shall be refunded.
3. All of the State Surcharge shall be refunded.
4. No zoning surcharge shall be refunded.

II. SUBSURFACE ON-SITE SEWAGE (OAR CHAPTER. 340,71-140-5)

- A. No refund on an application where field work has been done or other substantial review of the application.
- B. When a application has been canceled or withdrawn, before any field work or other substantial review of the application has been completed a refund shall be made of the DEQ surcharge and 80% of the application fee.
- C. No refund on a DEQ surcharge unless the application is canceled within the same month that it is made, as all DEQ surcharges are remitted at the end of each month based on the number of submitted applications for that month.

III. MANUFACTURED STRUCTURES

- A. Permit application has been canceled or withdrawn and no review work has been completed:
1. 80% of the permit fee shall be refunded.
 2. All of the State Surcharge shall be refunded.
 3. All zoning surcharge shall be refunded unless zoning review was completed.
- B. Permit application has been canceled or withdrawn after review work completed, but before permit is issued:
1. 80% of the permit fee shall be refunded.
 2. All of the State Surcharge shall be refunded.
 3. No zoning surcharge shall be refunded.

REFUND OF PERMIT FEES

Any fee erroneously paid or collected may be refunded. No refunds shall be made for less than \$6.00. No fee shall be refunded except upon written request by the original permittee not later than 180 days after the date of the fee payment.

I. BUILDING, ELECTRICAL, PLUMBING, & MECHANICAL PERMITS

A. Permit has been issued yet no construction work has been done:

1. 80% of the permit fee shall be refunded.
2. No plans review fee shall be refunded.
3. No State Surcharge shall be refunded.
4. No Zoning Surcharge shall be refunded.

II. SUBSURFACE ON-SITE SEWAGE (OAR CHAPTER. 340, 71-140-5)

A. No refund on a permit.

B. No refund on a denied Site Evaluation.

III. MOBILE HOMES

A. Permit has been issued and all review work completed:

1. 80% of the permit fee shall be refunded.
2. No State Surcharge shall be refunded.
3. No Zoning Surcharge shall be refunded.

NO REFUNDS WILL BE MADE WITHOUT A WRITTEN REQUEST FROM THE PERMITTEE.
Request for cancellation of permits and refunds should be accompanied by the applicant copy of the permit, the green card, and the receipt. The job address and permittee's mailing address must also be included.
(Applications/Permits)

CITY COUNCIL MEETING: August 5, 1996

AGENDA ITEM NUMBER: 7b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DOTTY TRYK *Dotty*
CITY MANAGER

SUBJECT: RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL
EMERGENCY MANAGEMENT COOPERATIVE AGREEMENT

BACKGROUND:

The City of Keizer and Marion County have worked together for several years in developing emergency management plans and procedures. It was never more apparent than during the February flood event when all local agencies worked together, sharing information, equipment and expertise to protect our residents.

Since the flood, all political subdivisions are formalizing emergency procedures which were previously done on an informal basis. The attached agreement with Marion County provides both entities with the authority to help each other during emergencies, places us on a better basis if it should come about that we need to ask for a declaration of emergency and sets up some commitments to participate in each other's planning process. It is a part of our overall emergency management program.

RECOMMENDATION:.

It is recommended that the resolution authorizing the City Manager to sign this agreement be adopted.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 RESOLUTION NO. R96-_____

3 AUTHORIZING THE CITY MANAGER TO EXECUTE
4 INTERGOVERNMENTAL EMERGENCY MANAGEMENT COOPERATIVE
5 AGREEMENT WITH MARION COUNTY
6

7 WHEREAS, the City of Keizer and Marion County have worked together
8 for several years in developing emergency management plans and procedures to
9 share information, equipment and expertise during emergency situations;

10 WHEREAS, since the February 1996 flood, the political subdivisions have
11 been formalizing the emergency procedures that were previously done on an
12 informal basis; NOW, THEREFORE,

13 BE IT RESOLVED by the City Council of the City of Keizer authorizes the City
14 Manager to sign the Intergovernmental Emergency Management Cooperative
15 Agreement With Marion County which is hereby attached and marked as exhibit
16 "A".

17 PASSED this ____ day of _____, 1996.

18 SIGNED this ____ day of _____, 1996.

19
20 _____
21 Mayor

22
23 _____
24 City Recorder

INTERGOVERNMENTAL EMERGENCY MANAGEMENT COOPERATIVE AGREEMENT

THIS AGREEMENT is between **MARION COUNTY** and **CITY OF KEIZER** both political subdivisions of the State of Oregon (Hereinafter referred to as **COUNTY** and **CITY**).

WHEREAS, COUNTY and **CITY** both have legislative authorization under ORS 401.305 to jointly develop policies for the performance of emergency management functions within their territorial limits and may perform such functions outside of their territorial limits under the authority of a cooperative agreement; and,

WHEREAS, it is in the public interest and to the mutual benefit of both parties to work together in developing emergency preparedness plans and in responding to emergency situations; and,

WHEREAS, such agreements are permitted under ORS 401.305 and 401.480; now therefore,

IT IS AGREED each party will:

1. Be responsible for establishing and maintaining an Emergency Management Program, appointing an Emergency Program Manager, who shall, subject to the direction and control of the respective governing bodies, perform emergency management program functions within the territorial limits of the jurisdiction, including the preparation and maintenance of an Emergency Operations Plan (EOP), establishment and maintenance of an emergency operations facility from which elected and appointed officials can direct emergency and disaster response activities, and establishment of an incident command structure for management of a coordinated response by all emergency service agencies.
2. Provide the other party with current information, including revisions as they may occur, on policy and procedure decisions affecting the direction or operation of their emergency management program in those areas which may overlap or impact on the other party's role in emergency management.
3. Participate in monthly meetings with local area emergency management representatives, facilitated by County Emergency Management, for the purpose of communicating and coordinating activities to eliminate duplication of effort whenever possible.
4. Participate in the development and maintenance of each other's emergency management plans, providing review and comment to ensure compatibility.
5. Participate in debriefings of multi-agency incidents, as they may occur on a daily basis, to evaluate communications and coordination and conduct annual joint exercises to test emergency preparedness plans and procedures.
6. Communicate emergency information in a timely manner to each other's Emergency

Management Office regarding any situation that is, or potentially is, a major emergency or disaster and coordinate response and recovery activities through and with each other's Emergency Operations Center (EOC), when implemented.

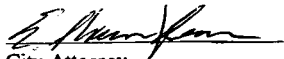
7. Whenever an emergency, as defined by ORS 401.025(4) requires aid beyond that which a party can provide itself, the other party, through their Emergency Management Office, agrees to extend to the stricken party, upon request, such services, equipment, facilities and manpower that can reasonably be spared at the time.
8. Ensure that all local resources have been exhausted or are committed before requesting a Declaration of Emergency by the Governor. Such requests shall be in writing, certifying that local resources have been expended, assessing loss of life, injuries and property damage and are to be submitted to the County Board of Commissioners, who are responsible for processing and endorsing such requests.
9. Payment for any costs incurred by the assisting party that are not reimbursed by a federal disaster declaration or other outside resources may be negotiated between the involved parties during the recovery period following the conclusion of the emergency response activities.

This agreement may be terminated by a party by giving thirty (30) days written notice to the other parties.

DATED this _____ day of _____, 1996.

CITY OF KEIZER

City Manager



City Attorney

MARION COUNTY

Board of Commissioners

Board of Commissioners

Board of Commissioners

Marion County Legal Counsel

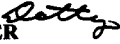
Approved as to Form

Marion County Emergency, Director
Approval Recommended

CITY COUNCIL MEETING: August 5, 1996

AGENDA ITEM NUMBER: 7c

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DOTTY TRYK 
CITY MANAGER

SUBJECT: REPORT ON 1995-97 GOALS

BACKGROUND:

The Council adopted a series of two year goals in May 1995. These goals and the staff workplans have guided the work of the origination since that time. Attached is the progress report on the goals as of the end of June 1996.

The staff expects that each of these goals will be met within the two year timeframe set by Council.

RECOMMENDATION:.

It is recommended that the Council accept this report by motion.

CITY OF KEIZER
1995-1997 COUNCIL GOALS
REPORT ON WORKPLAN
THROUGH JUNE 1996

- **Develop a long Term Financial Strategy by 1996 Including Approval of a New Tax Base**

A community task force will be appointed by the Council to review the City's long term financial projections in May 1995

Progress: A task force was appointed.

A strategic plan for the next 5 years will be developed and recommended to the Council by October 1995

Progress: The committee recommended a plan that supported general fund services for the next three to five years. Their recommendation was to place a three year levy on the ballot. Additionally, they recommended some additional revenue sources.

The Budget Committee will meet, approve a Budget and recommend a levy in December

Progress: The budget committee approved a general fund budget that was based on a one year levy with a modest increase in planning fees.

A new tax base, if appropriate, will be scheduled for a 1996 election

Progress: A one year levy was defeated in March and a reduced one year levy is on the May ballot. With one more opportunity this year to place a tax base on the ballot, the Council is reviewing the two options and will make a decision by September whether to place a tax base on the ballot in November.

- **Acquire Land for a Park in Southeast Keizer According to the Parks Master Plan**

A Claggett Creek Corridor Study will be delivered to staff in May 1995 with any needed follow up work done in Summer 1995

Progress: A project was completed by two Willamette University students identifying wetland areas for Claggett Creek property in the southeast part of town. In addition, a task force was formed by the Council to evaluate the length of the creek and make recommendations for appropriate enhancements.

Staff will work with the Neighborhood Association to identify appropriate properties by December 1995

Progress: Staff worked with SEKNA to identify available and appropriate properties in the neighborhood.

A mechanism for purchasing or otherwise acquiring land will be developed for selected properties by December 1995

Progress: A willing seller was identified and a price negotiated. 2.5 acres of property at Alder and Beebe was purchased for \$65,000.

Staff will work with the Neighborhood Association to develop a master plan for the park in the Spring of 1996

Progress: A master plan has been developed for the park. The house on the property has been removed and a foot bridge over Claggett Creek was approved in the FY '97 Budget. In addition, 6 picnic benches were donated by Rotary.

- **Adopt and Implement Strategies for Developing the Chemawa Activity Center by December 1996, and Continue Redevelopment along the River/Cherry Corridor**

Chemawa Activity Center-

The Chemawa Activity Center Plan which is currently being developed will be adopted by September 1995

Progress: The Council, at its July 22, 1996 meeting, gave staff direction on how to finalize the document and directed that it be returned for adoption on September 16, 1996.

Staff will recommend a method for financing necessary infrastructure for Council review and action by December 1996

River/Cherry Corridor-

Zoning customized for River Road will be adopted by October 1995

Progress: The CM (Community Mixed) zone draft has been finalized by the Planning Commission and will come forward to the Council, following a Planning Commission public hearing as part of the new Development Code.

The Cherry Avenue Design Plan will be completed and adopted by October 1995

Progress: RJB has approved a public review draft of the Cherry Avenue Design Plan. Public meetings will be held on August 14 and September 18. RJB is scheduled to finalize the Plan on September 25 passing it on to the Planning Commission and City Council for review and adoption.

A strategy for Cherry Avenue including project priorities, timing and financing will be developed by December 1995.

Financial planning and reserves will be built into the annual Urban Renewal Agency budgets in anticipation of construction of Cherry Avenue in 1998.

Progress: A reserve fund for the 1998 construction of the Cherry Avenue improvement was created starting with the FY '98 Urban Renewal Budget. Staff has formally requested the Federal STP funding amount be increased from \$400,000 to \$600,000. That request is being considered by the SKATS Technical Advisory Committee for inclusion in the 1997-2002 Transportation Improvement Program draft which will ultimately be approved by the SKATS Policy Committee.

Staff and the consulting team are developing a financing strategy to ensure adequate funds will be in place to complete the planned project while still carrying out the other planned projects of the urban renewal district.

• Continue the City's Commitment to Community Policing

The Community Policing Committee will develop goals to present to the Council by June 1995.

Progress: A series of community forums were held in November 1995. These forums solicited information from residents of Keizer asking for their input on the draft goals each district committee had developed. Over 100 Keizer residents attended these meetings. This input was evaluated by each district committee and the goals modified. The results of the community work were presented to the Council in March 1996.

There will be an ongoing active review of current and new ordinances to help facilitate Community Policing strategies

Progress: The Community Policing Committee reviewed and recommended to the Council adoption of a Curfew Ordinance and a Towing Ordinance. Both of these are designed to protect community youth. The committee is now focusing efforts to develop a Prostitution Ordinance for Council adoption.

The Community Policing Committee will evaluate the current methods of law enforcement services by the Department and make recommendations to the Council for modifications to policies and procedures by the end of 1995

Progress: To enhance our Community Policing efforts, we have opened the District One Plymouth Drive Community Contact Office and the District Three Community Contact Post at the U.S. Bank.

A safety fair was sponsored in January 1996 by the District Two Committee. The fair, which offered information on bikes, guns, strangers, etc., was attended by approximately 75 children.

The Committees have reviewed calls for service and helped to develop a restructuring of the community policing districts. This will allow a better opportunity to have areas which are equal geographically, by population and calls for service. At this time, the department is working with District One to reduce the number of calls to be more equal with the other two districts. Council will receive a report on our progress at the end of summer.

A traffic team will be in place by January 1996

Progress: The traffic team was initiated in October. Two motorcycles have been fully equipped and four officers are active on the team.

A Juvenile Justice Program, encompassing the School Resource Officers, a Juvenile Detective and a Narcotics and Gangs Investigator will be developed and operational by January 1996.

Progress: The detective division has been fully staffed with the addition of a District Three Detective and a Juvenile Detective. The narcotics/gang officer position was staffed in October 1995. This addition improved communication and intelligence information sharing between our agency, the Salem Area Interagency Narcotics Team (SAINT), and the Salem Police Street Crime Unit.

- **Adopt a Transportation Plan Addressing Pedestrian, Bicycle, Traffic Circulation, and Safety Needs**

Staff will complete work on a Salem-Keizer Regional Transportation plan as required by State and Federal law by December 1995

Progress: The Regional Transportation Plan was adopted in June.

Staff will seek grant funding for development of a Local Transportation Plan in Fall 1995

Progress: A Transportation Growth Management Grant funded planning project was initiated in June with consulting services provided by the Mid-Willamette Valley Council of Governments. The Planning Commission has held one meeting on the plan and is anticipating the planning process going into high gear in September. Adoption of a Keizer Transportation Plan is anticipated by May 1997.

Staff will coordinate the creation of inventories of pedestrian and bicycle facilities in early 1996

Possible street extensions will be recommended as a part of the plan

A citizen oversight committee will be appointed to coordinate public input into the Local Transportation Plan

Formal adoption of the Local Plan will take place in December 1996.

- **Complete Construction of a 1 to 1.5 Million Gallon Water Reservoir**

A financial reserve will be built for construction during fiscal year 1996

Progress: The Facilities Replacement Fund currently has sufficient funding to design and build the reservoir.

Reservoir design will begin in Fall 1995

Progress: Our contractor has designed the pumps and tank and completed the soil analysis. Bid documents will be completed in September.

Construction will begin in Spring 1996 with completion in Summer 1996

Progress: Construction will begin in October and the reservoir and pump station will be on line in March.

CITY COUNCIL MEETING: August 5, 1996

AGENDA ITEM NUMBER: 7d

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DOTTY TRYK *Dotty*
CITY MANAGER

SUBJECT: RESOLUTION AUTHORIZING MEMBERSHIP IN CIS

BACKGROUND:

The City of Keizer has participated in City County Insurance Services Trust for pooled self insurance for various coverages over the past several years. Because it is an insurance pool, we must declare our intention to become a member. For each of the insurances in which we participate we are asked to adopt a resolution to become a member of that particular trust for a three year period. We currently are members of the property insurance pool. Their bid continues to be the low bid and is recommended by our agent of record. It is time again to renew our membership for another three year period .

We have an option to withdraw with a 180 day notice.

RECOMMENDATION:

It is recommended that the resolution be adopted.

**RESOLUTION REGARDING MEMBERSHIP
CITY/COUNTY INSURANCE SERVICES TRUST
PROPERTY SELF-INSURANCE POOL**

Whereas, the City/County Insurance Services Trust (CIS) offers pooled self-insurance offering cost stability and the potential for long-term savings and;

Whereas, CIS is sponsored by the League of Oregon Cities and the Association of Oregon Counties as a service to Oregon cities and counties; and

Whereas, the City of Keizer finds that membership in CIS is of benefit in managing the risks involved in providing services to its citizens; and

Whereas, the City of Keizer has been provided with an opportunity to review the Trust Agreement; Bylaws and Rules of CIS; and

Whereas, the City of Keizer has reviewed the Trust Agreement Bylaws and Rules of CIS for compliance with the Charter and Ordinances of the City of Keizer; **Now, therefore,**

Be It Resolved that the City of Keizer does hereby enter into a contract with CIS and becomes a member of the CIS Trust for **Property** for a three-year period commencing July 1, 1996 and agrees to abide by the terms of the Trust Agreement, Bylaws and Rules of CIS which, along with this Resolution, constitutes the contract between the City of Keizer and CIS. The City Manager is hereby authorized to execute such documents as are necessary pursuant to this Resolution.

PASSED this ____ day of _____, 1996.

SIGNED this ____ day of _____, 1996.

Mayor

City Recorder

CITY COUNCIL MEETING: August 5, 1996

AGENDA ITEM NUMBER: 7e

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK 
CITY MANAGER

FROM: WALLY G. MULL 
PUBLIC WORKS DIRECTOR

SUBJECT: MCLEOD LN BIKE PATH/STORM DRAINAGE

ISSUE:

Shall the City of Keizer award a construction contract to Salem Road & Driveway for the construction of bike paths and storm drainage.

BACKGROUND:

The City of Keizer has received bids for the construction of bike paths and storm drainage on McLeod Ln from Dennis Ray Ct. to Tepper Lane. Six bids were received ranging from a low of \$130,158.14 to a high of \$178,473.30.

The project will require most of the driveways along the street to be regraded to match the new improvements. All but one easement has been obtained and no construction will begin prior to the city acquiring this easement.

FISCAL IMPACT:

The project has been budgeted in the street improvement budget for the fiscal year 96/97. The city was also awarded a \$50,000 grant for the bike path portion of the project.

RECOMMENDATION:

Staff recommends the City Council Adopt the attached Resolution awarding the contract for the McLeod Ln Bike Path/Storm Drainage project to Salem Road & Driveway at a cost of \$130,158.14, and authorize the City Manager to sign the appropriate contracts.

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AWARDING OF BID FOR

BIKE PATHS AND STORM DRAINAGE ON MCLEOD LANE

WHEREAS, on July 29, 1996, six bids were opened. Low bidder on the project was Salem Road and Driveway with a total bid of \$130,158.14; NOW THEREFORE;

PASSED this _____ day of _____, 1996.

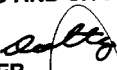
Mayor

City Recorder

CITY COUNCIL MEETING: August 5, 1996

AGENDA ITEM NUMBER: 7f

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK 
CITY MANAGER

FROM: WALLY G. MULL 
PUBLIC WORKS DIRECTOR

SUBJECT: PLEASANTVIEW DR/MENLO DR STORM DRAINAGE

ISSUE:

Shall the City of Keizer award a construction contract to Scharf Bros. Construction for the construction of new storm drainage on Pleasantview Dr and the replacement of a dry well system on Menlo/Cedar Dr.

BACKGROUND:

The City of Keizer has received bids for the construction of storm drainage on Pleasantview and Menlo Dr. The Pleasantview project is a direct result of the February flooding. At that time we determined that an old system draining this area did not have an outfall to Claggett Creek. The Menlo/Cedar portion of the project will replace an old dry well system that is no longer effective.

Two bids were received for this project. A low of \$58,691.00 from Scharf Bros and a high of \$88,709.00 from Brock Construction.

FISCAL IMPACT:

The project has been budgeted in the storm drain construction portion of the street budget for the fiscal year 96/97.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution awarding the contract for the Pleasantview Dr/Menlo Dr Storm Drainage project to Scharf Bros Construction at a cost of \$58,691.00, and authorize the City Manager to sign the appropriate contracts.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R96-_____

AWARDING OF BID FOR

**STORM DRAINAGE CONSTRUCTION ON PLEASANTVIEW DRIVE AND
MENLO/CEDAR DRIVE**

WHEREAS, an invitation to bid was submitted for advertising for construction of a new storm drainage on Pleasantview Drive and the replacement of a dry well system on Menlo/Cedar Drive;

WHEREAS, on July 29, 1996, two bids were opened. Low bidder on the project was Scharf Brothers with a total bid of \$58,691.00; NOW THEREFORE;

BE IT RESOLVED by the City Council of the City of Keizer to authorize the City Manager to sign the necessary contracts awarding the contract to Scharf Brothers for the construction of storm drainage on Pleasantview Drive and Menlo/Cedar Drive within the City of Keizer at a total cost of \$58,691.00.

PASSED this _____ day of _____, 1996.

SIGNED this _____ day of _____, 1996.

Mayor

City Recorder

COUNCIL MEETING: August 5, 1996

AGENDA ITEM NUMBER: 7g

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK 
CITY MANAGER

FROM: TRACY L. DAVIS 
CITY RECORDER

**SUBJECT: INITIATING HIDDEN CREEK ESTATES PHASE IV STREET
LIGHTING LOCAL IMPROVEMENT DISTRICT**

ISSUE:

Shall the City Council initiate Hidden Creek Estates Phase IV Street Lighting Local Improvement District?

DISCUSSION:

A petition was filed on July 22, 1996 by the developer of this area to form a local improvement district for street lights in Hidden Creek Estates Phase IV subdivision in Keizer. The petition contained the required signatures of the property owner as outlined by City of Keizer Ordinance 94-278.

RECOMMENDATION:

It is recommended that the City Council approve the Resolution initiating Hidden Creek Estates Phase IV Street Lighting Local Improvement District and direct the City Engineer to prepare a survey of the area.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R96-_____

**DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING
LOCAL IMPROVEMENT DISTRICT (HIDDEN CREEK ESTATES PHASE IV) AND
DIRECTING THE CITY ENGINEER TO MAKE A SURVEY AND FILE A
WRITTEN REPORT WITH THE CITY RECORDER**

WHEREAS, the City Council of the City of Keizer has received a petition from
the developer and residents to initiate a street lighting district in the Hidden Creek
Estates Phase IV subdivision in the City of Keizer, Oregon; and

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

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

1. The City Council declares its intent to initiate the Hidden Creek Estates
Phase IV Street Lighting Local Improvement District;
2. The map attached hereto, marked Exhibit "A", and by this reference
incorporated herein sets forth the proposed boundaries of the district;
3. The City Engineer is hereby directed to make a survey of the District;
4. The City Engineer shall file a written report with the City Recorder to be
considered by the City Council on September 3, 1996.

PASSED this ____ day of _____, 1996.

SIGNED this ____ day of _____, 1996.

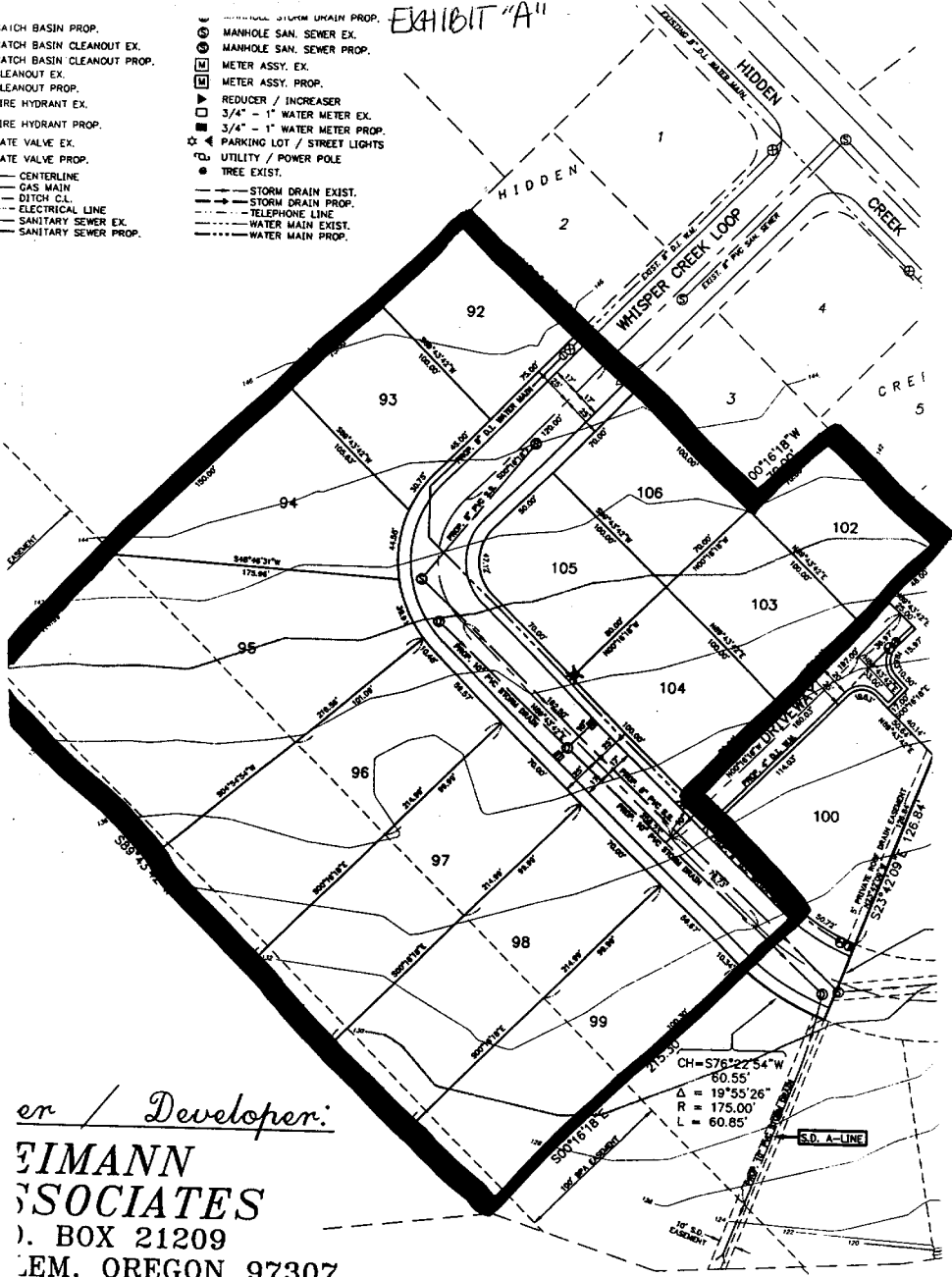
Mayor

City Recorder

CATCH BASIN PROP.
 CATCH BASIN CLEANOUT EX.
 CATCH BASIN CLEANOUT PROP.
 CLEANOUT EX.
 CLEANOUT PROP.
 FIRE HYDRANT EX.
 FIRE HYDRANT PROP.
 GATE VALVE EX.
 GATE VALVE PROP.
 CENTERLINE
 GAS MAIN
 DITCH C.L.
 ELECTRICAL LINE
 SANITARY SEWER EX.
 SANITARY SEWER PROP.

MANHOLE SAN. SEWER EX.
 MANHOLE SAN. SEWER PROP.
 METER ASSY. EX.
 METER ASSY. PROP.
 REDUCER / INCREASER
 3/4" - 1" WATER METER EX.
 3/4" - 1" WATER METER PROP.
 PARKING LOT / STREET LIGHTS
 UTILITY / POWER POLE
 TREE EXIST.
 STORM DRAIN EXIST.
 STORM DRAIN PROP.
 TELEPHONE LINE
 WATER MAIN EXIST.
 WATER MAIN PROP.

EXHIBIT "A"



er / Developer:

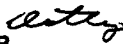
HEIMANN ASSOCIATES

P.O. BOX 21209
 SEASIDE, OREGON 97137

COUNCIL MEETING: August 5, 1996

AGENDA ITEM NUMBER: 7h

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK 
CITY MANAGER

FROM: TRACY L. DAVIS 
CITY RECORDER

SUBJECT: O'NEIL ROAD SUBDIVISION (EDGEMOORE ESTATES) STREET
LIGHTING LOCAL IMPROVEMENT DISTRICT

ISSUE:

Upon review of the City Engineer's report filed for O'Neil Road Subdivision (Edgemoore Estates) Street Lighting Local Improvement District, should City Council adopt a Resolution approving this report - or amend and approve the report as amended - and set a public hearing date to receive remonstrances to the project; or, in the alternative, abandon formation of the district.

BACKGROUND:

On June 3, 1996, the City Council adopted Resolution R96-907 declaring the City's intent to initiate the O'Neil Road Subdivision (Edgemoore Estates) Street Lighting Local Improvement District and directing the City Engineer to make a survey and file a written report with the City Recorder. This Council action was taken in response to a petition from the developer requesting the formation of a lighting district in this area.

FISCAL IMPACT:

The costs for establishing the district in the first year include a fee for the engineers report and an 8.5% administrative fee to cover the costs for advertising and staff time in establishing the district. The City receives reimbursement from the property owners for these costs and the actual electricity used through assessments placed on the tax rolls. All activity is budgeted through the Utility Fund.

RECOMMENDATION:

It is recommended City Council adopt a Resolution approving the City Engineer's Report and setting the public hearing date for September 3, 1996 to consider remonstrances and other comments on the district's formation and objections to proposed assessments, and directing the City Recorder to provide notice of public hearing.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R96-_____

**APPROVING THE CITY ENGINEER'S REPORT; DECLARING
THE CITY'S INTENT TO FORM O'NEIL ROAD SUBDIVISION (EDGEMOORE
ESTATES) STREET LIGHTING LOCAL IMPROVEMENT DISTRICT; PROVIDING
NOTICE AND SETTING HEARING**

BE IT RESOLVED by the City Council of the City of Keizer, Oregon:

Section 1. That the City Council hereby finds the City Engineer's Report, marked as exhibit "A" and by this reference incorporated herein, containing preliminary plans and an estimate of probable costs for O'Neil Road Subdivision (Edgemoore Estates) Street Lighting Local Improvement District which was filed with the City Recorder on July 23, 1996 to be satisfactory, and the same are hereby approved and adopted.

Section 2. That the City Council hereby declares its intention to form the O'Neil Road Subdivision (Edgemoore Estates) Street Lighting Local Improvement District and to make the lighting district improvements to serve O'Neil Road Subdivision (Edgemoore Estates) Street Lighting Local Improvement District.

Section 3. That the City Council hereby directs the City Recorder to give notice of its intention to form the O'Neil Road Subdivision (Edgemoore Estates) Street Lighting Local Improvement District and to make the improvements by sending notice to the property owners within the district stating a public hearing will be held on September 3, 1996, said notice to also provide that information required under City of Keizer Ordinance 94-278, an ordinance providing for procedures for municipal lighting districts and special assessments.

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PASSED this ____ day of _____, 1996.

4

SIGNED this ____ day of _____, 1996.

5

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Mayor

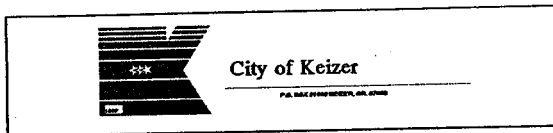
7

8

City Recorder

9

10



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

ENGINEER'S REPORT
FOR
EDGEMOORE ESTATES
STREET LIGHTING DISTRICT

For City Council Action August 5, 1996



Renew date December 31, 1996

PREPARED BY:
William I. Peterson
Engineering Consultants, Inc.
4300 Cherry Ave. N
Keizer, OR 97303

(503) 390-7402

Date: July 22, 1996

Project File 96-0463

•
Administration
Public Works
Community Development
Municipal Court
Phone 503.390.3700
Fax 503.393.9437
Police (business only)
Phone 503.390.3713
Fax 503.390.8295
•
Incorporated 1982
Pride, Spirit, Volunteerism

WIP
7/22/96
ab

July 22, 1996

TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

SUBJECT: Street Lighting District for Edgemoore Estates

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer Ordinance No. 94-278 and Council Resolution 96-907 for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefited by the street lights proposed to be installed.

Lighting Plan: The lighting improvements will consist of 3, 200 Watt, high pressure Sodium luminaires mounted on 4 foot long mast arms and attached to existing P.G.E. power poles. Plus 11, 100 Watt, high pressure Sodium luminaires mounted on 4 foot long mast arms and attached to 25' aluminum poles. This design is selected to be consistent with adjacent lighted areas. It is recommended that installation be accomplished by the following method:

Portland General Electric (PGE) would supply, install and maintain the luminaires, poles and underground or overhead wiring. PGE would also supply the electrical power to the District.

Estimated Costs:

Initial Cost and Annual costs -

3 Poles & 200 Watt luminaires @ \$9.52 per month each x 12 mos. =	\$342.76
11 Poles & 100 Watt luminaires @ \$17.82 per month x 12 mos. =	\$2,352.24
Administrative Fee @ 8.5%	229.08
Engineering @ \$14.00/Lot:	<u>686.00</u>
Total Assessment	\$3,610.08
(1)Per Lot Assessment (First Year , 49 Lots)	\$73.68

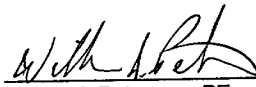
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on a per lot basis to each parcel in the district.

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$55.00 per lot.

Assessment Roll: The attached preliminary assessment roll identifies the benefited properties and the first year assessments to be levied against each.

Respectfully submitted,



William I. Peterson, PE

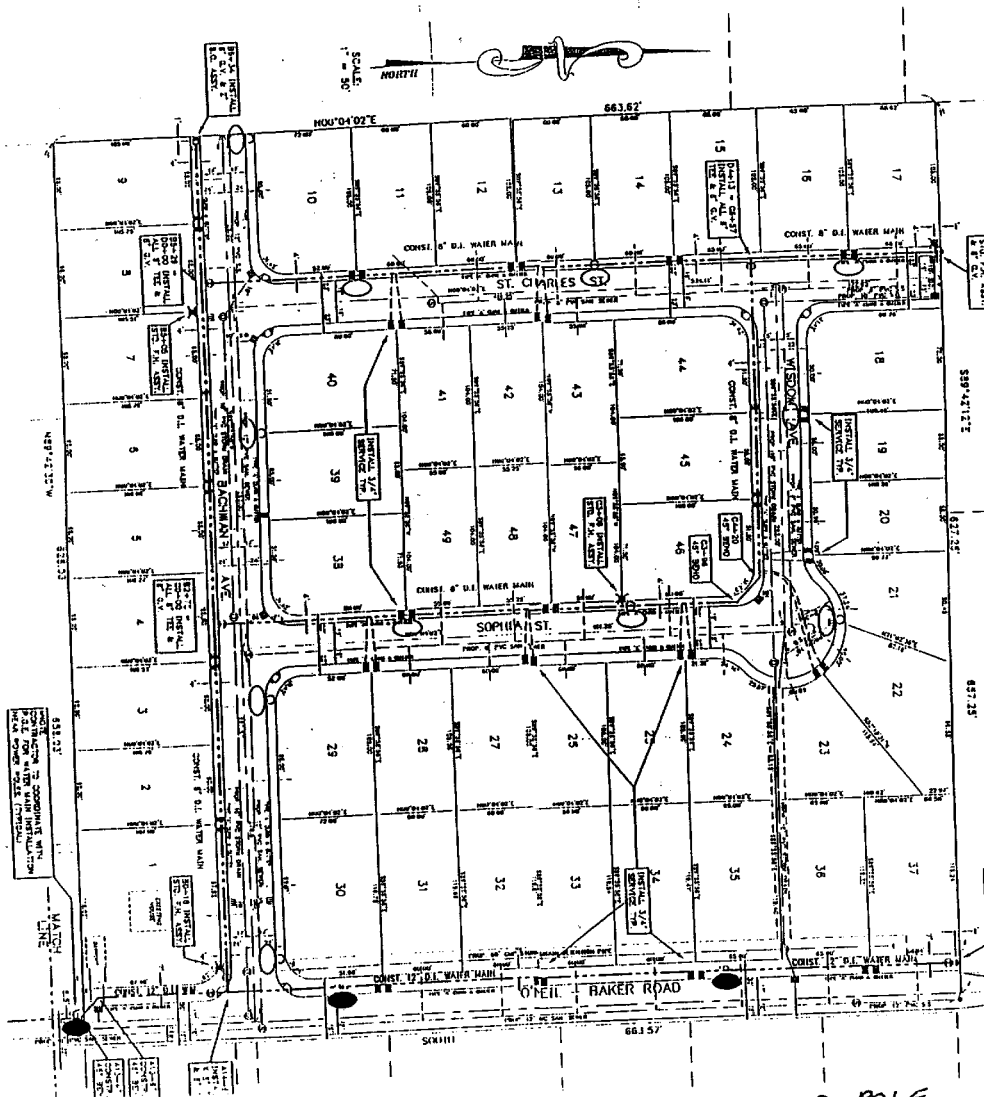
PRELIMINARY ASSESSMENT ROLL

STREET LIGHTING DISTRICT

*Assessors Map 6 3W 23DD

Tax Lot #	Owners Name and Address	Cost per Lot	Lots	Assessment
2200	Taylor, William B.-Trustee 2403 Tepper Lane NE	\$73.68	49	\$3,610.08

TOTAL ASSESSMENT \$3,610.08



● 200 WATT ON EX. POWER POLE
○ 100 WATT ON 25' ALUMINUM POLE

MINUTES
KEIZER CITY COUNCIL
Monday, July 1, 1996
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:

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

Staff:

Dotty Tryk, City Manager
John Morgan, Community Development Director
Charles R. Stull, Chief of Police
Wally Mull, Public Works Director
Kim Krause, Finance Officer
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

There was no public testimony to come before the Council.

**COMMITTEE
REPORTS**

Councilor McGee noted a quorum was not present at the last **Traffic Safety Commission** meeting on June 20, 1996. The Commission will continue working on the goals and objectives for the coming year.

**COUNCIL LIAISON
REPORTS**

Councilor Beach reported the **River Road Redevelopment Board** met on June 26, 1996 with agenda items including an update on the moving of the old Keizer school, the property improvement grant for Paul and Judy Wittenberg, a review of the Cherry Avenue design plan, and a discussion of the mixed-use zone. Reports on these items will be brought forward to the Council at a later date.

There were no further committee reports to come before the Council.

ADMINISTRATIVE ACTION

RESOLUTION - ESTABLISHING A LIBRARY SERVICES TASK FORCE

Councilor Watson reported the Chemeketa Cooperative Regional Library System (CCRLS) has agreed to provide library services within the City by scheduling bookmobile services one time per week. As part of this agreement, a library service task force shall be created to examine the interest in and the need for library services within the community.

Dotty Tryk, City Manager announced the bookmobile service will be available at City Hall beginning on July 5, 1996 from 3:45 p.m. to 5:00 p.m. The service will alternate between Friday and Saturday each week with the same hours of operation. The bookmobile library card is free to Keizer residents.

Councilor Keller voiced his concern that it is premature to implement the task force prior to start of the bookmobile service.

Councilor Watson indicated the task force will be charged with identifying what level of library service deemed appropriate for the citizens of Keizer. They may also assist with the bookmobile services or establishing a drop off site when the bookmobile is not present.

Mayor Koho noted this is not binding on building a library in Keizer. It may be the utilization of technology to provide a level of library service for the community.

Councilor Watson indicated with the recent passage of a bond issue by Chemeketa, a learning resource center will be created. This center will include modern technology which may allow computer access from an individual home.

Responding to a question from Councilor Miller, City Manager Tryk noted a computer can be purchased with revenue sharing funds to support the CCRLS book reservation system. This citizen service should not require any additional staff time.

In reviewing the last paragraph of the proposed resolution, Councilor Miller voiced his concern with the language. He cautioned this wording may mislead citizens into believing a library will be built.

Councilor Watson pointed out the intent is to provide terminal access and programs to supplement the bookmobile service. The task force should be able to review the possible range of services. Councilor Watson noted there is no commitment to continue the CCRLS program after the two year initial period.

Councilor Keller reiterated his concerns this is premature to form a task force to review the services prior to the services even beginning.

Councilor McGee concurred with Councilor Keller adding a citizen committee should be formed now to assist and review the bookmobile services.

Councilor Watson moved a Resolution Endorsing Bookmobile Services for the City of Keizer and Related Matters. Mayor Koho seconded the Motion.

Councilor McGee moved to amend the Motion that the goal of this task force be to oversee the implementation and the evaluation of the newly developed bookmobile services. This language replaces the last paragraph of the Resolution. Mayor Koho seconded the Motion.

Councilor McGee indicated the task force should begin at this level which may lead to other assignments in the future.

Councilor Watson requested the amendment include the task force move towards implementation of the support services that have been discussed; i.e. terminal and volunteer assistance. He further added the task force should move towards a service level recommendation prior to the completion of the two year bookmobile program.

Councilor McGee confirmed the task force will look at the current operation and how improvements can be made to the program. He also pointed out additional inquiries or reports may be requested from the task force any time in the future.

The amendment to the Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Mayor Koho moved to amend the Resolution to change the number of committee members from eight to seven with a Council liaison person being appointed. Councilor Newton seconded the amendment to the Motion.

The amendment to the Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Councilor Newton moved to amend the Motion to add the Task Force will bring recommendations to the Council when and as appropriate. Councilor McGee seconded the Motion.

The amendment to the Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

The Main Motion as amended passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

CONSENT CALENDAR

The consent calendar consisted of the following:

a. RESOLUTION - Adopting the Uniform Fire Codes and Uniform Fire Code Standards (Repealing R90-458)

b. RESOLUTION - Authorizing Interfund Loan

c. Approval of May 20, 1996 Regular Session Minutes

Councilor Keller moved for approval of the items on the consent calendar. Mayor Koho seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Newton and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

OTHER BUSINESS

*Councilor Beach reminded the Council of previous testimony of Ms. Frederickson regarding the excessive music noise near her home. Recently, he became aware that there has not been a resolution to this situation since her testimony in April. He noted he was informed by Ms. Frederickson admission is charged to attend these musical events which draw over 100 people. Councilor Beach requested the City try to work with Marion County to resolve this problem.

Charles Stull, Chief of Police stated he has discussed this situation with the Marion County Sheriff's Department. Since the offense is occurring outside of the city limits, it would be their responsibility to resolve the matter.

Councilor Watson pointed out if admission is being charged to the musical event, it may be in violation of zoning ordinances.

Mayor Koho noted he will contact the Marion County Commissioners to request their assistance in this matter.

*Councilor McGee commented on a recent editorial in the Keizertimes regarding the conduct of the Council. He indicated the present Mayor and past Mayor's have been very conscientious of allowing public testimony. He believes this is extremely important to listen to the voices of the citizens. Councilor McGee commended Mayor Koho on his leadership in this matter.

*Mayor Koho announced the City recently obtained the Paul Harris Fellowship award presented to the late Chalmers Jones by the Keizer Rotary Club. This award will be displayed at City Hall.

*Charles Stull, Chief of Police announced the Chamber of Commerce luncheon will be held at the Police Department on July 10, 1996 at noon.

*Wally Mull, Public Works Director informed the Council construction has recently begun on Lockhaven Drive. Furthermore, the resurfacing of various streets within the City has also begun. Short delays may be experienced by the residents.

WRITTEN COMMUNICATION

Mayor Koho noted the receipt of a letter from George Lyman of the Keizer Chapel Funeral Home regarding the purchase of additional land near Claggett Creek Cemetery. This was discussed during a public hearing at the last Council meeting.

John Morgan, Community Development Director noted the property owners will be providing additional information on this issue and requested any decision be delayed until receipt.

AGENDA INPUT

Mayor Koho noted the agenda input items.

Dotty Tryk, City Manager announced the July 8, 1996 work session will also include a discussion on Marion County Building Code Agreement.

Councilor Newton informed the Council he will be unable to attend the July 8 or July 15 sessions.

ADJOURNMENT

The meeting was adjourned at 7:54 p.m.

Tracy L. Davis
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Jerry Watson

Councilor #4 - Carl Beach

Councilor #2 - Bob Newton

Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

MINUTES
KEIZER CITY COUNCIL WORK SESSION
Monday, July 8, 1996
Keizer City Hall
Robert L. Simon Council Chambers
Keizer, Oregon

CALL TO ORDER

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

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor (arrived at 5:34 p.m.)
Jerry Watson, Councilor (arrived at 5:45 p.m.)

Absent:

Bob Newton, Councilor

Staff:

Dotty Tryk, City Manager
John Morgan, Community Development Director
Kim Krause, Finance Officer
Tracy L. Davis, City Recorder

DISCUSSION

**MARION COUNTY
BUILDING CODE
ADMINISTRATION
AGREEMENT**

Dotty Tryk, City Manager noted after the previous Council discussion, the subcommittee met again to review the various alternatives for providing building code services in Keizer. One of the main topics of discussion was the hiring of a building code technician.

John Morgan, Community Development Director noted there are advantages to hiring the technician and bringing the services in-house. Mr. Morgan outlined two scenarios which review the operation with a city-hired employee vs. having a Marion County employee located at City Hall. Furthermore, Mr. Morgan added Marion County has promised to improve the customer service relations.

Councilor McGee moved a Resolution authorizing the City Manager to enter into a contract with Marion County for the provision of building code administration service which maintains the status quo and not bring an individual in house. Councilor Keller seconded the Motion.

Councilor McGee indicated changing the current system will cause confusion for the customers. He explained if the service is moved to Keizer, it will be necessary to educate the public on the new location. Furthermore, when activity drops off in two years and the service is returned to Marion County, this will again cause a substantial amount of confusion and the assumption a city service has been deleted.

Councilor Miller requested additional language be included which specifies the agreement will be terminated upon unsatisfactory work being conducted by the County.

The Council agreed by consensus to add language to the agreement as suggested by Councilor Miller.

Councilor Miller requested the agreement containing this language be brought back before the Council for review.

The Motion passed as follows:

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

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Newton and Watson (2)

UPDATED TAX BASE REQUEST

Dotty Tryk, City Manager indicated a request for an updated tax base would need to be filed with Marion County Elections prior to September 5, 1996. She presented two scenarios; one showing a safety net level which is current funding increased by six-percent and the other at a higher level which includes growth in personnel and some other line items.

Responding to a question from Councilor Keller, City Manager Tryk indicated the labor costs rise approximately five to seven percent each year. Furthermore, negotiations are continuing with the Keizer Police Association at this time.

Councilor Miller pointed out the outcome of the police negotiations and the compensation committee review of other labor costs are unknown at this time. He feels uncomfortable discussing the desired level of a tax base with these unknowns. In addition, any substantial infrastructure development at the Chemawa Activity Center will affect the tax rate. In conclusion, he would favor holding off requesting an updated tax base until further information is available on each of these items.

Mayor Koho believed it is essential for the City to have a safety

net to protect the present level of services. This will allow voters to decide if additional programs or services are necessary by approving levy requests. He believes the voters are ready to accept a six-percent growth each year.

Councilor McGee concurred with Mayor Koho believing a safety net approach might be attractive to the voters. However, before determining the exact amount for an updated tax base, he requested information on several issues; three-percent assessment initiative, payoff of the water bonds, urban renewal tax rate, number of police officers per thousand of population, the additional administration fee for sewer, the potential costs for the infrastructure at the Chemawa Activity Center and control over personnel costs.

Councilor Beach also supported the concept of a safety net to update the tax base. He explained "holding a gun" to the voters head each year to maintain the level of service is poor management. With a safety net tax base, this would protect the level of law enforcement and services now provided to the citizens. Councilor Beach noted the information requested by Councilor McGee would be very helpful in determining the tax base. Furthermore, a diligent educational campaign will need to be in place for passage of this request.

Councilor Miller pointed out with the September filing date approaching rapidly there may not be enough time to gather the information needed to pursue this request. He suggested holding off until 1998.

Councilor Keller voiced his concern the projected increase in personnel costs will be difficult to explain to the voters.

Councilor Watson added he is also in favor of an updated tax base to provide a safety net for the City. He believes the voters would be willing to approve a tax base which is six-percent higher than the present level. However, if the increase is above six-percent, additional information should be gathered and the request should be on the November 1998 ballot.

Mayor Koho agreed a safety net tax base is favorable, however he noted this should not be relayed as a solution to the level of financial stability needed to handle future growth. This will give the voters an opportunity to approve future requests for increased service levels. Furthermore, he noted an approved tax base will assist in future budget deliberations.

The Council discussed the effect a safety net tax base will have on future requests for additional service levies.

Councilor McGee reiterated it is very important to identify what the safety net tax base amount and level of service will be. He suggested the Council discuss this in further detail after the requested information is received.

Councilor Miller stated it is premature to determine an amount for a safety net tax base until police labor negotiations are finalized. He requested an update on the status of the negotiations.

Mayor Koho suggested reviewing the requested information and discussing further details at the Council meeting on August 5, 1996. Furthermore, the work session on August 12 will include the presentation by the compensation committee. This information should assist in determining the amount of the tax base. Upon completion of the discussions, a marketing plan could be developed.

Councilor McGee supported using public input in preparing the tax base, however the Council should prepare the package prior to citizen comment.

Mayor Koho added the Council should lead and develop a package that meets the needs of the City.

In conclusion, the Council agreed to pursue a safety net tax base at the November, 1996 election. The requested information will be reviewed and discussion will be continued at the August 5, 1996 meeting.

OTHER BUSINESS

Councilor Beach reported the first visit by the bookmobile was very successful and was impressed with the selection available for the citizens of Keizer.

WRITTEN COMMUNICATION

There was no written communication to come before the Council.

ADJOURNMENT

The meeting was adjourned at 6:49 p.m.

Tracy L. Davis
City Recorder

APPROVED:

Dennis Koho-Mayor

COUNCIL MEMBERS:

Councilor #1 - Jerry Watson

Councilor #4 - Carl Beach

(absent)

Councilor #2 - Bob Newton

Councilor #5 - Al Miller

Councilor #3 - Jim Keller

Councilor #6 - Jerry McGee

Minutes approved:

CITY COUNCIL MEETING: August 5, 1996

AGENDA ITEM NUMBER: _____

TO: MAYOR KOHO AND COUNCIL MEMBERS
FROM: E. SHANNON JOHNSON, CITY ATTORNEY
SUBJECT: *INITIATION OF ZONE CHANGE MODIFICATION*
(HIDDEN CREEK SUBDIVISION)
DATE: August 5, 1996

Since February, many members of the staff have worked on issues relating to the flood. One of the issues is the unanticipated flooding of the Country Glen and Hidden Creek Subdivisions.

Though not the only reason, the City Engineer feels that the debris in Labish Ditch contributed to some of the flooding in the area. Removal of the debris in the ditch is one relatively inexpensive and quick way to effectuate a partial remedy to this problem. There are indications from the developers of the subdivisions that they would be willing to pay the cost of such ditch cleanup.

I have reviewed one of the conditions to the Hidden Creek zone change. That condition (Condition No. 8) called for the maintenance of a 30-foot vegetative buffer adjacent to Labish Ditch and stated that no trees or vegetation could be removed from such 30-foot buffer, except for certain listed exceptions.

The ditch cleaning operation would necessarily involve a certain amount of removal of vegetation from the ditch itself which is partially within 30-foot buffer. In addition, the machinery used to clean out the ditch could necessitate a partial removal of some vegetative matter along the banks of the ditch. Though the area could be and should be replanted, such an operation would arguably not fall within the exceptions to Condition No. 8.

Consequently, it is appropriate that the Council review the situation to see if it would be appropriate to modify this condition to allow for ditch cleaning with certain safeguards to still maintain the 30-foot buffer for its intended purpose as an aesthetic natural area between the Hidden Creek subdivision and the Gubser neighborhood.

Attached is a resolution to initiate the hearing process. Because this is a condition of the zone change, this becomes a land use hearing. There is no specific procedure for modification of the zone change ordinance, so it is handled like an original zone change hearing. Section 4.10 of the Zoning Ordinance allows for the initiating of a zone change process for governmental or philanthropic purpose or an order to bring the zoning ordinance and zone map into compliance with the Comprehensive Plan.

Mayor Koho and Council Members
Page 2
August 5, 1996

Passage of this resolution does not bind the Council to make any decisions one way or the other regarding the clean out of the ditch or the modification of the above referenced condition. The modification of the condition can only be done after the hearing process is completed.

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

ESJ/tmh

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R96-927

3 INITIATING CONSIDERATION OF AN AMENDMENT
4 TO ORDINANCE 93-251 TO MODIFY A CERTAIN
5 CONDITION OF APPROVAL FOR HIDDEN CREEK
6 PROPERTIES (CASE NO. KP/ZC/PUD/V 92-4)

7 WHEREAS, Ordinance No. 93-251 granted approval for a partitioning, zone
8 change, planned unit development conceptual approval, and a variance for a 45.91
9 acre parcel located at 6570 River Road North, Keizer, Oregon, known as the Hidden
10 Creek Subdivision;

11 WHEREAS, one condition of the zone change approval (Condition No. 8)
12 required the preservation of a 30-foot vegetative buffer along the southeast portion
13 of the subject property adjacent to Labish Ditch;

14 WHEREAS, during the month of February 1996 a portion of the subject
15 property and surrounding areas suffered flooding that was severe at times;

16 WHEREAS, available information indicates that removal of debris from
17 Labish Ditch may alleviate future flooding in the area of the subject property and
18 upstream from the subject property;

19 WHEREAS, Condition No. 8 of Ordinance No. 93-251 states that, with some
20 exceptions, no living trees, brush or other vegetation shall be removed from the 30-
21 foot buffer strip;

22 WHEREAS, the clearing of debris from Labish Ditch, if done, may result in
23 incidental damage to the 30-foot buffer;

1 WHEREAS, the developer of Hidden Creek Subdivision requested review of
2 this matter to see if modification of this condition to provide for the clearing of
3 debris from Labish Ditch is appropriate;

4 WHEREAS, Keizer Zoning Ordinance Section 4.10 provides that zone change
5 matters can be initiated by resolution of City Council when the change is for some
6 governmental or philanthropic purpose or in order to bring the zoning ordinance and
7 zone map into compliance with the Comprehensive Plan;

8 WHEREAS, the review of Condition No. 8 is an appropriate reason to initiate
9 hearings in this matter; NOW THEREFORE,

10 BE IT RESOLVED that the City Council of the City of Keizer hereby initiates
11 an amendment to the zone change case referenced above to consider modifying
12 Condition No. 8;

13 BE IT FURTHER RESOLVED that the City Council hereby sets the hearing
14 for this case for September 3, 1996 at 7:00 p.m.

15 PASSED this 5th day of August, 1996.

16 SIGNED this 5th day of August, 1996.

17
18

Donis Kola
Mayor

19
20

Mona M. Oye
City Recorder Pro Tem

21 3772COK.001

PUBLIC TESTIMONY

IF YOU ARE INTERESTED IN ADDRESSING THE COUNCIL ON AN ISSUE NOT LISTED ON THE AGENDA OR AN ITEM ON THE AGENDA NOT SCHEDULED FOR A PUBLIC HEARING, PLEASE FILL OUT THE INFORMATION BELOW AND GIVE TO THE CITY RECORDER OR STAFF GREETER PRIOR TO THE START OF THE MEETING. THE MAYOR WILL RECOGNIZE YOU AND ASK FOR YOUR TESTIMONY AT EITHER THE PUBLIC TESTIMONY SECTION OF THE MEETING OR THE APPROPRIATE AGENDA ITEM.

EACH PERSON'S COMMENTS WILL BE LIMITED TO FIVE MINUTES.

Name: Ken Casteau

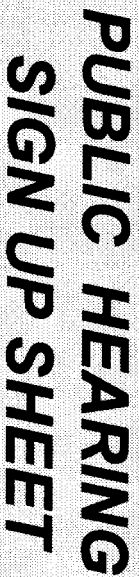
Address: 7575 Hunsaker Rd.

Subject or Agenda Item Number: Lot 23 Ridge
Sub Division

Your Comments:

Proponent _____ Opponent _____ General _____

Date 8-5-96



PUBLIC HEARING SIGN UP SHEET

City of Kelizer. Oregon

DATE: AUGUST 5, 1996 TIME: 7:00 p.m. AGENDA ITEM # 5b

BEFORE THE: KEIZER CITY COUNCIL PLACE: ROBERT L. SIMON COUNCIL CHAMBERS
(PLEASE PRINT)

[illegible]

